

Reference No: Letter to Personnel Officers; **Date:** 16/12/2004

16/12/2004 LP:- Payscales and Incremental Progression of Fixed-Term Workers

E107/7/96

16 December 2004

Payscales and Incremental Progression of Fixed Term Workers

Dear Personnel Officer,

I wish to refer to General Council Report 1301 and to the Protection of Employees (Fixed Term Work) Act 2003 which took effect on 14 July 2003.

Pay of Fixed term workers

Departments should be aware that the provisions of the Act must be applied to the **pay** of fixed term workers employed in the civil service. Specifically people appointed to civil service grades in a temporary capacity should be placed on the same payscale as a “comparable permanent employee”. Section 2 of the Act states that a “permanent employee” means an employee who is not a fixed term employee.

Fixed term workers should also be treated in the same way as “comparable permanent employees” for the purpose of incremental progression. Subject to the normal rules in this regard, they will receive an increment after each year’s service (subject to satisfactory service) and may progress to the maximum (including Long Service Increments) of their incremental scale in the same way as permanent workers.

General Council Report 1301 has been superseded by the terms of the Act and its provisions no longer apply. The arrangements referred to in the previous paragraph apply with effect from 14 July 2003. Accordingly, with effect from that date fixed term workers should be placed on a point on the appropriate salary scale equivalent to that applicable to a “comparable permanent employee” with the same service and should qualify for incremental progression thereafter on the basis set out in the preceding paragraph.

A person who is granted incremental credit for temporary service under the above arrangements and who, while employed as a temporary civil servant or immediately thereafter, secures an established position in the same or analogous grade may have such incremental credit reckoned for the purpose of determining starting pay in the established position. Furthermore, persons qualifying for incremental credit for previous service, as provided for in Circular 21/2004, may, where applicable, have relevant previous service as a temporary worker, taken into account. The pay of other serving civil servants is not, of course, affected.

Appropriate payscale for fixed term workers

Fixed term workers are members of the non-contributory pension scheme and do not make a personal pension contribution. Therefore they should be placed on the appropriate point of the “modified” payscale rather than on the higher Personal Pension Contribution (PPC) payscale.

Other issues

Fixed term workers appointed to specialist posts whose pay is not related to that of a civil service grade are not affected by the arrangements set out in the foregoing paragraphs. Where there is any doubt in this regard, this Department should be consulted.

It should be noted that the Act permits different treatment where the terms of employment of the fixed term worker, taken as a whole, are at least as favourable as the terms of employment of a “comparable permanent employee”. In any case where the Personnel Officer considers that such a situation may apply, this Department should be consulted before any adjustment is made to pay. An example might be where a temporary worker was given a starting pay on appointment above that which would normally apply in consideration of the short term nature of the appointment.

Any queries that may arise from the application of this letter should be raised, by e-mail in the first instance, with this Department (e-mail address: payscales@finance.gov.ie). Where this is not possible, telephone queries may be raised with this Department (Tel. 6045404, 6045412 or 6045413).

Separate communications will be issued to Departments shortly in relation to non-pay provisions of the Act. Queries in relation to non-pay aspects of the employment conditions of fixed term workers employed in the civil service should be raised with Aoife Allen (Tel 6045475, Aoife.Allen@finance.gov.ie).

Yours sincerely

Brendan Duffy
Principal
Personnel and Remuneration Division