



Circular 0023/2018

To: The Higher Education Authority for dissemination to the HEA, all Institutes of Technology, Dublin Institute of Technology, Mary Immaculate College of Education, the National College of Art and Design and St. Angela's College

REVISION OF SALARIES IN RESPECT OF CERTAIN STAFF WITH EFFECT FROM 1 APRIL 2018

The Minister for Education and Skills wishes to inform higher education institutions and the HEA of the application of revised rates of salary for certain staff with effect from 1 April 2018.

The revised salary rates have been introduced as a result of the Public Service Stability Agreement 2013 – 2020 (Haddington Road Agreement/ Lansdowne Road Agreement) and the Public Service Pay and Pensions Act 2017.

Restoration of FEMPI Act 2013 Pay Reductions for those earning over €110,000 per annum with effect from 1 April 2018

Where a public servant currently in receipt of annualised remuneration in excess of €110,000 had their salary reduced under the terms of the Haddington Road Agreement/FEMPI Act 2013, one third of the reduction was restored to his/her salary with effect from the 1 April 2017, another third is to be restored with effect from the 1 April 2018 and the final third to be restored with effect from the 1 April 2019. Instruction regarding the final phase of the pay restoration will issue in due course and closer to the relevant implementation date.

The second third of the reduction will be restored to salaries with effect from 1 April 2018.

Application of 1 April 2018 PSSA pay increase for salaries in excess of €110,000

In calculating the increase for this category, the following steps should be applied:

1. Establish the pre-HRA salary (i.e. the salary as it stood prior to the 1 July 2013 cut – in most circumstances, this is the salary effective 1 January 2010);
2. Establish the post-HRA reduced salary (i.e. the salary after the 1 July 2013 cut);
3. Subtract post-HRA reduced salary from pre-HRA salary to establish overall reduced amount;
4. Calculate one-third of the reduced amount;
5. Add the computed amount to the value of the 1 January 2018 salary.

For the avoidance of doubt, 'one third of the amount reduced' is a **fixed amount** and will equal the amount that was restored on 1 April 2017.

Revised salary scales

Revised salary scales for affected grades are attached in the Appendix 1 to this Circular.

All salary scales payable to affected staff set out in previous Circulars are superseded by the terms of this Circular with effect from 1 April 2018.

Part-time

The pay of part-time staff may be revised, in accordance with normal arrangements, by reference to the pay of whole-time staff to which they are related for pay purposes in accordance with this Circular.

Enhanced Controls in relation to Terms and Conditions of Employment Agreed with effect from 30 November 2015

Employers are reminded that the Ministers and Secretaries (Amendment) Act 2011 has been amended under the FEMPI Act 2015 to introduce enhanced controls in relation to terms and conditions of employment agreed between public servants and their public service body employers with effect from 30 November 2015. The relevant sections of the Act are included at Appendix 2.

Circulation and Queries

Please ensure that the content of this Circular is brought to the attention of all relevant staff in your employment including those on leave of absence.

This Circular can be accessed on the Department's website under www.education.ie

Enquiries regarding this Circular should be e-mailed to esr@education.gov.ie

Philip Crosby
Principal Officer
External Staff Relations

March 2018

APPENDIX 1:

<u>HIGHER EDUCATION AUTHORITY</u>		
		1/4/18
C.E.O. (formerly Secretary)	€ 132,948	
	€ 138,959	
	€ 145,474	
	€ 151,974	

Salary Scales for Senior Grades in IOTs and DIT		
		1/4/18
IOT President Level I* - Cork, Galway/Mayo & Waterford	€ 154,664	
IOT President Level II* - Presidents of other	€ 149,931	

* Includes addition of 1/19th to allow for superannuation contribution

<u>Dublin Institute of Technology</u>		
		1/4/18
President*	€ 186,836	
Directors*	€ 144,187	

* Includes addition of 1/19th to allow for superannuation contribution

<u>Tipperary Rural and Business Development Institute</u>		
		1/4/18
Chief Executive	€103,242	
	€106,642	
	€110,024	
	€114,059	
	€118,070	
	€118,938	
	€122,253	

MARY IMMACULATE COLLEGE OF EDUCATION		
	1/4/18	
President	€ 143,573	

NATIONAL COLLEGE OF ART AND DESIGN		
	1/4/18	
Director	€ 144,187	

Appendix 2

Section 12 of the Financial Emergency Measures in the Public Interest Act 2015

Amendment of Ministers and Secretaries (Amendment) Act 2011

The Ministers and Secretaries (Amendment) Act 2011 is amended by the insertion of the following section after section 16:

“Control of terms and conditions of public servants

16A. (1) Where—

(a) the Minister has approved a term or condition as being a term or condition that shall apply for the time being in respect of the employment of a class or category of public servant (whether that approval takes the form of an approval as such, any other form of sanction or the giving of consent by the Minister to a decision of another person in the matter), and

(b) a contract of employment in respect of a public servant falling within that class or category is entered into that contains a term or condition that corresponds or is equivalent to the term or condition standing so approved but which is more favourable to the public servant than that term or condition,

the contract shall have effect as if the term or condition standing so approved (referred to in subsections (2) and (3) as the ‘approved term or condition’) were substituted for the first-mentioned term or condition in paragraph (b) (referred to in subsections (2) and (3) as the ‘unapproved term or condition’).

(2) Any amount paid to the public servant concerned in purported compliance with the unapproved term or condition that is in excess of the amount payable to the public servant under the approved term or condition shall be disregarded for the purpose of calculating any pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension) of that public servant.

(3) Where an amount is paid to the public servant concerned in purported compliance with the unapproved term or condition that is in excess of the amount payable to the public servant under the approved term or condition then—

(a) the public servant shall hold the overpayment in trust for the public service body, and

(b) the public service body shall recover the amount of the overpayment from the public servant, either directly or by a deduction taken from remuneration subsequently payable to that public servant or otherwise.

(4) Where—

(a) a contract of employment is entered into in respect of a public servant, and

(b) the contract contains a term or condition in relation to remuneration that does not correspond or is not equivalent to any term or condition standing approved by the Minister in respect of the employment of a class or category of public servant into which the first-

mentioned public servant falls (whether that approval takes the form of an approval as such, any other form of sanction or the giving of consent by the Minister to a decision of another person in the matter), the term or condition shall be void.

(5) Any amount paid to the public servant concerned in purported compliance with a term or condition voided under subsection (4) shall be disregarded for the purpose of calculating any pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension) of that public servant.

(6) Where an amount is paid to the public servant concerned in purported compliance with a term or condition voided under subsection (4) then—

(a) the public servant shall hold the amount in trust for the public service body, and

(b) the public service body shall recover the amount from the public servant, either directly or by a deduction taken from remuneration subsequently payable to that public servant or otherwise.

(7) Subsections (3) and (6) shall not be taken as limiting the liability under statute of any person to account for such overpayment.

(8) Where an amount to which subsection (3) or (6) relates has not been recovered by the public service body concerned, the Minister may direct in writing that body to recover, by a specified date, the amount in accordance with subsection (3)(b) or (6)(b), as the case may be, and, where that body fails to so recover the amount, the Minister may deduct the amount from any grant or vote of, or other payment to, that body out of money provided directly or indirectly by the Oireachtas or from the Central Fund or the growing produce of that Fund.

(9) This section applies to a term or condition agreed after the commencement of *section 12* of the *Financial Emergency Measures in the Public Interest Act 2015*.

(10) This section has effect notwithstanding—

(a) any other enactment,

(b) any pension scheme or arrangement,

(c) any other agreement or contractual arrangement, or

(d) any understanding, expectation, circular or instrument or other document.

(11) In this section—

“public servant” means a person who is employed by, or who holds any office or other position in, a public service body;

“remuneration” means emoluments to which Chapter 4 of Part 42 of the Taxes Consolidation Act 1997 applies or is applied.”.