



Circular Letter 0075/2018

**To: The Managerial Authorities of Recognised Primary, Secondary, Community,
and Comprehensive Schools
and
The Chief Executives of Education and Training Boards**

Revision of Salaries of all staff paid directly by a recognised school or ETB with effect from 1 January 2019

1. The Minister for Education and Skills wishes to inform management authorities and the Chief Executives of Education and Training Boards of the application of salary increases with effect from 1 January 2019.
2. 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.

Salary Increases with effect from 1 January 2019.

3. Annualised salaries **up to €30,000 to be increased by 1%** with effect from 1 January 2019.

Categories of staff affected

4. Any staff employed in a recognised school or ETB who fall into the following categories:
 - Tutors (Literacy Service, Community and Adult Education, etc.);
 - Non-teaching staff in Youth Encounter Projects (YEPs);
 - School Transport Bus Escorts;
 - Any other staff employed directly by a recognised school or ETB and who were comprehended by Circular 70/2010 (with the exception of grant-funded Secretaries, Caretakers and Cleaners who are comprehended by Circulars 0076/2018 and 0077/2018).
5. It is important to point out that the fact that affected staff employed by recognised schools or ETBs come within the definition of “public servant” solely for the purposes of this legislation and this does not alter their employment status in any other respect.

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

6. 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 1. Overpayments will be dealt with in accordance with the procedures set out in Circular 0032/2016.

Part-time / hourly paid staff

7. The pay of part-time staff or hourly paid 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.

Overtime

8. Payment in respect of overtime for eligible grades rendered on or after 1 January 2019 should be calculated by reference to the revised rates of pay with effect from 1 January 2019.

Circulation and Queries

8. Please ensure that copies of this Circular are provided to all members of the Board of Management/Education and Training Boards and its contents are brought to the attention of all affected staff in your employment including those on leave of absence.
9. This Circular can be accessed on the Department's website under www.education.ie
10. Enquiries regarding this Circular should be e-mailed to financialetb@education.gov.ie

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4 December 2018

APPENDIX 1

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.”

