

**Reference No:** E107/3/95;    **Date:** 01/09/95

**Circular 24/1995:- Agreement in relation to grades represented by the Public Service Executive Union**

A Dhuine Uasail

I am directed by the Minister for Finance to convey the following instructions to Departments arising out of his acceptance of General Council Report 1286 regarding an agreement on the restructuring of grades represented by the Public Service Executive Union (PSEU) under Clause 2 (iii) of Annex 1 to the PCW Pay Agreement. The General Council Report and attached agreement have been issued to Departments separately.

Flexibility of Working

2 The revised structures, salary scales and other provisions sanctioned in this circular have been agreed on the basis of acceptance by the PSEU of the flexible working arrangements and other measures of change specified in the agreement attached as an appendix to General Council Report 1286. In this regard the attention of Departments is drawn to the agreed provisions in relation to the following matters (the paragraph numbers mentioned refer to those in the agreement):

- . Flexibility of duties and reporting relationships  
(Paragraph 2 of Section 1 and Paragraph 1 of Section 2)
- . Atypical employment (Paragraph 2 of Section 2)
- . Attendance patterns (Paragraph 3 of Section 2)
- . Organisation and work practices (Paragraph 4 of Section 2)
- . Technology (Paragraph 5 of Section 2)
- . New schemes and initiatives (Paragraph 6 of Section 2)
- . Deployment and assignment of staff (Paragraph 7 of Section 2)
- . Maintaining standards of performance (Paragraph 8 of Section 2)
- . Possible new developments (Paragraph 1 of Section 4)

To/All Departments etc

3 The arrangements and measures referred to in paragraph 2 are designed to provide a framework to enable the civil service to adapt to changing employment patterns, to provide a more efficient and effective quality of service to the Government and the community, to maintain and improve standards and at the same time to address issues in those areas highlighted by the Strategic Management Initiative in the civil service. It is important that the opportunities which these provisions present should be availed of by Departments in accordance with the terms of the agreement which, among other things, acknowledges the importance of preserving the basic ethos of public service which is central to the civil service.

#### Classes Affected

4 The provisions of this circular apply only to grades represented by the PSEU. Grades represented by other unions whose pay was in the past determined by reference to movements in the pay of grades represented by the PSEU are not covered by the terms of this circular.

5 The revised pay scales shown in this circular relate to the general service grades of Administrative Officer, Higher Executive Officer and Executive Officer. Separate instructions will be issued to the Departments concerned on the revised pay scales applicable to departmental grades represented by the PSEU.

#### Revised Structure

6 The existing grades of Administrative Officer, Higher Executive Officer and Executive Officer will be retained. Each grade will, however, now have a standard scale and a new higher scale. There will be no distinction in duties between staff on the standard scales and higher scales.

7 25% of the Executive Officer grade in each Department will be on the higher scale for that grade. 30% of the Higher Executive Officer grade in each Department will be on the higher scale for that grade. These arrangements are subject to the provisions of paragraph 42(b) following in regard to staff qualifying for the IT gratuity.

8 30% of the Administrative Officer grade in the civil service will be on the higher scale for that grade.

9 Staff on leave with pay and staff on leave without pay who, although on leave, are regarded as eligible for promotion will be entitled to be considered for assignment to the higher scales for their grades. Such staff will also reckon as part of the staffing complement of the grade involved for the purpose of calculating the numbers assigned to higher scales. The manner in which the staffing complement should be determined for this purpose is outlined in paragraph 23 following.

### Implementation of Revised Structure

#### Standard Scales

10 New standard scales, including long service increments on the basis described in paragraphs 14-19 following, will be introduced for the grades of Administrative Officer, Higher Executive Officer and Executive Officer. The scales, including long service increments, will be implemented on the following basis -

- (a) 7/12ths of the increase involved over the existing rate, from 1 October, 1994;
- (b) 3/12ths of that increase, from 1 June, 1996;
- (c) the balance from 1 June, 1997.

The revised scales with effect from 1 October 1994 are set out in the appendix to this circular. These scales should be revised with effect from 1 June 1995 as shown in the appendix by reference to the general round increase sanctioned in Circular 15/95.

11 Officers serving in the relevant grades on 1 October 1994 should be assimilated to the standard scales effective from that date on the basis of corresponding points. Staff on the maxima of scales should be assimilated to the first long service increment on the basis set out in paragraphs 15 and 16 following. Serving officers who entered the relevant grades after 1 October 1994 should have their pay recalculated with effect from the date of entry by reference to the scales shown in the appendix.

12 Personal arrangements will apply to officers serving on 1 October 1994 due to be assimilated to the first three points

of the standard scale for Executive Officer and the first two points of the standard scale for Administrative Officer. The personal scale points to apply to such officers are shown in the appendix. Officers recruited after 1 October 1994 from competitions advertised on the basis of existing scales will be similarly treated.

13 Further instructions will be issued on the implementation of the remaining phases of the increases arising on 1 June 1996 and 1 June 1997.

### Long Service Increments for Staff on the Standard Scales

#### First Long Service Increment

14 A long service increment, on the basis shown in the appendix, will be payable to officers who have completed three years' service on the maxima of the standard scales for Administrative Officer, Higher Executive Officer and Executive Officer. This long-service increment on the standard scales will be part of the scale structure for the future.

15 As part of the arrangements for assimilation to the new structure it has been agreed that serving officers on 1 October 1994 who were on the maxima of the present scales on 1 October 1994 or who would have reached the maxima of the present scales, had these remained unaltered, subsequent to 1 October 1994 and before 1 June 1997 will receive the first long service increment on a personal basis with effect from 1 October 1994 or the date on which they would have reached such maxima as appropriate. In effect the requirement relating to three years' service on the maxima will not apply in these cases.

16 Accordingly, all staff who were on the maxima of the scales for the grades of Administrative Officer, Higher Executive Officer and Executive Officer on 1 October 1994 should, except where a second long service increment is payable on a personal basis as described in paragraphs 17-19 following, be assimilated to the first long service increment with effect from that date. Serving officers on 1 October 1994 who would have reached the maxima of the present scales, had these remained unaltered, subsequent to 1 October 1994 and before 1 June 1997 should also receive the appropriate first long service increment with effect from the dates on which the maxima would have been reached.

#### Second Long Service Increment

17 Officers serving in the relevant grades on 1 October 1994 will be entitled, on a personal basis, to a second long service increment as shown in the appendix subject to completion of 6 years' service on the maxima of the relevant scales - paragraph 19 below refers. This arrangement will also apply to officers promoted to the relevant grades before 1 June 1997. Officers promoted to these grades on or after that date will not have an entitlement to the second long service increment in the new grade.

18 The second long service increment will not be part of the scale structure for the future.

19 Officers serving on 1 October 1994 in the grades of Administrative Officer, Higher Executive Officer and Executive Officer who had completed six years' service on the maxima of the present scales should, therefore, be assimilated to the second long service increment with effect from that date. Other officers in these grades with an entitlement to the second long service increment on a personal basis, as set out in paragraph 17, who subsequently complete six years' service on the maxima of the standard scales or who would have completed six years' service on the maxima of the present scales, had these remained unaltered, should receive the appropriate second long service increment with effect from the date on which six years' service on the relevant maximum has been completed.

### Higher Scales

20 New higher scales will be introduced for the grades of Administrative Officer, Higher Executive Officer and Executive Officer. The higher scales with effect from 1 October 1995 are shown in the appendix to this circular. Instructions on payment of remaining instalments of the higher scales on 1 June 1996 and 1 June 1997 will be issued at a later date.

### Assignments to the Higher Scales

21 Assignments to the higher scales on the basis set out in paragraphs 6, 7, 8 and 9 above will be phased as follows:

- (a) 50% of the assignments, from 1 October, 1995;
- (b) balance of the assignments, from 1 October, 1996.

22 Where, in determining the number of officers to be assigned to higher scales, the figure derived from application of the proportions referred to in paragraphs 7 and 8 above (25% or 30%, as appropriate) does not yield a whole number, the figure in question will be rounded up the next highest whole number.

23 Subject to the provisions in paragraphs 9 and 42(b) concerning the position of staff on leave and officers qualifying for the IT gratuity, the proportions (25% or 30%, as appropriate) of staff on the higher scales at any time will be based on the number of staff actually serving in the grades concerned. Accordingly, the assignments to be made on 1 October 1995 and 1 October 1996 should be based on the numbers of staff serving in the relevant grades on those dates.

24 In the case of increases in the number of serving staff which, through the application of the proportions referred to, would result in increases in the number of persons on the higher scales additional assignments to the higher scales should be made. In the case of reductions in the number of serving staff which would result in reductions in the number of persons on the higher scales no further assignments to the higher scales should be made until the numbers of serving staff warrant such assignments.

#### Pay on Assignment to the Higher Scales

25 Officers assigned to a higher scale will move across to that scale at their existing pay on the standard scale following the assimilation arrangements set out in paragraphs 10-19 above and move along the higher scale by annual increments in the normal way.

26 An officer who is on a point below the ordinary maximum of the standard scale, i.e. excluding any long service increments, at the time of his/her assignment to the higher scale, will on the first anniversary of the assignment to the higher scale, be awarded an increment on the higher scale. This increment will be additional to the normal increment. It will not affect the normal incremental progression of such an officer and his/her incremental date will remain the same. The grant of increments on the higher scale will be subject to the usual rules as regards the grant of increments.

27 The arrangement referred to in the preceding paragraph concerning the granting of an additional increment will not apply

to any person assigned to a higher scale whose pay on the first anniversary of his/her assignment would, in any event, be the value of at least one increment higher than it would have been had s/he remained on the standard scale.

28 Where an officer who has received one long service increment on a standard scale is assigned to a higher scale, entry to the higher scale will be at existing pay and the date of assignment will become the new incremental date. In addition, where the officer would have qualified within one year for a second long service increment on the standard scale if s/he had remained on that scale, s/he should be advanced to a rate of pay on the higher scale equal to the second long service incremental point with effect from the date on which s/he would have qualified for the second long service increment. As the officer would then be on an off-scale point, s/he should subsequently be moved to a scale point by reference to the normal procedures in this regard involving a new incremental date.

29 Where an officer on the maximum of the standard scale, who has not yet qualified for the first long service increment, is assigned to the higher scale - this situation will not arise in relation to serving officers referred to in paragraphs 15 and 16 - the following arrangements should apply

- . where the officer has two years' service or less on the maximum of the standard scale, entry to the higher scale will be at existing pay and the date of entry will become the new incremental date;
- . where the officer has more than two years' service on the maximum of the standard scale, entry to the higher scale will also be at existing pay. The officer will, however, be advanced to the next point on the higher scale on the date on which s/he would have qualified for the first long service increment on the standard scale (i.e. after three years' service would have been completed on the maximum). That date will then become the incremental date on the higher scale.

30 Where an officer who has received two long service increments on the standard scale is assigned to the higher scale, entry to the higher scale will also be at existing pay. As this is an off-scale point, the officer should subsequently be moved to a scale point by reference to the normal procedures in this regard involving a new incremental date.



### Basis for Progression to Higher Scales

31 All assignments to the higher scales for Executive Officer and Higher Executive Officer, both initially and subsequently, will be made departmentally. There will be no interdepartmental element in making these assignments.

32 The arrangements for progression to the higher scales for Executive Officer and Higher Executive Officer will be as follows:

1. An officer will be eligible for progression to the higher scale for his/her grade if

- (a) the officer concerned has applied, in writing, for progression to the higher scale, in such form as the Head of the Department may specify, setting out the aspects of his/her performance which, in his/her opinion, warrant such progression (it is envisaged that the procedure for the making of such applications will be linked to the annual appraisal cycle where this exists);
- (b) the Head of the Department is satisfied that the officer concerned (i) has performed the duties assigned to him/her in the grade in a satisfactory manner, (ii) has been satisfactory in general conduct and (iii) is suitable from the point of view of health with particular regard to sick leave (in this respect the provisions of Circulars 34/76 and 32/91 shall also apply in the case of progression to a higher scale);
- (c) the performance of the officer concerned in the grade has been assessed over a period of two years and, in the most recent appraisals of that performance under the scheme of appraisal/performance review for grades represented by the PSEU, the officer concerned (i) has substantially achieved the objectives agreed in the course of those appraisals (insofar as it was in his/her power to do so) and (ii) has co-operated fully with the implementation of the agreed training/development plans.

2. It shall be for the Head of each Department to select the officers to be progressed to the higher scales from among the

officers eligible provided that

- (a) each Head of Department shall, following consultations with the local staff interests, indicate to the staff concerned the criteria which shall apply in making such selections, and
- (b) the criteria employed for selection for progression to a higher scale shall relate solely to the duties of the grade in which the officer concerned is serving and selection for such purpose shall carry no implication that the officer selected is suitable for promotion to a higher grade or, if suitable, is the most suitable of the officers eligible for such promotion.

3. By way of exception to the above provisions

- (a) the provisions at 1(a) and 1(c) above will not apply to the initial assignments to higher scales, i.e. those made with effect from 1 October 1995 and 1 October 1996, but no officer will be progressed to a higher scale unless s/he has served for at least two years in the grade concerned;
- (b) in the case of assignments other than the initial assignments the provision at 1(c) will not apply in Departments in which an agreed appraisal/performance scheme is not operating on the date on which the higher scales become operative or has not been operating for a sufficient period of time; in such Departments the following procedure will apply
  - the scheme provided for in General Council Report 1232 will be introduced no later than six months after the date on which the higher scales become operative i.e. 1 October, 1995, (this will also apply in Departments in which another scheme is operating on that date),
  - the application of the condition at 1(c) will be introduced as quickly as possible ensuring that it is fully applicable not later than two years after the higher scales become operative, i.e. 1 October, 1995, and, in the interim, no officer will be progressed to a higher scale unless s/he

has served for at least two years in the grade concerned, and

- apart from the initial assignments to higher scales and any assignment to replace an initial assignee prior to the introduction of the scheme, no officer will be progressed to the higher scale unless one appraisal has been completed under the scheme;

- (c) 50% of the officers initially assigned to the higher scales (i.e. one-half of those assigned on 1 October, 1995 and of those assigned on 1 October 1996) will be selected on the basis of seniority provided they meet the criteria at 1 (b) above; the balance of the officers initially assigned will be selected as provided for in 2 (a) and (b) above.

33 The arrangements for progression to the higher scale for Administrative Officer will be as follows:

1. An Administrative Officer will be eligible for progression to the higher scale for his/her grade if

- (a) the Officer concerned has applied, in writing, for progression to the higher scale, in such form as the Head of the Department may specify, setting out the aspects of his/her performance which, in his/her opinion, warrant such progression ( the procedure for the making of such applications will be linked to the annual appraisal cycle where this exists);
- (b) the officer concerned has completed 3 years' service as an Administrative Officer;
- (c) the officer concerned has completed, or at least commenced, an assignment on the Administrative Officer Exchange Programme and has fulfilled any other requirements laid down from time to time for the training and development of Administrative Officers;
- (d) the Head of the Department is satisfied that the officer concerned is suitable in all respects for promotion to Assistant Principal.

2. An Administrative Officer shall be progressed to the higher scale as soon after s/he becomes eligible for such progression provided that, as a result of such progression, the number of Administrative Officers in the civil service on the higher scale will not exceed 30% of the number serving in the grade. Where two or more officers are eligible and the progression of more than one of them would result in the number on the higher scale exceeding 30% of the number serving in the grade, the officer who has been eligible the longest will be progressed.

3. The provisions at 1(a) and 1 (c) of this paragraph will not apply to the initial assignments to the higher scale.

4. These arrangements will be monitored centrally by the Official and Staff sides.

#### Recruitment/Promotion

34 The provisions of this circular do not alter the arrangements for open recruitment to, or promotion to or from, the grades covered by this circular. Such appointments will be to the standard scale. (Arrangements for atypical recruitment agreed with the PSEU are set out in the agreement attached to General Council Report 1286.)

35 Promotion within or from the revised structure will continue to be from grade to grade. For example, staff will be selected for promotion from Executive Officer to Higher Executive Officer from amongst all Executive Officers, who are otherwise qualified, whether on the higher scale or not and the fact that a person has or has not been assigned to the higher scale will not carry any implications in that context.

36 Similar arrangements will apply in the case of promotions to the Assistant Principal grade.

#### Allowances

37 Allowances in the nature of pay which are based wholly or partly on "unsocial hours" (eg. Allowances for Private Secretaries to Ministers and Heads of Departments and equivalents, Computer on-call allowance) will continue in the new structure. In the event that a person drawing one of these allowances is assigned to a higher scale under this circular, s/he will retain the allowance in addition to any benefit which accrues from the assignment to the higher scale.

38 The "overtime" element in the allowances referred to in the preceding paragraph will be increased, in accordance with existing practice in such cases, by 2.6% (the amount of the actual increase in each case will vary according to the extent of the "overtime" element in each allowance). The increases will be applied in line with the phasing arrangements for the introduction of the new standard scales. Separate sanction will be issued for the revision of the allowances in question.

39 Allowances related to grading will continue in the new structure. In the event that a person drawing one of these allowances is assigned to a higher scale under this circular, s/he will retain the allowance in addition to any benefit which accrues from the assignment to the higher scale.

40 Where a person holding an allowance for the performance of the duties of a higher grade is assigned to a higher scale under this circular that allowance will fall to be recalculated by reference to the normal conditions applicable to the calculation of such allowances.

41 In the case of any doubt as to whether an allowance should be retained on assignment to a higher scale, this Department should be consulted.

#### IT Gratuity

42 The arrangements set out hereunder will apply in relation to the IT gratuity system dealt with in Circular 26/90 and General Council Report No. 1175 attached to that circular. These arrangements will apply only to staff covered by General Council Report No. 1175 who are serving on 1 October, 1995.

- (a) All staff drawing the gratuity or in the "waiting period" for the gratuity will, exceptionally, be assigned to the higher scales on the basis set out in paragraph 43. Entitlement to the gratuity in the case of those staff will then cease.
- (b) The number of staff coming within the scope of (a) will be discounted from the number of staff in each Department concerned for purposes of determining the number in each grade who may be assigned to the higher scales under paragraphs 6,7,8 and 9 above.

- (c) As staff who have been assigned to the higher scales under (a) leave the grades involved, the additional number of higher scales applying in each Department concerned as a result of (a), over and above the number which should apply from the application of the appropriate proportion for the grade concerned (i.e 25% in the case of Executive Officers and 30% in the case of Higher Executive Officers), will be reduced until one-half only of that additional number remains (numbers would be rounded down to the nearest whole number).
- (d) This remaining element of the additional number of higher scales will be maintained in the Department subsequently in addition to the appropriate proportion for the grade concerned.
- (e) During the period mentioned in (c) above, as vacancies arise in other higher scales in the Department, they will be filled in the normal way - subject to the total number of higher scales in the Department as a whole not exceeding the appropriate proportion for the grade involved plus the then number of additional higher scales in existence as a result of the above arrangements.
- (f) As and from 1 October 1995 no further staff will be entitled to the gratuity.
- (g) The arrangements, in relation to co-operation and flexibility, set out in General Council Report 1175, will continue to apply.
- (h) Staff on the higher and standard scales will be fully mobile as between different types of work in their grade in the Department, both as regards IT work and non-IT work.

43 The assignment of staff to the higher scales under the provisions of paragraph 42 should be implemented in the following manner: -

- (i) an officer will be assimilated from his/her existing scale to the relevant standard scale in the manner described in paragraphs 10-19 preceding.

- (ii) the IT gratuity system will operate in the normal manner up to 30 September 1995, inclusive.
- (iii) on the date on which a gratuity next becomes due or first becomes due, as appropriate, after 30 September 1995 the gratuity will be paid but, with effect from the date the gratuity became payable, the officer concerned will be placed on the higher scale at a point equal to the relevant point on the standard scale plus the amount of the gratuity. The provisions of paragraph 26 above relating to the granting of an additional increment on the higher scale, will not apply.
- (iv) where (iii) results in an officer being placed on an off-scale point, the officer should subsequently be moved to a scale point by reference to the normal procedures in this regard involving a new incremental date. The officer will then move along the higher scale by normal incremental progression.
- (v) Departments should continually review the pay of an officer on the higher scale by reference to an amount equal to the sum of the rate which would have been payable if the officer had remained on the standard scale plus the gratuity. Where this amount exceeds the rate payable on the higher scale, the greater amount should be paid on a personal basis.
- (vi) where the provisions at (i)-(iii) above result in an officer being placed on a pay rate which exceeds the maximum of the higher scale the pay of the officer should continue to be calculated, on a personal basis, by reference to an amount equal to the sum of the rate which would have been payable if the officer had remained on the standard scale plus the gratuity.

### Superannuation

44 Serving staff assimilated to the new standard scales, including the two long-service increments, and who retire while on those scales, will be pensionable on the basis of those scales.

45 Serving staff assimilated to the new higher scales, and who retire while on those scales, will be pensionable on the basis of those scales.

46 Staff who retire after 1 October 1994 but before 1 June 1996 or before 1 June 1997 will have their pensions revised, in the normal way, by reference to the rates of pay applicable to serving staff on 1 June 1996 and on 1 June 1997, as appropriate.

47 The lump sums of staff who retire between 1 October 1994 and 31 May 1996 (both dates inclusive) will be calculated by reference to the scales, as shown in the appendix, applicable with effect from the date of retirement, standard scales or higher scales as appropriate. The lump sums of staff who retire between 1 June 1996 and 31 May 1997 (both dates inclusive) will be calculated by reference to the further phase of the new scales payable with effect from 1 June 1996. The lump sums of staff who retire on and after 1 June 1997 will be calculated by reference to the final phase of the new scales payable with effect from that date. (Death gratuities and marriage gratuities will be treated similarly). Instructions in relation to the new scales payable with effect from 1 June 1996 and 1 June 1997 will be issued at later dates.

#### Implementation Issues

48 It is the intention to arrange a meeting with Personnel Officers in the near future to discuss implementation of the agreement and to provide any clarification that may be required. Any queries or difficulties which subsequently arise should be referred in writing to this Department.

49 It has been agreed with the PSEU that issues which arise in relation to the implementation of this agreement should be discussed at Departmental level between the union and Departmental management with a view to resolution. In the event that agreement cannot be reached in such discussions, it will be open to either side at Departmental level to refer the issue to a special sub-committee of the General Council representative of both sides.

50 This sub-committee will consider only significant issues and will not consider issues where the agreement makes it clear that the issues are to be dealt with at Departmental level. The sub-committee will also consider any issues of general application which may arise.



Copies of Circular

51 Additional copies of this circular may be obtained, on requisition, from the Government Supplies Agency, 4/5 Harcourt Road, Dublin 2.

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J Fitzgerald  
Assistant Secretary

Note: The appendices to this circular are not available electronically. Copies are available from your Personnel Section or General Conditions Section at the Department of Finance, telephone: 6045439/6318282.