

Reference No: E107/4/95; **Date:** 05/08/98

Circular 15/1998:- Agreement in Relation to Grades Represented by the Civil and Public Service Union

A Dhuine Uasail

I am directed by the Minister for Finance to refer to Circular 33/97 regarding an agreement on the restructuring of grades represented by the Civil and Public Service Union (CPSU) under Clause 2(iii) A of the PCW pay agreement. That circular provided for assignments to a higher scale for a number of Clerical officers but these were put on hold pending clarification of seniority arrangements following the ruling of the European Court of Justice in the case of Hellen Gerster v Freistaat Bayern. The circular also indicated that separate instructions would be conveyed to Departments regarding the advancements to higher grades provided for in the agreement. The present circular conveys instructions on these two matters.

Assignments to the Higher Scale for Clerical Officer

2. The arrangements outlined in paragraph 30 to 41 of Circular 33/97 regarding assignments to the higher scale for Clerical Officer may now be implemented subject to the provision of paragraph 7 of this circular in regard to the determination of seniority. Additional assignments to those referred to in Circular 33/97 may be made in certain circumstances - paragraphs 9 to 15 below refer. It has now been agreed that the persons to be assigned to the higher scale in each Department/Office will be selected from those who were actually serving as Clerical Officers in the Department/Office on the date of this circular (excluding former Clerical Assistants and former Paperkeepers who were assimilated to the Clerical Officer scale in accordance with the provisions of Circular 33/97) and who were Clerical Officers on the effective date of assignment to the higher scale i.e. 1 December 1995 or 1 August 1996, as appropriate. Paragraph 41 of Circular 33/97 should be regarded as modified accordingly.

Advancements to higher grades

3. The agreement with the CPSU provides for a number of advancements from Staff Officer to Executive Officer, from Clerical Officer to Staff Officer and from Clerical Assistant/Paperkeeper to Clerical Officer. Following discussion with the CPSU it has been agreed that the advancements will be implemented as follows:

(i) 309 Staff Officers will be advanced to Executive Officer in two phases with effect from 1 December 1995 and 1 August 1996. Appendix A sets out the distribution of these advancements among Departments with effect from each of the dates in question. Staff Officers advanced to Executive Officer under the provisions of this circular will be regarded as serving Executive Officers for the purpose of eligibility for the personal second long service increment on the Executive Officer scale (Circular 24/95 refers).

(ii) The number of Staff Officers advanced to Executive Officer in each Department/Office as shown in Appendix A will be matched by an equal number of Clerical Officers advanced to Staff Officer with effect from the same dates, i.e. the numbers shown in Appendix A relate to both (i) the advancements from Staff Officer to Executive Officer and (ii) the advancements from Clerical Officer to Staff Officer. Clerical Officers advanced to Staff Officer under the provisions of this circular will be regarded as serving Staff Officers for the purpose of eligibility for the personal second long service increment on the Staff Officer scale (Circular 33/97 refers).

(iii) 1,496 former Clerical Assistants/Paperkeepers will be advanced to Clerical Officer in three phases, with effect from 1 September 1996, 1 January 1997 and 1 January 1998. The distribution of these advancements among Departments with effect from the dates referred is shown in Appendix B. Clerical Assistants/Paperkeepers advanced to Clerical Officer under the provisions of this Circular will be regarded as serving Clerical Officers for the purpose of eligibility for the personal second long service increment on the Clerical Officer scale (Circular 33/97 refers).

For the purpose of the numbers referred to above, where two job sharers are advanced this will count as one position.

Additional advancements to those referred to in (i) and (iii) above may be made in certain circumstances - paragraphs 9 to 15 below refer.

Eligibility for Advancement

4. The following persons will be eligible for selection for advancement:

(a) Staff Officer to Executive Officer: Persons currently serving as Staff Officers who have sufficient service on the date of this circular to qualify for promotion in the normal course to Executive Officer, and who were Staff Officers on the effective date of advancement, i.e. 1 December 1995 or 1 August 1996, as appropriate.

(b) Clerical Officer to Staff Officer: Persons currently serving as Clerical Officers (excluding former Clerical Assistants and former Paperkeepers who were assimilated to the Clerical Officer scale in accordance with the provisions of Circular 33/97) who have sufficient service on the date of this circular to qualify for promotion in the normal course to Staff Officer, and who were Clerical Officers on the effective date of advancement, i.e. 1 December 1995 or 1 August 1996, as appropriate.

(c) Clerical Assistant/Paperkeeper to Clerical Officer: Former Clerical Assistants/Paperkeepers assimilated to the Clerical Officer scale in accordance with the provisions of Circular 33/97 and who are actually serving on the date of this circular.

Staff who are in the grades concerned on the date of this circular and who are on leave with pay, or on leave without pay but regarded as eligible for promotion, may be regarded as serving on the date of this circular for the purpose of (a), (b) and (c) above.

Selection for advancement

5. 50% of officers to be advanced under paragraph 3 of this circular will be selected on the basis of seniority subject to each Head of Department being satisfied that an officer to be advanced has been satisfactory in general conduct and 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 apply). In the case of Staff Officers advanced to Executive Officer and Clerical Officers advanced to Staff Officers, advancement will also be subject to the Head of the Department being satisfied that an officer to be advanced is capable of performing the duties of the higher grade.

6. The remaining 50% of officers to be advanced should be selected by reference to criteria determined by each Head of

Department following negotiation locally with the CPSU (subject to the provisions of paragraph 12 below).

7. In determining seniority for the purpose of advancements and for the assignment to the higher scale for Clerical Officer referred to in paragraph 2 above, Departments should have regard to the terms of Circular 4/98 regarding the effect of the "Gerster" judgement of the European Court of Justice. Seniority for the purpose of advancements and assignments should be determined as at the date of this circular.

8. Where a Clerical Officer qualifies for selection for both assignment to the higher scale for Clerical Officer and for advancement to Staff Officer, advancement to Staff Officer should be given precedence. It should be noted that a Clerical Officer advanced to Staff Officer may not qualify for both the additional increment on the higher scale referred to in paragraph 37 of Circular 33/97 and an additional increment on the Staff Officer scale referred to in paragraph 21 of this circular.

Additional assignments to higher scale/advancements

9. Discussions have been held with the CPSU regarding the position of individuals who had expected to be assigned to the higher scale for Clerical Officer or advanced to a higher grade on the basis of seniority but who have now been "displaced" on the seniority list as a result of the revised arrangements for reckoning seniority referred to in Circular 4/98. It has been agreed that additional assignments to the higher scale/advancements will be made to cater for

(a) persons who would have been assigned to a higher scale/advanced to a higher grade, within the 50% quota referred to in Paragraph 41 of Circular 33/97 or in paragraph 5 of this circular, but who, in consequence of the arrangements referred to in Circular 4/98, will not now be accommodated within that quota and

(b) job-sharing staff who are not eligible on grounds of seniority to be assigned to a higher scale/advanced to a higher grade, within the 50% quota, but who are now more senior than those at (a).

The additional assignments/advancements will be made in the manner set out in the following paragraphs.

Supernumerary assignments to the Higher Scale for Clerical Officer

10. Additional assignments will be made on a supernumerary basis to accommodate Clerical Officers in the categories referred to in paragraph 9 (a) and (b). Following these assignments no further assignments to the higher scale should be made until the number of staff on the higher scale falls below the number referred to in paragraph 35 of Circular 33/97 i.e. 30% of the number of Clerical Officers who were actually serving on 1 August 1996 not including Clerical Assistants assimilated to the new Clerical Officer scale under the terms of Circular 33/97 or those advanced to Clerical Officer under the terms of this circular.

Supernumerary advancements from Staff Officer to Executive Officer and from Clerical Officer to Staff Officer

11. Where the total number of advancements in a Department (as shown in Appendix A) is in single figures:

Additional supernumerary advancements will be made to accommodate Staff Officers and Clerical Officers in the categories referred to in paragraph 9 (a) and (b).

12. Where the total number of advancements in a Department (as shown in Appendix A) is in double figures:

Additional supernumerary advancements will be made to accommodate half of the number of Staff Officers and Clerical Officers in the categories referred to in paragraph 9 (a) and (b). The other half will be accommodated within the advancements to be made on the basis of the criteria referred to in paragraph 6 of this circular.

Advancements from Clerical Assistant/Paperkeeper to Clerical Officer

13. Additional advancements will be made to accommodate former Clerical Assistants/Paperkeepers in the categories referred to in paragraph 9 (a) and (b).

Implementation dates for additional assignments to higher scale/advancements

14. The implementation date for a person covered by paragraphs 10 to 13 may not be earlier than that applicable to a person assigned to a higher scale/advanced on the basis of seniority under the provisions of paragraph 5 of this circular and paragraph 41 of Circular 33/97. Subject to this, Departments

may determine the appropriate implementation date from the dates referred to in paragraph 3 of this circular and paragraph 34 of Circular 33/97 i.e. (i) 1 December 1995/1 August 1996 in this case of persons covered by paragraphs 10,11 and 12, and (ii) 1 September 1996/1 January 1997/1 January 1998 in the case of persons covered by paragraph 13, of this circular.

Supernumerary advancements

15. It has been agreed with the CPSU that the following provisions will apply in regard to the supernumerary advancements:

- the supernumerary advancements to Executive Officer and to Staff Officer will count against future assignments to Executive Officer and Staff Officer within/to a Department with the exception of future assignments from the open competition for Executive Officer.
- supernumerary posts will be absorbed as quickly as possible. Accordingly, with the exception of assignments from the open competition for Executive Officer, no further assignments should be made to Executive Officer or Staff Officer until the supernumerary posts have been absorbed.
- where a supernumerary post is in a local office and cannot be absorbed quickly, a post in another area may be retrenched as considered appropriate by management.

Deployment of upgradings

16. It has been agreed with the CPSU that upgradings resulting from all advancements may be deployed at the discretion of management. However, it will be open to the union to make normal representations about the position of individual members.

Adjustment to pay on advancement to a higher grade

17. The pay of officers who are advanced to a higher grade in accordance with the preceding arrangements will be adjusted as set out in the following paragraphs.

Staff Officers advanced to Executive Officer

18. Subject to the provisions of paragraph 20 below, a Staff Officer advanced to Executive Officer will receive with effect from the date of advancement existing pay (resulting from assimilation to the revised Staff Officer scale in accordance with the terms of the Circular 33/97) plus one increment on the Executive Officer scale. Where the rate determined on this

basis is less than the ordinary maximum of the Executive Officer scale, and involves an off scale point, the officer should subsequently be assimilated to a scale point by reference to the normal arrangements in this regard involving a new incremental date.

19. Where existing pay plus one increment on the Executive Officer scale gives a rate of pay above the ordinary maximum of the scale (i.e. exclusive of the long service increments) the rate so determined may be retained on a personal basis until the officer qualifies for the first long service increment on the Executive Officer scale. In this case the effective date of advancement to the Executive Officer scale will be deemed to be the date on which the maximum of the scale was reached for the purpose of qualifying for long service increments on the Executive Officer scale.

20. A Staff Officer who is already at a point above the maximum of the Executive Officer scale (i.e. a Staff Officer who has received the second long service increment on the Staff Officer scale prior to advancement), will be placed on the first long service increment point on the Executive Officer scale. In this case the date of advancement to the Executive Officer scale will be deemed to be the date on which the maximum of the scale was reached for the purpose of qualifying for the second long service increment on the Executive Officer scale.

Clerical Officers advanced to Staff Officer

21. Clerical Officers advanced to Staff Officer will receive, with effect from the date of advancement, existing pay (resulting from assimilation to the revised Clerical Officer scale in accordance with the terms of Circular 33/97) plus one increment on the Staff Officer scale or, if more favourable, the minimum of the Staff Officer scale. Where these provisions result in an officer entering the Staff Officer scale at an off scale point the officer should subsequently be assimilated to a scale point by reference to the normal arrangements in this regard involving a new incremental date.

Clerical Assistants/Paperkeepers advanced to Clerical Officer

22. The following provisions will apply to former Clerical Assistants/Paperkeepers selected for advancement to Clerical Officer under the terms of this circular.

(i) Former Clerical Assistants/Paperkeepers who, with

effect from the date of advancement, are **below the maximum** of the new Clerical Officer scale will receive with effect from the date of advancement existing pay resulting from the assimilation arrangements referred to in Circular 33/97 plus one increment on the new Clerical Officer scale. The existing incremental date resulting from the arrangements in Circular 33/97 will not be changed. Where the foregoing provisions result in an officer being advanced to the maximum of the Clerical Officer scale, the date of advancement will be taken as the date the maximum was reached for the purpose of qualification for long service increments.

- (ii) Former Clerical Assistants/Paperkeepers who, with effect from the date of advancement, are at the maximum of the Clerical Officer scale will receive no increase in pay on advancement but the length of time the officer is required to serve before becoming eligible for the first long service increment will be shortened by one year i.e. subject to satisfactory service, the first long service increment will be payable two years after the maximum was reached.

Application of first long service increment to officers advanced under the terms of this circular

23. The requirement that three years satisfactory service be given on the maximum of the scale in order to qualify for the first long service increment on the scales for Executive Officer, Staff Officer and Clerical Officer will apply to officers advanced under the terms of this circular even where the arrangements set out in the preceding paragraphs result in the maximum of the relevant new scale being reached with effect from a date before 1 June 1997. In all cases the appropriate second long service increment referred to in paragraphs 3 (i), (ii) and (iii) of this circular will be payable, on a personal basis, after six years satisfactory service at the maximum.

Reductions in numbers

24. The restructuring agreement with the CPSU envisaged that there would be a reduction in staff numbers as a means of securing offsetting savings (paragraph 26(8) of the report of the Adjudication Board in Appendix 1, and paragraph 12 of Appendix 2, to Agreed Report 1323, refer). It has been agreed with the union that there will be a reduction of 250 in the number of clerical staff across the civil service on a phased basis. A further communication will be sent to Departments in this regard.

25. Any questions of doubt or difficulty which may arise from the application of this circular should be raised, orally in the first instance with this Department (extensions 5412 or 5413).

Copies of Circular

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

Mise le meas,

Ciaran Connolly
Assistant Secretary

Appendix A to Circular 15/98

Advancements from (I) Staff Officer to Executive Officer and (II) from Clerical Officer to Staff Officer

<u>Department/Office</u>	<u>No of Advancements</u> (ie. for <u>each</u> of (I) and (II))	<u>1/12/95</u>	<u>1/8/96</u>
Agriculture and Food	28	14	14
Arts, Heritage, Gaeltacht and the Islands	2	1	1
Attorney General's Office	1	1	0
Central Statistics Office	7	4	3
Chief State Solicitor's Office	1	1	0
Civil Service Commission	2	1	1
Defence	8	4	4
Education and Science	12	6	6
Enterprise, Trade and Employment	9	5	4
Environment and Local Government	7	4	3
Finance	4	2	2
Foreign Affairs	6	3	3
Health and Children	4	2	2

Justice, Equality and Law Reform	23	12	11
Marine and Natural Resources	3	2	1

Appendix A to circular 15/98

<u>Department/Office</u>	<u>No of Advancements</u> (ie. for each of (I) and (II))	<u>1/12/95</u>	<u>1/8/96</u>
Office of Public Works	5	3	2
Houses of the Oireachtas	1	1	0
Office of the Revenue Commissioners	60	30	30
Social, Community and Family Affairs	116	58	58
Taoiseach	3	2	1
Public Enterprise	3	2	1
Valuation Office	4	2	2
Total	309	160	149

Appendix B to Circular 15/98

Advancements to Clerical Officer

<u>Department/Office</u>	<u>No of Advancements</u>	<u>1/9/96</u>	<u>1/1/97</u>	<u>1/1/98</u>
Agriculture and Food	143	86	29	28
Arts, Heritage, Gaeltacht and the Islands	28	17	6	5
Attorney General's Office	8	5	2	1
Central Statistics Office	52	31	11	10
Chief State Solicitors Office	14	8	3	3
Civil Service Commission	3	2	1	0
Office of Comptroller and Auditor General	2	1	1	0
Defence	13	8	3	2
Director of Public Prosecutions	2	1	1	0
Education and Science	55	33	11	11
Enterprise, Trade and Employment	45	27	9	9
Environment and Local Government	70	42	14	14
Finance	31	19	6	6
Foreign Affairs	39	23	8	8

Health and Children	31	19	6	6
Justice Courts	70	42	14	14
Justice / Land Registry	46	28	9	9
Justice Group	379	227	76	76

Appendix B to Circular 15/98

<u>Department/Office</u>	<u>No of Advancements</u>	<u>1/9/96</u>	<u>1/1/97</u>	<u>1/1/98</u>
Marine and Natural Resources	14	8	3	3
National Gallery	2	1	1	0
Office of Public Works	47	28	10	9
Oireachtas	19	11	4	4
Ombudsman	3	2	1	0
President's Establishment	1	1	0	0
Revenue	160	96	32	32
Social, Community and Family Affairs	180	108	36	36
State Laboratory	2	1	1	0
Taoiseach	12	7	3	2
Tourism, Sport and Recreation	7	4	2	1
Public Enterprise	17	10	4	3
Valuation Office	1	1	0	0
TOTAL	1,496	897	307	292