



Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhísí Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

Office of the National Director of Human Resources

Health Service Executive
Dr. Steevens' Hospital
Dublin 8

Tel: 01 6352319 Email: nationalhr@hse.ie

**To: Each Member of the Directorate and Leadership Team
Each Assistant National Director HR
Each Hospital Group CEO
Each Hospital Group Director of HR
Each Chief Officer CHO
Each CHO HR Manager
Each CEO Section 38 Agencies
Each HR Manager Section 38 Agencies
Each Group Director of Nursing & Midwifery
Each Group Director of Midwifery**

From: Rosarii Mannion, National Director Human Resources

6th February, 2018

Re: HR Circular 006/2018 re A temporary Circular to allow certain public servants in the health sector to be retained beyond their compulsory retirement age of 65 years until they reach the age of eligibility for the Contributory State Pension (CSP).

Dear Colleagues,

I refer to Department of Health Circular 15/2017 in relation to the recent Government decision to increase the compulsory retirement age for public service employees to age 70 and to the drafting of legislation to give effect to that decision.

The Government also agreed that, in advance of the legislation coming into effect, interim arrangements could be introduced, for serving public servants who reach the age of 65 between the date of the Government decision (**5 December 2017**) and the coming into effect of the necessary legislation, to enable them to remain in place until they reach the age of eligibility for the CSP.

The attached Department of Health Circular sets out the eligibility criteria for those who wish to avail of these interim arrangements and the provisions which will apply to those whose applications for retention are approved by their employing authority. This Circular applies equally to pre 1 April 2004 public health service employees appointed before and after 6 April 1995, regardless of the fact that most public servants appointed before 6 April 1995 will not be eligible for the CSP. For the avoidance of doubt, where a public health service employee has already retired before the date of the Government decision on 5th December 2017, retention under the terms of this Circular will not be possible.

I wish to draw your attention to the procedure which applies to public health service employees who meet the eligibility criteria for the interim arrangements and wish to apply for retention under the terms of Department of Health Circular 15/2017.



Seirbhís Sláinte | Building a
Níos Fearr | Better Health
á Forbairt | Service

“To view the Health Services People Strategy 2015-2018, please click [here](#).”

Appendix A (attached) of this Circular contains the **Application Form for Retention** for a period of up to 1 year under the terms of Department of Health Circular 15/2017 and the Undertaking to be signed by the employee as part of the application process. It should be noted that the application will not be considered unless the employee has signed the undertaking.

Appendix B (attached) of this Circular contains the **Employer Declaration Form** to be signed by the relevant senior manager where retention is approved under the terms of Department of Health Circular 15/2017.

Each organisation is required to put in place appropriate internal arrangements to ensure that the management decision to approve or refuse the employee's application for retention is made at a senior level and the relevant managers are notified of their responsibilities in this regard.

Employees whose applications for retention under the terms of Department of Health Circular 15/2017 have been approved will be issued with a Fixed-Term Contract of employment which reflects the provisions outlined in the Circular.

Employees whose applications have been refused will be advised of their right to appeal the manager's decision under the organisation's Grievance Procedure. The appeal hearing will be held under the highest internal stage of the Grievance Procedure and this decision will be final.

While the Department of Health Circular requires public health service employees to apply to their employer for retention at least 8 weeks before reaching the age of 65 (using the Application Form), it also permits applications to be received from those employees who reach the age of 65 within 8 weeks of the Government's decision on 5th December 2017 and would therefore be unable to comply with the 8 week timeframe. Managers should advise employees in this category that this advance notice requirement will not apply in this period. However, those individuals who wish to apply for retention must submit their completed Application Form immediately. In all other cases, the 8-week time limit will be strictly applied.

Please ensure that this HSE Circular and the Department of Health Circular are brought to the attention of relevant management and the necessary arrangements are put in place. Management should ensure that employees in their area of responsibility are informed of these interim arrangements and the mandatory application process should they wish to avail of the retention in accordance with the terms of this Circular.

Queries

Queries from individual employees must be addressed by local management in the first instance or the relevant HR / Employee Relations Department.

Queries from HR Departments on the contents of this Circular may be referred to Anna Killilea, HSE Corporate Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2. Tel: 01 6626966, Email: anna.killilea@hse.ie.

Yours sincerely,



Rosarii Mannion,
National Director of Human Resources.

Appendix A – Application Form and Undertaking

Application for Retention for a period of up to 1 year under Terms of HSE HR Circular 006/2018 and Department of Health Circular 15/2017 - A temporary Circular to allow certain public servants in the health sector to be retained beyond their compulsory retirement age of 65 years until they reach the age of eligibility for the Contributory State Pension (CSP) – currently 66 years.

An eligible public health service employee who wishes to apply for retention under the terms of Department of Health Circular 15/2017 should submit this application and signed undertaking to their employer a minimum of 8 weeks before reaching the age of 65.

In accordance with the terms of this Circular, please note that the following terms and conditions will apply to employees whose applications for retention are approved:

Retention Arrangements

The following arrangements will apply to a public health service employee who is accepted for retention under the terms of this Circular:

- Employee retires at 65 years of age and their existing contract is severed upon retirement;
- The employee's lump sum is paid;
- Pension is suspended/pension abatement rules apply;
- Employee is issued with a Fixed Term Contract which confirms the terms and conditions governing retention under the public service interim arrangements;
- Employee is retained on a work pattern with the same or fewer hours. A request by an employee for a reduction in his or her existing contractual working hours will be subject to management approval and a decision by management to grant a reduction in hours must be consistent with the business needs of the organisation.
- No pension contribution is payable and *no public service pension benefits are accrued* during the period of retention;
- The employee is liable for Pension Related Deduction (**PRD**);
- Salary for all employees retained under this Circular to be paid on the minimum point of the relevant pay scale, adjusted to reflect the employee's current work pattern as required. However Department of Health Circular 10/2016 and HSE Circular 18/2017 continue to apply in respect of the salary point for nursing and midwifery grades;
- Employee will be PRSI Class A;
- No applications for retention beyond the age of eligibility to claim the Contributory State Pension (currently age 66) will be considered.

To be completed by applicant:

| | |
|---|--|
| Name | |
| Address | |
| Date of Birth | |
| Date of reaching age 66 - current age of eligibility for the Contributory State Pension (CSP) | |
| Employer | |
| Unit/ work area | |
| Grade | |
| PPSN | |
| Personnel No. | |

Undertaking:

I have read and fully accept the terms and conditions of retention as set out in this Circular. In particular, I understand that retention under this Circular does not confer any rights on me to any new arrangement that may be provided for in future legislation in relation to compulsory retirement age, whether or not I am still retained under the terms of this Circular on the date of commencement of that legislation. I understand that retention is for a maximum of one year from the date of my 65th birthday until I reach the age of 66 (the current age of eligibility for the CSP). I also understand that retention under the terms of this Circular is at the minimum point of the relevant pay scale with the following exception: Department of Health Circular 10/2016 and HSE Circular 18/2017 will continue to apply in respect of nursing and midwifery grades. I acknowledge that no pension benefits are accrued during the period of retention.

Signed _____

Name (Block Caps) _____

Date _____

Note: Applications will not be considered unless the employee has completed and signed the Application Form and Undertaking.

Appendix B – Employer Declaration

Declaration to be signed by relevant senior manager where retention is approved under the terms of HSE HR Circular 006/2018 and Department of Health Circular 15/2017 - A temporary Circular to allow certain public servants in the health sector to be retained beyond their compulsory retirement age of 65 years until they reach the age of eligibility for the Contributory State Pension (CSP).

I am satisfied that the employee's health, conduct and performance is satisfactory. I am also satisfied that a business need exists to warrant the retention, i.e. that a continuing role is available for the applicant for the duration of the approved retention period. Retention is approved for a maximum period of 1 year from the employee's 65th birthday to the age of eligibility for the CSP, which is currently age 66. I confirm that the employee has submitted a fully completed Application Form and Undertaking and a Fixed Term Contract of Employment is being issued to the employee to confirm the new contractual arrangements as outlined in this Circular.

Signed _____

Date _____

Grade _____

Organisation _____