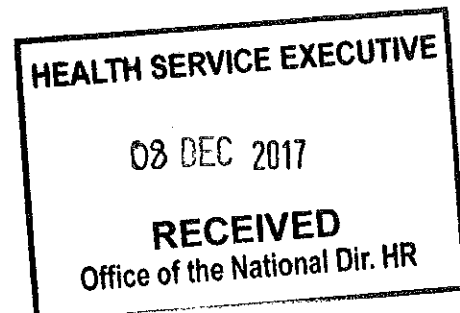


Circular 15/2017

6<sup>th</sup> December 2017

National Director of Human Resources, HSE

Non-commercial State Agencies (NCSA) CEOs



**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 Sir/Madam,

I refer to Department of Health Circular 13/2016 in relation to the recommendations set out in the Report of the Interdepartmental Group on Fuller Working Lives. On foot of that Report, the Department of Public Expenditure and Reform (DPER), with Public Service employers, reviewed the current statutory and operational considerations giving rise to barriers to extended participation in the public service workforce up to the age of entitlement to CSP (age 66 at present, rising to age 67 on 1 January 2021 and to age 68 on 1 January 2028).

The Government agreed, on 5 December, 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 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 purpose of this Circular is to detail the nature of those interim arrangements.

#### **Application of this Circular**

This Circular applies only to public servants who have a compulsory retirement age of 65 and who reach the age of 65 in the period between the Government Decision on Compulsory Retirement Age in the public service and the commencement of the necessary primary legislation to give effect to that decision.

The Circular applies equally to pre 1 April 2004 public servants 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 servant has already retired before the date of this Circular, retention under the terms of this Circular will not be possible.

### **Procedure for retention under this Circular**

(i) The sanction of this Department is not necessary in order for a retention to be approved under the terms of this Circular. Before a retention is approved, the employer, should, however, be satisfied that the officer's health, conduct and performance is satisfactory and 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 period up to their qualification for the CSP. Subject to these conditions, an application for retention on the basis of this Circular should be considered favourably by the HSE or other public service employer concerned.

(ii) Any public servant who wishes to apply for retention under the terms of this Circular should apply to their employer at least 8 weeks before reaching the age of 65, using the application form at Appendix A of this Circular.

(iii) Any public servant whose retention is approved under this Circular must sign the undertaking at Appendix B of this Circular indicating that he/she accepts the terms and conditions of retention as set out in this Circular before the retention is commenced, and in particular their understanding that retention under this Circular does not confer any rights on the individual public servant to any new arrangement that may be provided for in future legislation in relation to compulsory retirement age, whether or not the officer is still retained under the terms of this Circular on the date of commencement of that legislation.

### **Retention Arrangements**

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

- Public Servant retires at 65 years of age;
- The officer's lump sum is paid;
- Pension is suspended / pension abatement rules apply;
- Public Servant is retained on their current work pattern;
- No pension contribution is payable and no pension benefits are accrued during the period of retention;
- If the salary of the individual public servant is based on the civil service PPC scale (applies in respect of certain NCSA posts) prior to retirement, following retention they will be placed on the non-PPC scale (to take account of the fact that no pension contribution is payable);
- Salary for all public servants retained under this Circular to be paid on the minimum point of the relevant pay scale, adjusted for work pattern as required. However Department of Health Circular 10/2016 and HSE Circular 18/2017 will continue to apply in respect of nursing and midwifery grades;
- PRSI class to be determined by Scope Section, Department of Employment Affairs and Social Protection;

- No applications for retention beyond the age of eligibility for the Contributory State Pension (currently age 66) will be considered.

While the Circular provides for public servants to apply for retention 8 weeks before they reach the age of 65, this will not be possible for those who reach the age of 65 within 8 weeks of this Circular. Employees should be made aware that this advance notice requirement will not apply in the period immediately following the date of the Circular however applications for retention must be submitted without delay.

Please bring this circular to the attention of relevant employees in your organisation. The HSE is also requested to bring this circular to the attention of Section 38 employers.

Any employee queries should be directed to the relevant employer. Requests for clarification from employers should be directed to [national\\_hr\\_unit@health.gov.ie](mailto:national_hr_unit@health.gov.ie)

Yours sincerely,



Sorcha Murray  
Principal Officer  
National HR

## Appendix A

### Application for Retention for a period of up to 1 year under Terms of Circular 15/2017

An eligible public servant who wishes to apply for retention under the terms of Circular 15/2017 should submit this application to their employer a minimum of 8 weeks before reaching the age of 65.

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.	

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix B

Undertaking to be signed by management and staff where retention is approved under the terms of Circular 15/2017

### Section A: To be completed by Employer:

I am satisfied that the officer'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 period of 1 year from the officer's 65th birthday to the age of eligibility for the CSP, which is currently age 66.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Grade: \_\_\_\_\_

Organisation: \_\_\_\_\_

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### Section B: to be completed by applicant

I 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 65<sup>th</sup> 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.

Signed: \_\_\_\_\_

Name [Block Caps]: \_\_\_\_\_

Date: \_\_\_\_\_