

**File Reference: DPE071/153/2014**

**Circular Title: Overtime in the Civil Service**

I am directed by the Minister for Public Expenditure and Reform to advise that the following will apply in relation to arrangements for overtime:

**Circular Number: 14/2014**

**Purpose:** To set out arrangements for compensating extra attendance for officers working a normal Monday to Friday week.

**Circular Applications:** To general civil service grades up to and including Higher Executive Officer and to equivalent grades.

**Relevant Legislation/Circulars:** Organisation of Working Time Act, 1997

Circular 11/2013: Revision of Working Hours and Flexible Working Arrangements for Civil Servants

Circular 2/2014: Implementation of Clause 2.31 of the Haddington Road Agreement- revised pay scales and allowances for persons recruited to certain direct entry grades

Public Service Stability Agreement 2013-2016, The Haddington Road Agreement.

**Effective From:** 1 July 2013

**This Circular revokes Circular 27/99.**

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## **Part 1: Purpose and Principles**

### **1.1 Purpose**

The purpose of this Circular is to set out the arrangements for overtime in the Civil Service for officers working a normal Monday to Friday working week. The overtime arrangements contained herein reflect the revisions agreed in the Haddington Road Agreement and came into effect on 1 July 2013.

It should be noted that interim arrangements were agreed in July 2013 in respect of the calculation and payment of overtime arrangements for service level employees (Services Attendants, Services Officers and Head Services Officers) in (i) the civil service and (ii) Science and Arts Attendants in the National Museum, the National Library and the Chester Beatty Library as set out in Appendix 1 and Appendix 2 to this Circular.

This Circular is also intended to remind Departments of their obligations under the Organisation of Working Time Act, 1997 insofar as the Act might have an impact on extra attendance.

### **1.2 General Principles**

Overtime is the payment given to an officer for extra attendance outside of the standard working week. It is only payable after the completion of the required working hours for the grade in question. In addition, Departments should be satisfied that the amount or nature of the work makes overtime unavoidable. Attendance on Saturdays, Sundays and Public Holidays should be kept to a minimum. Every effort should be made to avoid a situation where staff attend for very short periods only.

With the incorporation of the additional 2 and a quarter working hours required under the Haddington Road Agreement, the standard working day for civil servants is 7 hours 24 minutes. Within the confines of these arrangements, the management of overtime will remain at the discretion of each Department/Office.

Notwithstanding this, it is open to management to implement the additional 2 and a quarter working hours to best advantage after appropriate consultation in order to best meet service needs in particular Departments/Offices etc.

The new overtime divisor is 43.25 hours.

Where officers wish to opt for time off in lieu, the granting of time off in lieu instead of overtime payments shall be at the discretion of the Head of the Department concerned, having regard to the exigencies of the service, and shall not be allowed in any case where it would give rise to additional overtime working. The standard working day for time off in lieu is also 7 hours 24 minutes.

Overtime must be authorised by an Officer ranking at least two grades higher than the officer giving extra attendance.

The sixth point of the Higher Executive Officer (standard) scale is the maximum rate for all staff who receive overtime.

Overtime grades are those grades which are conditioned to a fixed number of working hours per week and which, on the basis of salary, are accepted as being equivalent to general civil service grades up to and including Higher Executive Officer/Administrative Officer.

**1.3 Staff transferred into the Civil Service in 2010 from the Health Sector**

With regard to authorised extra attendance by staff transferred into the civil service in 2010 from the health sector, please note the separate arrangements set out in Appendix 9 of the Haddington Road Agreement.

## **Part 2: Arrangements on Monday to Friday for General Service Grades**

### **2.1 Executive Officer, Staff Officer and Clerical Officer**

With regard to authorised extra attendance during the normal (Monday to Friday) working week the following overtime arrangements apply for attendance in excess of the 37 net hours requirement where such attendance is not encompassed as part of an agreed flexible pattern, such as accumulated hours

(a) for those who are on salaries of up to €35,000 (inclusive of allowances in the nature of pay), overtime is paid at time and a half at the first point of the appropriate scale. This formula does not apply to any scale where this provision would result in overtime being paid at less than time at any point on the scale. In the case of such scales, the formula set out in (b) below will apply. Please note that Section 6 of Circular 2/2014 applies to those on revised payscales under Clause 2.31 of the Haddington Road Agreement.

(b) for those on salaries (inclusive of allowances in the nature of pay) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individual's scale point.

### **2.2 Higher Executive Officer/Administrative Officer**

Overtime should be calculated by reference to the lesser of the officer's actual scale point or the sixth point of the Higher Executive Officer (standard) scale and should only be made for completed hours of actual attendance. Please note that for the first hour of overtime worked Monday to Friday, there is no payment. This will not apply to Administrative Officers in cases where the current salary of the Administrative Officer is lower than the 6th point of the corresponding Higher Executive Officer scale.

### **2.3 Time off in lieu**

Time off in lieu should be applied at a flat rate from Monday to Friday inclusive. With regard to the Higher Executive Officer and Administrative Officer grades only, there is no time off in lieu for the first hour of overtime worked. This will not apply to Administrative Officers in cases where the current salary of the Administrative Officer is lower than the 6th point of the corresponding Higher Executive Officer scale.

### **Part 3: Arrangements on Saturdays, Sundays and Public Holidays for General Service Grades**

#### **3.1 Saturdays**

3.1.1 Midnight Friday to 9:15am Saturday – Double time or time off in lieu at flat rate

3.1.2 Saturday morning (9:15am – 1:00pm) is paid at the following rates:

(a) time and a half at the first point of the scale for those who are on salaries of up to €35,000 (inclusive of allowances in the nature of pay). This formula does not apply to any scale where this provision would result in overtime being paid at less than time at any point on the scale. In the case of such scales, the formula set out in (b) below will apply.

(b) time and a quarter at the individual's scale point for those on salaries (inclusive of allowances in the nature of pay) of €35,000 or greater

3.1.3 Saturday after 1:00pm – Double time

#### **3.2 Sundays and Public Holidays**

Overtime will be paid at a rate of double time on Sundays and Public Holidays.

#### **3.3 Time off in lieu**

Time off in lieu may be granted at rate of time plus one half on Saturdays, Sundays and Public Holidays except for as provided in section 3.1.1 above.

#### **3.4 Minimum Payment**

The minimum payment for overtime on Saturdays, Sundays and Public Holidays is three hours. Thus, where officers attend for less than three hours, he or she should receive payment as if three hours attendance had been given.

#### **Part 4: Minimum Payments for Unscheduled Attendances outside of Normal Working Hours**

Midnight to 8am                      4 hours minimum overtime

8pm to Midnight                      3 hours minimum overtime

Where an unavoidable, unscheduled attendance at a place of work commences before midnight and is completed after midnight, a minimum payment of 4 hours overtime at the appropriate rate should be made.

For example, if an officer commences overtime at 10.00 p.m. on a Friday and finishes at 12.30 a.m. on Saturday, the minimum attendance payment for four hours overtime will be 2 hours at the relevant rate for that officer to cover the period up to midnight, and 2 hours at double time to cover the remainder of the attendance.

Please note that double time after midnight only applies between midnight Friday and 9.15am Saturday morning.

## **Part 5: Classification of Grades other than General Service Grades common to two or more Departments**

To qualify for an overtime payment it must be possible to compare the grade in question to an equivalent general service grade on the basis of comparable stable salary positions.

Grades which change their position relative to the general service grades of Executive Officer or Higher Executive Officer should have their entitlement to payment for extra attendance changed or withdrawn as appropriate.

The classification of any grade as entitled to the overtime arrangements referred to at 5.1 and 5.2 and the authorisation procedures which would apply to them must be agreed between the Staff and Official Sides.

### **5.1 Grades at or below the level of Executive Officer**

Grades which are conditioned to a gross working week of 43.25 hours and which are designated as overtime grades, should be compensated for authorised overtime on the same basis as that of an Executive Officer, Staff Officer or Clerical Officer as appropriate.

### **5.2 Grades between the level of Executive Officer and Higher Executive Officer/Administrative Officer**

These are grades which are conditioned to a fixed number of working hours per week and which, on the basis of salary, are above the level of Executive Officer but not above the level of Higher Executive Officer/Administrative Officer.

Where an officer in one of the designated overtime grades is required to give extra attendance he/she should be compensated on the basis applying to Higher Executive Officers/Administrative Officers subject to the proviso that the rates of payment should be calculated by reference to the officer's actual scale pay or the sixth point of the Higher Executive Officer (standard) scale, whichever is the lower. The divisor is 43.25 hours.



## **Part 6: Other Provisions**

### **6.1 Higher Duties Allowances**

Higher duties allowance may be included for the purpose of calculating extra attendance payments provided:-

- (a) the grade in respect of which the higher duties allowance is payable qualifies for overtime payments, and
- (b) the officer is performing the duties of the higher grade during the period of extra attendance.

For example, where a Clerical Officer, who is in receipt of an allowance for the performance of Staff Officer duties, gives extra attendance on these duties, the allowance should be included with pay for the purpose of calculating the appropriate overtime payment. However, a Higher Executive Officer/Administrative Officer in receipt of a higher duties allowance would not receive any payment for extra attendance while performing the duties of an Assistant Principal.

### **6.2 Shift Allowances**

Shift allowances, and where appropriate night duty allowance, payable to any overtime grade are reckonable for the purpose of calculating extra attendance payments. In the case of Higher Executive Officers who are in receipt of such allowance(s), the upper limit for the calculation of overtime payments is the lesser of the officer's actual scale point plus allowance or the sixth point of the Higher Executive Officer (standard) scale, plus allowance (calculated by reference to the sixth point of the Higher Executive Officer (standard) scale).

### **6.3 Worksharing Staff**

Staff who are work-sharing should be treated in the same way as full-time staff in allocating overtime. Within the confines of these arrangements, the management of overtime will remain at the discretion of each Department/Office

In this connection, the "overtime week" for the purpose of aggregating hours of extra attendance in order to determine the appropriate rate of payment, begins on a Monday. Thus, work-sharing officers following a week-on/week-off or a half day on/half day off attendance regime are treated the same as full-time staff. However, overtime calculations in respect of a work-sharing officer with a split week attendance regime (e.g. Wednesday to the following Tuesday, both days inclusive) would be based on a two week period.

### **6.4 Paid Meal Breaks and Minimum Rest Periods**

A paid meal break should be allowed to staff giving extra attendance on the basis of fifteen minutes per hour of extra attendance, subject to a maximum paid break of half an hour on any one day. Departments must also ensure that the timing of such breaks comply with Section 12 of the Organisation of Working Time Act, 1997 which deals with minimum rest breaks during work.

## **6.5 Domestic or International Travel Time outside of Official Hours**

### **6.5.1 Travel during the normal working week (Monday to Friday)**

In the case of the outward journey (i.e. a journey commencing at the officer's home or normal place of work) the first half-hour of travel time outside of official hours shall not be reckoned for overtime purposes.

A period of one half-hour shall also be deducted from any travel time outside official hours involved in an inward journey (i.e. a journey ending at an officer's home or normal place of work).

All remaining travel time outside official hours shall be reckonable.

In the case of grades covered by the extra attendance gratuity arrangements applicable to Higher Executive Officers/Administrative Officers, each completed hour of the remaining travel time outside of official hours shall be reckonable.

### **6.5.2 Travel on Saturdays, Sundays or Public Holidays**

All travel time shall be reckonable for overtime grades, and each completed hour of travel time shall be reckonable for the grades covered by the extra attendance gratuity arrangements applicable to Higher Executive Officers/Administrative Officers.

### **6.5.3 Appropriate rate of payment for "Travel Time" Overtime**

Reckonable travel time shall be combined with any extra attendance given on duty in the relevant period.

#### **Sample scenario**

A Higher Executive Officer travels outbound for 2 hours, works 3 hours of overtime and then spends 2 hours travelling home. This scenario is based on the assumption that the Officer has not previously worked up an hours overtime during this period.

#### **Overtime and Travel Time Calculation**

1.5 hours travel time outbound (minus 30 minutes as per section 6.5)

2 hours overtime (HEO's are not paid for the first hour of overtime as per section 2.2)

1.5 hours travel time home (minus 30 minutes as per section 6.5)

In total, 5 hours of extra attendance is due to the officer (3 hours travel time and 2 hours of overtime).

### **6.5.4 Staff who do not work the normal Monday to Friday week**

Arrangements equivalent to those outlined above may be applied in the case of staff who do not work the normal Monday to Friday week.

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**Any queries that may arise from the application of this Circular should be directed to this Department via *overtimequeries@per.gov.ie*.**

**Please note that queries from individual officers should be raised in the first instance with an officer's Personnel Unit, or where appropriate, Peoplepoint. Bodies under the aegis of any Government Department must, in the first instance, direct any queries to their parent Department.**

**Tom Clarke  
Principal Officer  
Remuneration, Industrial Relations and Pensions**

**20 November 2014**

## Appendix 1

File Ref: DPE071/014/13

3 July 2013

Interim arrangements in respect of the calculation and payment of overtime arrangements for service level employees in the civil service

To all Personnel Officers:

Following recent discussions with staff interests in relation to interim arrangements in respect of the calculation and payment of overtime arrangements for service level employees in the civil service, the following arrangements have been agreed.

1. An interim arrangement in respect of the calculation and payment of overtime for service level employees in the civil service will pertain with effect from 1st July and will be reviewed during the course of July.
2. These employees will be required to work in addition to their 34 hours 45 minutes working week an additional 2 hours 15 minutes with effect from the 1st July as required of all civil servants (i.e. 37 hours per week)

The arrangements for overtime will be as follows:

- a) Those staff who work up to 7hr 45 minutes above the new extended working week will be unpaid for one half hour per week.
- b) Those staff who work in excess of 7hr 45 minutes about the new extended working week will be unpaid for one hour per week.
- c) The following overtime rates will apply based on the extended working week:
  - Time and one-quarter at current point of scale for first 3 hours.
  - Time and one-half at current point of scale for next 5 hours
  - Thereafter Double Time at current point of scale
- d) The divisor will be 43.25 hours
- e) The parties are agreed to meet before the end of July to review this arrangement.

These arrangements will not prejudice either party regarding the outcome of the discussions on the consolidated pay structure that will be negotiated and concluded by the end of this year.

Yours sincerely,

Tom Clarke

Principal

Remuneration and Industrial Relations

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Note: With regard to the interim arrangements for the Service Level Grades as set out in our letter of 3 July, 2013, above, please note the following clarification in relation to Saturday Overtime. Overtime on a Saturday morning will be paid at time and one quarter if this is the first three hours of overtime worked by an individual in a week; the next five hours will be paid at time & one half and thereafter double time is paid for the remainder of Saturday worked. Double is paid after 1pm on Saturday and all day on Sunday/ Public Holidays.

## Appendix 2



**The Labour Relations Commission**  
An Coimisiún um Chaidreamh Oibreachais

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25<sup>th</sup> July 2013

**Kevin Gaughran**  
CPSU

**Tom Clarke**  
Department of Public Expenditure & Reform

Arising from recent discussions that have taken place in respect of the calculation and payment of overtime the following arrangement has been agreed to be recommended by all parties.

1. An interim arrangement in respect of the calculation and payment of overtime for Science and Arts Attendants of the in the National Museum, the National Library and the Chester Beatty Library will apply with effect from 1<sup>st</sup> July and will be reviewed during the course of August 2013.
2. These employees will be required to work in addition to their 34 hours 45 minutes working week an additional 2 hours and 15 minutes with effect from the 1<sup>st</sup> July as required of all civil servants (ie 37 hours per week)

The arrangement for overtime will be as follows:

- a) Those staff who work up to 7hr 45 minutes above the new extended working week will be unpaid for one half hour per week.
- b) Those staff who work in excess of 7hr 45 minutes above the new extended working week will be unpaid for one hour per week.
- c) Current calibration of existing overtime rates will continue based on the extended working week.
- d) The parties are agreed to meet before the end of August to review this arrangement.

Commission members  
Breege O'Donoghue, Chair  
Brendan McGinty  
Fergus Whelan  
Gerard Barry  
Iarla Duffy  
John Hennessy  
Peter McLoone

Kieran Mulvey (Chief Executive)