

## Civil Service Conciliation and Arbitration Scheme

### General Council Report 1375

(Meeting/s of 14 December 2000)

Claim to extend the pilot scheme to all civil servants represented by the staff side at General Council

(Continuing meetings of Equality Subcommittee - 15 September, 2000 to 14 December, 2000)

#### **Claim to extend the pilot term time scheme to all civil servants represented by the staff side of General Council**

1. Following discussion at the Equality subcommittee of General Council it has been agreed to extend the pilot term time scheme to all civil servants represented by the staff side of General Council.
2. Details of the Scheme are set out below.
3. This report, recording agreement, was adopted on 14 December, 2000.

E109/118/2000

December, 2000

### **Circular 37/2000: Term Time Scheme 2001-3**

A Dhuine Uasail

1. I am directed by the Minister for Finance to say that a decision has been taken to extend the pilot term time scheme to all civil servants represented by the staff side of General Council. Term time working provides for leave for the purpose of allowing working parents or primary carers to match their working arrangements to the main summer holidays of their children, or to care for a person who resides with them and who has a disability which gives rise to the need for care on a continuing or frequent basis. Under the terms of the scheme, the period of special leave is available as a continuous period of thirteen weeks commencing the

beginning of June or ten weeks commencing the last week of June. The period of term time leave shall be **unpaid special leave** (see paragraph 11).

**2. The operation of the scheme is subject to the operating requirements of Departments** For "Department" read "Department or Office" throughout this circular. **not being adversely affected. In this regard where there are a number of applications from a particular work area it may be necessary to limit the number of participants in the scheme from that area.** The approval of applications may also be determined by the ability of a Department to obtain replacement staff by way of temporary recruitment or the granting of higher duty allowances (see paragraph 20) to cover the absence of a person on term time leave.

### **Eligibility to apply for participation in the Term Time Scheme**

3. To be eligible to apply for participation in the term time scheme, a person must:

(a) be serving in the Department in an established or unestablished position in a full time Persons who are not serving in a full time capacity will be eligible to apply for participation in the Term Time Scheme from 2002 onwards. capacity; and

(b) have one or more dependent pre-school children or children attending primary, post primary, second level vocational education or a special school and aged eighteen years or younger by 1 June in the year in which it is intended to participate in the scheme; or

(c) be the primary carer for the period of the term time leave of a person who resides with them and who has a disability which gives rise to the need for care on a continuing or frequent basis.

### **Annual leave and public holidays**

4. The period of special unpaid leave provided under the term time scheme is in addition to normal annual leave. Subject to the provisions of the Organisation of Working Time Act, the annual leave allocation of a participant may be reduced to take account of the period of special leave.

5. The Organisation of Working Time Act provides that an employee who works at least 1,365 hours in a leave year is entitled to an annual leave allowance of 4 working weeks (20 days). In calculating how many days' holidays an employee may be entitled to under the Act, employers should include all hours worked including overtime, time spent on maternity (excluding unpaid maternity leave), parental or adoptive leave as well as holidays and public holidays taken during the calculation period.

6. All those who avail of ten or thirteen weeks special unpaid leave under the provisions of the scheme will, **in the absence of any other additional unpaid leave**, be entitled to at least 20 days annual leave in addition to the period of term

time leave. However, there should be a reduction in the annual leave allowance of those participating in the scheme who have an allowance in excess of 20 days to reflect the period of special unpaid leave. A pro rata calculation should be applied to the overall annual leave allowance in calculating any reduction of annual leave allowance to the statutory minimum. Therefore, a person who has 26 days annual leave and avails of thirteen weeks term time leave, would have their annual leave entitlement reduced by 25% or 6.25 days to reflect the period of term time leave. However, he or she should not be reduced below 20 days and therefore their annual leave entitlement for the leave year will be 20 days.

7. The entitlement of participants to the benefit of any public holidays falling within the period of the special leave will also be as determined by the provisions of the Organisation of Working Time Act. One or two public holidays may arise during the period of special leave for term time. An employee who has not been absent for more than 13 weeks prior to the public holiday is entitled to benefit from the public holiday. The employer shall determine which of the following a fulltime employee is entitled to:

- a) a paid day off within a month of that day
- b) an additional day of annual leave
- c) an additional day's pay

8. The starting date for term time leave will be considered by local management in the light of the need to train replacement staff. Subject to the discretion of local management, participants will not be granted leave (paid or unpaid) in the four weeks immediately prior to and following the period of term time leave. This restriction will not apply to leave such as maternity leave or adoptive leave or parental leave the granting of which is governed by statute.

9. Staff who commence maternity or adoptive leave during term time leave maintain their normal statutory entitlements.

10. The granting of sick leave in the four weeks immediately prior to and following the period of term time leave will remain subject to the normal rules.

### **Arrangements for the payment of salary**

11. As stated in paragraph 1, the period of term time leave is **unpaid special leave**. Applicants who participate in the scheme will not be paid for the ten or thirteen week period of special leave. However, in response to requests from the staff side and in light of the exceptional nature of the scheme, those participating in the scheme may apply for special administrative arrangements for the payment of basic salary in approximately equal amounts over twelve months commencing from the start of the tax year. There may be some variations between salary payments due to tax and PRSI calculations. If a person availing of these special administrative provisions avails of other unpaid leave during the twelve month

period then the pro rata rate of salary will be adjusted accordingly. **Furthermore each participant is required to give an undertaking that any overpayment that may arise from their participation in the scheme would be repaid to the Department not later than the last day of the tax year, 31 December, unless otherwise agreed.**

12. The tax year for 2002 will start in January of that year. Departments should make applicants aware that there will be significant reductions in their net pay in 2001 because the payment of equal amounts of pay will be compressed into a period of 9 months. For example, a participant who earns £20,000 pa and who takes 13 weeks term time leave, and who in a normal year would receive £15,000, will receive  $\frac{3}{4}$  of £15,000 for the period April-December, 2001 in equal amounts.

13. It is the responsibility of the person availing of the term time scheme to make arrangements to ensure that any voluntary contributions (e.g. health insurance, savings plans, etc.) normally deducted from salary continue to be paid.

### **Reckonable service**

14. The period of special leave will reckon for the purposes of increments and seniority. **The period of special leave will not reckon for pension purposes.**

### **Social Welfare - Family Income Supplement**

15. Persons in receipt of Family Income Supplement who intend to avail of term time leave should contact the Department of Social, Community & Family Affairs to clarify their entitlements.

### **Sick Leave**

16. Participants may not avail of sick leave during the period of special leave.

### **Special Leave**

17. A person participating in the scheme who avails of administrative arrangements for the payment of salary in equal amounts over twelve months may not take a career break, or participate in the jobsharing/worksharing schemes in the same tax year in which he or she participates in the term time scheme.

18. However, in exceptional circumstances, at the discretion of the Personnel Officer, a career break may be granted in the same tax year in which a person avails of the term time scheme. Any overpayment which may have arisen from their participation in the term time scheme would have to be repaid to the Department prior to the commencement of the career break.

## **Promotion**

19. Participants in the scheme will continue to be eligible for promotion while on special leave, subject to their meeting the usual eligibility criteria. An offer of promotion made to a participant during the period of special leave may, in certain circumstances, be conditional on the person resuming duty in the higher grade with immediate effect.

## **Filling of ensuing vacancies**

20. Generally, vacancies arising from the participation of serving staff in the scheme will be filled by the granting of higher duty allowances in the case of staff above clerical level or the basic recruitment level in technical and professional grades and by the use of temporary replacement staff, or the recruitment of permanent staff where appropriate, at clerical level or the basic recruitment level in technical and professional grades. Where higher duty allowances are required the criteria for selection of staff for acting-up assignments are a matter to be determined by individual Departments. Where Departments are unable to avail of acting-up assignments, they may recruit temporary Administrative Officers/ Third Secretaries to replace Administrative Officers/Third Secretaries participating in the scheme.

21. For Departments in the Dublin area, the Civil Service Commission will organise the recruitment of temporary replacement staff at clerical level. The Commission will be in contact with Departments in due course. However, in the Dublin area, Departments may themselves recruit temporary clerical staff where [a] they have been previously recruited by the Civil Service Commission as temporary staff, or [b] have previously served in an established post in the Civil Service, for example, retired civil servants under 75 years of age. Departments may also offer staff on a career break for educational purposes the opportunity to return temporarily to duty. For professional and technical grades, Departments should follow the arrangements agreed locally with the staff unions. The recruitment of staff on a temporary basis to replace staff participating in the term time scheme should be in accordance with such agreed procedures that may exist with the relevant staff unions from time to time for the recruitment of staff to the civil service.

22. For Departments outside the Dublin area, it is a matter for each Department to arrange temporary local recruitment to meet vacancies arising. There are a number of options available for the recruitment of temporary replacement staff to fill vacancies arising from participation in the scheme, including:

(i) the temporary appointment of persons who had previously been recruited through a competition organised by the Civil Service Commission and who had

previously provided temporary replacement cover;

(ii) the temporary appointment of retired civil servants under 75 years of age;

(iii) offering staff on a career break for educational purposes the opportunity to temporarily return to duty;

(iv) the recruitment of temporary replacement staff;

(v) such other methods as may be agreed with the staff unions.

23. Recruitment under the above arrangements must be carried out on the basis that Departments remain within their agreed whole time equivalent staff complement and that permanent replacement staff can be absorbed within that complement when the person participating in the term time scheme returns from special leave. Temporary staff may not be retained for a period greater than 12 months (whether such service has been continuous or not). In the case of retired civil servants, appointed as temporary replacement staff, abatement arrangements, as appropriate, will apply. Where retired civil servants, who availed of voluntary early retirement arrangements, are appointed as temporary replacement staff, special arrangements, as appropriate, will apply.

24. Where staff are requested to return from a career break for educational purposes to fill a vacancy arising under the term time scheme, such service will be regarded as a temporary suspension of their career break. The return of staff in such circumstances will be on a voluntary and short term basis. An officer returning in such circumstances will return at the grade at which he or she was serving prior to the commencement of the career break.

## **Applications**

25. Persons wishing to participate in the scheme should apply to their parent Department. Each Department should inform staff as to whom applications should be addressed and of the closing date for receipt of applications. A Department shall reserve the right to refuse some or all of the applications to participate in the scheme.

26. Persons applying to participate in the scheme will be required to state whether they wish to avail of a period of thirteen weeks or ten weeks special leave.

**Applicants who are accepted for participation in the scheme will be required to confirm, in writing, that they wish to avail of either the full thirteen or ten weeks special leave without pay. It will not be possible for a participant to withdraw or to alter an application for the scheme once that undertaking has been given.** This commitment is essential to allow time for putting into place the special salary arrangements and the appointment of replacements. An offer of

participation must be accepted within ten working days of the offer being made to a person. Failure to do so will render an offer null and void and the offer will pass to another person.

27. Persons wishing to avail of term time leave must apply each year to participate in the scheme. Accordingly, a person who avails of term time leave in one year will be asked to reapply the following year if he or she wishes to avail of a further period of term time leave. It is a matter for each Department to decide, where numbers are limited, to give priority to staff who did not previously avail of term time leave.

### **Queries**

28. Officers should address queries in relation to this circular to the Personnel Section of their parent Department.

### **Review**

29. The scheme will operate for a period of 3 years. At the expiry of that period the operation of the scheme will be reviewed by the Department of Finance in consultation with the staff unions.

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*J. McGovern*  
Assistant Secretary

### **Appendix**

The suggested annual cycle for the term time scheme is as follows:

- (i) advertising of scheme within Departments in early January;
- (ii) closing date for receipt of applications in beginning of February;
- (iii) Departments identify recruitment needs in early February;
- (iv) Departments convey decision to term time applicants by mid February;
- (v) Civil Service Commission (CSC) advertises for temporary replacement Clerical Officers (Dublin region only) in mid-February;
- (vi) closing date for CSC competition at the end of February - early March;
- (vii) CSC shortlists candidates by early April;

(viii) candidates from CSC competition assigned to departments in early to mid May;

(ix) Departments organise recruitment of replacement staff (other than clerical officers in Dublin region) - February - April;

(x) term time leave commences beginning of June or last week of June.

This report was adopted on 14 December 2000