

Civil Service Conciliation and Arbitration Scheme

General Council Report 1488

(Meeting/s of 22 February 2006, 31 October 2007)

That staff who are acting up to a higher grade be treated as if they were substantively promoted for pay purposes.

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Claim that staff who are acting up to a higher grade be treated as if they were substantively promoted for pay purposes

1. The claim is that officers assigned to higher duties/acting up be treated as if they were substantively promoted for pay and incremental progression purposes.
2. The Staff Side referred to legal advice received by the Department of Finance in relation to the pay of Fixed Term workers under the Protection of Employees (Fixed-Term Work) Act 2003. The Staff Side stated that persons appointed to civil service grades in a temporary capacity are treated in the same way as "comparable permanent employees" for the purpose of incremental progression. They contended that it was anomalous to treat staff on fixed term contracts the same way as comparable permanent employees (including incremental progression) while officers assigned to higher duties/acting up were allowed only limited incremental progression (General Council Report No. 1382 and Circular 30/2001).
3. The Official Side stated that the legal advice is that a permanent civil servant on higher duties/acting up is not a fixed term worker in the higher grade for the purpose of the Protection of Employees (Fixed-Term Work) Act 2003. While this means that there is no compulsion under the legislation to treat officers assigned to higher duties in the same manner as officers permanently in the higher grade the Official Side acknowledged that in equity it was appropriate to do so.
4. Discussions took place outside Council and agreement was reached on the revised arrangements for the calculation of higher duties allowances which

are set out in the Appendix to this Agreed Report. The revised arrangements will take effect from 14 July 2003. In the case of an officer in receipt of a higher duties allowance on that date, the allowance will be reviewed by reference to the revised arrangements. Where an adjustment to the allowance being paid on 14 July 2003 arises, the adjusted amount will be paid with effect from that date (in effect an officer on higher duties on 14 July 2003 should have his/her allowance recalculated as if the revised arrangements had applied from the date of their assignment to higher duties but the revised allowance will only become payable on 14 July 2003). Should a situation arise where, as a result of a recalculation under these revised arrangements, an officer whose assignment to higher duties has ceased would be left in a negative position i.e. the amount of the allowance payable under the revised arrangements would be less than the allowance already paid under the existing arrangements then no adjustment should be made.

5. At the meeting on 31 October 2007, the Council agreed to recommend acceptance of the revised arrangements.

6. This Report accordingly records such agreement.

7. This Report was adopted on 31 October 2007.

Aengus O Riain
Official Side Secretary

Joan Byrne
Staff Side Secretary

Agreed report, recording agreement

This report was adopted on 31 October 2007