

Reference No: 18/3/2009 LP:

Date: 18/3/2009

18/3/2009 LP: - Special leave without pay for Career Break and resumption of duty

18 March 2009.

Re: Staff returning from Career Break.

Dear Personnel Officer,

I refer to paragraphs 22 to 32 of Circular 18/98: *Special Leave without Pay for Career Break*.

Resumption of duty

1. As stated in paragraph 23 of the Circular, any person who indicates at least two months prior to the end of their career break that he or she wishes to resume duty has a guarantee that they will do so in a relevant grade, not necessarily in his/her parent Department, within 12 months of the expiry of the career break. They should normally fill the next appropriate vacancy available in their parent Department. Departments should plan appropriately to ensure that persons returning from career break may be accommodated.
2. Paragraph 29 of 18/98 provides that any time spent waiting for re-employment after the expiry of the career break (other than any delay on the part of the officer) will reckon as part of the career break period other than for purposes of the overall limits relating to duration of career breaks, as specified in earlier paragraphs of the Circular. **Departments are advised that this need not be interpreted as a preclusion on seeking employment elsewhere while awaiting resumption of duty, subject to the avoidance of any conflict of interest between such employment and the person's continuing status as a civil servant.**

Re-assignment to another Department.

3. If a Department does not have a suitable fillable vacancy, it is open to that Department to seek to re-assign a person to an appropriate vacancy in another Department in the location in which he or she was serving. In the context of the Circular, "location" means geographical location, with the Dublin area being treated as one such location. It is envisaged that this will be facilitated in the first instance on a Department to Department basis, particularly for regional locations. If particular difficulties arise in the placement of any person, Careers and Appointments Section of the Department of Finance may be contacted for advice on a case by case basis.
4. As provided for in paragraph 27 of Circular 18/98, persons on career break should be informed where this approach is being followed.
5. If no suitable vacancy arises in the time period in the parent Department, and one cannot be arranged in another Department, the parent Department should allow the

person to return to work in a supernumerary capacity until such time as a suitable fillable vacancy becomes available.

Persons who fail to indicate their intention to return to duty.

6. As noted in paragraph 22 and 26 of the Circular, Departments are required to make a reasonable effort to contact officers due to return from career break or obtain a satisfactory reply as to their intentions. Two written attempts to the last notified address would amount to a 'reasonable effort' in these circumstances (i.e. by registered letter one month prior to expiry under paragraph 22, a further registered letter following expiry under paragraph 26). After 3 months from the date of expiry of the career break, Departments should write to the officer stating that the terms of his/her undertaking to resign from the Civil Service has been invoked.

7. Invoking the undertaking involves the acceptance of the formal resignation of the officer from the Civil Service. Departments should under no circumstances engage in correspondence, with persons whose undertaking to resign has been invoked, from which a continuing employment relationship with the Civil Service could be inferred and which may make the undertaking more difficult to enforce, e.g. by suggesting that disciplinary action may be taken against them to dismiss them or by requiring them to report for duty on a designated date.

Yours sincerely,

Oonagh Buckley
Principal Officer
Personnel and Remuneration Division.