Template Principal Conditions of Service for use in Candidate Information Booklet for CEOs of Non-Commercial State Bodies. Bodies should fill in all sections highlighted in yellow. Any matters that require clarification should be referred to the Parent Department in the first instance. Parent Departments should ensure all conditions advertised are in line with those sanctioned.

# Principal Conditions of Service

#### General

The appointment is made under the XXX Act [Insert reference to any relevant section on CEO appointments of Act(s) relevant to NCSB (e.g. establishing legislation) here].

#### Salary

[Ensure each point is listed if it is a salary scale]

[Remove PPC/Non-PPC reference if not applicable to the Body]

The current salary for the position (effective [DATE OF MOST RECENT PAY ADJUSTMENT]) is as follows:

Personal pension contribution (PPC) rate:

€XX,XXX - €XX,XXX - €XX,XXX – €XX,XXX

A Personal Pension Contribution (PPC) rate is paid to appointees who are required to make a personal pension contribution in respect of their main superannuation scheme membership. This is different to a contribution payable in respect of membership of Spouses’ and Children’s Scheme and/or the Additional superannuation Contributions (ASC)

Non-Personal Pension Contribution (Non-PPC) rates are paid to appointees who are not required to make a personal pension contribution in respect of their main superannuation scheme membership.

**Important Notes relating to Salary:**

Candidates should note that entry will be at the minimum of the scale and will not be subject to negotiation. The rate of total remuneration may be adjusted from time to time in line with Government pay policy as applying to public servants generally.

[Remove if single point salary]

Subject to satisfactory performance, increments may be awarded in line will current Government policy.

[Only include if a separate “Pensionable Rate of Pay” (s.9 of FEMPI Act 2010 refers) is applicable to this post]

The salary for the purposes of calculating superannuation benefits may differ from the above depending on individual circumstances.

#### Tenure

The appointment will be on the basis of a fixed term contract of employment for a period of five years [update length of tenure if necessary].

#### Location

The headquarters of [insert agency] are currently based in [XXX].

#### Hours of attendance

Hours of attendance will be fixed from time to time but will amount to not less than 43 hours and 15 minutes gross per week or 37 hours net of lunch breaks [ensure working hours are correct]. The successful candidate will be required to work such additional hours from time to time as may be reasonable and necessary for the proper performance of his/her duties subject to the limits set down in the working time regulations. The rate of remuneration payable covers any extra attendance liability that may arise from time to time.

#### Annual Leave

In addition to the usual public holidays, the annual leave for this position is [XX – not to exceed 30 days] working days.

#### Sick Leave

Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, will apply on a pro-rata basis, in accordance with the provisions of the Public Service Sick Leave Scheme.

#### Superannuation and Retirement

The successful candidate will be offered the appropriate superannuation terms and conditions as prevailing in the public service, at the time of being offered an appointment.

In general, this means being offered appointment based on membership of the Single Public Service Pension Scheme (“Single Scheme”). Full details of the Single Scheme can be found at <http://www.singlepensionscheme.gov.ie/>. The maximum retirement age for most Single Scheme members is age 70.

Different terms and conditions related to superannuation and retirement may apply to a candidate where they were a member of pre-existing public service pension scheme (non-Single Scheme) after 1 January 2013 and any subsequent breaks in public service employment (either pensionable or not) have been 26 weeks or less. The pension entitlements and maximum retirement age, if applicable, of such appointees will be determined in the context of their public service employment history.

#### IMPORTANT NOTICE

Candidates should note that different terms and conditions may apply if, immediately prior to appointment, the appointee is already a serving civil or public servant.

The above outlines the principal conditions of service and is not intended to be a comprehensive list of all terms and conditions of employment which will be set out in the employment contract to be agreed with the successful candidate.

# Eligibility

Eligibility criteria is a matter for the NCSB to determine in consultation with its Parent Department. The granting of work permits is a matter for the Department of Business, Enterprise and Innovation.

#### Citizenship

Candidates should note that eligibility to compete for posts is confined to citizens of the European Economic Area (EEA) or to non-EEA nationals with a valid work permit. The EEA consists of the Member States of the European Union along with Iceland, Liechtenstein and Norway. Swiss citizens under EU agreements may also apply.

#### Certain Restrictions on Eligibility

Applicants are required to declare whether they have previously availed of a Public Service scheme of incentivised early retirement/redundancy and the Department of Public Expenditure are Reform should be consulted in order to assess eligibility for appointment on foot of this. Examples of restriction on eligibility on foot of such schemes include:

* Collective Agreement Redundancy Payments to Public Servants: The Department of Public Expenditure and Reform letter dated 28th June 2012 to Personnel Officers introduced, with effect from 1st June 2012, a Collective Agreement which had been reached between the Department of Public Expenditure and Reform and the Public Services Committee of the ICTU in relation to ex-gratia Redundancy Payments to Public Servants. It is a condition of the Collective Agreement that persons availing of the agreement will not be eligible for re-employment in the Public Service by any Public Service body (as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011) for a period of 2 years from termination of the employment. People who availed of this scheme and who may be successful in this competition will have to prove their eligibility (expiry of period of non-eligibility)
* Incentivised Scheme for Early Retirement (ISER): It is a condition of the Incentivised Scheme for Early Retirement (ISER) as set out in [Department of Finance Circular 12/09](https://www.gov.ie/en/circular/fabf4f166a1d4933a3dbe96a69e94ce0/) that retirees, under that Scheme, are not eligible to apply for another position in the same employment or the same sector e.g. a civil servant who retired under this scheme will be ineligible for re-employment in the civil service at a future date, save for in exceptional circumstances in line with terms outlined in paragraph 15 of that Scheme and with sanction from the Department of Public Expenditure and Reform.
* Department of Health and Children Circular (7/2010): The Department of Health Circular 7/2010 dated 1 November 2010 introduced a Targeted Voluntary Early Retirement (VER) Scheme and Voluntary Redundancy Schemes (VRS). It is a condition of the VER scheme that persons availing of the scheme will not be eligible for re-employment in the public health sector or in the wider Public Service or in a body wholly or mainly funded from public moneys. The same prohibition on re-employment applies under the VRS, except that the prohibition is for a period of 7 years. On foot of this: people who availed of the VER scheme are not eligible for appointment and people who availed of the VRS scheme and who may be successful in a competition will have to prove their eligibility (expiry of period of non-eligibility).
* Department of Health Circular (4/20103): The Department of Health Circular 4/2013 dated 1 May 2013 introduced the Employment Control Framework Numbers Reduction Measures 2013 Targeted Voluntary Redundancy (VR) Scheme. In accordance with the terms of the Collective Agreement: Redundancy Payments to Public Servants dated 28 June 2012 as detailed above, it is a specific condition of that VR Scheme that persons will not be eligible for reemployment in any Public Service body [as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011 and the Public Service Pensions (Single Scheme and Other Provisions) Act 2012] for a period of 2 years from their date of departure under this Scheme. These conditions also apply in the case of engagement/employment on a contract for service basis (either as a contractor or as an employee of a contractor).
* Department of Environment, Community & Local Government (Circular Letter LG(P) 06/2013 updated by Circular Letter LG(P) 7/2013): The Department of Environment, Community & Local Government Circular Letter LG(P) 06/2013 introduced a Voluntary Redundancy Scheme for Local Authorities, with updates in Circular Letter LG(P) 7/2013. In accordance with the terms of the Collective Agreement: Redundancy Payments to Public Servants dated 28 June 2012 as detailed above, it is a specific condition of that VER Scheme that persons will not be eligible for reemployment in any Public Service body [as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011 and the Public Service Pensions (Single Scheme and Other Provisions) Act 2012] for a period of 2 years from their date of departure under this Scheme. These conditions also apply in the case of engagement/employment on a contract for service basis (either as a contractor or as an employee of a contractor).

Below are further additional terms and conditions of entry that Non-Commercial State Bodies and/or parent Departments may wish to include as an Appendix.

# Additional Conditions of Service

#### Additional Superannuation Contribution

Successful candidates who are members of a public service pension scheme are subject to the Additional Superannuation Contribution (ASC) in accordance with the Public Service Pay and Pensions Act 2017. The ASC is in addition to any personal pension contributions (otherwise known as main scheme contributions) and Spouses’ and Children’s Scheme contributions that are payable in the accordance with the rules of any pension scheme.

#### Limitation on Pension Accrual

Section 52(6) of the Public Service Pensions (Single Scheme and Other Provisions) Act, 2012 limits the amount of pensionable service an individual may accrue across all pre-existing public service schemes (non-Single Scheme terms) to a maximum of forty years or equivalent; where pensionable service exceeds forty years on 28 July 2012, section 52(7) provides that they may retain the benefit of that service. This may have implications if the appointee acquired pension rights in a previous public service employment. Department of Public Expenditure & Reform Circular 13/2020, which is available on the website <https://www.gov.ie/en/circulars/>, provides guidance on the method of calculating pension entitlements in such cases.

#### Previous Public Service Pension Entitlements and Pension Abatement

Declaration: Applicants will also be required to declare any entitlements to a public service pension benefit (in payment or preserved) from any other public service employment and/or where they have received a payment-in-lieu in respect of service in any Public Service employment in accordance with s.51 of Single Pension Scheme Act 2012.

Abatement: If the appointee has previously been employed in the public service (including the civil service) and is in receipt of a pension from the public service or where a public service pension comes into payment during his/her re-employment that pension will be subject to abatement in accordance with the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

Entitlements under ISER/VER schemes: The Department of Public Expenditure and Reform should be consulted in advance of formal appointment in all cases where the prospective appointee availed of a previous ISER/VR/VER arrangement in the public service. The implications of their new appointment on their ISER/VR/VER payment/pension entitlements will be determined by the terms and policies governing the ISER/VR/VER scheme in question. An example of one includes:

Department of Education and Skills Early Retirement Scheme for Teachers Circular 102/2007: The Department of Education and Skills introduced an Early Retirement Scheme for Teachers. It is a condition of the Early Retirement Scheme that with the exception of the situations set out in paragraphs 10.2 and 10.3 of the relevant circular documentation, and with those exceptions only, if a teacher accepts early retirement under Strands 1, 2 or 3 of this scheme and is subsequently employed in any capacity in any area of the public sector, payment of pension to that person under the scheme will immediately cease. Pension payments will, however, be resumed on the ceasing of such employment or on the person's 60th birthday, whichever is the later, but on resumption, the pension will be based on the person's actual reckonable service as a teacher (i.e. the added years previously granted will not be taken into account in the calculation of the pension payment).

#### Ill-Health-Retirement - Pension

Please note that where an individual has retired from a Civil/Public Service body on the grounds of ill-health his/her pension from that employment may be subject to review in accordance with the rules of ill-health retirement within the pension scheme of that employment.