To: The Presidents of the Universities

RE: Application of additional increments awarded in relation to New Entrants under the Public Service Stability Agreement 2013 – 2020 (Haddington Road Agreement/ Lansdowne Road Agreement)

1. The Minister for Education and Skills wishes to inform Universities and all staff recruited since 2011 (excluding teachers) of additional increments awarded in relation to New Entrants under the Public Service Stability Agreement 2013-2020 (Haddington Road Agreement/ Lansdowne Road Agreement).

Application

2. The adjustments should be applied, as appropriate, to each eligible new entrant as defined below on their next normal increment date.

3. The terms of this Circular do not apply to persons recruited on or before 31 December 2010.

4. This Circular sets out the method to be applied between 1st March 2019 – 29th February 2020, which entails an additional increment at point 4 and point 8 of the relevant pay scales.

5. This Circular covers the more complex movements within that time frame, taking account of the interaction between the two interventions, particularly for new entrants currently on point 6 or above.

6. A Circular to be issued in early 2020 will cover the more straightforward progression of new entrants through points 4 and 8 in subsequent years.

Additional Increments awarded at Point 4 and Point 8 for New Entrant Staff with effect from 1 March 2019

7. For those currently on incremental points 1 or 2 of a salary scale, each will receive the normal increment due on their next normal increment date.

8. For those currently on incremental points 3, 4 or 5 of a salary scale, each will receive two increments (1 normal, and 1 additional increment) due on their next normal increment date.

9. For those currently on incremental point 6 or above of a salary scale, each will receive three increments (1 normal, and 2 additional increments) due on their next normal increment date.
10. For those currently on Max -1 on scales which do not have LSI’s, each will receive the normal increment due on their next normal increment date, progressing to Max of scale. For those currently on Max on scales which do not have LSI’s, no further incremental progression is possible.

11. For those currently on Max -1 on scales that have LSI points, 1 normal increment, plus two additional years credit towards the achievement of the LSI is due on their next normal increment date.

12. For employees at max of scale, 1 normal year credit and two additional years credit towards the achievement of LSI 1 (or LSI 2 depending on scale and existing level of service towards LSI 1) is due on their next normal increment date.

13. For those currently on LSI point 1 or above, on a scale that has more than one Long Serving Increments, 1 normal year credit, plus two additional years credit towards the achievement of the next LSI is due on their next normal increment date.

14. Please ensure that the contents of this Circular are brought to the attention of all staff recruited since 2011 in your employment including those on leave of absence.

Enhanced Controls in relation to Terms and Conditions of Employment Agreed with effect from 30 November 2015

15. Employers are reminded that the Ministers and Secretaries (Amendment) Act 2011 has been amended under the FEMPI Act 2015 to introduce enhanced controls in relation to terms and conditions of employment agreed between public servants and their public service body employers with effect from 30 November 2015. The relevant sections of the Act are included at Appendix 1 to this Circular.

16. A “Frequently Asked Questions” document dealing with the matters addressed in this Circular is available on the Department of Public Expenditure and Reform website (www.per.gov.ie)

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Tara Carton
External Staff Relations
March 2019
APPENDIX 1

Section 12 of the Financial Emergency Measures in the Public Interest Act 2015

Amendment of Ministers and Secretaries (Amendment) Act 2011

The Ministers and Secretaries (Amendment) Act 2011 is amended by the insertion of the following section after section 16:

“Control of terms and conditions of public servants

16A. (1) Where—

(a) the Minister has approved a term or condition as being a term or condition that shall apply for the time being in respect of the employment of a class or category of public servant (whether that approval takes the form of an approval as such, any other form of sanction or the giving of consent by the Minister to a decision of another person in the matter), and

(b) a contract of employment in respect of a public servant falling within that class or category is entered into that contains a term or condition that corresponds or is equivalent to the term or condition standing so approved but which is more favourable to the public servant than that term or condition,

the contract shall have effect as if the term or condition standing so approved (referred to in subsections (2) and (3) as the ‘approved term or condition’) were substituted for the first-mentioned term or condition in paragraph (b) (referred to in subsections (2) and (3) as the ‘unapproved term or condition’).

(2) Any amount paid to the public servant concerned in purported compliance with the unapproved term or condition that is in excess of the amount payable to the public servant under the approved term or condition shall be disregarded for the purpose of calculating any pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension) of that public servant.

(3) Where an amount is paid to the public servant concerned in purported compliance with the unapproved term or condition that is in excess of the amount payable to the public servant under the approved term or condition then—

(a) the public servant shall hold the overpayment in trust for the public service body, and

(b) the public service body shall recover the amount of the overpayment from the public servant, either directly or by a deduction taken from remuneration subsequently payable to that public servant or otherwise.

(4) Where—

(a) a contract of employment is entered into in respect of a public servant, and

(b) the contract contains a term or condition in relation to remuneration that does not correspond or is not equivalent to any term or condition standing approved by the Minister in respect of the employment of a class or category of public servant into which the first-mentioned public servant falls (whether that approval takes the form of an approval as such,
any other form of sanction or the giving of consent by the Minister to a decision of another person in the matter), the term or condition shall be void.

(5) Any amount paid to the public servant concerned in purported compliance with a term or condition voided under subsection (4) shall be disregarded for the purpose of calculating any pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension) of that public servant.

(6) Where an amount is paid to the public servant concerned in purported compliance with a term or condition voided under subsection (4) then—

(a) the public servant shall hold the amount in trust for the public service body, and

(b) the public service body shall recover the amount from the public servant, either directly or by a deduction taken from remuneration subsequently payable to that public servant or otherwise.

(7) Subsections (3) and (6) shall not be taken as limiting the liability under statute of any person to account for such overpayment.

(8) Where an amount to which subsection (3) or (6) relates has not been recovered by the public service body concerned, the Minister may direct in writing that body to recover, by a specified date, the amount in accordance with subsection (3)(b) or (6)(b), as the case may be, and, where that body fails to so recover the amount, the Minister may deduct the amount from any grant or vote of, or other payment to, that body out of money provided directly or indirectly by the Oireachtas or from the Central Fund or the growing produce of that Fund.

(9) This section applies to a term or condition agreed after the commencement of section 12 of the Financial Emergency Measures in the Public Interest Act 2015.

(10) This section has effect notwithstanding—

(a) any other enactment,

(b) any pension scheme or arrangement,

(c) any other agreement or contractual arrangement, or

(d) any understanding, expectation, circular or instrument or other document.

(11) In this section—

“public servant” means a person who is employed by, or who holds any office or other position in, a public service body;

“remuneration” means emoluments to which Chapter 4 of Part 42 of the Taxes Consolidation Act 1997 applies or is applied