

**To All Branch Officers,
Officer Board,
Staff**

08/01/2016

RE: Starting Pay on Promotion

Dear Colleagues,

There appears to be a deal of confusion around the issue of Starting Pay on Promotion at present. I have raised the matter with HSE CERS. I think it is important that we set out the various circulars that should and should not impact on Starting Pay on Promotion. Please note as follows:

1. All Public Servants (except Psychiatric Nurses) are governed by Circular 10/71 and the principle that on promotion they move to the first point of the higher scale except where there are overlapping scales when they move to the nearest point above, plus one.
(Appendix 1)
2. Psychiatric Nurses inherited an agreement Circe 1958 which provided for the Max to Max principle up to CNM 2. In those day promotion was based on seniority and you could be 30 years waiting your turn before getting what is now called a CNM 1 Post. In recognition of this long period of waiting during which the nurse could be acting up annually for Leave etc. it was agreed to apply automatic credit in the form of the application of the Max to Max principle on Promotion.

This meant that on promotion the max of the nurses existing scale was subtracted from the max of the scale to which they were promoted, the difference was then added to their current scale and they were moved to the nearest point upward. This was further clarified by the HSE CERS in July 2012 as follows:

- 2.1. Psychiatric Nurses who are promoted from Staff Nurse to CNM1 or from CNMI to CMN2 have the difference between the maximum of their current scale and the scale to which the nurse is being promoted added to their existing salary point before they are assimilated on to the new scale using pay on promotion rates outlined in circular 10/71.

2.2. Where a nurse is being promoted involving a jump of more, then one grade, e.g. Staff Nurse to CMNII, the provisions of Circ. 10/71 apply, subject to the following;

2.3. The arrangements set out in (2) above do not apply to promotions into posts at CNMIII or above.

The application of such provisions does not have the effect of the Nurse commencing on a point of scale which would be lower than applies in the circumstances outlined at (1) above. In such cases, the nurse being promoted should be placed on the point of scale nearest, but not below, their starting salary point if the promotion only involved a jump of one grade. (Appendix 2)

3. The Haddington Road Agreement led to the Regularisation of Long Term Actors. In this case, largely because of the influence of the recession, a unique once off deal was put in place which provided for the appointment of all Long Term Actors across the Public Service on the basis of Starting Pay on Promotion which was effectively the first point of the new scale of the grade to which the nurse was acting or the nearest point upwards. This was pointed out at the time as an agreement which secured appointments but at a cost! This agreement was put in place via Circular 17/2013. (Appendix 3)

4. That was a one off event. However, we are now coming across cases where HR Managers are trying to interpret that agreement as a game changer which can be used going forward. It wasn't and it can't!
For the sake of clarity I raised the matter with HSE CERS who confirmed that Circular 17/2013 was a one off with no implications going forward.

5. As of now calculation of Starting Pay on Promotion for Psychiatric Nurses is again based on the Max to Max calculation.

6. Another factor which may impact on Starting Pay on Promotion is the Mark Time Agreement. This provides for a situation in which if a Nurse is in receipt of an Allowance and is promoted to a Post which does not provide for payment of that Allowance then the allowance should be taken into consideration when identifying the point of the scale to which s/he is moved. The Nurse then marks time until they reach their service brings them an entitlement to their next increment. (Appendix 4)

7. How it works in Practice:

A Psychiatric Nurse on the max of the Staff Nurse Scale is promoted to a CNM 2 Post:

- Current Pay E44,086 LSI
- Can only move to the relevant point on the next scale up i.e. CNM 1. (Max to Max).
- The relevant point is the Max of the CNM 1 Scale, E51, 191.
- When moved across to the CNM 2 Scale this moves the nurse to E52, 067, i.e. the sixth point of the CNM 2 Scale.

A Psychiatric Nurse on Max of scale and in receipt of the Location Allowance:

- Current Pay E44,086
- Location Allowance E1858
- Total E45,944
- Moves across to the same point E52,067

The Mark Time Agreement only applies if there is a financial disadvantage on promotion.

Thus the Mark Time agreement does not generally have relevance to promotions to CNM1 and CNM2 level.

However, it could be relevant in the context of promotion at Grades above CNM2.

8. RNID and RGN

For members employed as RGNs or RNID the process is to 1st point of the higher Scale. In this case the Mark Time Agreement may also apply.

9. Conclusion

If you are concerned that someone in your Branch has been promoted and may not have been placed on the appropriate point of the Scale please bring this circular to their attention. Remember, this does not apply to staff regularised under the Haddington Road Agreement.

Yours sincerely,

Des Kavanagh,
General Secretary

14. Starting Pay on Promotion

The chief executive officer shall apply the same procedure for dealing with the remuneration of officers on promotion to other offices as applied under local authorities immediately prior to the transfer of staff to the service of health boards.

The following are the provisions:

- (i) Where the same salary scale applies to the officer's existing office and the office to which he is being newly appointed, he shall remain on the same point of the scale and may retain his existing incremental date.
- (ii) Where minimum of the new salary scale is greater than existing pay by an amount greater than one increment on the new scale, the officer shall enter the new scale at the minimum - the date of promotion to be the new incremental date.
- (iii) Where the minimum of the new salary scale is greater than existing pay by an amount equal to one increment on the new scale, the officer shall enter the new scale at the minimum - he may retain his existing incremental date if any.
- (iv) Where the minimum of the new salary scale is greater than existing pay by an amount less than one increment on the new scale, the officer may enter the new scale at the minimum plus one increment - the date of promotion shall be the new incremental date.
- (v) Subject to sub-paragraph (i) above, where the minimum of the new salary scale is equal to existing pay, the officer may enter the new scale at the minimum plus one increment - he may retain his existing incremental date, if any.
- (vi) Subject to sub-paragraph (i) above, where the minimum of the new salary scale is less than existing pay, the officer may enter the new scale at the point nearest but not below existing pay plus one increment, and
 - (a) where the point of entry on the new scale is equal to existing pay, he may retain his existing incremental date, if any,
 - (b) in any other case, the date of promotion shall be the new incremental date.
- (vii) Where an officer to whom sub-paragraph (ii) (in cases only where the minimum of the new scale exceeds existing pay by an amount less than two increments on the new scale), (iii), (iv), (v) or (vi) above applies, has been on a fixed salary or on the maximum of his existing salary scale for at least three years at the date of his promotion or new appointment, he may enter the new scale in accordance with the appropriate provision and with a further additional increment, but in that case, the date of promotion or new appointment will be the officer's new incremental date.
- (viii) Where after a person has been promoted, and his salary has been determined in accordance with sub-paragraphs (i) to (vii) above, the salary or salary scale applicable to either the officer's former office or his new office, or both, is revised with effect from a date which is earlier than the date of the promotion, the commencing salary shall, subject to sub-paragraphs (ix) and (x) below, be re-determined in accordance with these rules and by reference to the revised salaries or salary scales.
- (ix) Where, in a case to which sub-paragraph (viii) applies, the salaries or salary scales of both the officer's former office and his new office are revised with effect from different dates not more than six months apart, but only one of the revisions is made effective from a date which is earlier than the date of the promotion or new appointment, the commencing salary shall, subject to sub-paragraph (x), be re-determined as if both revisions had been effective on the date of promotion.
- (x) Nothing in sub-paragraphs (i) to (ix) shall be applied so as to enable an officer to have a salary in excess of the maximum salary for the office to which he is promoted or newly appointed.

Elayne Melia

From: John Delamere [john.delamere@hse.ie]
Sent: 31 July 2012 10:23
To: Des Kavanagh
Subject: FW: Starting Pay on Promotion
Attachments: 12 07 26 Starting Pay on Promotion.pdf

Des

Attached which has issued to recruitment in Manorhamilton today.

Kind regards
John

From: Susan Keegan
Sent: 31 July 2012 10:07
To: Roisin.gilmartin@hse.ie
Cc: John Delamere
Subject: Starting Pay on Promotion

Dear Roisin

Further to recent discussions re: Starting Pay on Promotion for Psychiatric Nurses, please find attached document setting out CERS advice on same.

Yours Sincerely
John Delamere

Sent by Susan Keegan
Administrator
HSE Corporate Employee Relations
63-64 Adelaide Road
Dublin 2

susan.keegan@hse.ie
Ph: 01 6626966
Fx: 01 6626977

1 in every 2 smokers will die of a tobacco related disease. Can you live with that? QUIT. We can help - visit quit.ie, call 1850 201 203, join us on www.facebook.com/HSEquit

Starting Pay on Promotion – Psychiatric Nurses

1. Psychiatric Nurses who are promoted from Staff Nurse to CNM1 or from CNM1 to CNM2 have the difference between the maximum of their current scale and the scale to which the nurse is being promoted added to their existing salary point before they are assimilated on to the new scale using pay on promotion rates outlined in circular 10/71.

2. Where a nurse is being promoted involving a jump of more than one grade, e.g. Staff Nurse to CNM2, the provisions of Circ. 10/71 apply, subject to the following;

The application of such provisions does not have the effect of the Nurse commencing on a point of scale which would be lower than applies in the circumstances outlined at (1) above. In such cases, the nurse being promoted should be placed on the point of scale nearest, but not below, their starting salary point if the promotion only involved a jump of one grade.

3. The arrangements set out in (2) above do not apply to promotions into posts at CNM3 or above.



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

Office of the National Director of Human Resources
Health Service Executive
Dr. Steevens' Hospital
Dublin 8

All Queries:
Local and Regional HR Departments

HSE HR Circular 017/2013

15th October 2013

To: Each Member of Leadership Team, HSE;
Each Regional Director of Performance and Integration, HSE;
Each Assistant National Director of Human Resources, HSE;
Each Employee Relations Manager, HSE
Each CEO/HR Manager directly funded Voluntary Hospital / Agency;

Re: Regularisation of acting posts in conjunction with the introduction of new arrangements for the short term filling of posts and the re-introduction of Senior Staff Nurse positions

Dear Colleagues,

I refer to discussions and subsequent understandings between the Health Services Executive and the various trade unions and staff representative bodies, which took place under the auspices of the Haddington Road talks and are understood to be a component of the Haddington Road Agreement.

All parties understand that this document stands as a single integrated set of measures. The purpose of this Circular is to give effect to these measures.

Regularisation of acting posts

- 1) The process will be cost and WTE neutral.
- 2) The substantive post to be filled must be vacant. There will be no backfilling of any consequential vacancy.
- 3) Any post for which regularisation is proposed must have been acted in on a continuous basis for at least 2 years* at 31st December 2012, and the acting arrangement must have continued since that date. (**Maternity leave is included in the calculation of continuous service*)
- 4) The process will encompass all grades.
- 5) The provisions of Circular 10/71 or other preferential arrangement for starting pay on promotion, shall not apply in respect any posts filled through this initiative. Any post filled from this process, will have starting pay determined by way of the value of any allowance received, added to the basic rate and rounded to the nearest point not below, on the new scale. No retrospection will be considered, nor will any incremental credit be given for the period spent acting where individuals did not progress on the higher scale during the course of their acting.

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- 6) Persons for whom it can be demonstrated that an acting arrangement was appropriately approved and that they meet the criteria set out above, but that due to the moratorium and or/financial restrictions, they have not been in receipt of the allowance, will also be encompassed by this process. There must be documentary evidence deeming the individual as being in an acting position, and carrying out the full responsibility of that position. Application of the provisions of this circular to this group must be by way of recommendation from both the Area Manager and RDPI or equivalent, and approval from the relevant National Director. Furthermore, those who are currently acting in an approved post who do not meet the timelines set out for regularisation must be contracted pending the permanent filling of the post.
- 7) The HSE requires significant change with regard to how posts of a promotional nature are covered during periods of absence such as annual leave, sick leave, maternity leave, career break, etc or where a post becomes vacant through retirement or resignation.
- 8) With effect from the 1st October 2013 there will be no payment for any temporary appointment that covers annual leave, sick leave, special or other leave, or to allow for the completion of a recruitment process, or the appointment from a panel, following a retirement or resignation. Staff will be expected to take on the role and responsibility of the higher post for such periods, provided this period does not exceed 3 months.
- 9) In instances where there is prior knowledge that the period will be in excess of 3 months, and the employer has deemed there to be a requirement to fill the post, a temporary appointment to the post will be made from the first day of absence with appropriate remuneration. Where an appointment was envisaged as concluding within 3 months but subsequently exceeds the period, and where no temporary appointment has been made, appointment will be made on a temporary basis, retrospective to the first day of absence.
- 10) All appointments must be made in accordance with the Code of Practice governing same.

Senior Staff Nurse

- 11) The HSE confirms that the cohort of nurses qualifying for the position of Senior Staff Nurse which were not processed in the preceding 4 years will be afforded the grade on the 1st July 2013 with the 5th November becoming the qualifying date thereafter. There will be no retrospective application of the grade.
- 12) It is understood that the personnel afforded the grade from July 2013 onwards will discharge duties and responsibilities in accordance with Clause 8 above, and it is expected that those who currently hold the grade will continue to co-operate in this regard.

All queries in relation to this circular should be directed to local HR departments.

Yours sincerely,



Mr. Barry O'Brien
National Director of Human Resource



Health Service
Employers Agency

63-64 Adelaide Road
Dublin 2

Tel: 01 662 6966

Fax: 01 662 6977

email: info@hsea.ie

16th February 2001

Personnel Officer
Each Health Board/Each Voluntary Hospital/Each Mental Handicap Agency


Re: Mark Time Scheme for Nurses

Dear Colleague,

I attach for your attention copy of a Mark Time Scheme, which has now been agreed with the Nursing Unions. The scheme is intended to address a situation where a nurse becomes financially disadvantaged under existing pay on promotion arrangements. In particular the scheme will overcome a loss of earnings situation, which may occur, particularly in the area of allowances, which do not travel above CMN2.

Should you require any further clarification in relation to the operation of the scheme please contact the undersigned.

Yours sincerely,



Brendan Mulligan
Industrial Relations Executive

c.c. Ms Teresa Cody, Department of Health and Children
Ms Sheila O'Sullivan, IBEC

256. HM-BM

Seo. na hEagraíochta na hEagraíochtaí
Seo. na hEagraíochtaí

MARK - TIME

ARRANGEMENTS TO COVER THE INCLUSION OF ALLOWANCES FOR PAY ON PROMOTION PURPOSES IN NURSING

*Location / Qualification allowances including Red Circle Allowances awarded under
LCR 16261.*

What is Mark - time ?

Mark - time is a term used to describe a situation where a nurse is allowed to retain his/her basic salary including pensionable allowances for a period following promotion. It denotes a notional salary and protects against a loss in basic salary on promotion

When will it apply?

Mark - time will apply in a situation where a nurse will be financially disadvantaged on promotion under the existing pay on promotion arrangements (nearest point plus one).

This scheme will not apply in a situation where a nurse is required to act up in a higher post.

When will it cease?

Mark - time will cease when under normal incremental arrangements the loss incurred under the initial assimilation is equalled or eroded.

Principles

- This arrangement only applies where there is a financial disadvantage following promotion under Pay on Promotion arrangements for nurses.
- Nurses must be an existing beneficiary of either a location/qualification and/or red circle allowance for a minimum period of one year at time of promotion i.e. nearest point plus one.

Methodology

- Where a nurse is in receipt of either of the above allowances for a period of no less than one year, starting pay is calculated in accordance with the normal rules, exclusive of the allowance.
- Where a loss in basic earnings occurs under normal pay on promotion arrangements a nurse may retain existing pay plus the allowance/s on a mark -

time basis until such time under normal pay on promotion arrangements the loss is eroded.

- Mark - time will cease when the value of the increments on the higher scale are equal to or greater than the notional salary. The value of the increments at the higher scale will be considered on the nurse's normal incremental date under normal pay on promotion arrangements.
- Mark - time pay attracts only general pay increases - it does not attract special increases and a nurse will not receive an increment outside of the provisions of the preceding paragraph.
- In no case may a nurse's pay (on a mark - time basis) exceed the maximum of the higher scale.

Example

A Public health nurse on the 9th point (max) of the PHN salary scale (£29,939) plus qualification allowance (£1,655) in addition to a red circle allowance of (£ 950).

Total Basic Salary = £32,544

Under pay on promotion arrangements the nurse, on promotion to an Assistant Director of Public Health Nursing post will be assimilated to the nearest point plus one (exclusive of allowances) which will place the nurse on a salary of £ 30,655 (3rd point). In addition an Assistant Director is also eligible to receive the qualification allowance which brings his/her salary to £32,310.

This assimilation will result in an actual loss on promotion of £234

Under the Mark - Time scheme the Nurse will be allowed retain existing basic salary, inclusive of allowances, on a mark - time basis i.e. £32,544

On the nurses next normal incremental date the nurse will be assimilated as follows-

Asst. Dir. scale	£31,265 (4 th point)
Qual. Allow	£1,655

Total	£32,920

The nurse's salary is now £32,920 and will increase in accordance with normal incremental progression arrangements on the Assistant Director of Public Health Nurses salary scale.