

ENVIRONMENTAL PROTECTION AGENCY

GENERAL CONDITIONS OF EMPLOYMENT FOR CONTRACT STAFF

Offers of appointment are subject to the General Conditions of Employment contained herein and to any specific requirements stipulated in the letter of offer.

1. MEDICAL EXAMINATION

The EPA must be satisfied with a medical report on the candidate submitted by a medical practitioner nominated by the EPA.

2. TENURE

The appointment will be temporary and may be pensionable (see paragraph No. 14) for the period of the contract which commences on the date of appointment, subject to the conditions governing Probation (No. 3), and the Termination of Employment (No. 18) set out below. It carries no entitlement to established status.

The provisions of Section 35 of the Environmental Protection Agency Acts, 1992-2014 (Membership of either House of the Oireachtas or European Parliament) and Section 36 (Membership of a Local Authority) will also apply.

3. PROBATIONARY PERIOD

A probationary period shall apply from commencement of employment, during or at the end of which the contract of employment may be terminated by the EPA in accordance with the provisions of the Minimum Notice and Terms of Employment Act, 1973-2005. Performance will be assessed on an on-going basis and the probationary period may be extended at the discretion of management if the probation is not completed satisfactorily.

4. SALARY

Starting salary will normally be at the minimum of the scale.

Salary will be:

- (1) paid monthly in arrears by direct credit to the employees bank account.
- (2) subject to such deductions as may from time to time be provided by law.
- (3) (i) subject to general pay increases applicable throughout the public service.

(ii) adjusted otherwise as determined by the EPA with the consent of the Minister for the Environment, Community and Local Government and the Minister for Finance.

Staff who are or have been categorised as full rate PRSI contributors (Class A) may be entitled to claim benefits under the Social Welfare Acts. Payment of salary by the EPA during, for example, maternity leave or sick leave will be subject to such staff members:

- (a) signing a mandate authorising the Department of Social Protection to pay any social welfare benefits directly to the EPA, and
- (b) making the necessary claims for benefit to that Department within the required time limits.

If for some reason the mandate is not operable the employee will be required to lodge any social welfare cheques as they are received to the EPA's bank account. Failure to comply with this obligation to claim benefits may result in the EPA refusing to pay salary, or, where salary has already been paid, recovering the appropriate proportion of salary already paid, in lieu of such benefits.

5. ANNUAL LEAVE

Annual leave will be that authorised by the EPA from time to time in addition to public holidays. All leave must be taken in accordance with such regulations as may be made by the EPA from time to time.

All leave must be taken before the expiry date of the contract.

6. MATERNITY LEAVE/ADOPTIVE LEAVE

Female employees are entitled to maternity leave in accordance with the provisions of the Maternity Protection Acts, 1994-2004, as amended.

Adoptive leave will be granted in accordance with the provisions of the Adoptive Leave Acts, 1995-2005.

7. SICK LEAVE

The grant of sick leave - with or without pay - is at the discretion of the EPA, which has delegated this function to the Programme Manager, Office of Communications and Corporate Services.

Subject to the foregoing and to any new regulations, which may be made from time to time, sick leave may be allowed as follows:

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|-------------------------------------|---|---|
| Up to 3 months continuous service | - | no entitlement to sick pay |
| From 3 -6 months continuous service | - | a maximum of 6 weeks sick pay |
| After 6 months continuous service | - | a maximum of 13 weeks sick pay in any period of 12 months |

Sick pay within these limits will be at the rate of full pay less the appropriate deductions in respect of Social Welfare entitlements.

In exceptional circumstances and subject to compliance with the existing sick leave provisions in the first six months of employment, the Programme Manager, Office of Communications and Corporate Services may at his/her absolute discretion extend the period for which sick leave with pay may be granted up to a maximum of 26 weeks and determine the rate of pay for such extended sick leave period. Any such extension will be subject to the total period of sick leave with pay not exceeding 39 weeks in any three-year period. Application for the extension of sick pay must be made in writing to the Programme Manager, Office of

Communications and Corporate Services and each such application will be considered on its individual merits.

Paid sick leave (less appropriate deductions in respect of benefits payable under the Social Welfare Acts) may be allowed on receipt of a satisfactory medical certificate and provided there is not permanent disability. Medical certificates must be submitted to Office of Communications and Corporate Services through the local manager. In cases of extended absences medical certificates must be submitted on a weekly basis.

Paid sick leave for one or two-day absences, to a total not exceeding seven days in any period of twenty-four months, may be granted without medical certificates. Where the absence exceeds two consecutive days, a medical certificate must be submitted on the third day.

8. SPECIAL LEAVE

Special leave (with or without pay) will be subject to EPA policy and procedures and prevailing legislation governing any of these matters.

9. HOURS OF ATTENDANCE

Hours of attendance at work will be arranged from time to time by the EPA. Normal working hours will be 9.00 a.m. to 5.00 p.m. with one hour for lunch.

10. NATURE OF EMPLOYMENT

- (1) An employee of the EPA is employed in a wholetime capacity and unless otherwise authorised in writing by the EPA may not in any way be connected with any outside business, which might interfere with or be prejudicial to, the performance of official duties. If an employee has any doubts in this regard she/he should consult the Programme Manager, Office of Communications and Corporate Services.
- (2) A person employed by the EPA shall not communicate or publish the results of work or research performed by or for the EPA, or disclose information concerning the EPA's work or activities without the consent of the EPA.
- (3) A person employed by the EPA may be required to sign a deed assigning all results of investigations or research carried out by him/her to the EPA and undertaking to execute all necessary documents to enable the EPA to secure relevant patents.

11. DUTIES

Employees shall perform such duties, appropriate to their grade, assigned from time to time by the EPA. The EPA expects employees to exercise their full effort, care, skill and knowledge in carrying out the duties assigned to them.

12. WORK LOCATION

The EPA will have a Headquarters and a number of Regional Inspectorates. The work location of an employee shall be designated by the EPA as the exigencies of

the work require. An employee is expected to reside within a reasonable distance of the work location at which he/she is based.

13. EXPENSES

Travel and subsistence allowances for absences from work-base on EPA business and any other allowances or payments shall be paid at rates approved and in accordance with any rules and regulations determined by the EPA from time to time.

14. SUPERANNUATION

Full-time temporary/contract service, including past service may be pensionable in certain circumstances. Generally contract staff may be included in the superannuation scheme where contracts are potentially renewable e.g. those on three year contracts. Staff employed on specified purpose or short-term contracts may not be included in the scheme. Where applicable membership of the Staff Superannuation Scheme and the Spouses' and Children's Contributory Pension Scheme will be compulsory on a **contributory** basis. New entrants to the Public Service will be subject to the provisions of the Public Service Pensions (Single Scheme and Other Provisions) Act, 2012.

Pensions (and contributions) will be co-ordinated with the Social Welfare Contributory Old Age Pension.

Superannuation contributions are payable at the rate of:

- 1.5% of full salary
- plus**
- 3.5% of full salary less twice the annual rate of social insurance old age contributory pension, payable at the maximum rate to a person with no adult dependants or qualified children.

Contributions of 1.5% of full salary are also payable in respect of benefits under the Spouses' and Children's Contributory Pension Scheme.

The Public Service Superannuation (Miscellaneous Provisions) Act 2004 set a minimum retirement age of 65 and removed the upper compulsory retirement age for certain New Entrants to the Public Sector on or after 1 April 2004. The increase in the the minimum retirement age for all new Public Servants is to equal the qualifying age for the Irish State Pension i.e. 66 years; this will rise with statutory change in State Pension Contributory age to 67 in 2021 and 68 years in 2028.

Under the provisions Public Service Pensions (Single Scheme and Other Provisions) Act, 2012, the contribution rates are as follows:

Superannuation contributions are payable at the rate of:

- 3% of full salary

plus

- 3.5% of full salary less twice the annual rate of social insurance old age contributory pension, payable at the maximum rate to a person with no adult dependants or qualified children.

Contributions of 1.5% of full salary are also payable in respect of benefits under the Spouses' and Children's Contributory Pension Scheme.

Pension and retirement lump sum based on career-average pay; pension will be co-ordinated with State Pension Contributory (SPC)

15. PERMANENT HEALTH INSURANCE

Membership of the approved Permanent Health Insurance Scheme for EPA Staff will be automatic, subject to acceptance by the underwriters of the scheme.

16. STAFF REGULATIONS

Employees are obliged to comply with policies and procedures, staff regulations, work rules and any standards and codes of practice adopted by the EPA.

17. PART-TIME EMPLOYMENT

Where a person is employed on a part-time basis some variations to these general conditions of employment will be necessary to reflect the part-time nature of the employment and the provisions of the Protection of Employees (Part-Time Work) Act, 2001.

18. TERMINATION OF EMPLOYMENT

Notwithstanding the fact that this is a fixed term contract, the EPA reserves the right to terminate the contract prior to the expiry of the term:

- in the event of circumstances arising, which were not foreseen when, the appointment was made. In such circumstances the EPA will give in writing, one month's notice or the appropriate period of notice as set out in the Minimum Notice and Terms of Employment Acts, 1973-2005, whichever is the greater.
- in the case of incompetence, inadequate performance of duties, ill health, irregular attendance or unsatisfactory time-keeping, one month's notice will apply.
- in the event of serious misconduct, employment may be terminated at any time without prior notice or payment in lieu of notice.

If the employee wishes to terminate the employment prior to the expiry of the contract, the EPA will require one month's advance notice in writing.

Employment is offered on the basis that it falls within the terms of Section 2(2) (b) of the Unfair Dismissals Acts, 1977-2007 as amended by Section 3(b) of the Unfair Dismissals (Amendment) Act, 1993. The **relevant extracts** are **attached**.

19. OTHER MATTERS

An employee of the EPA of a class, description or in a grade prescribed must comply with:

- (a) Section 37 of the EPA Acts, 1992-2003 and Environmental Protection Agency (Declaration of Interests) Regulations, 1994 (S.I. No. 205 of 1994) requiring the making of a declaration of interests in the prescribed form, and otherwise comply with the provisions of that section.
- (b) Section 38 of the EPA Acts, 1992 -2003 relating to certain beneficial interests.
- (c) Sections 39 and 40 of the Environmental Protection Agency Acts, 1992-2003, which relate to the disclosure of confidential information and the prohibition of certain communications in relation to any matter, which falls to be considered or decided by the Agency, or, any of its committees or consulting groups.
- (d) The Ethics in Public Office Acts 1995 and 2001 and the Ethics in Public Office (Prescribed Public Body, Designated Directorships and Designated Positions in Public Bodies), Regulations, 1997 requiring the making of written statements in respect of registrable interests.

Section 2 (2) (b) of the Unfair Dismissals Acts, 1977-2007

“This Act shall not apply in relation to:-

dismissal where the employment was under a contract of employment for a fixed term or for a specified purpose (being a purpose of such a kind that the duration of the contract was limited but was, at the time of its making, incapable of precise ascertainment) and the dismissal consisted only of the expiry of the term without its being renewed under the said contract or the cesser of the purpose and the contract is in writing, was signed by or on behalf of the employer and by the employee and provides that **this Act shall not apply to a dismissal consisting only of the expiry or cesser aforesaid.**”

Superannuation and Retirement

The successful candidate will be offered the appropriate superannuation terms and conditions as prevailing in the Environmental Protection Agency, at the time of being offered an appointment. In general, and except for candidates who have worked in a pensionable (non-single scheme terms) public service job in the 26 weeks prior to appointment (see paragraph d below), this means being offered appointment based on membership of the Single Public Service Pension Scheme ("Single Scheme"). Key provisions attaching to membership of the Single Scheme are as follows:

a. Pensionable Age

The minimum age at which pension is payable is 66 (rising to 67 and 68 in line with State Pension age changes).

b. Retirement Age:

Scheme members must retire at the age of 70.

c. Pension Abatement

- If the appointee was previously employed in the Civil or Public Service and is in receipt of a pension from the Civil or Public Service normal abatement rules will apply. However, if the appointee was previously employed in the Civil or Public Service and awarded a pension under voluntary early retirement arrangements (other than the Incentivised Scheme of Early Retirement (ISER) or the Department of Health Circular 7/2010 VER/VRS which, as indicated above, renders a person ineligible for the competition) the entitlement to that pension will cease with effect from the date of reappointment. Special arrangements will, however be made for the reckoning of previous service given by the appointee for the purpose of any future superannuation award for which the appointee may be eligible.
- If the appointee was previously employed in the Civil or Public Service please note that the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 includes a provision which extends abatement of pension for all Civil and Public Servants who are re-employed where a Public Service pension is in payment. This provision to apply abatement across the wider public service came into affect on 1 November 2012. **This may have pension implications for any person appointed to this position who is currently in receipt of a Civil or Public Service pension or has a preserved Civil or Public Service pension which will come into payment during his/her employment in this position.**
- **Ill-Health Retirement**
Please note that where an individual has retired from a Civil or 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.

d. Prior Public Servants

While the default pension terms, as set out in the preceding paragraphs, consist of

Single Scheme membership, this may not apply to certain appointees. Full details of the conditions governing whether or not a public servant is a Single Scheme member are given in the Public Service Pensions (Single Scheme and other Provisions) Act, 2012. However the key exception case (in the context of this competition and generally) is that **a successful candidate who has worked in a pensionable (non-single scheme terms) capacity in the public service within 26 weeks of taking up appointment, would in general not become a member of the Single Scheme.** In this case such a candidate would instead be offered membership of the pension scheme for non-established civil servants ("Non-Established State Employee Scheme"). This would mean that the abatement provisions at (c) above would apply, and in addition there are implications in respect of pension accrual as outlined below:

- **Pension Accrual**

A 40-year limit on total service that can be counted towards pension where a person has been a member of more than one existing public service pension scheme would apply. This 40-year limit, which is provided for in the Public Service Pensions (Single Scheme and other Provisions) Act, 2012 came into effect on 28 July 2012. **This may have implications for any appointee who has acquired pension rights in a previous public service employment.**

e. Pension-Related Deduction

This appointment is subject to the pension-related deduction in accordance with the Financial Emergency Measure in the Public Interest Act, 2009.

For further information in relation to the Single Public Service Pension Scheme for Public Servants please see the following website:

<http://www.per.gov.ie/pensions>