

Brainse an Iarbhuideochais
An Roinn Oideachais agus
Eolaíochta,
Bóthar Phort Laoise,
An Tulach Mhór
Co. Uíbh Fhailí.



Chief Executive Officer
of each Vocational Education Committee.

21st April, 2006.

Circular Letter 0037/2006

WORKSHARING SCHEME FOR NON-ACADEMIC GRADES IN THE VEC SECTOR

Dear Chief Executive Officer,

I am directed by the Minister for Education and Science to say that as worksharing in the public sector is now part of Government policy in respect of work/life balance initiatives, it has been decided to introduce such a scheme for non-academic grades in the VEC sector. Details of the scheme are set out in the attached document.

The operation of the scheme is subject to the over-riding condition that the operating requirements of the VEC are not adversely affected. All applications to participate in the scheme must be considered in the context of the organisational needs of the VEC. In considering organisational needs, it may be necessary to limit the numbers who may participate in the Worksharing Scheme. However, the VEC must make all reasonable efforts to accommodate requests from staff to participate in the scheme. It is important that both management and those participating in the scheme adopt a flexible approach to its operation. The scheme places a challenge on management to adapt tasks and work practices that allow for flexible attendance patterns and that facilitate the personal responsibilities or choices of those participating in the scheme while accommodating the needs of the VEC in their delivery of service.

Work/life balance initiatives require flexibility from management in respect of the organisation of work and from staff in meeting the business objectives of the VEC. Notwithstanding a commitment to flexibility, it may be difficult to accommodate applicants, particularly in areas where there are small numbers of staff, or where the nature of the work in some areas is not suitable, with consequential reduced flexibility to adapt tasks and workloads.

While it is not a specific requirement of the worksharing scheme to have a partner, with complementing attendance or otherwise, it is acknowledged that the operating needs of a particular section in a VEC may require a *suitable partner/suitable partners* for some attendance patterns, with a complementing attendance, as a prerequisite to granting a request for worksharing. In considering an application to participate in the Worksharing Scheme, it may be necessary to transfer an applicant to other duties that allow a more flexible attendance pattern than the applicant's current position. This will be recommended by line management in consultation with the staff member and approved by Human Resources/Personnel Section.

All Worksharing arrangements will apply on the basis that the VEC remain within the authorised whole time equivalent staff complement and operational requirements are not adversely affected.

Copies of this Circular Letter should be made available to VEC staff, as appropriate, in the normal way. This Letter has been published on the Web and may be accessed at www.education.ie.

Any enquiries, at VEC level, about the implementation of this Circular Letter should be made to Post Primary Administration section in Tullamore. (Tel: 0506-25406, Fax: 0506-25347). Personal enquiries from individual staff members should be addressed to the Human Resources Department/Personnel Section of the employing VEC.

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WORKSHARING SCHEME FOR NON-ACADEMIC GRADES IN THE VEC SECTOR

1. Introduction

Part I: The Objective and Scope of the Worksharing Scheme

2. Objective of Scheme

The purpose of the Worksharing scheme is to provide a wider range of attendance patterns that will assist staff combine both work and personal responsibilities or choices.

3. Effective Date

The scheme will be introduced in all VECs with effect from 1 May 2006. All new worksharing arrangements from that date will be governed by the terms of this scheme. In the case of staff currently in Jobsharing arrangements, such staff may continue to be subject to the existing provisions for the duration of their current job-sharing term arrangements. In the interim, all current job-sharing arrangements will be reviewed.

4. Scope and Conditions of Scheme

4.1 Attendance patterns under the worksharing scheme may be as follows:

Attendance at work at least one day each week.

Patterns include:

- mornings only;
- afternoons only;
- split week i.e. two days/three days;
- three day week; and
- four day week.

Not required to attend work at least one day each week.

- week on - week off;

Note: Some working patterns may have implications for PRSI contributions and ultimately may affect claims under the PRSI scheme. As the implications can change from year to year, participants are strongly advised to discuss working patterns with the Human Resources Department/Personnel Section if they have concerns.

4.2 A person participating in the Worksharing Scheme may choose only one attendance option in a 12-month period.

4.3 A person participating in the scheme may not work the normal full-time weekly conditioned hours of service over a reduced time period e.g. 5 days work in 4 days.

4.4 A person participating in the Worksharing Scheme, whose attendance pattern is based on an agreed reduced fixed daily attendance regime, (e.g. mornings only) may, at the discretion of management, remain on or avail of flexi-time for the duration of such an agreed pattern of attendance.

4.5 A person participating in the Worksharing Scheme remains at all times an employee of the VEC and subject to the law relating to such employment.

5. Eligibility

5.1 All staff with at least one year's continuous satisfactory service in the VEC may apply to workshare.

6. Decisions

- 6.1 Management has the final decision on applications for participation in the scheme in the light of the operational needs of the VEC or the individual section. Applications should be made to line managers who will make recommendations to the Human Resources Department/Section.

7. Duration

- 7.1 The minimum period for which a person may opt to Workshare is twelve months.
- 7.2 Individual Worksharing patterns will be reviewed after twelve months, or earlier should the need arise, to ensure that the flexible attendance pattern continues to reflect the needs of the service and the personal responsibilities of the staff member participating in the scheme. Where the Worksharing arrangement is considered by management to be unsatisfactory, whether in the light of the operating needs of the VEC or section or otherwise, the Worksharer(s) may be required, by direction of management, to alter his/her attendance pattern or to resume full-time duties. Where a Worksharer is asked to alter his/her attendance pattern, he/she will be informed of the reasons for the proposed change. Where feasible, management will give six weeks notice that this right is being exercised. Similarly, a person participating in the scheme may apply to return to full-time work or alter his/her attendance pattern where it no longer reflects his/her personal responsibilities or choices. He/she will be obliged to give six weeks notice of such a change. Those applying to participate in the Worksharing Scheme should note in particular the provisions in relation to a return to full-time work in Paragraph 19 of this document.
- 7.3 A person who resumes full-time working other than on promotion or as directed by management may not recommence worksharing within twelve months of such resumption, except at the discretion of management.

8. Purpose

- 8.1 Application for Participation in the Worksharing Scheme will be considered in respect of: -
- (i) family responsibilities, e.g. childcare or caring for a dependant adult;
 - (ii) educational purposes;
 - (iii) facilitation of a person, who is recognised as having exceptional sporting or cultural ability, in pursuing a particular goal;
 - (iv) assisting in the transition to retirement;
 - (v) assisting in meeting a person's individual circumstances.

Termination of Worksharing

- 8.2 VEC management may require a person participating in the Worksharing Scheme to resume full-time duties where it is satisfied that:
- (i) a person is availing of the scheme for a purpose not allowed; or
 - (ii) the conditions of the Worksharing Scheme are not being complied with.

In such a situation the VEC reserves the right to give a notice period of less than six weeks.

- 8.3 Failure to return to full-time work where required by the VEC for the reasons outlined in the paragraph above will be treated as a serious disciplinary matter.

Exceptional Sporting and Cultural Ability

- 8.4 A Worksharing arrangement may be granted to facilitate a person to participate in a training programme or a practice regime to assist him/her prepare for an event or to allow a person to represent his/her country in a particular discipline. Alternatively, it may be granted to facilitate a person involved in coaching such a person.
- 8.5 A person who wishes to avail of Worksharing for this purpose must have some confirmed recognition of his/her ability and intend to pursue his/her interest at a national or international level.

Individual Circumstances

- 8.6 Applications will be considered for other purposes that assist staff in meeting special individual circumstances. These will be considered on a case-by-case basis.

Part II: Conditions of Service whilst Participating in the Worksharing Scheme

The conditions of service that will apply to participants in the Worksharing scheme are set out below. Except where otherwise stated or provided for by legislation, staff that opt to workshare will, broadly speaking, have pro-rata parity with their full-time colleagues.

9. Pay

- 9.1 A person's pay will be based on his/her agreed Worksharing arrangement and in accordance with legislative rights and entitlements.
- 9.2 Payment to staff will be made pro-rata based on the attendance regime agreed with the staff member. The pro-rata calculation will be made by reference to a daily /half day rate of pay on a five day week basis. An example of the calculation is set out in Appendix II. If a person avails of other unpaid special leave over the period of a Worksharing arrangement, then the pro rata rate of salary will be adjusted accordingly and no payment will be made in respect of such additional unpaid leave.
- 9.3 Increments will be granted annually, subject to the normal rules, governing the granting of increments.
- 9.4 When a staff member is returning to full-time duty at the same grade, he/she will continue to be paid at the same point of the pay scale.

10. Annual Leave

- 10.1 The annual leave allowance of a person Worksharing will be adjusted pro-rata his/her agreed attendance regime, subject to the provisions of both the Organisation of Working Time Act, 1997 and the Part-Time Workers Act, 2001 and to the normal provisions governing the granting of annual leave.
- 10.2 In calculating the number of days' holidays to which an employee is entitled pursuant to the Act, employers should include all hours worked including overtime, rostered time spent on maternity, parental or adoptive leave as well as holidays and public holidays taken during the calculation period. Unpaid leave is not counted in calculating statutory minimum holiday entitlement with the exception of parental leave, which under current legislation is counted.

11. Public Holidays and Privilege Days

- 11.1 The provisions of the Organisation of Working Time Act shall apply in respect of entitlements to a public holiday.
- 11.2 Existing agreed arrangements in relation to additional payments to staff will continue to apply, where they are required to attend for work on a public holiday or privilege day.

12. Statutory Leave Provisions

- 12.1 A person participating in the Worksharing Scheme will retain all statutory leave entitlements e.g. maternity leave, including health and safety leave, adoptive leave, parental leave and force majeure leave. Entitlement to Parental Leave is calculated on the basis of the number of hours worked during a reference period of 14 weeks in accordance with section 7(2) of the Parental Leave Act, 1998.

13. Sick Leave

The sick leave provisions for a person participating in the Worksharing Scheme will be adjusted pro-rata to their agreed attendance regime on a five day week basis, subject to the normal provisions governing the granting of sick leave. An example of the calculation is set out in Appendix III.

14. Pensions and Superannuation

14.1 Superannuation of Work-sharers

Superannuation arrangements will be such as to yield an overall pension that is consistent with that of an equivalent full-time employee.

14.2 Pension Contributions

Pension contributions, in the case of work-sharers, will be deducted on a pro-rata basis. Contributions will be based on notional full-time pensionable remuneration and the work-sharing attendance pattern expressed as a percentage of full-time attendance. Integration with social welfare benefits, where applicable, will then take place on the same basis as for full-time staff. (See Example below)

14.3 Pensionable Pay & Reckonable Pensionable Service at retirement

Salary for calculation of benefits on retirement will, in the case of work-sharers, be full-time equivalent of the work-sharing salary. Each year of work-sharing service will, for the calculation of pension benefits, be aggregated to full-time equivalent.

It is important that VECs maintain detailed records of employment of work-sharers since patterns of work-sharing may change over the course of the working life of the employee.

A separate more detailed circular on the pensionability of part-time staff, including work-sharing staff, will issue from the Pensions Unit of the Department shortly.

Example:

Pension Contributions: Person work-sharing 80% of full-time, in receipt of a work-sharing salary of €32,000, will pay a contribution of 80% of the full-time contributions. (Paying class A PRSI)

Calculation

Say twice the annual maximum personal rate of Old Age Contributory Pension as at January 2005 = €18,711.75.

Full-time equivalent salary $(32,000 / 4 \times 5) = 40,000$

Net Pensionable Salary $(40,000 - 18,711.75) = 21,288.25$

Annual Pension Contributions:

Lump Sum: 1.5% of 40,000 = 600

Pensions: 3.5% of 21,288.25 = 745.09

Spouses & Children: 1.5% of 40,000 = 600

Total annual contributions for a fulltime person = €1,945.09

Total annual contributions for this work-sharer = €1,556.07 $(1945.08 \times 80\%)$

Retirement: employee works full-time for 20 years and then work-shares for a further 20

years at 80% of full-time equivalent and retires from work-sharing, where work-sharing salary per annum is €32,000 and full-time equivalent salary is €40,000. The full-time salary of €40,000 is the salary that would be used for calculation of benefit on retirement.

Pensionable Pay = €40,000

Reckonable Service = 36 years (20 years plus [20 x 80%] 16 years).

Where the employee pays Class A rate PRSI and the pension (but not the lump sum) is co-ordinated, then the pension will be calculated as follows under a new method of co-ordination.

The new method of co-ordination is designed to give staff earning less than a specified threshold a higher pension than would have been payable under the previous method and is applicable for retirements from 1 January 2004. The threshold is specified at 3 1/3 (3.333334) times the annual maximum personal rate of Old Age Contributory Pension, currently €31,186.25. Pension is calculated, for each year of reckonable service as 1/200th of such Reckonable Final Salary as does not exceed the threshold, together with (where appropriate) 1/80th of such Final annual Salary as does exceed the threshold.

Taking the above example the pension calculation would be €31,186.25 x 1/200 x 36 years reckonable service plus €8,813.75 x 1/80 x 36 years reckonable service.

15. Probation and Acting Appointments

For the purpose of probation (if applicable) and acting appointments, credit will be given for Worksharing service on the same basis as full-time service. Acting appointments will be filled as per local arrangements.

16. Promotion

- 16.1 A person who is Worksharing may apply for promotion subject to eligibility criteria. While it may be possible for a person to continue to serve in a Worksharing capacity on promotion, an offer of promotion may be conditional on the staff member concerned undertaking to perform the duties of the higher grade on a full-time basis.

17. Overtime

A person who is Worksharing may work overtime. There is no distinction in the definition of overtime for full-time and Worksharing staff, namely extra attendance outside the standard working day of full-time staff in the grades concerned and subject to the agreed arrangements applicable to full-time staff. Accordingly, overtime is only paid for attendance outside the span of the conditioned working day of full-time staff in the grades concerned. Overtime should not be paid until worksharing staff has worked in excess of the weekly hours normally worked by their appropriate full time comparator.

18. Extra Attendance

- 18.1 Worksharing staff who are required to attend work during normal office hours on days, or at times, which are outside their scheduled Worksharing attendance pattern, (whether for purposes of attending training courses, attending meetings or for other official purposes) should be given additional pensionable payment at their normal rate of pay or time off in lieu. Time taken in lieu of payment for extra attendance is pensionable.
- 18.2 Staff may not be requested to provide such extra attendance during normal office hours without the prior approval of the Human Resources Department/Section. It is essential for superannuation purposes that any such extra attendance is recorded and a return detailing any such extra attendance is provided by the supervisor of the person participating in the Worksharing Scheme to the Human Resources Department/Section.
- 18.3 The VEC reserves the right, in exceptional circumstances, to require individual Worksharing staff to resume duty on a full-time basis, for a temporary period. While it is not possible to prescribe in advance the exceptional circumstances that may give rise to such a requirement, it is expected that these occurrences will be rare. In general, this right will not be exercised in

order solely to fill vacancies or provide cover during the absence on sick or annual leave of the Worksharer's partner (where there is such a partner), or as an alternative to normal overtime working or acting-up arrangements by existing full-time staff. Worksharing staff will be treated as full-time staff for all purposes, including pay and superannuation, for the duration of these arrangements. Staff will be notified formally in writing, well in advance, stating the nature of the exceptional circumstances and the likely duration of the requirement to work full-time.

19. Return to Full-time employment

A staff member who has worked a Worksharing pattern for at least twelve months may apply to return to full-time duties, subject to the availability of a suitable vacancy. He/she must give six weeks notice to the VEC of his/her intention to return to full time working.

If a suitable full-time vacancy exists, it will be offered, in the first instance, to a person wishing to return to full-time working before being offered to the next person on the panel (where a panel exists).

20. Social Welfare Arrangements

As the attendance pattern agreed may affect a person's social welfare contribution record (i.e. not all attendance patterns may reckon as 52 contributions in any or every year), staff are strongly advised to check with the Department of Social, Community and Family Affairs prior to commencing Worksharing and to check the up-to-date position each time they renew a Worksharing agreement.

21. Matching Arrangements

21.1 The VEC reserves the right to agree an attendance pattern with a person participating in the Worksharing Scheme, without making up any consequential shortfall in attendance, provided that this is consistent with the operating requirements of the VEC, e.g. a person working four days a week with no replacement to cover for the fifth day. In other cases, there are a number of options available to provide cover for any shortfall in work arising from Worksharing attendance patterns. These include:

- (i) Finding a partner or a number of partners within a Section who agree to participate in a Worksharing arrangement that will provide full attendance cover (a variation on the existing Jobsharing scheme except both parties would not be required to work at least five days in a fortnight);
- (ii) Recruiting, within authorised staff complements, permanent, full-time replacements who would cover, as far as possible, a number of persons who are on a Worksharing attendance pattern;
- (iii) Recruiting, in accordance with relevant local agreements, a temporary replacement to cover any work shortfall.

21.2 All of the above arrangements will apply on the basis that the VEC remains within agreed whole time equivalent staff complement and that permanent replacement staff can be absorbed within that complement if the Worksharer returns to full-time duties.

21.3 The recruitment of staff on either a whole-time or temporary basis to cover any work shortfall as a consequence of staff participating in the Worksharing scheme will be in accordance with agreed procedures that may exist with the relevant unions from time to time for the recruitment of staff.

21.4 Temporary staff, including those who may have previously been given renewed contracts, should have no expectation of a full-time or permanent position. The provisions of the Fixed Term Act will apply.

22. Review

- 22.1 The operation of the scheme will be reviewed after 2 years between the Trade Unions and the IVEA in consultation with the Department of Education and Science.

Appendix I

Flexible Working Hours

Participants in the Worksharing scheme may, subject to the agreement of local management, avail of flexi-time in the normal manner where scheduled to work the full daily conditioned hours of service.

Where a person is scheduled to work a mornings only or afternoons only attendance pattern, existing arrangements in relation to flexi-time for Jobsharers will continue to apply.

Appendix II

The calculation of pro-rata pay for a person participating in the Worksharing scheme

Paragraph 9 of this document sets out the basis of the payment of salary to those participating in the Worksharing Scheme. Where there is an administrative arrangement to pay a person participating in the scheme in equal amounts the calculation of the pro-rata salary will be made by reference to a daily /half day rate of pay on a five day week basis.

Working Pattern	Weekly Calculation of Pay
Mornings/afternoons only	2.5/5ths
Week on/Week off or Split week	2.5/5ths
Three Day Week	3/5ths
Four Day Week	4/5ths

Appendix III

Worksharing and Sick Leave Arrangements

1. As previously stated in Paragraph 13 of this document, in order to ensure consistency between periods of full-time service and participation in the Worksharing Scheme, the sick leave arrangements that apply to full-time staff will also apply to those participating in the Worksharing Scheme. However, the method by which sick leave is calculated for a person participating in the Worksharing Scheme will be adjusted on the basis of a five day week, i.e. for staff participating in the scheme - weekends are excluded from the recording of sick leave taken.
2. A person working Tuesday, Wednesday and Thursday of each week, who is absent on all three days will have five days certified sick leave recorded (Monday, Tuesday, Wednesday, Thursday and Friday).
3. A person working mornings/afternoons only will have one day's sick leave recorded for each daily absence, up to five days in any week. A medical certificate will be required after two continuous day's absence.