

Restrictions that may apply in relation to the re-employment of former public service employees or pensioners

Certain restrictions may apply in relation to the re-employment / appointment of:

- (a) former public service employees who have availed of certain collective agreements or arrangements OR
- (b) former public service employees who are in receipt of a public service pension or who have preserved benefits under a pre-existing public service pension scheme

The following outlines some of the main agreements and schemes that may restrict a candidate's right to be re-employed in the public service or affect how they are re-employed. The list is not exhaustive, **so prospective candidates should declare any other agreements or arrangements that they may have availed of that affects or restricts their re-employment in the Public Service.**

- **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. Thereafter the consent of the Minister for Public Expenditure and Reform will be required prior to re-employment. People who availed of this scheme and who may be successful in the selection process will have to prove their eligibility (expiry of period of non-eligibility) and the Minister's consent will have to be secured prior to employment by any public service body

- **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 that retirees, under that Scheme, are debarred from applying for another position in the same employment or the same sector. Therefore, such retirees may not apply for such positions with Dublin City University.

- **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, 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 cesser 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).

- **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, after which time any re-employment will require the approval of the Minister for Public Expenditure and Reform. People who availed of either of these schemes are not eligible to compete in this competition.
- **Ill-Health Retirement:** 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
- **Pension Abatement:** The Public Service Pensions (Single Scheme and Other Provisions) Act 2012 extended pension abatement so that a retiree's public service pension is liable to abatement on re-entering public service employment, even where the new employment is in a different area of the public service. However, if the appointee was previously employed in the Civil Service and awarded a pension under voluntary early retirement arrangements (other than the Incentivised Scheme of Early Retirement (ISER) or the Health Service Executive VER/VRS which, as outlined above, render a person ineligible for the competition) the entitlement to payment of 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.
- **Declaration of previous public service employment history:**
Please note that successful applicants will be required to complete a declaration form in respect of the above. In addition, they will 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 addition, they will be required to declare if they are in receipt of remuneration from any other public service body at the time of their appointment.