



DPE 132/005/2015

**Circular Title: Overtime in the Civil Service**

I am directed by the Minister for Public Expenditure and Reform to say that the following arrangements will apply in relation to the payment of overtime in the Civil Service:

**Circular Number: 08/2021**

**Purpose:** To set out arrangements for compensating for extra attendance by officers working a normal Monday to Friday week.

**Application:** The Circular applies to general civil service grades up to and including Higher Executive Officer and to equivalent grades.

**Relevant Legislation /Circulars:** Organisation of Working Time Act, 1997  
Circular 11/2013: Revision of Working Hours and Flexible Working Arrangements for Civil Servants  
Public Service Pay Agreement – Building Momentum 2021-Section 4.1.1

**Effective From:** 1 July 2021

**Circulars Revoked:** **This Circular revokes Circular 14/2014**



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## **Part 1: Purpose and Principles**

### **1.1 Purpose**

The purpose of this Circular is to set out the arrangements for overtime payments in the Civil Service for officers working a normal Monday to Friday working week. The overtime arrangements contained herein reflect the revisions agreed in Building Momentum – A New Public Service Pay Agreement and come into effect on 1 July 2021.

This Circular is also intended to remind Departments of their obligations under the Organisation of Working Time Act, 1997 insofar as the Act might have an impact on extra attendance.

### **1.2 General Principles**

Overtime is the payment given to an officer for extra attendance outside of the standard working week. It is only payable after the completion of the required working hours for the grade in question. In addition, Departments should be satisfied that the amount or nature of the work to be done makes overtime unavoidable. Attendance on Saturdays, Sundays and Public Holidays should be kept to a minimum. Every effort should be made to avoid a situation where staff attend for very short periods only.

With regard to authorised extra attendance during the normal (Monday to Friday) working week the overtime arrangements described below will apply for attendance in excess of 37 net hours.

The overtime divisor is 43.25 hours.

Where officers wish to opt for time off in lieu, the granting of time off in lieu instead of overtime shall be at the discretion of the Head of the Department concerned, having regard to the exigencies of the service. Time off in lieu shall not be allowed in any case where it would give rise to additional overtime working. The standard working day for time off in lieu is 7 hours 24 minutes.

Overtime must be authorised by an officer ranking at least two grades higher than the officer giving extra attendance.

The sixth point of the Higher Executive Officer (standard) scale is the maximum rate for all staff who receive overtime.

Overtime grades are those grades which are conditioned to a fixed number of working hours per week and which, on the basis of salary, are accepted as being equivalent to general Civil Service grades up to and including Higher Executive Officer/Administrative Officer.



**1.3 Staff transferred into the Civil Service in 2010 from the Health Sector**

With regard to authorised extra attendance by staff transferred into the Civil Service in 2010 from the health sector, please note the separate arrangements set out in Appendix 9 of the Haddington Road Agreement.



## **Part 2: Arrangements on Monday to Friday for General Service Grades**

### **2.1 Executive Officer, Clerical Officer and Service Level Staff**

**The following rates apply:**

**First 3 hours – Rate plus one-quarter or time off in lieu at flat rate**

**Next 5 hours – Rate plus one-half or time off in lieu at flat rate**

**Thereafter – Double rate or time off in lieu at flat rate**

### **2.2 Higher Executive Officer/Administrative Officer**

Overtime should be calculated by reference to the lesser of the officer's actual scale point or the sixth point of the Higher Executive Officer (standard) scale and should only be made for completed hours of actual attendance. Please note that for the first hour of overtime worked Monday to Friday, there is no payment. This condition does not apply to Administrative Officers in cases where the current salary of the Administrative Officer is lower than the 6<sup>th</sup> point of the corresponding Higher Executive Officer scale.

**The following rates apply:**

**First hour – No payment nor time off in lieu**

**Next 2 hours – Rate plus one-quarter or time off in lieu at flat rate**

**Next 5 hours – Rate plus one-half or time off in lieu at flat rate**

**Thereafter – Double rate or time off in lieu at flat rate**

### **2.3 Time off in lieu**

Time off in lieu should be applied at a flat rate from Monday to Friday inclusive. With regard to the Higher Executive Officer and Administrative Officer grades only, there is no time off in lieu for the first hour of overtime worked. This condition does not apply to Administrative Officers in cases where the current salary of the Administrative Officer is lower than the 6<sup>th</sup> point of the corresponding Higher Executive Officer scale.



**Part 3: Arrangements applying on Saturdays, Sundays and Public Holidays for General Service Grades**

**3.1 Saturdays**

- 3.1.1 Midnight Friday to 09:15 Saturday – Double time or time off in lieu at flat rate
- 3.1.2 Saturday morning (09:15-13:00) is paid at the following rate: Time plus one half
- 3.1.3 Saturday after 13:00 – Double time

**3.2 Sundays and Public Holidays**

Overtime shall be paid at a rate of double time on Sundays and Public Holidays.

**3.3 Time off in lieu – Saturdays, Sundays and Public Holidays**

Time off in lieu may be granted at rate of time plus one half on Saturdays, Sundays and Public Holidays except for as provided in Section 3.1.1 above.

**3.4 Minimum Payment – Saturdays, Sundays and Public Holidays**

The minimum payment for overtime attendance on Saturdays, Sundays and Public Holidays is three hours. An officer required to attend for less than three hours shall receive payment as if three hours attendance had been given.



**Part 4: Minimum Payments for Unscheduled Attendances outside of Normal Working Hours**

Midnight to 08.00	4 hours minimum overtime
20.00 to Midnight	3 hours minimum overtime

Where an unavoidable, unscheduled attendance at a place of work commences before midnight and is completed after midnight, a minimum payment of 4 hours overtime at the appropriate rate should be made.

For example, if an officer commences overtime at 22.00 on a Friday and finishes at 00.30 on Saturday, the minimum attendance payment for four hours overtime will be 2 hours at the relevant rate for that officer to cover the period up to midnight, and 2 hours at double time to cover the remainder of the attendance.

Please note that double time after midnight only applies between midnight Friday and 09.15 Saturday morning.



## **Part 5: Classification of Grades other than General Service Grades common to two or more Departments**

To qualify for an overtime payment, it must be possible to compare the grade in question to an equivalent General Service Grade on the basis of comparable stable salary positions. Grades which change their position relative to the General Service Grades of Executive Officer or Higher Executive Officer should have their entitlement to payment for extra attendance changed or withdrawn as appropriate.

The classification of any grade as entitled to the overtime arrangements referred to at 5.1 and 5.2 and the authorisation procedures which would apply to them must be agreed between the Staff and Official Sides.

### **5.1 Grades at or below the level of Executive Officer**

Grades which are conditioned to a gross working week of 43.25 hours and which are designated as overtime grades, should be compensated for authorised overtime on the same basis as that of an Executive Officer, Staff Officer, Clerical Officer or Service Level Grades (Services Officer, Service Attendants, and Cleaners etc.) as appropriate.

### **5.2 Grades between the level of Executive Officer and Higher Executive Officer/Administrative Officer**

These are grades which are conditioned to a fixed number of working hours per week and which, on the basis of salary, are above the level of Executive Officer but not above the level of Higher Executive Officer/Administrative Officer.

Where an officer in one of the designated overtime grades is required to give extra attendance, he/she should be compensated on the basis applying to Higher Executive Officers/Administrative Officers subject to the proviso that the rates of payment should be calculated by reference to the officer's actual scale pay or the sixth point of the Higher Executive Officer (standard) scale, whichever is the lower.

The divisor is 43.25 hours.





## **Part 6: Other Provisions**

### **6.1 Higher Duties Allowances**

Higher duties allowance may be included for the purpose of calculating extra attendance payments provided:

- (a) the grade in respect of which the higher duties allowance is payable qualifies for overtime payments, and
- (b) the officer is performing the duties of the higher grade during the period of extra attendance.

For example, where a Clerical Officer who is in receipt of an allowance for the performance of Executive Officer duties gives extra attendance on these duties, the allowance should be included with pay for the purpose of calculating the appropriate overtime payment. However, a Higher Executive Officer/Administrative Officer in receipt of a higher duties allowance would not receive any payment for extra attendance while performing the duties of an Assistant Principal.

### **6.2 Shift Allowances**

Shift allowances and, where appropriate, night duty allowance, payable to any overtime grade are reckonable for the purpose of calculating extra attendance payments. In the case of Higher Executive Officers who are in receipt of such allowance(s), the upper limit for the calculation of overtime payments is the lesser of the officer's actual scale point plus allowance or the sixth point of the Higher Executive Officer (standard) scale, plus allowance (calculated by reference to the sixth point of the Higher Executive Officer (standard) scale).

### **6.3 Work-Sharing Staff**

Staff who are work-sharing should be treated in the same way as full-time staff in allocating overtime. Within the confines of these arrangements, the management of overtime will remain at the discretion of each Department/Office.

In this connection, the "overtime week" for the purpose of aggregating hours of extra attendance in order to determine the appropriate rate of payment, begins on a Monday. Thus, work-sharing officers following a week-on/week-off or a half day on/half day off attendance regime are treated the same as full-time staff. However, overtime calculations in respect of a work-sharing officer with a split week attendance regime (e.g. Wednesday to the following Tuesday, both days inclusive) would be based on a two-week period.

### **6.4 Paid Meal Breaks and Minimum Rest Periods**

A paid meal break should be allowed to staff giving extra attendance on the basis of fifteen minutes per hour of extra attendance, subject to a maximum paid break of half an hour on any one day. Departments must also ensure that the timing of such breaks comply with Section 12 of the Organisation of Working Time Act, 1997 which deals with



## minimum rest breaks during work.**6.5 Domestic or International Travel Time outside of Official Hours**

### **6.5.1 Travel during the normal working week (Monday to Friday)**

In the case of the outward journey (i.e. a journey commencing at the officer's home or normal place of work), the first half-hour of travel time outside of official hours shall not be reckoned for overtime purposes.

A period of one half-hour shall also be deducted from any travel time outside official hours involved in an inward journey (i.e. a journey ending at an officer's home or normal place of work).

All remaining travel time outside official hours shall be reckonable.

In the case of grades covered by the extra attendance arrangements applicable to Higher Executive Officers/Administrative Officers (see 2.2 above), each completed hour of the remaining travel time outside of official hours shall be reckonable.

### **6.5.2 Travel on Saturdays, Sundays or Public Holidays**

All travel time shall be reckonable for overtime grades, and each completed hour of travel time shall be reckonable for the grades covered by the extra attendance arrangements applicable to Higher Executive Officers/Administrative Officers.

### **6.5.3 Appropriate rate of payment for Travel Time Overtime**

Reckonable travel time shall be combined with any extra attendance given on duty in the relevant period.

### **Sample Scenario**

A Higher Executive Officer travels outbound for 2 hours, works 3 hours of overtime and then spends 2 hours travelling home. This scenario is based on the assumption that the officer has not previously worked up an hour's overtime during this period.

### **Overtime and Travel Time Calculation**

1.5 hours travel time outbound (minus 30 minutes as per section 6.5)

2 hours overtime (HEO's are not paid for the first hour of overtime as per section 2.2)

1.5 hours travel time home (minus 30 minutes as per section 6.5).

In total, 5 hours of extra attendance is due to the officer (3 hours travel time and 2 hours of overtime).

### **6.5.4 Staff who do not work the normal Monday to Friday week**

Arrangements equivalent to those outlined above may be applied in the case of staff who do not work the normal Monday to Friday week.



Any queries that may arise from the application of this Circular should be directed to this Department via [support@Paytravelvertime.cloud.gov.ie](mailto:support@Paytravelvertime.cloud.gov.ie)

Please note that queries from individual officers should be raised in the first instance with an officer's Personnel Unit or, where appropriate, Peoplepoint. Bodies under the aegis of any Government Department must, in the first instance, direct any queries to their parent Department.

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**Public Service Pay and Pensions**