



An tÚdarás Rialála Limistéir Mhuirí
Maritime Area Regulatory Authority

Principal Conditions of Service and Eligibility to Compete

Applies to all Roles

Important Notice

The information contained within this document represents the principal conditions of service and is not intended to be the comprehensive list of all terms and conditions of employment which will be set out in the probationary contract to be agreed with the successful candidate for any given recruitment competition.

Any role, or grade, specific terms and conditions (such as remuneration and/or annual leave) will be noted within the relevant competition booklet.

Principal Conditions of Service

General:

The appointment is subject to the Civil Service Regulations Acts 1956 to 2005 and the Public Service Management (Recruitment and Appointments) Act 2004 and any other Act for the time being in force relating to the Civil Service.

Tenure and probation

The appointment is to a permanent position on a probationary contract in the Civil Service. The probationary contract will be for a period of one year from the date of appointment.

During the period of the probationary contract, an officer's performance will be subject to review by the CEO to determine whether the officer:

- (i) has performed in a satisfactory manner,
- (ii) has been satisfactory in general conduct, and
- (iii) is suitable from the viewpoint of health with particular regard to sick leave.

Prior to completion of the probationary contract a decision will be made as to whether or not the officer will be retained pursuant to *Section 5A(2) Civil Service Regulation Acts 1956-2005*. This decision will be based on the officer's performance assessed against the criteria set out in (i) to (iii) above. The detail of the probationary process will be explained to the officer by the Department / Office. A copy of Department of Public Expenditure and Reform guidelines on probation will also be made available to the officer.

Where an officer is an existing civil servant and is not considered as suitable to the position having been assessed against stated criteria, the officer will be notified in writing of the action to be taken prior to the expiry of the probationary contract and any extensions thereof.

Notwithstanding the preceding paragraphs in this section, the probationary contract may be terminated at any time prior to the expiry of the term of the contract by either

side in accordance with the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

In the following circumstances your contract may be extended and your probation period suspended.

- The probationary period stands suspended when an employee is absent due to Maternity or Adoptive Leave.
- In relation to an employee absent on Parental Leave or Carers Leave, the employer may require probation to be suspended if the absence is not considered to be consistent with the continuation of the probation.
- Any other statutory provision providing that probation shall -
 - (i) stand suspended during an employee's absence from work, and
 - (ii) be completed by the employee on the employees return from work after such absence.

Where probation is suspended the employer should notify the employee of the circumstances relating to the suspension.

All appointees will serve a one-year probationary period. If an appointee who fails to satisfy the conditions of probation has been a serving civil servant immediately prior to their appointment from this competition, the issue of reversion will normally arise. In the event of reversion, an officer will return to a vacancy in their former grade in their former Department.

Location:

The officer's headquarters will be in Wexford, unless otherwise specified above. When required to travel on official duty the appointee will be paid appropriate travelling expenses and subsistence allowance, subject to normal civil service regulations.

Hours of Attendance:

Hours of attendance will be as fixed from time to time but will amount, on average, to not less than 41 hours and 15 minutes gross or 35 hours net of lunch breaks. Flexibility

will be required with regard to extra attendance, which may be required from time to time. The rate of remuneration payable covers any exceptional extra attendance liability that may arise and no additional payment will be made for extra attendance (*over and above 41 hours and 15 minutes gross or 35 hours net per week*).

Duties:

The appointee will be expected to perform all acts, duties and obligations as appropriate to this position (*which may be revised from time to time*).

The Organisation of Working Time Act:

The terms of the organisation of Working Time Act, 1997 will apply, where appropriate, to this employment.

Blended Work:

MARA operates a blended working policy where employees may (subject to approval) split their time between attending the workplace and working remotely.

Outside Employment:

The position is whole-time and the appointee must avoid involvement in outside employment / business interests in conflict or in potential conflict with the business of MARA. Clarification must be sought from management where any doubt arises.

Unfair Dismissals Act 1977 – 2015:

The Unfair Dismissals Acts 1977-2015 will not apply to termination of this employment by reason only of the expiry of this probationary contract without it being renewed.

Sick Leave:

Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, will apply on a pro-rata basis, in accordance with the provisions of the sick leave circulars as amended from time to time.

Officers, who will be paying the Class A rate of PRSI, will be required to sign a mandate authorising the Department of Social Protection to pay any benefits due under the Social Welfare Acts direct to the MARA. Payment of salary during illness will be subject

to the officer making the necessary claims for social insurance benefit to the Department of Social Protection within the required time limits.

Official Secrecy and Integrity:

During the term of the probationary contract, an officer will be subject to the Provisions of the Official Secrets Act, 1963, as amended by the Freedom of Information Act 2014. The officer will agree not to disclose to third parties any confidential information, especially information with commercial potential, either during or subsequent to the period of employment.

Civil Service Code of Standards and Behaviour:

The officer will be subject to the Civil Service Code of Standards and Behaviour.

Ethics in Public Office Act 1995:

The Ethics in Public Office Acts 1995 will apply, where appropriate, to this employment.

Prior approval of publications:

An officer will agree not to publish material related to his or her official duties without prior approval by the Chief Executive Officer of MARA.

Political activity:

During the term of employment the officer will be subject to the rules governing civil servants and politics.

Personnel Code:

Further details and circulars regarding these terms and conditions can be found on the following website: www.circulars.gov.ie

Retirement and Superannuation:

The successful candidate will be offered the appropriate superannuation terms and conditions as prevailing in the Civil Service at the time of being offered an appointment. In general, an appointee who has never worked in the Public Service will be offered appointment based on membership of the Single Public Service Pension Scheme

("Single Scheme"). Full details of the Scheme are at www.singlepensionscheme.gov.ie

Where the appointee has worked in a pensionable (non-Single Scheme terms) public service job in the 26 weeks prior to appointment or is currently on a career break or special leave with / without pay different terms may apply. The pension entitlement of such appointees will be established in the context of their public service employment history.

Key provisions attaching to membership of the Single Scheme are as follows:

- Pensionable Age: The minimum age at which pension is payable is the same as the age of eligibility for the State Pension, currently 66.
- Retirement Age: Scheme members must retire on reaching the age of 70.
- Career average earnings are used to calculate benefits (*a pension and lump sum amount accrue each year and are up-rated each year by reference to CPI*).
- Post retirement pension increases are linked to CPI.

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 will 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.

Pension Abatement: If the appointee has previously been employed in the Civil or Public Service and is in receipt of a pension from the Civil or Public Service or where a Civil / Public Service pension comes into payment during his / her re-employment that pension **will be subject to abatement** in accordance with Section 52 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012. **Please note: In applying for this position you are acknowledging that you understand that the abatement provisions, where relevant, will apply. It is not envisaged that the**

employing Department / Office will support an application for an abatement waiver in respect of appointments to this position.

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 below, 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.

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 ceasing 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 calculation of the pension payment*).

Ill-Health Retirement: Please note any person who previously retired on ill health grounds under the terms of a superannuation scheme are required to declare, at the initial application phase, that they are in receipt of such a pension to the organisation administering the recruitment competition.

Applicants will be required to attend the CMO's office to assess their ability to provide regular and effective service taking account of the condition which qualified them for IHR.

Appointment post Ill-health retirement from Civil Service

If successful in their application through the competition, the applicant should be aware of the following:

1. If deemed fit to provide regular and effective service and assigned to a post, their civil service ill-health pension ceases.
2. If the applicant subsequently fails to complete probation or decides to leave their assigned post, there can be no reversion to the civil service IHR status, nor reinstatement of the civil service IHR pension, that existed prior to the application nor is there an entitlement to same.
3. The applicant will become a member of the Single Public Service Pension Scheme (SPSPS) upon appointment if they have had a break in pensionable public / civil service of more than 26 weeks.

Appointment post Ill-health retirement from public service

- a) Where an individual has retired from a public service body his / her ill-health pension from that employment may be subject to review in accordance with the rules of ill-health retirement under that scheme.
- b) If an applicant is successful, on appointment the applicant will be required to declare whether they are in receipt of a public service pension (ill-health or otherwise) and their public service pension may be subject to abatement.
- c) The applicant will become a member of the Single Public Service Pension Scheme (SPSPS) upon appointment if they have had a break in pensionable public/civil service of more than 26 weeks.

Additional Superannuation Contributions (ASC):

This appointment is subject to the Additional Superannuation Contribution (ASC) in accordance with the Public Service Pay and Pensions Act 2017. **Note:** ASC deductions are in addition to any pension contributions (main scheme and spouses' and children's contributions) required under the rules of your pension scheme.

For further information in relation to the Single Public Service Pension Scheme please see the following website: www.singlepensionscheme.gov.ie

Eligibility to compete and certain restrictions on eligibility

Citizenship Requirements;

Citizenship Requirements

Eligible candidates must be:

- a) A citizen of the European Economic Area (EEA). The EEA consists of the Member States of the European Union, Iceland, Liechtenstein and Norway; or
- b) A citizen of the United Kingdom (UK); or
- c) A citizen of Switzerland pursuant to the agreement between the EU and Switzerland on the free movement of persons; or
- d) A non-EEA citizen who has a stamp 4¹ or a Stamp 5 visa;

Please note that a 50 TEU visa, which is a replacement for Stamp 4 EUFAM after Brexit, is acceptable as a Stamp 4 equivalent.

To qualify candidates must be eligible by the date of any job offer.

Collective Agreement: Redundancy Payments to Public Servants

The Department of Public Expenditure and Reform letter dated 28 June 2012 to Personnel Officers introduced, with effect from 01 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. People who availed of this scheme and who may be

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successful in this competition will have to prove their eligibility (expiry of period of non-eligibility).

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 not eligible to apply for another position in the same employment or the same sector. Therefore, such retirees may not apply for this position.

Department of Health and Children Circular (7/2010)

The Department of Health Circular 7/2010 dated 01 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. People who availed of the VER scheme are not eligible to compete in this competition. People who availed of the VRS scheme and who may be successful in this competition will have to prove their eligibility (expiry of period of non-eligibility).

Department of Environment, Community & Local Government (Circular Letter LG(P) 06/2013)

The Department of Environment, Community & Local Government Circular Letter LG(P) 06/2013 introduced a Voluntary Redundancy Scheme for Local Authorities. In accordance with the terms of the *Collective Agreement: Redundancy Payments to Public Servants* dated 28 June 2012 as detailed above, it is a specific condition of that VER Scheme that persons will not be eligible for re-employment in any Public Service body [as defined by the Financial Emergency Measures in the Public Interest Acts 2009–2011 and the Public Service Pensions (Single Scheme and Other Provisions) Act 2012] for a period of 2 years from their date of departure under this Scheme. These conditions also apply in the case of engagement/employment on a contract for service basis (either as a contractor or as an employee of a contractor).

Declaration

Applicants will be required to declare whether they have previously availed of a Public Service scheme of incentivised early retirement. Applicants will also 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.