# *Model Contract of Employment for the post of Civilian Driver*

**Employing Department/Office \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** [Insert Name of Department]

**Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**Employee \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Contract of Employment as Civilian Driver**

I am directed by the Minister for **[Insert Name of Department**] to say that s/he is prepared to offer you an appointment as Civilian Driver for the Minister/Minister of State [Insert name of Minister/Minister of State] in the Department of [Insert Name of Department] on the following terms and conditions with effect from [date]. This contract is issued in accordance with the Unfair Dismissals Acts 1977 to 2007 and the Minimum Notice and Terms of Employment Acts 1973 to 2005.

**General**

1. The appointment is subject to the Civil Service Regulation Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004 and any other Act for the time being in force or any other regulations relating to your employment in the Civil Service.

**Pay**

2. The rate of pay offered will be **€675.63/€710.13** per week and will be payable in arrears by Electronic Fund Transfer (EFT) into a Bank Account of your choice. Payment cannot be made until you supply a Bank Account number and Bank Sort Code to the Personnel Section/PeoplePoint.

The rate of pay may be adjusted from time to time in line with Government policy.

Statutory deductions from salary will be made as appropriate by the Department of [Insert Name of Department]. Deductions for superannuation contributions will be made from pensionable remuneration only.

You will agree that any overpayment of salary, allowances, or expenses will be repaid by you in accordance with Circular 07/2018: Recovery of Salary, Allowances, and Expenses Overpayments made to Staff Members/Former Staff Members/Pensioners.

Under Section 23 of the National Minimum Wage Act 2000, you may request a written statement of your average hourly rate of pay for any pay reference period.

**Tenure**

1. The appointment is to a temporary position in the Civil Service. It carries no entitlement to permanent status, by way of limited competition or otherwise. Your term of employment will cease on the date the Minister/Minister of State ceases to hold Office as Minister of State.
2. In accordance with the Protection of Employees (Fixed Term Work) Act 2003, your contract is on a fixed-term contract basis only as your appointment is coterminous with that of the [**Minister of the Government or Minister of State**].

5. The Department of [Insert Name of Department] reserves the right to terminate your employment prior to the date of cessation on giving of the appropriate notice set down in the Minimum Notice and Terms of Employment Acts 1973 to 2005. The Department of [Insert Name of Department] also reserves the right to terminate your employment for stated reasons. The appointment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 and 2005.

6. In the event of serious misconduct, the appointment may be terminated without notice.

7. In the event of the appointment being terminated under the terms of paragraph 6 above, no remuneration or compensation will be payable other than that applicable to work carried out.

**Unfair Dismissals Acts 1977 to 2007**

8. The Unfair Dismissals Acts 1977-2007 will not apply to the termination of your employment by reason only of the expiry of this fixed term contract without it being renewed or the cessation of the purpose of the contract.

**Probation**

9. Your appointment will be subject to a probationary period of six months from the date of your appointment. Should your service be satisfactory as regards health, conduct, efficiency and performance generally during the probationary period, you will be confirmed in your appointment for the period of tenure set out above.

**Duties**

10. You will be required to perform the duties appropriate to you as Civilian Driver which may be assigned to you from time to time by the Minister/Minister of State. You may not engage in private practice or be connected with any outside business which would interfere with the performance of official duties.

**Headquarters**

11. Your Headquarters will be such as may be designated from time to time by the Secretary General. Travel and subsistence payments will be made at the appropriate Civil Service rates in respect of certified official travel and subject to the usual Civil Service regulations which apply in relation to travel and subsistence.

***Note****:*

*Civilian Drivers will continue to be entitled to claim overnight subsistence in all instances where they are 100km from their home.*

*Day subsistence allowances are not payable for absences at any place within eight kilometers of the driver's home or headquarters.*

**Organisation of Working Time Act / Hours of attendance**

12. The terms of the Organisation of Working Time Act 1997 (OWTA) will apply, as appropriate, to this appointment.

13. Hours of attendance will be as fixed from time to time but will amount to on average not less than 43 hours and 15 minutes gross per week. The working pattern will be seven days on and seven days off on a week-on week-off basis. You will be required to complete form OWT1 in accordance with S.I. No. 473 of 2001 *Organisation of Working Time (Records) (Prescribed Form and Exemptions) Regulations, 2001* and submit it to [**Insert**] on a fortnightly basis.

 No additional remuneration will be paid for extra attendance during the week on. You will be given an extra payment equivalent to two days’ pay for each day you are required to work on your week off.

*Note to HR Manager – if the employee is under 18 years of age please insert the following sentence:*

*The Protection of Young Persons (Employment) Act 1996 will apply to your appointment until you reach 18 years of age.*

**Annual Leave**

14. The annual leave allowance will be 14 days per year, expressed on the basis of;

* *a seven-day week and exclusive of the usual public holidays,*
* *to facilitate the taking of annual leave, consideration will be given to granting annual leave during Dáil recesses or when the appropriate Minister is also on leave,*
* *the duty is rostered between two drivers working one week on and one week off.*

**Sick Leave**

14. Sick pay during properly certified sick absence, provided there is no evidence of permanent disability for service, may be allowed on a pro-rata basis, in accordance with the provisions of sick leave Circular 05/2018.

 You will be required to sign a mandate authorising the Department of Employment Affairs and Social Protection to pay any benefits due under the Social Welfare Acts direct to this Department and payment during illness will be subject to you making the necessary claims for social insurance benefit to the Department of Employment Affairs and Social Protection within the required time limits.

**Superannuation and Retirement**

15. Choose the relevant options (a-e below) from both 15.1 and 15.2 and delete the non-applicable options, as appropriate**. In section 15.1 and 15.2 below, scheme membership classification (a) in section 15.1 corresponds with retirement age classification (a) in paragraph 15.2, (b) with (b) and so on.**

**15.1 Pension Scheme Membership**

 Based on the information supplied by you, that:

* 1. you have never worked in the Public Service or you have had a greater than 26 week break since your last pensionable Public Service employment, you are deemed to be a member of the Single Public Service Pension Scheme in accordance with the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

**OR**

* 1. you have worked in a pensionable (non-single Scheme terms) Public Service job in the 26 weeks prior to this appointment, the terms of the Non-Contributory Pension Scheme for Non-Established State Employees and of the Contributory Spouses' and Children’s Pension Scheme for Non-Established State Employees will apply to this appointment, **and**
1. you are deemed to be a “New Entrant” in accordance with the Public Service Superannuation (Miscellaneous Provisions) Act 2004.

**OR**

1. you are **not** deemed to be a “New Entrant” in accordance with the Public Service Superannuation (Miscellaneous Provisions) Act 2004.

**OR**

1. your appointment is on the basis of **secondment** from the Department/Office of [**Insert Name of Department Here]**. You will remain a member of the pension scheme for **[insert pension scheme name]**. The terms and conditions of that pension scheme shall apply to this appointment. Please note: your pension benefits will be based on your salary in your substantive grade only i.e. the grade from which you have been seconded.

**OR**

1. your appointment is on the basis of **secondment** from the private sector. **[Please consult the Department of Public Expenditure and Reform if this is the case]**

**15.2 Retirement Age**

1. Your minimum retirement age is the age at which you become eligible for the State Pension (Contributory). At present this is 66 years, rising to 67 on 1 January 2021 and 68 on 1 January 2028 in line with planned changes to State Pension age. Retirement is compulsory on reaching age 70. Tenure is co-terminus with the Minister or on reaching 70 years of age, whichever is the earlier.

**OR**

1. (i) Your minimum retirement age is 65 and you do not have a maximum retirement age. Tenure is co-terminus with the Minister.

OR

(ii) Your minimum retirement age is 65 and your maximum retirement age is 70. Tenure is co-terminus with the Minister or on reaching 70 years of age, whichever is the earlier.

**OR**

1. Your minimum retirement age is **[insert age based on current pension scheme]** and your maximum retirement age is **[insert age based on pension scheme]**. Tenure is co-terminus with the Minister or on reaching [**insert compulsory retirement age based on current pension scheme]** years of age, whichever is the earlier.

**OR**

1. Tenure is co-terminus with the Minister.

**Pension Accrual**

Please note that section 52(6) of the Public Service Pensions (Single Scheme and other Provisions) Act 2012 limits the amount of pensionable service an individual may accrue across all pre-existing Public Service pension schemes (non-Single Scheme terms) to a maximum of forty years or equivalent.

**Pension Abatement**

If you are in receipt of a pension with respect to another Public Service employment, your pension will be subject to abatement for the duration of this employment in accordance with Section 52 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

**Additional Superannuation Contribution**

This appointment is subject to the Additional Superannuation Contribution in accordance with the Public Service Pay and Pensions Act 2017.

**Official secrecy and integrity**

16. You will, during the term of your appointment, be subject to the provisions of the Official Secrets Act 1963 as amended by the Freedom of Information Act 2014.

**Confidentiality and publication**

18. You will not, while holding the position of Civilian Driver to the ***Minister/Minister for State for/at the Department of******[Insert Name of Department Here]*** or thereafter, disclose or publish any confidential official information or material, including electronically held data, which you acquired or which came to your knowledge in the course of, or as a consequence of, your employment in that capacity, except where the matter has been submitted for adjudication to the Secretary General to the Government as to its confidentiality and, on the basis of his decision, the prior approval of the Minister concerned at the time of publication has been obtained for publication or disclosure. The disclosure of official information is also covered by the provisions of the Official Secrets Act 1963 and Freedom of Information Act 2014.

19. It is a condition of your employment in the above-stated capacity that the copyright in any book, article or other publication which you write or publish, containing unauthorised disclosures of official information is vested in the Government of Ireland. If in breach of the said condition you write or publish any book, article or other publication containing unauthorised disclosures of official information, any copyright in the said book, article or other publication which but for this clause would vest in you will belong to the Government of Ireland.

**Civil Service Code of Standards and Behaviour**

20. The Civil Service Code of Standards and Behaviour forms part of your contract for this appointment.

**Ethics in Public Office Acts**

21. The terms of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 apply to this appointment (i.e. your contract of employment and a statement whether you are a relative of the Minister or Minister of State on whose behalf you are appointed will be laid before the Houses of the Oireachtas).

**Personnel Code**

22. All circulars are available on the website [*http://circulars.gov.ie*](http://circulars.gov.ie) or from the Personnel Section.

**Acceptance of appointment**

23. If you are prepared to accept the appointment on these terms please complete the enclosed acceptance form and return it to me at the above address.

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**Secretary General**

**Department** **[Insert Name of Department]**

**Form of Acceptance**

I have read and noted the contract and I am prepared to accept an appointment as Civilian Driver to the Minister/Minister of State for [insert Department name], on the terms and conditions set out above. I also acknowledge receipt of a copy of the Civil Service Code of Standards and Behaviour and confirm that I have read and understood same.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary General: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_