

Polasaí agus Nósanna Imeachta/Policies and Procedures

Code	QA139
Title	Redundancy Procedure
Policy Owner	Director of Quality
Date	15 November 2014
Approved By	UMT

1.0 Introduction

The University has implemented a series of procedures incorporating internal control checks and balances as detailed hereunder, designed to ensure full compliance with relevant legislation, applicable regulations, and adherence to current best practice in the processing and administration of its Payroll, HR, and Pension obligations.

These procedures, checks and controls specify:

- the purpose/objective of the procedure/control check
- the office/role responsible for carrying out the identified procedures
- how the procedures are to be carried out
- the frequency of carrying out the procedures/checks
- actions that need to be taken in the event of the procedures uncover an anomaly

2.0 Objective of Procedure

To outline the process that must be followed in the Human Resources Office (Operations) following notification of a redundancy occurring, in accordance with employment legislation and University policies and procedures.

3.0 Who is responsible for ensuring that this procedure is carried out?

HR Operations Team Leaders, the HR Operations Office Supervisor, and the HR Operations Manager.

4.0 Procedure

- Four months prior to the contract end date of a staff member the HR Operations Team Leader will email the Line Manager seeking confirmation with regard to the cessation or extension of the contract of employment. In the case of contracts of indefinite duration the HR Team Leader will require confirmation of a funding source from the Line Manager.
- The Line Manager must complete a [post proposal form \(PPF\)](#) where a contract of employment is to extend. The Line Manager must complete the [Notification of Redundancy Form](#) (attached to the email circulated) if a position is becoming redundant. Either form must be completed and submitted to the HR Operations Team Leader by the 15th of the month prior to the month in which the position ends. A reminder will be issued to the Line Manager one week prior to the submission date. In the absence of confirmation of an extension or cessation of post, the HR Operations Team Leader will issue notice of termination of employment to the employee.



- On receipt of a completed and approved PPF, the HR Team Leader will process a contract extension. On receipt of a completed redundancy form from a Line Manager, the HR Operations Team Leader will issue protective notice of redundancy in accordance with the [Minimum Terms and Notice of Employment Act](#). A minimum of 4 weeks' notice applies but may be longer depending on length of service. The redundancy form must be approved by the HR Operations Manager or designee prior to formal redundancy notice issuing.
- The HR Operations Team Leader will add the employee's details to the [Redundancy Master Spreadsheet](#) and this spreadsheet will be kept up to date throughout the process.
- The HR Operations Team Leader will request a CV from the employee under protective notice of redundancy.
- The HR Operations Team Leader will circulate the CV by email using the [template email](#) to Deans, Heads of Schools and Heads of Research Centres and & to HR Business Partners to determine if there are suitable alternative posts available. If the employee hasn't returned a CV their job title and area of expertise are listed in the email circulated. The HR Operations Team Leader will place all responses to the email on the employees redundancy file as confirmation that the CVs were viewed.
- The HR Operations Office Manager will send an [email](#) to ESR@education.gov.ie seeking approval to offer a redundancy payment. Calculations under each option as per the [Department Circular](#) must be provided in the [Enhanced Redundancy Sanction List Database](#) and emailed to the email address above.
- On receipt of approval to offer redundancy from the DES, an [email](#) (or letter as appropriate) will issue to the staff member/s referencing the circular. Where a staff member seeks the enhanced redundancy payment, a form of acceptance for completion will be provided by the HR Office Manager to the staff member. If the 3 weeks option is selected by the staff member, they will be required to sign the declaration form in the presence of a UMT member. The UMT member will normally be Executive Director of Operations. The HR office will make arrangements for same by contacting the Administrative Assistant (Grade 2) in the Management Services Office. The staff member will be asked to attend the HR Office in the first instance. A member of the HR office will bring the staff member to the Executive Director of Operations Office.
- Once the staff member confirms the redundancy option which they are seeking the HR Operations Manager will submit a request for approval to pay enhanced redundancy to UMT along with copies of ESR approvals. Requests will be batched using the agreed UMT approval form and submitted via the Office of the EDO.
- Redundancy payment will not be processed where the Declaration form has not been signed and returned to the HR Office.
- Once approval to pay enhanced redundancy has been obtained from the HR Director, the shared Redundancy spreadsheet is updated confirming approved redundancy payments required prior to the 16th of the month in which the employee becomes redundant. The Payroll Office will review calculations



in relation to tax and final payment and process accordingly.

- Payment will be made by EFT through the payroll office. The Payroll Office will provide confirmation of payments made.
- All correspondence will be scanned to the employee personnel file by the HR Operations Team Leader.
- The HR Operations Office Manager will email ESR@education.gov.ie confirming final redundancy payments made to the employee.
- Each submission for UMT approval will be accompanied by an updated tracking spread sheet in an agreed format see [Redundancy Master Sheet](#).
- The above applies to research and academic fixed term staff (October 2014)

4.1 Calculation of Redundancy Entitlement

HR Operations Team Leader will:

- Print off payroll history to ensure the employee has 104 weeks continuous service in the University.
- Go to www.entemp.ie for redundancy calculator. The calculator aggregates all service and two weeks statutory redundancy pay plus a bonus week is shown in the output field.
 - Enter details into calculator (for weekly wage, divide salary by 52.18). Press Calculate button and print off result page

or

- If the employee has requested the Enhanced Payment, add 2 or 3 weeks' pay per year of service ([University of Galway enhanced redundancy calculator](#)).

The definite first 3 digits of codes for the National Funders that do not permit redundancy as a direct cost and where redundancy should be charged to D1504 are as follows:

RCH	REP	RHR	RWT
RCR	RH5	RMI	
RCS	RH9	ROG	
REI	RHB	RSF	

Redundancy costs in all other cases are to be charged to where employee was last charged.

All other cost centres (e.g. RNR) will be reviewed on a case by case basis by the Research Office. The HR Administrator will email the RSS Desk Manager to request that the redundancy charge be assessed and their recommendation be forwarded to RAO and RO for approval. The Research Office will advise RAO to journal to D1504 where necessary.



Notes:

If there is a break of 12 weeks or more this may break service for the purpose of redundancy (advice from IBEC 26/11/09).

Service as casual part-time assistant may be continuous service when calculating service for redundancy.

Part-time Working

If the employee changed from full-time to part-time within 52 weeks of redundancy date, full redundancy should be paid (based on full-time working) if the Employer imposed the part-time work.

If the employee requested the part-time work, part-time pay should be used for redundancy calculation.

Maternity Leave

If an employee on a CID is due to be made redundant during their maternity leave, notice is issued before they go on maternity leave and the termination date is the end of their maternity leave. The Research Office have agreed to cover the cost from the end date of the funding to the date of redundancy.

Re-engagement

Should an employee be re-engaged in suitable alternative employment after being made redundant, they will be asked to return the redundancy payment and their terms & conditions will remain as previously. If they refuse to return the redundancy payment, their service starts from date of re-engagement for purposes of Redundancy Payments Act, Protection of Employees (Fixed Term Work) Act, The Unfair Dismissals Acts and Minimum Notice and Terms of Employment Acts.

If an employee on a CID is re-engaged on a temporary contract with differing terms and conditions/different category or grade and they return their redundancy payment then they are issued with a 'Temporary Assignment Letter'. The employee is fixed term for the duration of the assignment and they revert to their previous CID contract at the end of the assignment.

5.0 Actions to take if anomalies are uncovered:

Refer to HR Operations Manager for investigation.

6.0 Responsibility for maintaining this document:

HR Operations Manager and HR Operations Office Manager.



Step	Deadline Day (Alternative)
Mail line manager seeking confirmation of cessation of contract	Month 1 Day 15
Notification of Redundancy Form received from line manager	Month 3 Day 1
Notice of termination of employment issued to employee	Month 3 Day 1
Protective notice of redundancy issued to employee	Month 3 Day 1
eMail to DES seeking approval to offer a redundancy payment	Month 3 Day 1
CV requested from the employee	Month 3 Day 1
CV circulated by email	Month 3 Day 15
eMail approval received from DES	Month 3 Day 15
eMail issued to staff member advising statutory redundancy entitlement	Month 3 Day 15
Staff member confirms the payment option sought	Month 3 Day 26
Declaration form signed and returned to the HR Office	Month 3 Day 26
Request for approval to pay enhanced redundancy made to UMT	Month 4 Day 10
UMT Meeting approves redundancy	Month 4 Day 15
Confirmation of approved payment to Payroll Office Manager and request to issue P45 (prior to 16 th of the month)	Month 4 Day 16
Payroll Office provides confirmation of payments made.	Month 4 Day 30
Correspondence scanned to employee personnel file	
Confirmation email to DES of final redundancy payments made	



**Appendix 1: University Management Team
Meeting of Tuesday, 22 July, 2014**

Present: President, Vice-President for Innovation and Performance, Executive Director of Operations

Apologies: Registrar and Deputy-President, An Rúnaí, Bursar.

In attendance: Professor Lokesh Joshi, Vice-President for Research, Dr Pat Morgan, Vice-President for the Student Experience, John Sweeney.

6. Redundancy Payments in the University Sector

The UMT considered the brief note prepared by An Rúnaí on suggested actions, as follows, regarding redundancy entitlements for fixed-term employees of the University:

- a) In view of the letter from Mr Ruairí Quinn, TD, Minister for Education and Skills, of the 11 June to the President, a letter should be sent by An Rúnaí to Mr Brendan Howlin, TD, Minister for Public Expenditure and Reform, referring to Ministers Quinn's letter, indicating that the University will comply with the relevant statutory requirements regarding redundancy payments to fixed-term University employees. However, the letter to Minister Howlin should also state the University view that this does not represent optimal use of scarce public funds. Letter to be copied to the Department of Education and Skills.
- b) The University HR Unit needs to be given the following steer: two-week statutory pay to be paid as a matter of course to eligible employees. Enhanced redundancy to be paid only on written application.
- c) Prior to any payment, the express sanction of the Department of Education and Skills should be sought for same. This is a requirement of the Department of Public Expenditure and Reform, but is essentially for monitoring purposes.
- d) Eligible employees applying for three weeks' enhanced redundancy payments per year of service in addition to their statutory entitlement of two week's pay per year of service, should be requested to indicate by way of written acceptance on a template to be drawn up by HR, that such payments carry a requirement not to undertake any further work in the Public Service for two years from the termination of the employment.
- e) Eligible employees applying for the statutory two weeks' pay per year of service only, instead of the maximum of the statutory entitlement plus three weeks' pay per year of service, should understand that, in their case, no restriction on re-employment in the Public Service will apply.

The UMT accepted An Rúnaí's advice, as outlined above, and requested that HR now produce the template (referenced under item 4) and draft up the process and policy, reverting to the UMT with this documentation for approval before proceeding with implementation.



To: Human Resource Managers

Notice to all employers in the Education and Training Sector concerning a change to redundancy terms for redundancies occurring on or after 8th November 2018

Dear Employer,

As you are aware, in June 2012, the Department of Public Expenditure & Reform and the Public Services Committee of ICTU agreed a framework concerning *ex gratia* payments on the redundancy of Public Servants.

Arising from Labour Court recommendation (LCR20730), which is binding on all employers in the Education and Training Sector in accordance with the terms of the Public Service Stability Agreements, the terms outlined at Appendix A now apply in a redundancy situation for all public servants employed in the Education and Training Sector, other than Special Needs Assistants.

Where any redundancy situation occurs, or is about to occur, then employers must inform the External Staff Relations Section of the Department of Education and Skills as soon as possible to obtain sanction to offer redundancy terms to those staff affected (or their Union representatives). This request should be directed by e-mail only to the following e-mail address:
redundancies@education.gov.ie

Employers may not process any redundancy terms without prior sanction in writing from the External Staff Relations Section of the Department of Education and Skills.

If sanction is granted for the redundancy then under no circumstances may the terms of the sanction be varied or added to in any way without prior written approval of the DES. Any sanction which may be provided is valid for 8 weeks from the date of sanction.

Employers must notify External Staff Relations Section by e-mail only to the same e-mail address (redundancies@education.gov.ie) once a redundancy has taken place detailing the costs of the redundancy (broken down between statutory and enhanced redundancy costs).

Employers must take all reasonable measures to ensure that any staff member who has accepted the terms of Option 1 previously are not re-employed in the public service for a period of two years from termination of the employment and thereafter only with the consent of the Minister for Public Expenditure and Reform as required.



A checklist for employers is outlined at Appendix B

The terms of this Labour Court Recommendation (LCR20730) do not apply to Special Needs Assistants whose redundancy terms are comprehended by Department of Education and Skills Circular 58/2006.

Tara Carton
Principal Officer
External Staff Relations 8th
November 2018



Appendix A Redundancy

Options

The following redundancy options are available. It must be remembered that *ex gratia* terms may only be offered by employers on a strict non-replacement basis.

To qualify for the terms of this Collective Agreement the staff member must:

- Be a public servant as defined under the Financial Emergency Measures in the Public Interest Acts 2009 – 2013. (This includes public servants employed for a fixed term, meeting the criteria for redundancy under the Redundancy Payments Acts 1967 to 2007 and to whom a redundancy payment is required to be paid in accordance with the Protection of Employees (Fixed Term Work) Act 2003).
- Be in employment which is insurable under the Social Welfare Acts.
- Have worked continuously for the employer for at least 104 weeks.
- Be over the age of 16.

A person who qualifies for redundancy may choose from one of the following three options:

- 1) Statutory redundancy plus an *ex gratia* amount of no more than 3 weeks' pay per year of service, subject to the total statutory redundancy and *ex gratia* payment not exceeding either 2 years pay or one half of the salary payable to preserved pension age, whichever is less.** In the event that the public servant accepts these terms then before receiving the payment s/he must accept that s/he 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 – 2013) for a period of two years from termination of the employment and thereafter the consent of the Minister for Public Expenditure and Reform will be required prior to re-employment. Acceptance of this *ex gratia* redundancy compensation payment will require the staff member to sign a declaration to the effect that s/he understands these terms will be applicable. This declaration will also include an authorisation that their personal information (PPS number and details) may be used by their employer and any other employer in the Public Service for the purposes of monitoring compliance with this provision.
- 2) Statutory redundancy plus an *ex gratia* amount of no more than two weeks' pay per year of service, subject to the total statutory redundancy and *ex gratia* payment not exceeding either two years pay or one half of**



the salary payable to preserved pension age, whichever is less. In this case the public servant will not have any restriction applied to their re-employment in the Public Service.

- 3) Statutory redundancy only.** The value of the statutory redundancy payment must not exceed projected earnings to the mandatory retirement age of the public servant. In this case the public servant will not have any restriction applied to their re-employment in the Public Service. Please note that this option may be offered to staff members who have already reached preserved pension age or who are approaching preserved pension age.

It is entirely a matter for each staff member to choose which option s/he wishes to take up. If the staff member chooses to avail of option 1 then s/he will need to complete and submit a signed copy of the attached Form of Acceptance before payment may be processed.



Form of Acceptance by a public servant who opts for an ex gratia redundancy payment of 3 weeks per year of service and who accepts the restriction on re-engagement in the public service for a period of 2 years.

You are advised to read this form and the associated letter (hereafter referred to as the letter) carefully before signing. If you are uncertain as to the meaning of any of the contents of the form you should seek clarification from your employer or your Union representative. You are of course free to seek independent advice. A completed and signed copy of this Form must be submitted to your employer before the ex gratia redundancy payment may be processed.

1. NAME _____

2. ADDRESS _____

3. EMAIL _____

4. TELEPHONE NUMBER _____

5. DATE OF BIRTH _____

6. PPS Number _____

I, _____ (name in block capitals) have read carefully and fully understand the terms and conditions applying to the offer of ex gratia redundancy compensation from my position in xxxxxxxxxxxx (**Employers name**) which are outlined in the attached letter. I fully accept the terms and agree to be bound by them.

I acknowledge that acceptance of this ex gratia redundancy payment will mean that I am not 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 – 2013) for a period of two years from the termination of my employment with (**INSERT EMPLOYERS NAME**) and that thereafter the consent of the Minister for Public Expenditure and Reform will be required prior to re-employment by any Public Service body. **I undertake to disclose to any future public service employer that I have previously availed of this ex gratia redundancy payment.**

I hereby consent that my personal information (PPS number and details) may be used by my employer and any other employer in the Public Service for the purposes of monitoring compliance with this provision.

Signature: _____

Date: _____



Appendix B

Checklist for Employers

Route for Submissions

- All redundancy payment requests and any matters pertaining to such requests must be submitted by email to: Redundancies@education.gov.ie.
- Communications in any other form and to any other address will be deemed invalid.

Qualifying Criteria - Staff

- The staff member must be a public servant as defined under the Financial Emergency Measures in the Public Interest Acts 2009 – 2013 (This includes public servants employed for a fixed term, meeting the criteria for redundancy under the Redundancy Payments Acts 1967 to 2007 and to whom a redundancy payment is required to be paid in accordance with the Protection of Employees (Fixed Term Work) Act 2003).
- The staff member must be in employment which is insurable under the Social Welfare Acts.
- The staff member must have worked continuously for the employer for at least 104 weeks.
- The staff member must be over the age of 16.

Employer Obligations – Conditions for seeking sanction

- The employer may not process any redundancy terms other than statutory redundancy without the prior approval of the Department.
- Any proposal to offer enhanced redundancy must fall within the terms of the Collective Agreement on Redundancy Payments to Public Servants.
- Employers must familiarise themselves fully with the terms of the collective agreement and the circular.
- It is expressly confirmed that the terms of the circular must not be deviated from either when seeking sanction or subsequently and redundancy payments sanctioned must not be supplemented in any fashion.



- All calculations of the redundancy payment and the staff member's date of birth must be provided as part of the sanction request.

Employer and Staff Obligations Post-Sanction

- Any sanction for an offer of enhanced redundancy is valid for a period of **8 weeks only** from date of sanction. For the avoidance of doubt, if the offer is not taken up within this period and it is still proposed to proceed with an offer of enhanced redundancy, the employer must submit a fresh request for sanction.
- All of the requirements of this section must be fulfilled within the eight week timeframe.
- The employer must inform the staff member of the options available to them in respect of a redundancy payment and advise the staff member that they may seek independent advice.
- For the avoidance of doubt, the employer must provide clarification to the employee on the specific conditions which apply to the two enhanced redundancy options.

If Option 1 is chosen, the staff member must complete and sign the Form of Acceptance prior to the processing of the redundancy payment.

The employer must forward the completed Form of Acceptance within two working weeks. Failure to transmit the form of Acceptance within this time frame will be deemed to be a breach of sanction;

- Once a sanctioned redundancy has taken place, the employer must submit confirmation of the cost of the redundancy broken down between statutory and enhanced redundancy.
- If the staff member rejects the redundancy offer, the employer must inform the Department immediately. Sanction is automatically void upon any such employee rejection.

Employer Obligations on hiring staff

- Employers should, as necessary, amend their policies and procedures on the hiring of staff to ensure that the terms of the collective agreement applicable to staff and employers are observed and that value for money is delivered.
- In this context, it is the employer's obligation to ensure that any individual who has previously accepted the terms of Option 1 is not re-employed in the public service for a period of two years from termination of the employment and



thereafter only with the consent of the Minister for Public Expenditure and Reform as required.

- Employers should undertake the necessary due diligence during their hiring processes for example in the design of application forms, CV and reference checks to ensure that this obligation is fulfilled.

Report

- Employers should note that a bi-annual report will be compiled by the Department of Education and Skills and forwarded to the Department of Public Expenditure and Reform showing compliance by the employer with the sanctioning procedures