

# Terms and Conditions

## Civil Service Mobility Scheme

### Higher Executive Officer

Notwithstanding the terms of the Civil Service Mobility Scheme (the "Scheme") as set out below, management reserve the right to move staff in exceptional circumstances, including to another organisation and to meet urgent business needs in line with the exigencies of the service. Mobility opportunities are, in the first instance, subject to a business need to fill a vacancy.

#### GLOSSARY OF TERMS:

<b>Central Mobility Team (CMT)</b>	The team in HR Shared Services, NSSO who are responsible for administering the Civil Service Mobility Scheme.
<b>Eligibility:</b>	The criteria required in order for an applicant to receive an offer of Mobility.
<b>HRMS:</b>	The system where the Civil Service Mobility Scheme is hosted. It can be accessed through your Self-Service if a customer of HR Shared Services, or your Local HR if a Non-HR Shared Services customer.
<b>Legacy Date:</b>	An applicant's verified application date for transfer made through one of the legacy transfer mechanisms that were in use prior to Civil Service Mobility.
<b>Receiving Local HR:</b>	The Local HR of the organisation the applicant wants to move to.
<b>Sending Local HR:</b>	The Local HR of the applicant's current organisation.
<b>Reasonable Accommodation:</b>	Refers to necessary modifications at work to enable a staff member with a declared disability to participate and advance in employment and to enjoy equal employment opportunities.
<b>Waitlist:</b>	The list of staff members within a certain grade who have applied for Mobility to a specific organisation and zone.
<b>Zone:</b>	A Mobility area as defined under the terms of the scheme. This may comprise a number of different locations/townlands.

#### APPLICATION AND WAITLISTS

1. Your personal data will be reviewed when considering your suitability for Mobility under the Scheme. This will be limited to that required for the purposes of considering your suitability for Mobility, by reference to the criteria set out in the Terms and Conditions. HR Shared Services and Local HR will treat this information as confidential and access will be restricted and controlled in accordance with Data Protection Acts and the General Data Protection Regulation.
2. Staff members may make an application for Mobility following recruitment or promotion, and be placed on a Mobility waitlist. However, applicants will not be made an offer of Mobility until they satisfy the eligibility and suitability criteria of the scheme - clause 14 and 16, and in the case of an applicant with a declared disability, the requirement for and/or the likely effectiveness of reasonable accommodation must be assessed – clause 18 and 22.

### 3. **Priority of applications:**

If applicable, applications will be queued by Legacy Date of application [Central Application Facility (CAF) or Internal Regional Transfer List] in the first instance. In the case of identical application times, the application is then queued by length of reckonable service in grade.

**Wave 1:** Applications received between 18/01/2021 and 12/02/2021 will be treated as Day 1 applications with an application date of 18/02/2021. In the absence of a verified Legacy Date application, priority will be based on the Day 1 application date in the first instance and then the length of reckonable service in the grade.

**Wave 2:** Applications received between 13/02/2021 and 12/03/2021 will be treated on a daily basis. In the absence of a verified Legacy Date application, priority will be based on the date of application in the first instance and then the length of reckonable service in the grade.

**Wave 3:** All applications received from 13/03/2021 onwards will be treated on a daily basis. Legacy dates will no longer be accepted. Priority will be based on the date of application in the first instance and then the length of reckonable service in the grade.

#### **Notes:**

- a) Where a legacy transfer date applies, it must be within the same zone and in the same grade as that being applied for.
- b) CAF legacy dates will apply to all applications within the respective zone and Internal Regional legacy dates will apply to the parent organisation in the respective zone only.
- c) An applicant cannot apply two forms of legacy date to the same zone.
- d) Applicants with legacy transfer application dates who apply in Wave 1 and Wave 2 will be treated equally, that is, priority will be based on the earliest legacy date.

### 4. **Application selection**

Each applicant can apply for a **maximum of 2 zones** from a list of 46 Mobility zones with an option to select **up to 5 organisations in each zone**. Staff members can apply for Mobility within their current zone (excluding their parent organisation – see clause 6) as well as other zones (including their parent organisation). There is no order of merit in an applicant's choice of zones.

A number of zones also have an option to include satellite towns. These are optional remote locations within a zone. Satellite towns are not automatically selected, applicants have the option to opt-in to possible satellite towns when making the application and from the Self-Service. For Example:

**Zone 1:** *Letterkenny Town, Raphoe, Ballybofey, Lifford, Milford, Bridgend + **Optional Satellites:** Buncrana, Carndonagh.*

### 5. **Assignments to and within Zone 46 (Dublin)**

In general, staff members moving to, or within Zone 46 will be assigned to an office in the core location area, which includes all offices within a 4km straight-line radius from the G.P.O. O'Connell Street – see Interactive [Mobility Map](#).

An exception to this general rule is where the organisational headquarters are located outside of the core location area e.g. the NSSO, the Presidents Establishment.

**Note:** Following a move, a staff member may apply through their Local HR for an internal transfer to an office location outside the 4km radius if desired (and where applicable). In general, a minimum of 1 years' service in the core location area will apply.

6. **Internal transfers within a zone** (transacted outside of the Mobility scheme) are subject to the terms and conditions of the organisations internal transfer policy – see Appendix 1.

7. **Applicants are fully responsible for their own application(s).**

Staff members must ensure that valid monitored **home and business email addresses** are complete on their 'Personal Information' page on their HR Shared Services self-service.

Non-HR Shared Services customers must ensure that valid monitored **home and business email addresses** are completed on the Application Form which must be submitted directly to their Local HR.

If the contact information is not up to date/not recorded, the applicant will not receive notifications regarding the scheme as this is the only form of contact with applicants - the Central Mobility Team, HR Shared Services and Local HR will not be responsible for non-delivery of messages where e-mail contact information is not up-to-date/not recorded.

8. **(a) HR Shared Services customers:** the Central Mobility Team in HR Shared Services will have access to input applications received on behalf of their customers, as well as access to edit Mobility applications if formally requested to do so by applicants who have no access to the Mobility Portal.

**(b) Non-HR Shared Services customers (on HRMS<sup>1</sup>):** The Organisation's Local HR will have access to input applications received on behalf of their staff members, as well as access to edit Mobility applications if requested by applicants. Staff covered by this category include staff members of Garda Civilian, An Garda Síochána and the Houses of the Oireachtas.

**(c) Non-HR Shared Services customers (not on HRMS):** The Organisation's Local HR will accept applications received on behalf of their staff members. Details of the applications will be date-stamped and stored in Local HR.

9. Applicants with access to HR Shared Services may edit their own applications and view their placing on a waitlist for any organisation(s) applied for. Applicants not on HR Shared Services may send a request to their Local HR to edit or seek placing on waitlists on their behalf.

10. Local HR units with access to the Mobility Portal will have viewing access for their organisations' inbound and outbound Mobility waitlists.

11. An annual e-mail will issue to all applicants on 1st January to confirm continued interest in their application(s). All applications that are declined or not confirmed within **20 working days** will be withdrawn. The staff member may re-apply, however, the application(s) will be prioritised on the new date that the application is made.

## SEQUENCING

12. The Redeployment Panel will continue to have precedence over all other arrangements for filling vacant posts, including Mobility under this scheme.

13. Organisations will adopt a sequence of filling 1 in 6 vacant posts. This will fulfil a HEO Interdepartmental liability.

## OFFER STAGE, ELIGIBILITY, SUITABILITY ASSESSMENT AND APPEALS PROCESS

14. An applicant will be automatically deemed<sup>2</sup> eligible on the Mobility system if they have:

- (a) 2 years' service, or more, in the current grade;
- (b) 2 years' service, or more, in the current organisation;
- (c) 2 years' service, or more, in the current geographical location; and
- (d) PMDS/performance rating of 'Satisfactory' for the previous working year.

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<sup>1</sup> Human Resources Management System (HRMS) - the software where the Mobility application system is hosted.

<sup>2</sup> This is an automatic process where applicant is on HRMS and a manual process where applicant is non-HRMS.

An applicant must have successfully completed their probation period in a permanent capacity before a Mobility move can be advanced.

There are additional criteria that Local HR are required to complete, set out at clause 16, to determine if an applicant is suitable for Mobility prior to an offer being made, and in the case of an applicant with a declared disability, the requirement for and/or the likely effectiveness of reasonable accommodation must be assessed.

15. In the event that a vacancy arises that is to be filled through Mobility, the Receiving Local HR will have access to select the first applicant deemed eligible under the criteria at clause 14.

An email alert (cc'd to both Sending and Receiving Local HR) will issue to an applicant to inform them that they are being considered for Mobility, however, a further assessment will be required – see clause 16. The applicant will have the option at this point to cancel their application - cancellations can only be executed through the system within a period of 3 working days.

Where an applicant wishes to proceed with the offer of Mobility, the completion of a 'Reasonable Accommodation' declaration form is required (link in pre-offer email). This declaration form should be submitted to their Local HR within this 3 working day timeframe. The completed declaration form will be forwarded to the Receiving Local HR only in the event that the applicant is deemed suitable by their Local HR under the criteria at clause 16.

Where an applicant wishes to cancel the pre-offer within the 3 working day timeline, the application will be withdrawn for the specified organisation in the specified zone only. The completion of a 'Reasonable Accommodation' declaration form will not be required.

**Where the applicant does not cancel their application within the 3 working day timeline and decides that they do not want their application to advance to offer stage** they may contact the administrators of the scheme (see clause 8) and request that their application is cancelled on their behalf. This will be treated as a decline of offer and all application(s) will be withdrawn within the specified zone. The completion of a 'Reasonable Accommodation' declaration form will not be required.

16. When a receiving Local HR progresses with the first eligible applicant, the Sending Local HR are required to complete an assessment of the applicant's current suitability and/or ability to be progressed for Mobility under the following criteria:

- a) Performance Improvement Plan (PIP) under Circular 24/2016 or subsequent amended circular;
- b) Disciplinary warnings and/or sanctions under Circular 19/2016 or subsequent amended circular;
- c) Formal investigations under the Civil Service Disciplinary Code which may lead to disciplinary action; and
- d) Attendance Record – using the following guiding threshold levels:
  - more than 56 days absence in the previous four years (prorated);
  - more than 25 instances of absence in the previous four years (prorated).

Assessment of the applicant under criteria (a), (b) and (c) above will be undertaken by the Sending Local HR only. Both the Sending and the Receiving Local HR may assess the applicant under criteria (d) in cases where the applicant is in excess of the guideline absence thresholds and discounting has been deemed appropriate by the Sending Local HR.

17. **Deemed suitable by Sending Local HR and threshold levels not exceeded:** Where an applicant is deemed suitable, an email alert will issue with an offer of Mobility (cc'd to both Sending and Receiving Local HR). The applicant is required to accept or decline the offer of Mobility within a period of **5 working days**. This offer will be treated as a decline where the Reasonable Accommodation declaration form has not been submitted by applicant and received by Receiving Local HR (see Clause 15).

Upon acceptance of this offer, the advancement of the move is subject to an assessment of reasonable

accommodation requirements, and/or security vetting clearance, and/or meeting Irish language requirements (where applicable).

18. **Deemed unsuitable by Sending Local HR (on the basis of 16(a) - (c) or on the basis that threshold levels have been exceeded and discounting is not appropriate):** Where an applicant is deemed '*unsuitable for Mobility at this time*' by their local HR on the basis of any criterion set out at clause 16, Local HR will enter a future date for review of this status. All application(s) will be considered 'ineligible' until either the review date is updated/removed or the review date expires. An email alert will issue to the applicant (cc'd to both Sending and Receiving Local HR).
19. **Deemed suitable by Sending Local HR, threshold levels exceeded and requiring review by Receiving Local HR:** Where an applicant is deemed 'suitable for Mobility at this time' by their local HR and their threshold levels (16.d) have been exceeded, the Receiving Local HR will review the relevant absence(s). This is for the purpose of assessing if reasonable accommodation might be required (in respect of any ongoing disability) with a view to considering if the Receiving Organisation is in a position to provide that reasonable accommodation, in respect of the applicant.
20. **Deemed unsuitable following review by Receiving Local HR:** Where an applicant is deemed '*unsuitable for Mobility at this time*' by the Receiving Organisation in accordance with paragraph 16(d), their application(s) for that organisation only will be considered 'ineligible' until either the determination is changed to suitable or the review date expires without being further extended.  
This will not affect applications to other organisations. An email alert will issue to the applicant (cc'd to both Sending and Receiving Local HR).
21. **Deemed suitable following review by Receiving Local HR:** Where an applicant is deemed suitable, an email alert will issue with an offer of Mobility (cc'd to both Sending and Receiving Local HR). The applicant is required to accept or decline the offer of Mobility within a period of **5 working days**. This offer will be treated as a decline where the Reasonable Accommodation declaration form has not been submitted by applicant and received by Receiving Local HR (see Clause 15).
22. Upon acceptance of this offer, the advancement of the move is subject to an assessment of reasonable accommodation requirements, and/or security vetting clearance, and/or meeting Irish language requirements (where applicable).
23. **Assessment of applicant's functional capacity / reasonable accommodation:** It is the policy of the Civil Service to seek to ensure that staff members are not disadvantaged because of their disabilities. Making a permanent move to another position under the Scheme, before such matters are considered, could have the unintended effect of disadvantaging applicants with a declared disability. Where the applicant identifies that reasonable accommodation has been made or may potentially be required, it will be a matter for the Receiving Local HR to assess this requirement for reasonable accommodation in the new role. In doing so, HR Managers will consider their obligations under the Employment Equality Acts 1998 to 2015 to provide reasonable accommodation, so that applicants with a declared disability can participate in and advance in their employment. This may require a medical assessment and/or other specialist assessment in some cases.

A formal offer of Mobility in respect of an applicant with a declared disability will only be finalised where reasonable accommodation can be provided. The assessment process will not be used as a means to impede a move under the Mobility scheme. If the applicant cannot undertake the essential duties of the new role, even with the provision of reasonable accommodation, or if reasonable accommodation would impose a disproportionate burden on the receiving organisation, the application for Mobility will not be progressed. . The applicant's position on the waitlist will not be affected where the Organisation considers that they may be able to fulfil the reasonable accommodation requirement at a later date.

24. **Appeals Process:** An applicant has a right to lodge an appeal against a determination of unsuitable where their threshold level(s) (16.d) have been exceeded. Notification of an appeal should be submitted in writing to the HR Manager in the organisation that determined the unsuitability. The appeal must arrive no later than **5 working days** from the date of notification of unsuitability.

Where the determination of unsuitability was made by the Sending Local HR, the applicant will not be considered for any Mobility moves pending the outcome of the appeal process.

Where the determination of unsuitability was made by the Receiving Local HR, the applicant will not be considered for Mobility moves to this organisation only pending the outcome of the appeal process.

Where an appeal is lodged, the relevant post will be held open for a maximum of **60 working days** from the date of notification of unsuitability to ensure business continuity.

After **60 working days**, if the appeal is ongoing and a determination has not yet been reached, the Receiving Local HR may proceed in filling the post with the next eligible applicant on the relevant waitlist.

**Note:** There may be only one appeal per live case. If the determination is overturned by the Sending Local HR, this will deem the applicant suitable.

25. Where an applicant declines an offer of Mobility / does not submit the Reasonable Accommodation declaration form / does not indicate their acceptance within the set timeframe of **5 working days**, the application(s) will be withdrawn from all Mobility lists within the specified zone. The applicant may re-apply for the same zone; however, the application will be prioritised on the date that the new application is made. Applications will be confined to a maximum of 5 applications per 2 zones.
26. Where an applicant cancels a pre-offer (post-3 day period) or declines an offer of Mobility more than once to the same organisation and zone combination within a 12 month period, they will be restricted from applying to this organisation and zone combination for a further period of 12 months.

## MOBILITY MOVE

27. Staff members seeking to avail of Mobility opportunities accept that **the move will be permanent**, with no provision to return to their previous role/organisation.
28. Investment made by the organisation through a formal education programme or significant specialised training may be taken into consideration when determining the timing of a move under the scheme. The offer of Mobility will remain, although the position may be filled through a temporary arrangement until the applicant is released.
29. Applicants accept that there is no automatic right to elective work arrangements e.g. Worksharing, Shorter Working Year etc. In general, positions will be full-time and staff members will in most instances be required to alter their arrangements upon acceptance of a move under the Scheme, subject to the business needs of the receiving organisation. An applicant may, however, re-apply for such arrangements in accordance with the relevant statutory provisions where available in the receiving organisation.
30. Applicants accept that there is no automatic right to flexible working arrangements (flexitime). Flexitime is only available in accordance with the arrangements of the receiving organisation.
31. Applicants who indicate their competency in the Irish language, and who are offered a Mobility move to a position requiring Irish, may be required to undergo an assessment of their Irish language skills before confirmation of the Mobility move is made. Following the assessment, if Irish language skills are not considered adequate for the role, the applicant's placing on a Mobility list (or lists) will not be affected.

32. An applicant is expected to move within a period of **20 working days** from the date of a formal offer.
33. Organisations are expected to facilitate a Mobility move within a period of **20 working days** from the date of a formal offer.
34. Upon acceptance of an offer, the applicant gives an undertaking to carry out the duties of the new role, including participation in any Learning and Development processes, with a view to becoming proficient in the new role on the same basis as existing staff members.
35. Staff members moving through mobility to a new organisation under this scheme will retain their service for seniority purposes.
36. Applicants holding a pay rate/payment for the performance of particular duties, hours above the standard Civil Service hours or shift-working etc., and voluntarily moving to a position where these duties/liabilities or other factors for which they are payable do not apply, will not retain the pay rate/payment and will be moved on to a general Civil Service pay scale based on reckonable service. Agreed retention elements of allowances will remain unaffected.
37. Where an applicant avails of a move through the Mobility scheme, their applications for the zone that they are moving to/within will be withdrawn from all waitlists within the specified zone. The applicant may re-apply for the same zone, however, the application will be prioritised on the date that the new application is made. Applications will be confined to a maximum of 5 applications per 2 zones.

#### **ON-HOLD FACILITY AND CHANGE OF GRADE**

38. Applicants will have the option to temporarily suspend their individual waitlist applications by placing them '**on hold**'. While on hold, no offer of Mobility will be made; however, the applicant will continue to mark time and their waitlist priority will not be affected. When an applicant wishes to be considered for Mobility again, they can re-activate their application.

**Note:** An application can no longer be placed on hold where a Receiving Local HR has advanced a pre-offer (clause 15).

39. Applicants on various forms of long-term leave who have not placed their application 'on-hold' may be subject to the immediate resumption of duty upon being made an offer of Mobility.
40. Organisations will have the facility to temporarily place an office outbound list '**on-hold**' where moves will have a negative impact on the business. An email will issue to all applicants on the outbound list indicating that the temporary suspension is in place, however, the applicant will continue to mark time and their waitlist priority will not be affected. Any ongoing temporary suspensions may be reviewed by Civil Service HR in the Department of Public Expenditure and Reform after a **6 month period** in consultation with the relevant Personnel Officer/HR Manager and the Staff Union.

**Note:** An individual application can no longer be placed on hold where a Receiving Local HR has advanced a pre-offer (clause 15).

41. If an applicant's grade changes through promotion, their application(s) will be automatically withdrawn from all Mobility lists at the Higher Executive Officer grade. However, if an applicant reverts to the Higher Executive Officer grade within a **12 month period**, he or she may raise a case with HR Shared Services (or Local HR, for staff members who are not customers of HR Shared Services) to have their application(s) reinstated.

**Note:** the requested reinstatement of the application(s) must be within this **12 month period**.

A staff member may re-apply for any existing Mobility opportunities at the promoted grade, if applicable, from a current date.

## GOVERNANCE

42. The scheme will be reviewed on an ongoing basis, and may be revised if deemed necessary by the Civil Service HR Division, Department of Public Expenditure and Reform in consultation with organisational HR Managers and Staff Unions. Upon acceptance of any offer made, the Terms and Conditions at that date will govern the move.

## APPENDIX 1

### Staff Moves under Internal Transfer Policy

- If an applicant wishes to apply to move to their current organisation within the same zone but in a different office, they can continue to do so under their organisation's internal transfer policy. Internal Transfer Lists will continue to have precedence for movement within a single zone where an organisation has more than one office.
- Where a staff member is successful in availing of an internal move under their organisation's internal transfer policy, the terms of that policy will determine the length of service the staff member may be required to serve in the new geographical location, i.e. a staff member who receives an internal move within a zone may be required to remain in the new geographical location for a designated period of time **up to a maximum of 2 years**.
- The Sending Local HR will assess this eligibility status at pre-offer stage for the Mobility scheme – the assessment is conducted in tandem with the pre-offer assessment process at clause 17. If it is determined that an applicant, who has availed of an internal mobility move, should remain in the geographic location for a designated period of time, the Sending Local HR will deem the applicant 'unsuitable for mobility at this time' on the basis of the terms of the internal mobility policy.
- The Sending Local HR will enter a future date for review of this status. All application(s) will be considered 'ineligible' until either the determination is updated or the review date expires. An alert email will issue to applicant (cc'd to Receiving Local HR).