



Health Service Executive/Department of Health and the Irish Medical Organisation

Agreed addendum to NCHD contract covering rostering, leave, re-location and training support for Non-Consultant Hospital Doctors.

This document should be read in conjunction with the NCHD contract, and no provision of this agreement shall act to reduce or diminish the entitlements of NCHDs under the current NCHD contract.

December 2022



1. EWTD verification and sanction process

Health service management and the IMO are agreed that a national group will oversee verification and implementation of measures to reduce NCHD hours, eliminate shifts of 24 hours and achieve Organisation of Working Time Act compliance. The IMO and the HSE/DOH will agree a transparent monitoring, verification and sanctions process by end January 2023. Thereafter an oversight group of IMO and HSE representatives will monitor compliance with all aspects of this agreement and agree and further action to be taken. For the purpose of verification, the reference period for calculating average working hours for the NCHDs is reduced from six months to three months. For most rotations there will be two such reference periods.

To support and enable compliance with the EWTD the HSE commits to the introduction of an electronic attendance system across all sites, and will engage with the IMO on the implementation of this project. Pending the introduction of the national electronic attendance system and as an interim measure a national timesheet will be used across all settings (Statutory, community and voluntary except for those sites that already have electronic systems in place).

This process will include sanctions to be imposed on non-complying hospital groups (scheme will be administered at Hospital Group level however sanction and fund allocation will operate at individual hospital level). The sanctions imposed on the hospitals will be paid into a fund and will be used for the following;

At national level:

- 10% of the fund from each Hospital will be paid directly to medical schools who run programmes for medical students from disadvantaged backgrounds.

At local level:

The dispersal of the fund will be subject to ongoing agreement between the IMO and the HSE (national group), but in all cases, the fine imposed at individual hospital level will be the subject of discussion with the IMO and used to support and benefit NCHDs employed in that hospital, including but not limited to:

- NCHD support and wellbeing initiatives
- Additional facilities for NCHDs Residence.
- Conference attendance for NCHDs additional to TSS



2. Rostering Rules

To support and enable compliance with EWTD, the following rostering rules will be adhered to by all employers (HSE, Voluntary and Community) in their rostering of NCHDs.

At all times, the employer is responsible for ensuring that the rosters are aligned with the Organisation of Working Time Act and these rostering rules.

In line with the Organisation of Working Time Act, no NCHD should be working any more than an average of forty-eight hours per week over the agreed reference period (three months).

The rostering rules are as follows:

- An NCHD can be rostered for no more than five days out of seven.
- However, in exceptional circumstances, an NCHD may be rostered for up to eleven consecutive days across two calendar weeks.
- Where an NCHD is rostered to work for ten or eleven consecutive days then they shall be entitled to rest following these days. Such rest shall be the day following a period of 10 consecutive days, or 2 days following a period of 11 consecutive days. These shall be included on the roster as Rostered Days Off Duty.
- NCHDs working for a period of time which goes across 2 separate days including NCHDs working a 24-hour onsite shift are counted to have worked 2 days
- Where it is not possible to roster these rest days or where the NCHD is required to attend work on such a day, then these days shall become compensatory rest days which should be scheduled within 4 weeks of its accrual and such scheduling must be over and above any rest periods (compensatory or not) within that period.
- Failing this, such compensatory rest days not taken will be paid in the following pay period.
- NCHD must claim the compensatory rest days by completing the national time sheet (Appendix 1) or apply via electronic rostering system.
- NCHDS must not be rostered for two consecutive weekends including on call onsite or on call offsite.
- In any fourteen day period, an NCHD shall not be rostered to work:



- more than four working days of thirteen hours, or more, duration (core working hours plus on call on or off site)
 - more than two 24-hour shifts.
 - In exceptional circumstances and only with the agreement of the NCHD a third 24-hour shift will be allowed and such shift will be paid in line with the NCHD contract and attract an additional compensatory rest day.
 - In relation to rostering of 13 hours shifts and 24 hour shifts for an NCHD the combination of such shifts shall not exceed 96 hours in any 14 day period.
 - The above rules are subject, at all times, to the provisions of the Organisation of Working Time Act 1997, meaning that within the 3 month reference period an NCHD may not work over 48 hours on average per week,
- The only exception to the points above relate to rostered periods of night shifts. Rostered Night shifts must be OWTa compliant within the 3-month reference period.
- Should an NCHD organise a swap into an un-rostered shift(s) that results in any of the above breaches then no entitlement under this agreement accrues eg., compensatory rest, sanction. Where there are swaps the NCHD should record same on the time sheet.
- For those relocating, the full 24 hours will be off-duty prior to changeover and in addition every effort will be made to grant 48 hours off-duty.
- Where an NCHD is rostered for an onsite shift of 24 hours then they must be rostered off for 11 hours before and after said shift.
- It is agreed that in certain settings, there will be a requirement for flexibility on rostering however these will be the exception, rather than the rule. In all cases the NCHD will be paid for untaken compensatory rest with their agreement. It is recognised that in certain specialities, eg Transplants, etc, it may be necessary to vary these rules, however in such circumstances local engagement with affected NCHDs will require to be undertaken.

3. 24 hours shifts

The HSE agrees to the phasing out of 24 hour on site on-call shifts by end of 2024. This phasing will be to replace 24 hour shifts with maximum 13 hour shifts. The phasing to be as follows:



Phase 1: 50% compliance from September 2023

Phase 2: 75% compliance from July 2024

Phase 4: 100% compliance from December 2024

The HSE will engage with the IMO to agree the measures and monitoring process required to implement the phasing out of 24 hours shifts.

4. Payroll matters

- Overtime will be paid after the completion of 78 hours in a two week period, to be implemented from 9th of January 2023.
- It is agreed all hours worked will be paid in accordance with the NCHD contract.
- Measures to deal with emergency tax.

For those NCHDs whose initial employment or changeover is subject to emergency tax, it has been agreed that from January 2023 a Temporary Recoverable Payment will be included in their first pay period to alleviate the financial burden of emergency tax.

The Temporary Recoverable Payment will be in the sum of €850 gross and will cover a period of 4 weeks (two fortnights) on emergency tax. This calculated amount is based on actual reduced net payments to NCHDs in July 2022 but increased in line with budget changes, pending pay awards and flat rate expenses. The payment will be recouped in the third pay period for those fortnightly paid and will be recouped in the second pay period for those monthly paid.

- Centralised Payroll

The HSE commits to creating a single payroll across the HSE for NCHDs. The HSE has commenced the creation of an implementation plan for the provision of a centralised NCHD payroll on an existing employer registration number (HSE only), with a phased implementation commencing in July 2023. The HSE will undertake early discussions with the Voluntary Hospitals so that all NCHDs working in Voluntary Hospitals/Section 38 hospitals will be incorporated in this initiative by end 2023.



5. Annual Leave and Study/Educational Leave

The following rule-set will apply to the taking of annual leave and educational Leave. Where NISRP is in place this must be used for leave applications.

Study/Educational leave

- As per the NCHD contract The Employer may, taking account of the NCHD's medical education and training status, grant the NCHD up to a maximum of 18 working days, in any 6 month period of employment.
- Educational leave will be accommodated and granted as follows:
 - NCHDs undertaking Gateway Exams/Mandatory Courses as per Appendix 1 will be granted a calendar week (which will account for 5 days of the study leave entitlement) of leave, not including the day of the exam, the week prior to Gateway Exams, or failing this, within two weeks before the exam. In exceptional circumstances, where multiple NCHDs are undertaking the same exam, the study leave will be granted within one of the 3 weeks before the exam.
 - NCHDs undertaking Gateway Exams/Mandatory Courses as per Appendix 1 will be granted Study Leave for the 24-hr period of the day of Gateway Exams/Mandatory Course and where required the preceding 24 hours to facilitate travel to an in-person exam/course. This must be booked more than 6 weeks in advance, or it cannot be guaranteed.
 - The list of courses at Appendix 2 will be subject to annual review.
- All NCHDs will be guaranteed 10 study days per 6 months, while remaining entitled to up to 18 days. Educational leave will be allocated in the first instance to NCHDs sitting Gateway Exams/Mandatory courses as per Appendix 1, subject to the NCHD having booked the leave at least 6 weeks in advance as outlined above.
- Study Leave for mandatory course relevant to Training Scheme completion and to maintain clinical practice (e.g. ACLS). NCHDs will use 1 day of study leave – at a time suitable for rostering – to complete all outstanding mandatory courses and upload details of same to National Employment Record. Mandatory



Training to be completed within 2 months of July Changeover and this is to be facilitated by the employer.

Annual leave

- NCHDs are entitled to 24 days per annum annual leave or 34 days inclusive of public holidays.
- As per the NCHD contract

All requests for leave must be recommended by the supervising Consultant / Clinical Director and approved by the Employer prior to actual leave dates. Leave will be approved in line with agreed rota and service requirements, and notice is required in accordance with the Employer's policies.

- Leave will be applied for and approved in line with existing local processes. 8 days leave must be applied for at least within the first month of each six-month period.
- Application for annual leave can be submitted prior to commencing rotation to the clinical team and/or medical HR (as specified locally).
- Annual Leave requests should be accommodated in roster preparation where feasible.

6. Relocation expenses for NCHDs on rotational training schemes

The HSE agrees to the expansion of the list of claimable expenses, up to the agreed maximum of €1,000.

The following claimable items incorporates the current Revenue Commissioner guidelines

- Legal fees, auctioneers fees and stamp duty arising from relocating
- Removal of furniture and effects
- Storage charges
- Insurance of furniture in transit
- Cleaning stored furniture



- Travel expenses on removal (to include travel expenses related to viewing and finding accommodation prior to the rotation for NCHDs and a family member) claimed on the HSE travel form
- Temporary subsistence while looking for accommodation (both prior to and post the changeover date) within the existing relocation fund

The above expenses are subject to vouching with the exception of the temporary subsistence allowance, as set out in the applicable Revenue guidance.

The HSE agrees to allow for the claiming of two €500 relocation expenses in a 12 month period. These expenses shall not exceed €1,000 in a 12 month period, however, may be drawn down in amounts to meet the needs of the NCHD.

The parties acknowledge that there is a particular issue for NCHDs who rotate and have to rent a second residence. The Department of Health and HSE agree that measures are required to address this specific issue and such measures will be agreed between relevant parties as a matter of priority.

7. Educational Supports

Individual TSS Allowances

It is agreed that there will be an increase in the individual TSS allowance as follows:

Grade	Current Allowance Per Year	New Allowance Per Year
Intern	€750	€1250
SHO/Registrar	€1250	€1750
SpR/Psychiatry SnR on a training scheme/GP Reg Istrars	€2000	€2500

Expansion of Scope of Policy

The TSS policy currently provides NCHDs with the scope to claim a range of training related expenses such as exams, courses, conferences, PCS, MDs/PhD, Travel & Subsistence. It is agreed that the following additional items are encompassed within TSS funding:



- Annual Registration fee for Professional Memberships
- Online Subscriptions to relevant medical publications as deemed appropriate, provided such publications **are not** available to NCHDs via other sources such as local, university or HSE Library
- Laptop/Tablet – A contribution of up to €1,000 towards the purchase of a laptop **OR** tablet. This will be available once every 4 years from the date of purchase (as per receipt). If an NCHD chooses to spend more than €1,000 they will be liable for this additional amount. NDTP will issue standard guidance to all NCHDs on how to claim for laptops. The TSS policy will be updated to reflect all changes. Claims will be made through the normal NER process. Claims under this category are subject to Benefit In Kind (BIK) tax deductions as per Revenue rules.
- Microsoft Office
- Computer Software that has a CME/CPD Component e.g. Statistical Software such as SPSS or alternative

The new allowance per year will come into effect from 9th of January 2023. Following essential system changes to National Employment Record the claims for Laptops/Tablets will be in place not later than the 28th of February 2023. Once the system changes are in place NCHDs can claim for Laptops/Tablets purchased since the 9th of January 2023 as per the updated TSS policy.

The timeline for implementation of proposed changes assume that final agreement will be reached in December. If this is not the case then the timeline may need to be revisited to allow adequate time for essential system changes.

It is recognised that NCHDs may be out of pocket for long periods of time in respect of payments for exams to Post Graduate Training Bodies. It is agreed that the IMO and HSE-NDTP will engage on the introduction of measures to address this problem.

8. Negotiations with IMO on new NCHD contract

It is agreed that negotiations between the parties on the development of a new NCHD contract will commence in January 2023.