

Reference No: P18/5/60; **Date:** 02/06/60

Circular 6/1960:- Amendment of Superannuation Code

A Dhuine Uasail,

I enclose a copy of General Council Report No. 219 with the Report of the Sub-Committee which examined the claim for the formulation of principles entailing revision of the Superannuation Code.

The Minister has accepted the Sub-Committee's Report and gratuities will be payable in respect of those part-time officers who retire, are discharged on redundancy grounds or die on or after 5 May, 1960, and are covered by the concession set out in paragraph 4 of the Report. Particulars of service, etc., of part-time officers (other than those excluded by that paragraph) should be furnished in the usual way to this Department on forms E. Gen. 8 or 9.

Established officers who qualify for an award under the Superannuation Acts in respect of service ending on or after 5 May, 1960, and whose establishment was delayed owing to failure to pass educational tests will benefit from the concessions set out in paragraph 3 of the Report. Full particulars of the delays should be given on the E. Gen. 8 or 9 forms (or on attached statements) in such cases.

Mise, le meas,
Maire Bhreathnach

Civil Service Conciliation and Arbitration Scheme
General Council Report No. 219
(Meeting of 16th March, 1960)

Revision of the Superannuation Code

Present:

Official Side: Messrs L.M. Fitzgerald (Chairman), B. O Brolchain, S. O Conaill, W. Smyth and M.D. Brennan (Secretary).

Staff Side: Messrs. J.C. Horgan (Principal Staff Representative), W. Bell, W.J. Farrell, C.O'Sullivan, R. Johnson, Miss N. Lynch and Mr. P. Breathnach (Secretary)

1. At a meeting of the General Council held on 13 July, 1954, (Report No. 79 refers) it was agreed to set up a sub-committee to examine and report on a claim for the formulation of principles entailing revision of the superannuation code.
2. A copy of the sub-committee's report is appended.
3. The Council, having considered the report, agreed to recommend its adoption.
4. In regard to the recommendation at paragraph 3 of the sub-committee's report the Staff Side requested that, in the case of any existing pensioner whose pension has been affected by the operation of the rule governing deductions from service where establishment was delayed due to failure to pass an educational test for establishment, the pension be revised with effect from a current date.
5. The Official Side said they would consider the Staff Side's suggestion.

Report of the Sub-Committee set up by the General Council at its tenth meeting on 13th July, 1954, to examine and report on the claim for the formulation of principles entailing revision of the Superannuation Code

1. Claim that the qualifying period for payment of gratuities be reduced from 15 years to 7 years and that the gratuity be payable - on the recommendation of the trend officer of the Department - where the persons so employed are removed from the employment, or retire for any reasons and that the amount be two weeks' pay for every year of service.

The Sub-Committee agreed to recommend that the qualifying period for payment of compassionate gratuities under Section 4 of the Superannuation Act, 1887, and Section 3 of the Superannuation Act, 1914, to unestablished officers should be reduced from fifteen years to seven years.

2. Claim that in the case of a person who was employed whole-time and/or part-time in an unestablished capacity and who, after becoming an established civil servant, dies without having sufficient service for payment of a gratuity under Section 2(1) of the Superannuation Act, 1909, the period of service from the date of establishment to the date of death should be reckoned as service in an unestablished capacity for the purposes of the provisions regarding payment of gratuity in respect of employment in an unestablished capacity.

The Sub-committee agreed to recommend that the concession sought should be allowed where unestablished service prior to establishment was whole-time.

3. Claim that deductions from service where establishment was delayed owing to failure to pass an educational test for establishment should cease.

The Sub-Committee agreed to recommend acceptance of the claim.

4. Claim that gratuities be payable in respect of part-time employment on the same basis as the gratuities payable in respect of whole-time employment in an unestablished capacity; and that periods of part-time employment be reckoned for the purpose of the qualifying period necessary for payment of a gratuity in the case of a person who on retirement or death has served for periods in both part-time and whole-time employment in the Civil Service in an unestablished capacity.

The Sub-Committee agreed to recommend that the arrangements for payment of gratuities to part-time officers in the Department of Posts and Telegraphs should be extended to part-time officers in other Departments and that these arrangements should be modified in the following respects:

(a) the qualifying period of service to be reduced from 15 years to 7 years

(b) The maximum limit of £75 no longer to apply and the applicant's financial circumstances no longer to be taken into account,

These modifications will apply only to officers directly and personally employed. The extension of benefit to officers in Departments other than the Department of Posts and Telegraphs will not apply to persons without fixed hours of duty, e.g., Caretakers of National Monuments who receive a small annual payment, or to persons whose service is otherwise minimal. Any question whether a person is entitled to a part-time gratuity will be settled according to Post Office practice.

5. Claim that in the case of persons who leave pensionable employment remunerated out of public moneys to become Civil Servants, and vice versa, the period of service in both spheres be reckoned for superannuation purposes on ultimate retirement.

The Sub-Committee agreed in principle that provision for the transfer of pension credit between the Civil Service and other employment would be desirable in appropriate cases. Each case will have to be considered separately with particular regard as to whether reciprocal movement between the Civil Service and the other employment is feasible and should be facilitated

6. Legislation will be required to implement 1 and 2 and for any new provisions under 5. Before any payment can be made under 4 to officers other than those employed in the Department of Posts and Telegraphs the necessary monies must be voted by Dail Eireann. Subject to the passage of the necessary legislation and to the voting of monies as aforesaid, it is recommended that effect should be given to the modifications above.

7. Disagreement was recorded on the following claims:-

(a) that whole-time employment in an unestablished capacity prior to establishment be credited in full for pension purposes,

(b) that periods of employment in the Civil Service in a part-time capacity should, in the case of persons so employed who subsequently become Civil Servants, be reckoned as to one-half thereof for the purposes of the Superannuation Acts,

(c) that where an officer retiring on medical grounds is eligible for a superannuation allowance but has less than 20 years' service the superannuation allowance and additional allowance be granted on the basis of 20 years' service.

(d) that where persons are recruited to the civil service at an age in excess of that at which public service normally begins and are consequently unable to have 40 years service by the time they reach the age of 65 years provision be made for additional credits for superannuation purposes,

(e) that provision be made for review of pensions when the cost of living rises beyond certain limits in relation to the position obtaining at the time the pensions are computed,

(f) that officers after 30 years' service be permitted to retire voluntarily and receive the same superannuation allowance and additional allowance as if at the time of their retirement they had been retired because of ill health.

8. The Sub-Committee will furnish a further report as soon as possible on the question of the reckonability for pension purposes of allowances in the nature of pay, other than Children's Allowances.