

Reference No: P18/24/80; **Date:** 29/06/82

29/06/1982 LP:- Amendment of non-contributory Pension Scheme for non-established State Employees

To Each Personnel Officer

A Chara,

1. I am directed by the Minister for the Public Service to refer to Labour Court Recommendation No. 5799 as a result of which the above-mentioned pension scheme requires to be amended. The Recommendation in question, which was issued on 9 June 1980, is as follows:

"The Court is satisfied that due to the operation of the different terms of the Sick Pay Scheme for the two categories of workers (i.e. established and non-established personnel), the Pension Scheme operates to more advantage for the established staff than for the unestablished staff or industrial civil servants.

The Court considers that the parties should meet to negotiate on the differences between the two Sick Pay Schemes to ensure that differences from this source, affecting the pensions, should be eliminated.

These negotiations should include consideration of some basis of credit for sick leave taken prior to the introduction of the Paid Sick Leave Scheme for industrial civil servants in June, 1967."

2. The Minister has now accepted this Recommendation and, accordingly, the terms of the pension scheme fall to be revised in the case of officers whose pensionable service ceases on or after 9 June 1980. Such officers should be allowed credit, for purposes of the pension scheme, for all unpaid sick leave which would have been treated as paid sick leave if it had been given as an established civil servant provided

- (a) such sick leave was medically certified (but see paragraph 3 following),
- (b) it did not occur after the last day of paid service,
- (c) it did not occur during a period when the officer had an unexpired entitlement to paid sick leave
- (d) it immediately followed either
 - (i) a period of paid sick leave, or
 - (ii) a period of paid service.

3. A period of absence for which the usual medical certification is not available may be taken into account for purposes of this Letter provided your Department is satisfied by reference to other evidence (e.g. hospital records) that the absence was, in fact, a genuine sick absence.

4. As regards the final sentence of the Recommendation, it should be noted that it is intended that pre-1967 unpaid sick leave should be treated in the same way as post-1967 unpaid sick leave for purposes of this Letter.

5. Cases of doubt or difficulty should be forwarded in writing to the Pension Section of this Department.

Mise le meas,
M.B. Murphy