

Circular Number: Circular 21/2017

Circular Title: A Temporary Circular to allow for certain Civil Servants to be retained beyond their Compulsory Retirement Age of 65 years until they reach the age of eligibility for the Contributory State Pension.

To: All Government Departments and Offices employing Civil Servants

I am directed by the Minister for Public Expenditure and Reform to advise you of the arrangements set out in this Circular for certain Civil Servants to be retained beyond their Compulsory Retirement Age of 65 years until they reach the age of eligibility for the Contributory State Pension, which is currently age 66 but is due to increase to age 67 on 1/1/2021 and to age 68 on 1/1/2028.

Circular Application: All Civil Servants

Date: 5th December 2017

Purpose: To clarify the position in relation to the temporary Retention of certain Civil Servants beyond the Compulsory Retirement Age of 65 years.

Relevant Legislation:

Civil Service Regulation Act 1956.

Public Service Superannuation (Miscellaneous Provisions) Act 2004

Public Service Pensions (Single Scheme and Other Provisions) Act 2012

Status: This Circular is deemed effective from 5th December 2017

A TEMPORARY CIRCULAR TO ALLOW FOR CIVIL SERVANTS IN CERTAIN CIRCUMSTANCES TO BE RETAINED BEYOND THEIR COMPULSORY RETIREMENT AGE OF 65 YEARS UNTIL THEY REACH THE AGE OF ELIGIBILITY FOR THE CONTRIBUTORY STATE PENSION

I. Retirement Ages in the Civil Service

I.i Civil Servants Appointed Before 1 April 2004

In the case of civil servants appointed prior to 1 April 2004, section 8(1) of the Civil Service Regulation Act 1956 provides for a retiring age of 65. Section 8(3) provides that every civil servant shall retire on attaining the retiring age.

I.ii Civil Servants Appointed on or after 1 April 2004

In the case of civil servants appointed on or after 1 April 2004 but before 1 January 2013, section 3(1) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 removed the compulsory retirement age and section 8 of the Act of 1956 was amended accordingly in respect of civil servants who are new entrants appointed on or after 1 April 2004.

I.iii Civil Servants Appointed on or after 1 January 2013

In the case of public servants appointed on or after 1 January 2013, section 13 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 makes provision for a maximum retirement age of 70, subject to a limited number of exceptions.

II. Interaction Between Civil Service Pension and the Department of Employment Affairs and Social Protection Pension

The cohort of civil servants appointed between 6 April 1995 and 31 March 2004, are subject to both mandatory retirement at 65 and coordinated pension arrangements. A coordinated pension means that the employee receives the Contributory State Pension (CSP) from the Department of Employment Affairs and Social Protection and receives the balance of their pension from their employer. While this cohort is required to retire at 65, they are not eligible for the CSP until their 66th birthday and the age of eligibility for the CSP is due to rise to 67 in 2021 and then to 68 in 2028.

III. Purpose of this Circular

The Government recently agreed to increase the compulsory retirement age for public service employees to age 70 and to the drafting of legislation to give effect to that Decision. The Government also agreed that, in advance of the legislation coming into effect, interim arrangements could be introduced for serving public servants who reach the age of 65 between the date of the Government Decision and the coming into effect of the necessary legislation to enable them to remain in place until they reach the age of eligibility for the CSP (age 66 at present, rising to age 67 on 1 January 2021 and to age 68 on 1 January 2028). The purpose of this Circular is to detail the nature of those interim arrangements.

IV. Application of this Circular

IV.i This Circular applies only to civil servants who have a compulsory retirement age of 65 and who reach the age of 65 in the period between the Government Decision on Compulsory Retirement Age in the public service and the commencement of the necessary primary legislation to give effect to that decision. The Circular applies equally to pre 1 April 2004 civil servants appointed before and after 6 April 1995, regardless of the fact that civil servants appointed before 6 April 1995 will not be eligible for the CSP. For the avoidance of doubt, where a civil servant has already retired before the date of this Circular, retention under the terms of this Circular will not be possible.

V. Procedure for Retention Under this Circular

V.i The sanction of this Department is not necessary in order for a retention to be approved under the terms of this Circular. Before a retention is approved, the Government Department or Office should, however, be satisfied that the officer's health, conduct and performance is satisfactory and that a business need exists to warrant the retention, i.e. that a continuing role is available for the applicant for the duration of the period up to their qualification for the CSP. Subject to these conditions, an application for retention on the basis of this Circular should be considered favourably by the Government Department or Office concerned.

V.ii Any civil servant who wishes to apply for retention under the terms of this Circular should apply to the appropriate person at least 8 weeks before reaching the age of 65, using the application form at Appendix A of this Circular.

V.iii Any civil servant whose retention is approved under this Circular must sign the undertaking at Appendix B of this Circular indicating that he/she accepts the terms and conditions of retention as set out in this Circular before the retention is commenced, and in particular their understanding that retention under this Circular does not confer any rights on the individual civil servant to any new arrangement that may be provided for in future legislation in relation to compulsory retirement age, whether or not the officer is still retained under the terms of this Circular on the date of commencement of that legislation.

VI Retention Arrangements

VI.i The following arrangements will apply to a civil servant who is accepted for retention under the terms of this Circular:

- Civil Servant retires at 65 years of age;
- The officer's lump sum is paid;
- Pension is suspended;
- Civil Servant is retained in an unestablished capacity;
- Civil Servant is retained on their current work pattern;
- No pension contribution is payable and no pension benefits are accrued during the period of retention;
- If the salary of the individual civil servant is based on the PPC scale prior to retirement, following retention they will be placed on the non-PPC scale (to take account of the fact that no pension contribution is payable);

- Salary for all civil servants retained under this Circular to be paid on the minimum point of the non-PPC pay scale, adjusted for work pattern as required;
- PRSI class to be determined by Scope Section, Department of Employment Affairs and Social Protection ;
- No applications for retention beyond the age of eligibility for the Contributory State Pension will be entertained.

Any queries from Departments/Offices relating to this circular may be directed to csrecruitmentpolicy@per.gov.ie; Queries from individual officers should be directed to the Personnel Sections of their own Departments.

Mise le meas,

David Cagney
Chief Civil Service Human
Resources Officer

Appendix A

Application for Retention for a period of up to 1 year under Terms of Circular 21/2017

Any civil servant who wishes to apply for retention under the terms of Circular 21/2017 should submit this application to the appropriate person 8 weeks before reaching the age of 65.

To be completed by applicant:

Name	
Address	
Date of Birth	
Date of reaching age 66 (current age of eligibility for the Contributory State Pension [CSP])	
Department	
Section	
Grade	
PPSN	
Personnel No.	

Signed: _____ Date: _____

Appendix B

Undertaking to be signed by management and staff where retention is approved under the terms of Circular 21/2017

Section A: To be completed by _____ :

I am satisfied that the officer's health, conduct and performance is satisfactory. I am also satisfied that a business need exists to warrant the retention, i.e. that a continuing role is available for the applicant for the duration of the approved retention period. Retention is approved for a period of 1 year from the officer's 65th birthday to the age of eligibility for the CSP, which is currently age 66.

Signed: _____

Date: _____

Department/Office: _____

Section B: to be completed by applicant

I accept the terms and conditions of retention as set out in this Circular. In particular, I understand that retention under this Circular does not confer any rights on me to any new arrangement that may be provided for in future legislation in relation to compulsory retirement age, whether or not I am still retained under the terms of this Circular on the date of commencement of that legislation. I understand that retention is for a maximum of one year from the date of my 65th birthday until I reach the age of 66 (the current age of eligibility for the CSP). I also understand that retention under the terms of this Circular is at the minimum point of the relevant pay scale.

Signed: _____

Name [Block Caps]: _____

Date: _____