

**Explanatory
Booklet 1
Jan 2010**

**Explanatory Booklet on the
University of Limerick
Superannuation Scheme and
Spouses and Children's
Contributory Pension Scheme**

for

**EMPLOYEES
PAYING MODIFIED (CLASS D)
PRSI**

Please contact the Pensions Department (pensions@ul.ie) if you require clarification on your scheme membership.

INTRODUCTION

The aim of this booklet is to explain the provisions of the University of Limerick (Amended) Superannuation Scheme 1982 and the Spouses' or Civil Partners' and Children's Pension Scheme 1986. The two schemes complement each other and all employees who joined the University since 1st September 1984 are members of both schemes. Certain amendments to the schemes have been introduced on an administrative basis and these are covered in the booklet also.

Superannuation forms an important part of overall staff conditions of employment. The schemes are also legal entities, their basis being the statutory regulations entitled "The University of Limerick Superannuation Scheme 1982" and "The University of Limerick Spouses' or Civil Partners' and Children's Pension Scheme 1986". Both these schemes were established under Section 11 of the National Institute for Higher Education, Limerick, Act, 1980, as amended by the University of Limerick Act, 1989 (the Act which provides for the establishment of the University). The power to make and amend schemes is now contained in Section 25(7) and the Fifth Schedule to the Universities Act 1997. The provisions of the schemes are complex in nature and in an effort to express in simple terms the legalistic complexities, this guide is produced as an explanatory booklet. The object of this booklet, therefore, is to give general guidance on entitlements under the schemes and is not a legal interpretation of the provisions of the schemes.

Should you have any queries about points in this booklet, its authoritative source is the above mentioned statutory regulations. These statutory regulations take priority over any statement in this booklet should any difference of interpretation arise. These regulations are available for inspection in the Pensions Department by any person having rights under the schemes.

COMMENCEMENT DATES

The Superannuation Scheme commenced on 1 January 1980. The Spouses' or Civil Partners' and Children's Pension Scheme commenced on 1 January 1980 in respect of male members and on 1 September 1984 in respect of female members.

1. What is the basis for the University of Limerick Superannuation Scheme and Spouses' or Civil Partners and Children's Contributory Pension Scheme?

Section 25(7) and the Fifth Schedule to the Universities Act 1997 gives the University the power to make superannuation schemes for staff of the University, with the approval of the Higher Education Authority and the consent of the Minister for Education and Science and the Minister for Finance.

2. What types of Schemes are involved?

The schemes are defined benefit schemes for the purposes of the Pensions Act, 1990. In other words, benefits under the schemes are calculated by reference to a member's pensionable service and pensionable pay at retirement. The cost of the benefits is met on a "pay-as-you-go" basis, i.e. benefits are paid each year out of current revenue and the contributions payable by members are credited to current revenue each year.

I SUPERANNUATION SCHEME

3. What benefits does the Scheme provide?

The main benefits are

- retirement pension and lump sum (question 10)
- death gratuity (question 16)
- spouses' or civil partners' and children's pensions (questions 27 - 43).

4. Who is eligible to join the Scheme?

If you are appointed to a pensionable post with the University and satisfy the University that you are in good health you must join the Scheme.

5. What factors will be taken into account in determining benefits?

The benefits will normally depend upon one or more of the following factors:

- (a) your basic salary
- (b) your pensionable allowances i.e. allowances in the nature of pay lawfully determined or lawfully approved by the University, which are designated as pensionable by the University, but excluding certain payments as outlined in the Superannuation Scheme,
- (c) your service (questions 7,12, 21, 22 and 23).

6. Are contributions payable towards the benefits of the Scheme?

Contributions are payable towards your own retirement pension and lump sum benefits at the rate of 5% of your basic salary and pensionable allowances. Additional contributions are payable towards spouses' or civil partners' and children's pensions (question 37).

7. What service is reckonable for benefits?

- paid service as a pensionable employee;
- temporary wholtime service with the University given in a non-pensionable capacity prior to becoming a member of the Scheme;

- certain part-time service with the University given in a non-pensionable capacity prior to becoming a member of the Scheme;
- certain other transferred service (question 22);
- additional or added service allowed in certain circumstances (questions 12 and 21);
- certain service in respect of which you may already have received a refund of contributions provided you make an appropriate repayment, i.e. you must repay the actual amount refunded to you with compound interest (current rate is 4% per annum).

8. On what rate of pay are benefits calculated?

Your benefits are based on your pensionable pay which, in most cases, means your basic salary, plus any pensionable allowances, on the date of retirement or death. If, however, you change grade (typically on promotion) or receive a personal increase in salary within the last 3 years of service – other than a general or grade increase or normal increments - an average salary figure will be used. This averaged figure will reflect the time spent in each post during the last 3 years of service and the salary of each post.

Pensionable allowances are always averaged over the last 3 years of service. Pensionable allowances are assessed on the basis of the best 3 consecutive years in the final 10 years of reckonable service. The pensionable allowances earned in whichever 3 year consecutive period is the best are averaged over that period. If the best 3 consecutive year period is other than the final 3 years of reckonable service, the amount of the averaged allowance(s) is uprated to the values appropriate to the last 3 years of reckonable service.

9. When are benefits payable?

Retirement pension and lump sum are payable on retirement. Maximum retirement age is 65 but you may retire at any time after reaching age 60 (or before that age on grounds of ill-health – see question 12). A minimum of 2 years' reckonable service is required for pension and lump sum. You may retire or resign on grounds of ill-health before age 60 with immediate payment of retirement pension and lump sum provided you have at least 5 years' reckonable service. If you resign voluntarily before age 60 with at least 2 years' reckonable service and do not transfer to another organisation whose pension scheme allows for the reckoning of your service under the University of Limerick Superannuation Scheme, you may qualify for a preserved pension and lump sum at age 60, on written application by you or you may, instead, opt for cost neutral early retirement (see question 19).

10. What rate of retirement pension and lump sum is payable?

The Scheme is designed to give you the maximum pension and lump sum after 40 years' service. Subject to a minimum requirement of 2 years' reckonable service (for all retirements at or over age 60) or 5 years' reckonable service (for ill-health retirements before age 60), pension and lump sum are payable for each year of reckonable service (with fractions of a year counting proportionately) at the following rates:

Pension:	1/80th of pensionable pay.
Lump Sum:	3/80ths of pensionable pay.

Example 1

A person retires at age 60 with 40 years' reckonable service and pensionable pay of €50,000. The entitlements are calculated as follows:

Pension	=	€50,000	x	40	x	1/80	=	€25,000.00
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Lump Sum	=	€50,000	x	40	x	3/80	=	€75,000.00
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Example 2

A person retires at age 61 with 34.36 years' reckonable service and pensionable pay of €50,000. The entitlements are calculated as follows:

Pension	=	€50,000	x	34.36	x	1/80	=	€21,475.00
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Lump Sum	=	€50,000	x	34.36	x	3/80	=	€64,425.00
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If you resign before age 60 and qualify for a preserved pension and lump sum, they will be based on your pensionable pay on the date of your resignation uprated to take account of increases in pensions generally between that date and your 60th birthday.

11. What is the position if I become too ill to continue in employment?

Subject to certain conditions you may retire on ill-health grounds.

12. What benefits are payable if I retire on ill-health grounds?

A pension and lump sum, calculated in the same way as an age retirement pension and lump sum (see question 10) will be paid to you provided you have a minimum of 5 years' reckonable service (if under age 60) or 2 years' reckonable service (if age 60 or over). As well as your actual service you may be allowed an additional period of notional service provided you have at least 5 years' reckonable service. This added service, which is calculated by reference to the length of your actual service, is to compensate you for the fact that you have to retire prematurely. An addition of 6 2/3rds years is common. The maximum addition is 10 years but very few, if any, employees will qualify for this. The actual addition allowable in any case will depend on the employee's age and service as follows:

- (a) a member with between 5 and 10 years actual service is credited with an equivalent amount of added service, provided this does not exceed the additional service which the member would have accrued if he/she had remained in employment up to age 65;
- (b) a member with between 10 and 20 years actual service is credited with the more favourable of –
 - (i) an amount of service equal to the difference between actual service and 20 years (provided this does not exceed the additional service which the member would have accrued if he/she had remained in employment up to age 65); or
 - (ii) 6 years and 243 days, provided this does not exceed the additional service which the member would have accrued if he/she had remained in employment up to age 60);

- (c) a member with more than 20 years actual service is credited with the same award of added service as at (b)(ii) above.

If you retire on ill-health grounds with at least 1 year and less than 2 years' reckonable service, you will not qualify for a pension and lump sum. However, a short service gratuity, related to your actual service, will be paid to you (see question 24).

If you retire on ill-health grounds before age 60 and have at least 2 years and less than 5 years' reckonable service, you will be given a once-off irrevocable option of accepting a short service gratuity (see question 24) in lieu of a preserved pension and lump sum (see question 19). To assist you in making your option, you will be given relevant information, including -

- an estimate of the benefits available under each option
- a statement that where you opt to receive the short service gratuity, contributions paid by you under the Spouses' or Civil Partners' and Children's Contributory Pension Scheme (questions 27 – 43) will be refunded and that the refund will discharge the University's liabilities under that Scheme
- the time-limit within which the option must be exercised.

All options must be given in writing. If you do not exercise an option in writing within the time-limit specified by the University, you will be deemed to have decided to avail of preserved lump sum and pension and will be notified accordingly.

There is no ill-health addition to service in either of these options.

13. For how long is my pension paid?

Your pension is paid for the period of your lifetime.

14. Is there any provision for my pension to be increased?

Yes. Your pension (or any spouses' or civil partner's and children's pension payable after your death) will generally be increased to take account of increases in the pay of your former grade. However, certain increases, e.g. those arising from productivity, are not passed on to pensioners.

15. Are benefits affected if I become re-employed by the University after I retire or resign?

Your pension would be reduced to ensure that your total pay and pension do not exceed the current equivalent of the pay you had on the date of your retirement or resignation.

16. What benefits would apply if I died in service?

Your legal personal representative would receive the greater of:

- (a) one year's pensionable pay (at the rate applicable on the date of your death), or
- (b) the lump sum that would have been paid to you had you retired on ill-health grounds on the date of your death (questions 10 and 12).

If you are a member of the Spouses' or Civil Partners' and Children's Contributory Pension Scheme a pension will be payable to your spouse or civil partner and children (questions 27 - 43).

17. What benefits would apply if I died after retirement?

If at the time of your death the total pension received by you since your retirement, together with the amount of your retirement lump sum, amounts to less than the gratuity that would have been paid to you had you died in service on the date of your retirement, a sum equal to the deficiency will be paid to your legal personal representative.

18. What happens if I leave the service of the University otherwise than by reason of age or ill-health retirement?

If you resign voluntarily you may either transfer your pension rights to an approved organisation (question 22) or, if you have at least 2 years' reckonable service, qualify for a preserved pension and lump sum (question 19).

19. How or when do I qualify for preserved benefits and what is cost neutral early retirement?

If you resign before age 60 -

- (a) other than on ill-health grounds with at least 2 years' reckonable service and you are not transferring your service to another organisation whose pension scheme allows for the reckoning of your service under the University of Limerick Superannuation Scheme, or
- (b) on ill-health grounds with at least 2 years' reckonable service and do not opt in writing to receive a short service gratuity (question 12),

your pension and lump sum entitlement is preserved to age 60. As explained in questions 9 and 10 you must apply in writing for these benefits on reaching age 60 and they will be based on your reckonable service and on your pensionable pay on the date of your resignation uprated by the appropriate increases between that date and your 60th birthday.

Should you die before reaching age 60 a preserved death gratuity (calculated in the same manner as a preserved lump sum) will be payable to your legal personal representative.

As an alternative to taking preserved benefits, you may, provided you are at least 50 years of age, decide to retire and take immediate payment of pension and lump sum in which case the benefits will be actuarially reduced to take account of the early payment of the lump sum and the longer period over which pension would be paid. This facility is known as cost neutral early retirement and the application to draw down these benefits must be made not later than the date of resignation. The amount of the actuarial reduction will depend on your age on resignation. Further information, including the actuarial reduction rates and other general conditions, is available from the Pensions Department.

20. Can I obtain a refund of my contributions in any circumstances?

Your contributions with compound interest added (current rate is 4% per annum), less an appropriate deduction for income tax, will be refunded to you if you resign with less than 2 years' reckonable service and are not entitled to transfer your service (question 22).

21. What are added years or additions to service?

Notional service or added years may be awarded in certain circumstances

- on ill-health retirement (question 12), and
- where certain professional, technical, specialist qualifications and/or experience

are required for appointment which would preclude an appointee from acquiring full superannuation entitlements by maximum retirement age.

22. What does transferred service mean?

Under approved arrangements you are able to transfer your service to or from a variety of public sector organisations such as the civil service, the local authority and health sectors, the Garda Síochána, the Defence Forces, the teaching sector and certain other state or semi-state bodies. The Pensions Department (see question 48) will be able to advise you of the full extent of these transfer of service arrangements.

If you are newly-appointed, you should notify the Pensions Department of any previous employment and if you are resigning you should give details of your prospective employer, if any, to the Pensions Department so that a transfer of your service can be arranged, if possible.

23. What can I do if I have a shortfall of service?

You may purchase additional notional service at full actuarial cost to yourself. The purpose of this arrangement is to enable staff members to purchase extra years of service where potential reckonable service at retirement age would not be sufficient to qualify for maximum pension and gratuity. A total of 40 years reckonable service is needed to qualify for full pension and gratuity. This purchase of added years is at full actuarial cost to the employee.

The rates of purchase depend on age and the number of years purchased and certain conditions must be fulfilled before purchase of service may be allowed. In addition, there are limits on the number of years you can buy.

Service may be purchased by periodic deduction from pay and/or by single lump sum payment.

The following advantages of purchasing Notional Service should be considered -

- (i) as a consequence of contributing towards additional years of service, all Superannuation and Spouses' or Civil Partners' and Children's Pension Scheme benefits are increased,
- (ii) all contributions attract tax relief at the member's highest marginal tax rate, subject to Revenue limits.

Details of the cost of purchase and the limits on the amount of notional service you may purchase are available from the Pensions Department.

As an alternative to purchasing notional service, you may be able to contribute to an Additional Voluntary Contribution (AVC) Plan. However, this is outside of the University's Superannuation Scheme. Full details of the University of Limerick AVC plan are available on the HR website.

24. What is a short service gratuity?

A short service gratuity may be paid to you if you are forced to retire permanently on health grounds after at least 1 year's service before you have the required service to qualify for a lump sum and pension. It may also be paid in lieu of preserved benefits if you retire or resign on ill health grounds with between 2 and 5 years' service and opt for same (see question 12).

The gratuity amounts to 1/12th of pensionable remuneration for each year and fraction of service. In addition, if you have over 2 years' service, an extra sum amounting to 3/80ths of pensionable remuneration for each year and fraction of service is payable.

25. What is the Spouses' or Civil Partners' and Childrens' Pension Scheme?

A brief explanation of that Scheme is attached (see questions 27 – 43).

26. How are benefits and contributions treated for income tax purposes?

All lump sum payments (including gratuities) are exempt from income tax.

Pensions are subject to income tax in the ordinary way.

Contributions payable under the superannuation scheme and the spouses' or civil partners' and children's pension scheme would normally qualify for income tax relief (subject to certain limits).

II SPOUSES' OR CIVIL PARTNERS' AND CHILDREN'S PENSION SCHEME

27. What is the Spouses' or Civil Partners' and Children's Pension Scheme?

It is a Scheme to provide pensions for the spouse or civil partner and/or dependent children of a member who dies in service or after qualifying for a pension or preserved pension. For a spouse or civil partner to benefit, the marriage or civil partnership must have taken place before the member's retirement (see question 31 in relation to children's pension entitlement).

28. Who does the Scheme apply to?

The Scheme applies to any person who became a pensionable employee after a specified date (1 January 1980 for male members and 1 September 1984 for female members) or any person in service before those dates who opted to join it.

29. Can I leave the Scheme?

No - Once you join the Scheme you must remain in it.

30. How are spouses' or civil partners' and children's pensions calculated?

If you die in service or after retirement on ill-health grounds the spouse's and children's pensions will be calculated by reference to the pension you would have received had you continued in pensionable employment up to age 65 (this is known as your potential pension).

In all other cases the spouses or civil partner’s and children’s pensions will be calculated by reference to your actual pension entitlement. It should be noted that any decision to opt for cost neutral early retirement in lieu of preserved benefits (question 19) will not affect spouses or civil partner's and children's pension benefit, i.e. the spouses or civil partner's and children's pension benefit will be the same as if the option had been for preserved benefits.

Pensions are calculated according to the following table. For example, if

- you have a spouse or civil partner
- your pensionable pay is €50,000 and
- the service by reference to which the spouse’s or civil partner’s pension entitlement falls to be calculated is 40 years

the spouse’s or civil partner’s pension will amount to **€12,500.00**, calculated as follows:

$$40 \times 1/80 \times 1/2 \times €50,000$$

Details of Dependants	Fraction of your pension or potential pension payable to spouse or civil partner	Fraction of your pension or potential pension payable to children	Total Fraction of your pension or potential pension payable
Spouse or civil partner	1/2	-	1/2
Spouse or civil partner and 1 child	1/2	1/6	2/3
Spouse or civil partner and 2 children	1/2	1/3	5/6
Spouse or civil partner and 3 or more children	1/2	1/2	Full Amount
1 child	-	1/3	1/3
2 or more children	-	1/2	1/2

An enhanced rate of pension may be payable for the first month after your death. This amounts to one month’s pay if you die in service and one month’s pension (your pension rate on the date of death) if you die after retirement.

31. Who is regarded as a “child” for the purposes of the Scheme?

A person under 16 years of age or, if receiving full-time education or training, 22 years of age. Subject to certain conditions, no age-limit applies where a child is incapable of maintaining himself or herself because of mental or physical infirmity. For a child to benefit, the member must have been married during his or her membership of the Scheme and the child must have been conceived before retirement. Step-children and adopted children are also covered subject to certain conditions.

32. To whom are children's pensions payable?

Children's pensions are normally paid to the spouse or civil partner.

33. My spouse or civil partner has already died - can I provide for my children under the Scheme?

Yes - your children would be covered under the Scheme.

34. I have four children - can I provide for all of them?

The children's pension is for the joint benefit of all your children. If you leave a spouse or civil partner and three or more children, the maximum children's pension will be payable. Similarly, if you leave no spouse or civil partner the maximum children's pension will be payable so long as at least two children remain eligible. Children's pension is divided equally among all eligible children. In your case each child would receive one-quarter of the total children's pension payable.

35. If my spouse or civil partner dies what happens to the children's pension?

It depends on the number of children. If there is one child under 16, or under 22 if receiving full-time education, or incapable of maintaining himself or herself because of mental or physical infirmity, the pension goes up from one-sixth of the amount of your pension to one-third and, if there are two such children, from one-third to one-half. If there are three or more such children the total amount of their pension remains unchanged.

36. If my spouse or civil partner re-marries, what happens to the pension and the children's pension?

The spouse or civil partner's pension stops. The University may restore it if she/he again becomes a widow/widower or if compassionate grounds for so doing subsequently arise. The children's pension also stops unless the University directs otherwise.

37. Do I have to contribute towards the benefits of the Scheme?

Yes. The Scheme is contributory and all participating in it must pay contributions. These take the form of a periodic contribution of 1.5% of pay, plus a deduction of 1% of pensionable pay at retirement or death in respect of each year of reckonable service for which contributions from pay have not been paid.

If you gave reckonable service prior to the date from which periodic contributions commenced a deduction from the lump sum or death gratuity would normally be due. However, you may opt instead to contribute for that service by extra contributions from pay provided certain conditions are fulfilled.

38. For how long do I have to contribute?

Your spouse or civil partner gets a pension which is calculated on your actual pensionable service, plus, if you die in service or after retirement on ill-health grounds, potential service to age 65. The total is your "reckonable service" and you must therefore pay contributions to cover the whole of that service.

- 39. Please tell me more about the system of contributions?**
Contributions, once started, will continue until you are pensioned or die, even if you do not marry or if your spouse or civil partner should die. (See, however, the provisions described under questions 40, 41 and 42 below).
- 40. Are my contributions refunded if I retire without a pension myself?**
Yes. Contributions (less an appropriate deduction for income tax) are returnable if your service terminates without entitlement to pension or preserved pension unless you transfer your service for superannuation purposes to another organisation (see question 22). No interest is payable on this refund.
- 41. Do I have to go on contributing if my spouse or civil partner dies while I am serving?**
Yes. However, years after the death of your spouse or civil partner during which you paid periodic contributions will, unless you have married again before retirement, be offset against any years for which contributions remain outstanding.
- 42. Are my contributions refunded if I remain unmarried throughout the time that the Scheme applies to me?**
Yes (less an appropriate deduction for income tax).
- 43. Does being a member of the Scheme affect my own pension?**
No.

III COMPLAINTS/DISPUTES

- 44. Have I a right to make a complaint about any aspect of my pension entitlement?**
Yes. If you are unclear about your entitlements or are unhappy about any decision made by the University in relation to your pension position, you should contact the Pensions Department of the University and ask them to explain the position fully to you. If, following this contact, the matter has not been settled to your satisfaction, you may avail of a formal Internal Disputes Resolution Procedure (IDRP). Under this procedure, you may appeal to the Minister for Education and Science who will refer the complaint or dispute to the Minister for Finance for determination.

Should you still have a complaint or dispute following IDRP, you may, depending on the nature of the complaint or dispute, be entitled to refer the matter to the Pensions Ombudsman for determination. Information concerning IDRP and the role and functions of the Pensions Ombudsman is available from the Office of the Pensions Ombudsman, 36 Upper Mount Street, Dublin 2 – telephone 01 6471650 – or on the Pensions Ombudsman’s website <http://www.pensionsombudsman.ie>

IV ADDITIONAL INFORMATION

45. Is the scheme registered with the Pensions Board?

Yes. The registration number is PB4875.

46. What is a Pension Adjustment Order?

In the event of judicial separation or divorce, a Court Order for a Pension Adjustment Order in respect of the retirement or contingent benefits (benefits arising from death in service) payable to or in respect of a married member may be sought and made. Further information about the operation and impact of Pension Adjustment Orders may be obtained from the Pensions Board.

47. Can I allocate part of my pension?

Yes - in order to provide a pension for your spouse or civil partner or other dependent relative. An allocation does not affect any pension payable under the Spouse or civil partners' and Children's Contributory Pension Scheme.

48. Is there any other information available regarding my pension entitlements?

You should contact the Pensions Department of the University, (pensions@ul.ie) if you require any other details.

The purpose of this Booklet is to provide general information on superannuation entitlements for staff members in a format that is easy to understand. That said, the Booklet is not a definitive legal interpretation of the superannuation provisions covering University of Limerick staff, nor does it purport to deal with every query that may arise concerning superannuation. Care has been taken to ensure that it is accurate but nothing can override the formal rules of the University of Limerick Superannuation Scheme.

The superannuation provisions set out in this Booklet apply equally to men and women. The Pensions Department (see question 48) should be consulted should any staff member have a particular query which is not covered in the Booklet.