

THE NATIONAL INSTITUTE FOR HIGHER EDUCATION,
LIMERICK.

SUPERANNUATION SCHEME 1982

(P1.999)

NATIONAL INSTITUTE FOR HIGHER EDUCATION, LIMERICK

I, Gerard Brady, Minister for Education, in accordance with Section 11 of the National Institute for Higher Education, Limerick, Act, 1980 (no 25 of 1980) and with the concurrence of the Minister for the Public Service, testified by his Official Seal affixed hereto, hereby approve of the Superannuation Scheme constituted by the regulations hereunder, submitted to me by the National Institute for Higher Education, Limerick.

STAFF SUPERANNUATION SCHEME 1982

REGULATIONS

1 SHORT TITLE

This Scheme may be cited as the National Institute for Higher Education, Limerick, Superannuation Scheme 1982.

2 COMMENCEMENT:

The Scheme will commence with effect from the 1 January 1980 which shall be known as the date of commencement.

3 DEFINITIONS:

In this Scheme save where the context otherwise requires:

3.1. "The Institute" means the National Institute for Higher Education, Limerick.

3.1.1 "The Governing Body" means the Governing Body of the National Institute for Higher Education, Limerick.

3.1.2. "Minister" means the Minister for Education

3.2. "A pensionable post" means a permanent whole-time post with the Institute which has been established in accordance with the Act and which

3.2.1 in the case of a post existing on the date of approval of the Scheme is a post which is declared within three months from the date of approval by resolution of the Governing Body to be a pensionable post;

3.2.2 in any other case is a post which is declared in the Conditions of Service attaching to it to be a pensionable post.

3.3 "Pensionable employee" means a person who is employed by the Governing Body in a whole-time capacity in a pensionable post.

3.4 "Old Age (Contributory) Pension" means the contributory old age pension payable under the Social Welfare Acts.

3.5 "Retirement Pension" means the retirement pension payable under the Social Welfare Acts.

- 3.6 "Invalidity Pension" means an invalidity pension payable under the Social Welfare Acts.
- 3.7 "Disability benefit" means disability benefit payable under the Social Welfare Acts.
- 3.8 "Unemployment benefit" means unemployment benefit payable under the Social Welfare Acts.
- 3.9 Words importing the masculine gender shall, unless the contrary intention appears, also import the feminine gender.
- 3.10 "Years" means a figure determined by the formula $A+B/365$ where A is the number of completed years in the period in question and B is any number of days additional to a completed year or a number of completed years in that period and "year" shall be construed accordingly.
- 3.11 "Act" means the National Institute for Higher Education, Limerick, Act, 1980 (No. 25 of 1980).

4 MEMBERSHIP:

- 4.1 All holders of pensionable posts shall, subject to the provisions of sub-paragraphs 4.2 to 4.6, be members of this Scheme but not
 - 4.1.1 a person, who, prior to assuming duty with the Institute, is a member of the Federated Superannuation System for Universities, and who opts to remain in that System, and whom the Governing Body may permit to remain outside the Scheme, or
 - 4.1.2 a person who, prior to assuming duty with the Institute, is a member of an insured Superannuation Scheme which has been so designed as to enable such member to transfer freely to the Federated Superannuation System for Universities should he so desire, and who opts to remain in that Scheme, and whom the Governing Body may permit to remain outside the Institute's scheme, or
 - 4.1.3 a person who, prior to assuming duty with the Institute, is a member of an insured Superannuation Scheme which is not acceptable under the Federated Superannuation System for Universities, provided such Scheme is otherwise suitable, and who opts to remain in that Scheme and whom the Governing Body may permit to remain outside the Institute's Scheme. (The determination of whether a Scheme is suitable shall be decided upon jointly by the Minister for the Public Service and the Governing Body of the Institute.)
- 4.2 No person shall be admitted to membership of the Scheme who would not have completed at least 5 years' pensionable service under the Scheme on his 65th birthday, nor shall a person be admitted who is a member of a retirement benefit scheme of any body associated with the Institute.

- 4.3 A member may not continue in membership after the end of the academic year in which he attained the age of 65.
- 4.4 Membership shall be compulsory for all pensionable employees.
- 4.5 The Governing Body shall decide upon the eligibility for membership of the Scheme.

The Governing Body shall notify an employee of his admission to membership of the Scheme and shall furnish him with a copy of the terms of the Scheme.

- 4.6 An employee to whom this Scheme applies shall satisfy the Governing Body that he is in good health and free from any physical defect or any disease which may interfere with the proper discharge of his duties. If an employee does not satisfy the Governing Body in this regard, he shall not be eligible for membership.
- 4.7 Full-time employees prior to the 1st January, 1980 will have the option to join the Scheme either on the 1st January 1980 or on the date on which they became full time employees. This option must be taken up within 3 months from the date on which it is offered and cannot be reversed.

5 SALARY:

"Salary" shall be taken as the annual basic rate of remuneration payable from time to time as determined or approved by the Governing Body excluding any sums paid in respect of overtime, commission, gratuity, special fees, travelling allowance, subsistence allowance and the like, the money equivalent of any emolument or benefit in kind (including motor cars or other vehicles) or any payment towards or in respect of such emoluments.

6 RETIRING SALARY:

"Retiring Salary" shall be taken as the salary of the member at the date of retirement or death where

- (a) a member has had the same scale of salary and has been in the same grade for the last three years of his pensionable service or
- (b) a member dies in service except where such a member is over 62 years of age and has not had the same scale of salary or has not been in the same grade since his 62nd birthday or
- (c) a member retires or is retired on grounds of ill-health before 60 years of age.

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In any other case his retiring salary shall be taken as the salary appropriate if there had not been a change of salary or grade together with the difference between that rate and the annual basic rate of remuneration payable at the time of retirement or death multiplied by the ratio to three years of the period from the date of the change of salary or grade to the date of retirement or death, subject to the retiring salary so taken not exceeding the annual basic rate of remuneration payable at the time of retirement or death.

7 CONTRIBUTIONS:

- 7.1 Every member shall pay a contribution as from the date of entry to the Scheme.
- 7.2 The contribution shall be as follows:
 - 7.2.1 In the case of members, who are not fully insured for all benefits including contributory old age benefits under the Social Welfare Acts, the contribution shall be 5% of salary in respect of pension and other benefits under this scheme.
 - 7.2.2 In the case of members, who are fully insured for all benefits including contributory old age pension under the Social Welfare Acts,
 - (a) a contribution in respect of pension under this Scheme shall be 3.5% of the sum found by deducting from salary an amount equal to twice the annual equivalent of the contributory Old Age Pension payable from time to time in respect of a single man, together with
 - (b) a contribution of 1.5% of salary in respect of other benefits under this Scheme
 - 7.2.3 Where a member is in receipt of a reduced rate of pay because of absence from employment, the contributions in respect of that period will be calculated by reference to the rate of pay that would be payable to him if he was not so absent.
- 7.3 An actuarial revaluation of the Scheme shall be carried out at least every five years and the Governing Body retains the right to vary the contributions payable by the members.

8 PENSIONABLE SERVICE:

- 8.1 Pensionable service subject to a maximum of 40 years includes -
 - 8.1.1 paid service as a pensionable employee either before or after the date of commencement in respect of which contributions have been paid,
 - 8.1.2 service which is reckonable for the purposes of the Local Government (Superannuation) Act, 1956 being the period or the aggregate of the periods which is reckonable as pensionable local service, other than any excess of that period or aggregate over 20 years as referred to in sections 12(2) and 35(2) of the said Act,

- 8.1.3 service reckonable in accordance with Section 4 of the Superannuation and Pensions Act, 1963.
- 8.2 Where a superannuation award is made by a local authority to any person under the provisions of the Local Government (Superannuation) Act, 1956 and in determining the amount of the award any period of pensionable service under this Scheme has been reckoned, the Governing Body will make the appropriate refund to the local authority under the provisions of Section 57 of that Act.
- 8.3 The Governing Body may accept on behalf of a member a transfer value in respect of superannuation benefits in his former employment other than employment referred to in sub-paragraph 8.1.2 and 8.1.3 of this scheme. Such member may be allowed to reckon such additional pensionable service as the amount of the transfer value will purchase on the basis of actuarial tables approved by the Minister for the Public Service.
- 8.4 A member whose service by age 60 would be less than 40 years, may be allowed to reckon extra years of pension credit subject to limits to be determined by the Governing Body with the approval of the Minister and in consultation with the Minister for the Public Service, which he opts to purchase at full cost to himself on the basis of actuarial tables approved by the Minister for the Public Service.
- 8.5 An employee who, immediately prior to appointment as a permanent and pensionable employee, has completed temporary full-time service, may have such service reckonable in full, provided contributions are paid.

9 ILL-HEALTH RETIREMENT:

- 9.1 The reckonable service of an officer who retires, or is discharged on grounds of ill-health will, subject to a maximum of 40 years, be the aggregate of (a) and (b) following:
- (a) service reckonable under section 8;
- (b) a period of added service calculated on the following basis-
- (1) members with between 5 and 10 years of actual reckonable service at retirement will be allowed an equivalent amount of added service, such amount of added service not to exceed the difference between the member's age at retirement and age 65;

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- (11) members with between 10 and 20 years of actual reckonable service at retirement will be allowed the more favourable of:-
- (i) an amount of service equal to the difference between actual reckonable service and 20 years, the added service not to exceed the difference between the member's age at retirement and age 65;
 - (ii) 6 years and 243 days, the added service not to exceed the difference between the member's age at retirement and age 60. Members over age 60 at retirement cannot therefore benefit under this section.
- (111) members with more than 20 years of actual reckonable service at retirement will be allowed to add whichever is the lesser of 6 years and 243 days and the difference between their age at retirement and age 60. Members over age 60 at retirement cannot, therefore, benefit under this section.

10 PENSIONS:

- 10.1 A member who has completed 5 years' pensionable service and who retires or is retired after attaining the age of 60 years or who retires or is retired before or after reaching the age of 60 on grounds of ill-health which, in the opinion of the Governing Body is likely to be permanent, shall be eligible to receive a pension.
- 10.2 The pension shall be calculated as follows:-
- 10.2.1 In the case of members who are not fully insured for all benefits including contributory old age pension under the Social Welfare Acts, 1/80th of the amount of his retiring salary as defined in paragraph 6 for each year of service subject to a maximum of 40/80ths.
- 10.2.2 In the case of members who are fully insured for all benefits including contributory old age pension under the Social Welfare Acts, 1/80th of the amount by which his retiring salary as defined in paragraph 6, exceeds twice the equivalent of the maximum personal weekly rate of contributory old age pension payable on the last day of pensionable service to a man who has no adult dependent or qualified children, for each year of pensionable service, subject to a maximum of 40/80ths.

- 10.3 Where a member retires or is retired because of ill-health or after attaining the age of 60 years and receives a pension calculated in accordance with sub-paragraph 10.2.2 the Governing Body may at its discretion, pay a supplementary pension the amount of which shall not exceed the difference between
- (a) the pension payable to such member under the Scheme together with (if sub-paragraph 10.4 (c) or sub-paragraph 10.4 (f) applies) the personal rate of invalidity pension, unemployment benefit, disability benefit, retirement pension or contributory old age pension payable to such member and
 - (b) the pension which would have been payable to him if it had been calculated in accordance with paragraph 10.2.1.

- 10.4 The supplementary pension shall be payable in respect of any period or periods after retirement during which the pensioner
- (a) is under 65
 - (b) is not employed, and
 - (c) (i) fails to qualify for invalidity pension, unemployment benefit, or disability benefit where such failure is not due to causes within his own control or
 - (ii) qualifies for invalidity pension, unemployment benefit or disability benefit, at less than the maximum personal rate due to causes outside his own control, or
 - (d) is over 65, and
 - (e) is not employed and
 - (f)(i) fails to qualify for invalidity pension, unemployment benefit, disability benefit, retirement pension or contributory old age pension where such failure is not due to causes within his own control, or
 - (ii) qualifies for invalidity pension, unemployment benefit, disability benefit, retirement pension or contributory old age pension at less than the maximum personal rate due to causes outside his own control.

- 10.5 Pensions payable under this Scheme shall be paid monthly in arrears and shall continue throughout the life of the member.

- 10.6 The Governing Body may grant increases in pensions payable under this Scheme in line with increases in public service pensions approved from time to time by the Minister and the Minister for the Public Service.
- 10.7 Where a member, who is aged 50 or over, is required to retire because of the abolition of his post in the Institute, he may with the approval of the Minister for Education, given with the consent of the Minister for the Public Service, be granted pension and gratuity based on his actual pensionable services and calculated otherwise in accordance with paragraphs 10 and 11 of this Scheme.

11 GRATUITIES:

- 11.1 A member who has completed 5 years' pensionable service and who retires or is retired after attaining the age of 60 or who retires or is retired before or after attaining the age of 60 years on grounds of ill-health which in the opinion of the Governing Body is likely to be permanent shall be eligible to receive a gratuity at the rate of 3/80ths of retiring salary as defined in paragraph 6 for each year of pensionable service subject to a maximum of 120/80ths.
- 11.2 If a member has completed less than 5 years' pensionable service and retires or is retired because of ill-health, he shall be eligible to receive a gratuity of 1/12th of retiring salary as defined in paragraph 6 for each year of pensionable service, and in addition where his pensionable service is not less than two years a gratuity equal to 3/80ths of his retiring salary for each year of pensionable service
- 11.3 Any person claiming any benefit under this paragraph, or under paragraph 9, on grounds of ill-health shall furnish to the Governing Body, if requested, medical evidence of his state of health and/or undergo medical examination by a registered medical practitioner nominated by the Governing Body.
- 11.4 If a member who retires or is retired because of ill-health subsequently becomes a pensionable employee before attaining the age of 65 years and has been awarded a pension and gratuity or gratuity only on initial retirement, pension, where payable, shall be cancelled on his reappointment and his previous pensionable service shall be reckoned for the purposes of calculating pensionable service subsequently but the amount of any gratuity awarded on eventual retirement or death or any payment in accordance with sub-paragraph 11.1 or 11.2 shall be reduced by the amount of the gratuity paid to him on initial retirement.

12 DEATH GRATUITY:

- 12.1 If a member dies while serving, his legal personal representatives shall be eligible to receive the greater of
- (a) his retiring annual salary or
 - (b) the gratuity which would have been payable under sub-paragraph 11.1 had the member retired on grounds of ill-health on the date of his death.
- 12.2 If a former member who has been granted a pension and a gratuity dies and the total paid or payable on foot of the pension and gratuity is less than the gratuity which could have been granted to his legal personal representatives if he had died on the date of his retirement, his legal personal representatives shall be eligible to receive a gratuity equal to the deficiency.

13 PRESERVATION OF BENEFITS:

- 13.1 A member who resigns voluntarily after at least 5 years' service will, provided (a) he does not receive any other benefit in respect of that service and (b) that service cannot be reckoned for pension purposes by him in another employment under approved arrangements, have his pension, lump sum and death benefits preserved. Pension and lump sum will be paid as from age 60 upon application for payment being made. If he dies before age 60 a death gratuity equivalent to the lump sum (i.e. based on actual service only) will be payable. If he was a member of the contributory widows' and childrens' scheme and leaves a widow whom he married before he resigned, she, and any of their children conceived before his resignation, will be eligible for pensions in accordance with the terms of the contributory scheme. Such pensions will, however, be based on actual service only (credit will not be given for potential service). Any contributions due in respect of prior service reckonable under the contributory widows' and childrens' scheme will be deducted from the lump sum or death gratuity.
- 13.2 The preserved benefits will be based on actual reckonable service and on the member's pensionable remuneration as increased by reference to pensions increases granted in the interim. Any contributions due under the contributory widows' and childrens' scheme will also be based on such pensionable remuneration.

14 ALLOCATION OF PENSION:

- 14.1 A member may allocate portion of his pension, as from its commencement, in order to provide a pension for his wife or other dependent and any such allocation shall be subject to the provisions of the Superannuation Act, 1956, (no.38 of 1956) and the regulations made thereunder.

15 RETURN OF CONTRIBUTIONS:

- 15.1 A member whose membership ceases because of redundancy and who is not eligible to receive a pension or gratuity under this Scheme shall have all his contributions, plus compound interest at 6 per cent per annum with half-yearly rests, paid to him, less an amount equal to any income tax liability by the Governing Body in respect of such benefit. For the purposes of calculating interest, contributions paid during any six monthly period shall be deemed to have been paid on the last day of such period.
- 15.2 A member whose membership ceases for any other reason and who is not eligible to receive a pension or gratuity under this Scheme, or to transfer his pensionable service to another organisation or service under arrangements offered by the Minister for the Public Service, shall, subject to the provisions of sub-paragraph 15.4 be eligible to have his contributions returned to him plus compound interest at 6 per cent per annum with half yearly rests paid to him, less an amount equal to any income tax liability by the Governing Body in respect of such benefit.
- 15.3 Where a contributing member who is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or of misconduct the Governing Body will be entitled to recoup out of his contributions the amount of any loss which it had incurred as a result of such offence or misconduct, provided that in the case of any such member the Governing Body having recouped any financial loss incurred through such offence or misconduct, shall pay to him, or to his legal personal representatives, a sum equal to the amount of all his contributions under the Scheme less any amount so recouped by the Governing Body or any part thereof as the Governing Body shall think fit.
- 15.4 Where a member is dismissed or resigns or otherwise ceases to hold employment and has been guilty of serious misconduct involving financial loss to the Governing Body or to the State, the Governing Body may at its discretion, refuse or reduce any award which might otherwise be payable under the scheme in order to make good such a loss.

16 EMPLOYMENT SUBSEQUENT TO RETIREMENT OR RESIGNATION:

16.1 Where a member whose contributions have been returned to him under sub-paragraphs 15.1 or 15.2, is reemployed by the Governing Body in a pensionable position, his previous pensionable service may be reckoned for the purpose of calculating superannuation subsequently, provided he refunds to the Governing Body the amount of the contributions including interest paid to him with compound interest on such amount at the rate of 6 per cent per annum with half-yearly rests from the date of payment to him. The Governing Body may, at its discretion, agree to accept such refunds by instalments.

16.2 Where a member whose contributions have been returned to him under paragraph 15.1 or 15.2, subsequently becomes employed in a position, service in which is capable of being reckoned under the Local Government (Superannuation) Act, 1956, his previous pensionable service may be reckoned for superannuation subsequently, provided he refunds the amount of the contributions including interest paid to him, with compound interest on such amount being charged at the rate of six per cent per annum with half-yearly rests, from the date of payment to him.

17 ASSIGNMENTS:

A pension under this Scheme may not be assigned or charged. If the pensioner becomes incapable of giving a receipt for payments due, the Governing Body shall have discretion to make such payments in whole or in part to such persons, including the authorities of any institution having care of the pensioner, as the Governing Body think fit, and the Governing Body shall be discharged from all liability in respect of any sum so paid.

18 SUSPENSION OF PENSION:

If a pensioner under this Scheme receives payment in respect of employment by the Governing Body or by any person or firm resident in the Republic of Ireland and associated with or directly controlled by the Governing Body, no more of the pension shall be paid for any period of receipt of the payment as may be specified by the Governing Body than so much as, with the payment, equals the remuneration which the person would have received in respect of that period if during it he

(a) held the position in which he served on the last day of his pensionable service, but

- (b) was remunerated at the rate of remuneration of which he was in receipt on that date (including the money value of apartments, rations or other perquisites in kind) subject, however, in case changes have taken place in that rate, (or, if the position has ceased to exist would have taken place if it had not ceased to exist), to treating that rate as being varied by taking account of so much of those changes as may be specified by the Governing Body.

19 DECLARATIONS:

Payments of pension or preserved pension under this Scheme shall be subject to the making by the pensioner of a relevant declaration in such form and at such time as the Governing Body may require.

20 PROOF OF AGE:

A member must submit evidence of his date of birth on entry into the Scheme or before any payment of benefit can be made.

21 FORFEITURE OF PENSION:

A pension awarded under this Scheme shall cease to be payable if the pensioner is convicted on indictment of any offence and is sentenced to penal servitude, or to any term of imprisonment with hard labour, or exceeding twelve months; but the Governing Body may at any time, if it thinks proper, restore the pension either in whole or in part.

22 APPEALS:

22.1 If a member is aggrieved by the failure or refusal of the Governing Body to make an award under this Scheme or by the amount of any award made, he may appeal in accordance with Section 11(5) of the Act.

22.2 An appeal against a failure to make an award shall be made within eight months after the occasion in respect of which the award is claimed and any other appeal shall be made within six months after the decision to which it relates.

23 TERMINATION OR AMENDMENT OF SCHEME:

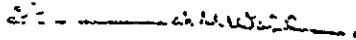
23.1 The Governing Body reserves the right to amend or terminate this Scheme at any time subject to paragraph 23.2 and the approval of the Minister for Education and the consent of the Minister for the Public Service and subject to giving three months notice of impending changes to members of the scheme.

23.2 The benefits secured by a member prior to the date of amendment or termination will not be affected save by agreement.

Given under the official seal of the National Institute for Higher Education, Limerick this 26th day of November 1982

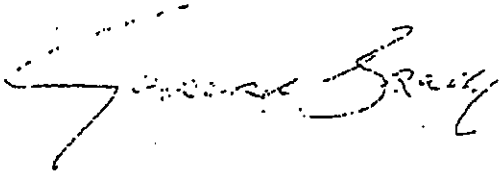


PAUL QUIGLEY - CHAIRMAN



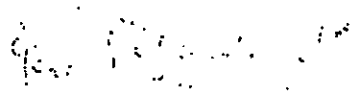
EDWARD H. WALSH - DIRECTOR

I approve of the foregoing Scheme. Given under my hand
this 14th day of December 1982.



GERARD BRADY
MINISTER FOR EDUCATION

I concur with the Minister for Education in approving the foregoing
Scheme. Given under my hand this 14th day of December 1982


GENE FITZGERALD
MINISTER FOR THE PUBLIC SERVICE

HILA

APPENDIX I

THE HIGHER EDUCATION AUTHORITY · AN ÚDARÁS UM ARD-OIDEACIAS
21 FITZWILLIAM SQUARE · DUBLIN 2 · TELEPHONE 01-612748

19 November 1986

Mr. J. O'Connor,
Finance Officer,
National Institute for Higher Education,
Limerick.

Pension Parity on grade or special pay increases

Dear Mr. O'Connor,

As agreed at the recent industrial relations meeting, I enclose an extract from the Minister for Finance's 1986 Budget Statement in relation to the above matter.

With regard to Public Service Pensions full pension parity in relation to grade or special pay increases has been introduced w.e.f. 1 July 1986.

No objection will be raised to your institution introducing similar pension parity arrangements.

If you have any queries on this matter, please let me know.

Yours sincerely,

Mary Kerr

MARY KERR,
SENIOR EXECUTIVE OFFICER.

H/g

20 NOV 1986

| | |
|------|-----------------------|
| DATE | 21 NOV 1986 |
| Copy | 5. L. 17/86 |
| | See R. 5. 17/86 |
| | Please advise on imp. |