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Retirement and the New Pensions (Public Service) Act, 2017

Permanent Secretaries and Heads of Departments are hereby informed that the Pensions (Public Service) Act, 2017 was passed by the Houses of Parliament and approved by the Governor-General on October 23, 2017 pending an operational date. Section 1(2) indicates that:

“This Act shall come into operation on a day to be appointed by the Minister by notice published in the Gazette.”

Under the Pensions (Public Service) Act, 2017 the terms ‘existing public officer’ and ‘new public officer’ are defined as indicated below:

Existing public officer means “**a person who is permanently appointed to an office in the public service, before the date specified by the Minister by order, published in the Gazette, whether or not the Officer was pensionable prior to the date specified herein.**” [Section 2 (1) (b)];

A new public officer means “**a person whose first permanent appointment to an office in the public service occurs on or after such date as may be determined by the Minister by order published in the Gazette.**” [Section 2 (1) (b)].

The Act provides that the “normal retirement age”, **Section 2 (1) (b)** in respect of:-

- a. *“an existing public officer means-*
 - i. *where he retires during the transition period, the age set out in Column II of the First Schedule corresponding to the month specified in Column I thereof; or*
 - ii. *where he retires after the transition period, the age of sixty-five years;*
- b. *a new public officer, means the age of sixty-five years.”*

The First Schedule – Retirement Age is attached for ease of reference.

Part XII- Transitional Provisions, Subpart A. General Transitional Provisions, Sections - 42 (Persons receiving pension etc., under repealed Acts) and 43 (Savings in respect of repealed Pensions (Civil Service Family Benefits) Act) are important and also attached.

1. Present Retirement Action

Until the Pensions (Public Service) Act, 2017 comes into effect, the retirement of officers will continue to be processed under Section 6 (2) of the old Pensions Act which stipulates that “... the normal retiring age of any officers shall be sixty years.”

Departments that have not been granted Delegation of Functions should take the necessary steps to ensure that the returns are submitted to this Office by February 28, 2018 together with certified copies of the Birth Certificates and Statutory Declarations in support of the Birth Certificate where necessary for the Officers/Employees concerned. Where the documents are not readily available, they should be submitted as early as possible thereafter. Also, it is to be made clear to the officers concerned that the non-submission of these documents will result in delays in the approval for retirement and subsequently the processing of their retiring benefits.

It is to be noted that a Statutory Declaration is not a substitute for the Birth Certificate.

Steps should be taken to ensure that the returns are accurate and in addition that all the officers concerned are granted the pre-retirement leave for which they are eligible so that the expiration of the leave will coincide with their sixtieth (60th) birth dates. It has been noted that officers are not being granted leave at the appropriate time, and as such, are being retired on dates beyond their sixtieth (60th) birthdays.

NB.: **It must be noted that the retirement age will be sixty five (65) years for any officer who is fifty four (54) years of age at the time that the Pensions (Public Service) Act, 2017 comes into effect by Gazette.**

For officers fifty-five (55) years and over when the Pensions (Public Service) Act, 2017 comes into effect by Gazette, the normal retirement age will be according to the Schedule on a gradation basis.

2. Ministries and Departments with Delegation of Functions should:-

- ensure that the appropriate action is taken to retire officers in keeping with the requirements of the Pensions Act/ Government Employees (Compassionate Gratuities) Resolution;
- submit to this Office copies of the letters approving the retirement of these officers; and
- forward recommendations to this office for officers to be retired from the Public Service where the expiration of their retirement leave does not coincide with their sixtieth (60th) birthdays.

3. Executive Agencies

Officers in Executive Agencies who opted to remain on the Government non-contributory pension scheme are also required to retire at the age of sixty (60) years. The Executive Agencies Pension Scheme, 2002 provides guidance in this regard. Executive Agencies should, therefore, submit the names and particulars to the Office of the Service Commissions for the necessary approval. The officers' election forms, as well as their current appointment letters, should be attached to the submission.

4. Early Retirement

The Pensions (Public Service) Act, 2017 has **deleted Section 24 (3)** of the Public Service Regulations and substituted the following as stated in the Third Schedule dealing with the Amendments under "The Constitution of Jamaica, the Public Service Regulations":

"(3) an officer at any time after he attains-

- (a) the corresponding age during the transition period, pursuant to section 15(a) of the Pensions (Public Service) Act, or*
- (b) the age of sixty years, pursuant to section 15 (b) of the Pensions (Public Service) Act,*

apply to the Governor-General for permission for early retirement, and shall in his application, state the grounds on which it is based."

Therefore once the Pensions (Public Service) Act, 2017 comes into effect, existing public officers can no longer request to retire between 50 – 54 years.

Section 15 of the Pensions (Public Service) Act, 2017 states:-

"Subject to section 21, a pensionable officer may be granted early retirement from the Public Service by the Governor General and be eligible to receive pension, gratuity or other allowance if-

- (a) being an existing public officer, he has, during any of the months during the transition period, specified in Column I of the First Schedule, attained the corresponding age specified in Column III thereof;*
- (b) he is a new public officer and has attained the age of sixty years; or*
- (c) on medical evidence to the satisfaction of Governor-General, he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent."*

Section 21 states:-

“The Governor -General may require a pensionable officer to compulsorily retire from the public service at any time after he attains the age of sixty years.”

5. Retention beyond the normal retirement age

Recommendation for retention in the service beyond the normal age of retirement must be substantive and have merit. In order that the Public Service Commission can give reasonable consideration to the requests, Ministries/Departments and Executive Agencies (where applicable) must:-

- i. Develop a Succession Plan in the respective areas;
- ii. Develop Standard Operational Procedures for each unit and the respective positions;
- iii. Take the necessary steps to ensure that there is transfer/documentation of institutional knowledge;
- iv. Ensure individuals are being prepared for retirement and exposed to beneficial seminars etc.;
- v. Ensure that individuals 55 years and over are specifically targeted in respect of retirement planning.

6. Officers over 60 years and for whom no approval was given for retention

Whilst the retirement age will be gradually moved to 65 years as stated earlier this is not applicable to officers who are already 60 and should have already retired. The necessary steps should be taken to address any officer who falls in this category and for whom no permission was previously given for retention.

Please ensure that a copy of this circular is placed at a strategic position on the Notice Board of the Ministry/Department/Agency and brought to the attention of all eligible officers.



Mrs. Jacqueline Mendez, JP
Chief Personnel Officer (acting)