

TERMS & CONDITIONS GOVERINING THE

RE-COMMISSIONING OF FORMER OFFICERS OF THE PERMANENT DEFENCE FORCES

From time to time, the Department of Defence receives correspondence from former Permanent Defence Force (PDF) personnel who have left the service and now wish to re-join. The purpose of these terms and conditions is to establish a generic framework to be applied on the occasion where former Officers of the PDF, with particular skillsets that are not available in the PDF at that time can make an application to be re-commissioned in the PDF.

Former Officers of the Permanent Defence Force, may make an application to the Minister for Defence to be re-commissioned in the PDF. The re-commissioning shall only be considered in circumstances where there is a requirement, identified by the Chief of Staff, arising in terms of a deficiency in personnel, military capability or expertise in the PDF that cannot be resolved in a sustainable or timely manner from within existing personnel resources within the relevant Service.

Persons who:

- have already retired from the public service on medical grounds, or
- were otherwise compulsorily retired from the PDF, or
- are in receipt of a disability pension/allowance from any source, or
- already retired from the public service under a Voluntary Early Retirement (VER) or Incentivised Scheme for Early Retirement (ISER) or similar such scheme, which specifies they are not eligible to return to employment,
- have a minimum potential service of less than three (3) years to serve to normal retiring age for the rank

are not eligible to apply. See below for details of other re-commissioning requirements.

As former Officers are no longer members of the PDF all applications for re-commissioning must be addressed to the Minister for Defence in the first instance. When notified by the Minister of any such application the Chief of Staff will make a recommendation to the Minister on the merits of the application. The Secretary General, Department of Defence, will also be required to provide a recommendation on each application.

Decisions on recommending the re-commissioning of former officers rests solely with the Minister. Any such decision shall be made on the basis of his/her determination as to the contribution the individual can make to the maintenance and sustainability of essential Defence Forces capability. The Ministers decision in such cases shall be final.

Where the Minister determines that a retired officer should be re-commissioned in the context of the above, the following provisions shall apply:

- He/she shall be re-commissioned at the substantive rank at which they had retired.
- Starting pay on re-commissioning will be at the corresponding point on the pay scale that was applicable immediately prior to his/her retirement reflecting the current rates in operation for the rank.
- The specific terms and conditions applicable under these arrangements, including rates of pay, allowances, occupational pension scheme terms and conditions, employee pension contributions, Social Insurance class, etc., will be determined on the basis of the applicant's public service employment history to date.
- A short service commission of three years will, initially, be offered to successful applicants for re-commissioning. Applicants should note that the President may, subject to the provisions of the Defence Act, 1954, refuse to accept the resignation of a commission or refuse to grant permission for an Officer to voluntarily retire.
- During the period of the short service commission, the individual shall not be eligible to apply for or to be considered for promotion to any higher rank but, without prejudice to the entitlement of others, shall have access to career courses (not including command and staff courses) and overseas deployment. Solely during the period of the short service commission, the position will not be included in the Defence Force Regulation CS4 establishment.

- Six months prior to the completion of the short service commission, and on foot of an application from the officer concerned, a commission without time limitation may be offered to the officer concerned, subject to the advice of the Secretary General and the Chief of Staff. In reaching his decision, the Minister may take into account any other relevant matters as he considers appropriate and reasonable in the case and his decision in such cases shall be final.
- Where a commission without time limitation has been granted, such Officers will be assigned a post within the establishment. Previous service in respect of that Officer, but excluding the period of the short service commission, will thereafter be reckonable in respect of eligibility for future promotion competitions.
- Any former officer applying for re-commissioning under these arrangements, must satisfy the following requirements:
 - i) meet the medical classification and grading as set out in the provisions of Defence Force Regulations A 12;
 - ii) meet such educational, certification, and professional requirements for the relevant appointment to which they are to be re-commissioned;
 - iii) pass such security clearance requirements as may be determined by the Chief of Staff from time to time.
- The following pension(s) will be immediately subject to abatement* in accordance with the relevant Defence Forces pension scheme rules and / or Section 52 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 (the 2012 Act):
- - any Defence Forces occupational pension that is currently in payment to the applicant, or that comes into payment to him/her during the period of reemployment, and
 - any other civil or public service occupational pension already in payment to the applicant, or that comes into payment to him/her during the period of re-employment.

*Reduction, suspension or otherwise as the case may be. Further information in relation to Permanent Defence Force occupational pensions is attached at Annex A.

Members of the Permanent Defence Force (PDF) may qualify for occupational pension and retirement gratuity (i.e. superannuation benefits) subject to certain terms and conditions.

The main defined benefits under the PDF superannuation schemes are:

- occupational pension,
- retirement gratuity (lump sum) or death in service gratuity, and
- spouses'/civil partner's and children's contributory pensions.

On re-joining the PDF, a person's specific occupational pension terms will be determined in the context of their public service employment history to date e.g. ; whether they were employed elsewhere in the public service immediately before re-joining the PDF; or how long they have been out of public service employment.

All persons joining the public service since 6 April 1995 are required to pay personal pension contributions (PPC) towards their superannuation benefits and PPC pay scales apply in their case. They are also insurable for full PRSI and, on that basis, their occupational pensions are integrated with the Social Insurance code.

Integration means that their entitlement to the range of Social Insurance benefits is taken into account when calculating the amount of occupational pension payable. Under standard public service arrangements, integration of occupational pension with the Social Insurance system begins from the time the occupational pension starts payment. The occupational pension is reduced from the start by a Social Insurance (State Pension Contributory) *offset*, regardless of whether the person has reached State Pension age. Integration applies to occupational pension benefits and employee pension contributions, but not to retirement lump sum.

The Pension Related Deduction under FEMPI provisions is payable regardless of date of joining the public service. The Public Service Pay and Pension Act 2017 provides for the conversion of the PRD into a permanent Additional Superannuation Contribution (ASC) from 1 January 2019.

In general, all new entrants to the PDF and the public service who join on or after 1 January 2013 are members of the Single Public Service Pension Scheme unless they:

- (i) have immediately preceding prior pensionable public service without a break of more than 26 weeks, or
- (ii) are returning under the same contract of employment.

Full details of the Single Scheme are at <http://singlepensionscheme.gov.ie/> For PDF members, the key provisions of membership of the Single Scheme are as follows:

- Retirement benefits are based on 'career average earnings' (not final salary).
- The 'vesting period' for the Single Scheme is 24 months i.e., the minimum period that a person must pay into the scheme before becoming eligible for retirement benefits.
- For PDF members of the Single Scheme, their compulsory retirement ages or (where applicable) upper service limits are as provided under DFRs pursuant to the Defence Acts 1954-2011.
- A minimum pension age of 50 applies. This means that occupational pension and gratuity (lump sum) will not normally be payable immediately on retirement unless the person serves to age 50 with at least 2 years' pensionable service in the Single Scheme. • Where leaving the PDF before age 50, benefits are preserved and generally payable in line with, and linked to, the social welfare State Pension age (currently 66 rising to age 67 from 2021 and 68 from 2028).
- A 7.5% employee superannuation contribution applies to PDF personnel regardless of rank.
- Occupational pension is subject to integration with the Social Insurance system.

Where the applicant:

- (i) has worked in a pensionable (non-Single Scheme) public service appointment in the 26 weeks immediately prior to re-appointment to the PDF, or

(ii) immediately before 1 January 2013 has been and is currently on a career break or absent on special leave with/without pay from the Public Service,

different pension scheme terms may apply.

The specific (pre-2013) pension scheme terms and conditions will be determined, and offered to such applicants, on a case-by-case basis in the context of their public service employment history with their prior public service employment history and the relevant pension rules (including the '40-year cap' — see below).

The provisions of the Single Scheme are fundamentally different to, and completely distinct from, pre-2013 public service pension schemes (i.e. they are mutually exclusive). If a person already holds retirement benefits from previous public service employment under pre-2013 public service pension scheme(s), they cannot transfer (aggregate) or import those benefits to/with the Single Scheme and visa versa. Where an applicant already has an existing entitlement to pre-2013 public service retirement benefits, those retirement benefits remain to be administered under the provisions of those pre-2013 scheme(s). The aggregation of such previous pre-2013 pensionable service with any subsequent period of 'pre-2013' pensionable service following re-appointment to the PDF, is subject to the overriding '40-year cap' applicable under all pre-2013 public service pension schemes..

Declarations, pension-accrual, etc.:

Under the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, appointees will be required to declare:

- any prior public service, or
- any pre-existing entitlements to a Public Service retirement benefit (whether in payment or preserved), or
- existing remuneration from any other Public Service employment, or
- any such employment in which they received a payment-in-lieu of pension in respect of such service.

In addition, the 2012 Act applies a 40-year limit on the total service that can be counted towards occupational pension where a person has been a member of more than one 'pre-2013' public service pension scheme (i.e. non-Single Scheme). This may have implications for any

person who has already acquired occupational pension rights in a previous Public Service employment and, on re-joining the PDF, does not become a member of the Single Scheme.