



**Ministry of Education, Heritage & Arts**

**HUMAN RESOURCES POLICY AND PROCEDURES**

**RETIREMENT DATE FOR EMPLOYEES OF MEHA**

**Version Control – Version 1 of 12 August 2019**

## 1 Purpose

- 1.1 This document details the policy and procedures relating to the date of retirement for employees of MEHA, including teachers and school post holders.

## 2 Definitions

- 2.1 Employee for the purposes of this policy means any person employed by the Ministry of Education, Heritage and Arts (MEHA).
- 2.2 Retirement means compulsory retirement at age 55 years, as required in accordance with the *Civil Service Act 1999* and the *Civil Service (General) Regulations 1999 (as amended)*.
- 2.3 School Post Holder means a person appointed as a Principal, Head Teacher, Head of Campus, a Vice Principal, Assistant Principal, Assistant Head Teacher or Head of Department.
- 2.4 Teacher means Teachers, Assistant Teachers and Classroom Assistants employed by the Ministry in schools.
- 2.5 Civil servant conditions of employment means conditions of employment that apply to employees of MEHA who are not teachers or school post holders.
- 2.6 School-based conditions of employment means conditions of employment that apply to school post holders and teachers, where employees are not entitled to annual leave but are paid during school holidays.
- 2.7 The end of the school term means the final day of the term **prior** to commencement of the end of term school holidays.
- 2.8 The end of the school year means the final day of term three (3), **prior** to commencement of the end of year school holidays.
- 2.9 The school term means the period from the student free day at the commencement of the term, which immediately follows the holidays at the end of previous term/year, to the final day of the term prior to commencement of the end of term school holidays. The school term **does not** include the end of term school holidays.
- 2.10 The school year means the period from the student free day at the commencement of term one (1), which immediately follows the end of year school holidays from the previous year, to the final day of the term three (3) prior to commencement of the end of year school holidays. The school year **does not** include the end of year school holidays.

### **3 Policy Statements**

#### **3.1 Retirement on reaching 55 years of age**

3.1.1 Civil servants are required to retire upon reaching the age of 55 years.

#### **3.2 Employees on civil servant conditions of employment**

3.2.1 An employee on civil servant conditions of employment reaching 55 years of age must retire on the day they turn 55 years.

3.2.2 For employees on civil servant conditions of employment, employment contracts will be issued with an end date of the actual date of retirement which must always be the actual date the employee turns 55 years.

3.2.3 An employee on civil servant conditions of employment who is due to retire is required to take all outstanding annual leave prior to the date of reaching age 55 years. Payment of outstanding leave will only be made where there has been an application for leave which has been declined for operational reasons noting that a maximum of 10 days may be carried forward from one leave year to another.

#### **3.3 Employees on school-based conditions of employment**

3.3.1 For employees on school-based conditions of employment, employment contracts will be issued to the last day of the school year in which the employee turns 55 years, except where a teacher or school post holder is turning 55 years before the day that students commence the school year. In this case the employee will retire on his/her birthday and will not commence the new school term/year, and the employee's contract must have as the end date the actual date of the employee's birthday.

3.3.2 Subject to clause 3.3.1, an employee on school-based conditions of employment reaching 55 years of age and with a contract to the end of the year in which they turn 55 years, may:

- a) Choose to retire on the day he/she turns 55 years;
- b) Choose to retire at the end of a school term during the year, which means their contract will end on the last day of the school term in which the employee retires; or
- c) Continue to the end of the school year in which the employee turns 55 years which means the last day of the school year in which the employee retires, in accordance with their employment contract.

3.3.3 Where an employee on school-based conditions of employment reaching 55 years of age has an existing contract to the end of the term in which they reach 55 years, the contract may be extended to the end of the year to meet the needs of the School.

- 3.3.4 Where it is in the interests of the Ministry, a teacher or school post holder may be required to remain on contract after the end of the school year in which they turn 55 to cover the end of school holiday period, in which case their contract may be extended until the day prior to the student free day at the commencement of the following year.
- 3.3.5 The purpose of allowing teachers and school post holders to continue until the end of the school term/year in which he/she turns 55 years is to minimise the disruption to teaching and learning programmes which comes from a change of teacher during the term/year.

## 4 Procedures

### 4.1 Employment contracts non teachers and school post holders

- 4.1.1 For employees on civil servant conditions of employment, the Establishment Unit will confirm the date on which the employee turns 55, and the Contracts Unit will issue an employment contract with an end date of the actual date of retirement; which is the actual date the employee turns 55 years.

### 4.2 Employment contracts for teachers and school post holders

- 4.2.1 For employees on school-based conditions of employment, the Establishment Unit will confirm the date on which the employee turns 55, and the Contracts Unit will issue an employment contract with an end date of the last day of the school year in which the employee turns 55 years.
- 4.2.2 Pursuant to Clause 3.3.4, a teacher or school post holder who is required to remain on contract after the end of the school year in which they turn 55 to cover the end of school holiday period, the Contracts Unit will issue a contract extension to the day prior to the student free day at the commencement of the following year.
- 4.2.3 Pursuant to Clause 3.3.1 and 3.3.2, an employee on school-based conditions of employment with a contract to the end of the year in which they turn 55 years, who elects to retire before the end of the year either;
- I. on the day he/she turns 55 years; or
  - II. at the end of a school term during the year;

must formally notify their immediate manager, the Head of School and Employee Administration in the HR Department in writing **prior to the commencement of the school year**, of their intention to retire including the date on which they have elected to retire. Employee Administration is responsible for informing Payroll and the Establishment Unit.

### **4.3 Confirmation of retirement date**

- 4.3.1 Pursuant to clause 3.2.1, for employees of MEHA who are not teachers or school post holders, the Employee Administration Unit will provide a letter confirming retirement on the date of turning 55 years in accordance with their employment contract, at least 2 months before the actual date of retirement.
- 4.3.2 Pursuant to clause 3.3.1, for teachers and school post holders on school-based conditions of employment, the Employee Administration Unit will provide a letter confirming retirement in accordance with their employment contract, at least 2 months before the actual date of retirement, unless pursuant to Clause 4.2 a teacher or school post holder turning 55 in a year chooses to retire prior to the end of their contract. In this case the 2 months notice may not be possible, but should be issued to the employee as close to the 2 months prior as is practicable.
- 4.3.3 Where an employee contract period for teachers and school post holders extends after the employee will turn age 55, the contract automatically ceases upon the actual date the employee retires in accordance with their employment contract.
- 4.3.4 In accordance with clause 5(d) of the contract of employment for all civil servants and regardless of the receipt of a retirement letter, no employee is authorised to continue to work after the date of turning 55 years unless, pursuant to clause 4.1.2, they are a teacher or school post holder, in which case the person may not continue after the last day of the school year in accordance with the end date specified in their contract.
- 4.3.5 Notwithstanding Clause 4.3.4, in the case of a teacher or school post holder who is required to remain on contract after the end of the school year in which they turn 55 to cover the end of school holiday period pursuant to Clause 3.3.4 and 4.2.3, the employee will not continue to work after the day prior to the student free day at the commencement of the year after they turn 55 in accordance with their employment contract.

### **4.4 Management of leave due to retiring employees**

- 4.4.1 The manager of an employee who is due to retire should ensure that he/she meets the employee to:
- Make arrangements for the employee to use all outstanding leave prior to the date of retirement;
  - Complete any work requirements prior to retirement and make arrangements for handover of incomplete work.
- 4.4.2 The manager of a retiring employee should contact the Establishment Unit to make arrangements to advertise the position for open merit recruitment and selection six months before the retirement date to ensure an appointment is made in a timely manner and there can be an appropriate handover of work.

#### **4.5 School Holidays for Teachers and School Post Holders**

4.5.1 Teachers and school post holders who have reached retirement age and are continuing to the end of the school year or school term, **are not** entitled to payment for the school holidays at the end of the year or term in which they retire, and will cease to be paid on the last day of the school year or term.

#### **5 Key Search Terms**

5.1 Retirement, teacher, school post holder

#### **6 Review Arrangements**

6.1 This policy will be reviewed one year after approval for implementation by the Permanent Secretary and endorsement by the Honourable Minister.

#### **Approved for implementation**



**Alison Burchell**  
**Permanent Secretary**

**Date:** 28 / 8 / 2019