

STATES OF JERSEY



DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 3)(JERSEY) REGULATIONS 200-

**Lodged au Greffe on 5th February 2008
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 3)(JERSEY) REGULATIONS 200-

REPORT

The Chief Minister is promoting an amendment to the Employment of the States of Jersey Employees Regulations, as amended, which sets out that when a politically eligible States employee publicly nominates for election as a Senator, Deputy or Connétable, he or she may be granted unpaid special leave until he or she resigns or returns to work under Article 37.

The period of unpaid special leave is deemed pensionable and the employee would be expected to make any pension contributions that his or her employer would otherwise be required to make in addition to any contributions he or she is required to make as an employee under the scheme.

Advice provided by the Income Tax Department is that members of occupational schemes are not allowed to pay employee and employer contributions and as such would jeopardise the tax approved status of that pension scheme.

This amendment is that neither employer nor employee shall make pension contributions during the period of unpaid special leave and so does not count towards the employee's pensionable service.

There are no financial or manpower implications arising from these draft Regulations.

Explanatory Note

These Regulations amend the Employment of States of Jersey Employees (Jersey) Law 2005. Article 36 of that Law, inserted by the Employment of States of Jersey Employees (Amendment) (Jersey) Regulations 2007 (R&O.118/2007) provides that a States' employee who is on unpaid special leave by reason that he or she is a candidate for election as a Senator, Deputy or Connétable must make not only his or her own contributions to the States' pension scheme of which he or she is a member, but also those of his or her employer.

This amendment replaces that requirement with a rule that neither the employee nor the employer shall make contributions during the period of the employee's special leave and that the period does not count towards the employee's period of pensionable service.



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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 42 of the Employment of States of Jersey Employees (Jersey) Law 2005^[1], have made the following Regulations –

1 Article 36 of the Employment of States of Jersey Employees (Jersey) Law 2005 amended

In Article 36 of the Employment of States of Jersey Employees (Jersey) Law 2005^[2], for paragraph (3) there shall be substituted the following paragraph –

- “(3) If a politically eligible States’ employee who is required to make contributions under any pension scheme established under the Public Employees (Retirement) (Jersey) Law 1967 or the Teachers’ Superannuation (Jersey) Law 1979 is granted unpaid special leave under paragraph (2)–
- (a) notwithstanding any requirement of the pension scheme, neither the employee nor his or her employer shall make contributions under the pension scheme during the period described in paragraph (2); and
 - (b) the period described in paragraph (2) shall be disregarded in determining the employee’s period of pensionable service for the purposes of the pension scheme.”.

2 Citation and commencement

These Regulations may be cited as the Employment of States of Jersey Employees (Amendment No. 3) (Jersey) Regulations 200- and shall come into force 7 days after they are made.

[1]

chapter 16.325

[2]

chapter 16.325