

Regulation on Pension of Civil Servants

Chapter One

General Provisions

The basis

Article 1

This regulation has been enacted pursuant to the paragraph (3) of article 29 of the Civil servant law.

Objectives

Article Two

Objectives of this regulation are as follows:

1. To secure pensioners benefits
2. To determine monetary source of pension and to identify the pension contribution of civil servant
3. To regulate and determine procedures for payment of pensions.
4. To secure and determine the pension benefits of civil servant

Terminology

Article 3

For purposes of this Regulation, the following terms shall have the meanings set forth hereunder:

1. Civil servant: including permanent and contractual employees of the civil service.
2. Retirement: means end of the service period of a civil service employee in the organization in line with provisions of this regulation.
3. Pensioner: is civil servant who's period of service is completed in the related organization and according to the provisions of this regulation s/he is recognized eligible for pension benefit to be paid to him/her.
4. Pension contributions means withholding a certain percentage of an employee's monthly salary and the contribution of Organization to be transferred to treasury department;
5. Pension benefit: means payment of cash funds to pensioner or his/her survivors in accordance with provisions of this regulation;
6. Survivors means: Wife, husband, unmarried daughter(s), son(s) under age (18) or coupled with education or disabled or have constantly illness prevent them to work or bound to complete the military service. father, mother, unmarried sister(s), brother(s) under age (18) or coupled with education or bound to complete the military service, subject to that the employee had been responsible for his/her support/ custodianship and the fetus of the deceased female employee, born alive.
7. Final wage: means average of monthly wage and allowances over the final three years actual service, taking in account annual increases in civil wages;
8. Actual length of Service: means the total period of employment that the civil servant in accordance to the provisions of law executed in the organization on actual – base when pension contribution has been withheld from his/ her monthly salary

9. Voluntary retirement: is a retirement that a civil servant employee, after completion of (25) years actual length of service and (55) year of age can claim /request for it.

Coverage of Pensions Benefits

Article 4

- (1) Provisions of this regulation are about civil service employees of Ministries, Attorney General, General Independent Organizations, Independent Commissions, State owns Enterprises, Admin sections of Upper and Lower houses(parliament), Permanent and contract Civil Service employees of Judiciary and mixed companies in which share of government is more than (50%) are applicable.
- (2) Pension benefits of academic professors of Higher Education Institutions and Academy of Science of Afghanistan are arranged in accordance with their related legislative documents and paid in line with the provision of this regulation
- (3) Pension benefits of the civil service employees, those are working with agreement of GoA in accordance with the civil service posts in political / cultural agencies, councils and other Afghan Institutions abroad or in UN agencies or other International Organizations are arranged and paid in line with their related legislations' provisions and provisions of this regulation.
- (4) Pension benefits of the high ranking government officials, -described in salaries and wages law of the governmental ranks- are arranged and paid in accordance with provisions of this regulation, conditioned to deduction of pension contribution and its transformation to the treasury department of pension.
- (5) Pension benefits of the military personnel of the ministries and Independent Organizations would be organized and paid in accordance with their related legislative documents in line with provisions of this regulation.

Chapter Two

Pension treasury resources and status of pension benefits' determination

Funding sources

Article 5

- (1) Treasury monetary sources of pension are comprised of both Civil Service employee and the organization's contribution.
- (2) Equivalent to (8) percent of monthly wage of the grade of a civil service employee will be deducted as pension contribution
- (3) Contribution of the organization in the pension treasury is equivalent to (8) percent of monthly wage along with its allowances of the grade of the Civil Service employee;
- (4) The organization is liable to deduct the percentages mentioned in Para (2 &3) as pension contribution for both monthly wage of employee and form budget allocation of the organization in the end of each month and transfer it to the pension treasury department account;

Eligibility and Conditions for Receiving Pension

Article 6

- (1) A Civil Service employee, who fulfills one of the following conditions, shall be eligible to receive pension:
 1. Attaining normal retirement age (65);
 2. End of Service period (40 years actual length of service);
 3. Voluntary retirement
 4. Death , missing, disability and continuous illness that disrupt the employee to work;
 5. Severance (suspension, resignation and absence from the job, joining jobs out of the civil service grades and end of suspension with pay period)
- (2) Pension execution is not time-bound ,when ever , Civil Service employee comes under one of the conditions mentioned in paragraph (1) of this article, s/he is recognized eligible for pension benefit to be paid to him/her;
- (3) Civil Service employee, mentioned in 6 (1) (1) and disability as well as continuous illness mentioned in point (1) of Para(4) of this article is recognized eligible of pension benefit right from the they formally separated and disconnected from their job/ organization,.
- (4) In case, an employee, couldn't obtain his/ her pension benefit based on a legal excuse, when ever, s/he return to the Pension Administration, their pension benefits will be paid to them right from the date they formally separated and disconnected from their job/ organization, in accordance with the enacted legislative documents.
- (5) A civil Service employee can not claim for retirement before attaining (55) years of age and fulfilling actual length of (25) years of service. Severance case mentioned in point (5) of para. (1) of this article is excluded of this provision.
- (6) The employee who applies for voluntary retirement before fulfilling (25) years of the actual length of service his/her pension benefits shall be calculated and paid as per the para. (3) of article(22) of this regulation.

Computation of Pension Benefits

Article 7

- (1) Pension benefits of a Civil Service employee is computable right from the start time of joining the job;
- (2) Higher education period of Civil Service employees upper than Bachelorate in the certain period of that time and occupation of the ranks mentioned in paragraphs (2-3 &4) of Article Four of this regulation is also counted as their pension period, conditioned to deduction of the pension contribution form both the salaries and from the organization in accordance to the Article (5) of this regulation and transferred to the treasury department.
- (3) Training period of the Civil Service employees is countable to both length of service and pension benefit, if pension contribution form both, monthly salary of the employee and the certain percentage from allocation of the related organization is deducted and transferred to the treasury according to provision of article (5) of this regulation;

Computation of allowances included in the wage

Article 8

The privileges and allowances are included in the wages, they are taken in account during computing the pension benefits.

Measuring way of pension benefit

Article 9

- (1) Employees those are engaged with hazardous, dangerous to the health and so on jobs, their period of 4 years of job will be counted 5 years;
- (2) while determining the length of service of an employee, six months length of service or more than that shall be regarded as one year, and less than six months will be not taking in consideration;

Measurement of Pension Benefits

Article 10

- (1) An employee who's length of service is one to five (1-5) years, shall receive the lump sum payment of 2 months of Final Wage of his/ her grade including the allowances and privileges, per year of service .
- (2) An employee who has worked for more than five to than ten years shall receive the lump sum payment of (2,5) months of Final Wage of his/ her grade including the allowances and privileges, per year of service.
- (3) Pension benefit of an employee whose length of service is more than 10 years shall be equal to length of service (expressed in years) multiplied by Final Wage and multiplied by 2 percent.
- (4) In no case shall any pension of an employee exceed 80% percent of his/her Final Wage.

Payment of Pension Rights of the Deceased Employee

Article 11

- (1) Upon the death of an employee prior to retirement and or leave of job, his/her survivors shall be paid as follows:
 1. In case his/ her length of services is one to ten years, his/ her survivors shall be paid an amount equal to 12 times of the Final Wage and allowances as installments or a lump sum payment as pension benefit.
 2. In case his/ her length of services is more than ten to twenty five years, his/ her survivors shall be paid an amount equal to 36 times of the Final Wage and allowances as installment or a lump sum payment as pension benefit.
 3. In case his/ her length of services is more than twenty five years, his/ her survivors shall be paid an amount equal to 60 times of the Final Wage and allowances as a lump sum payment or installments as pension benefit.
- (2) A civil service employee, who's length to service is less than one year, his/ her survivors shall be paid with only the deducted percentage of pension contribution.
- (3) In accordance with conditions stated in paragraph (1) of this article, survivors can not claim pension benefits mentioned in article (10) of this regulation.

- (4) Upon the death of an employee during executing the formal job, his/her survivors shall be paid and amount of equal to (60) times of the Final Wage as a lump sum payment or as installments as pension benefits, without taking in account his/her length of service.
- (5) Upon the death of an employee after retirement, his / her survivors shall receive an amount equal to (36) times of the Pension benefit as a lump sum payment or as installment.
- (6) Survivors are determined based on legal documents;
- (7) Pension benefits are paid to the survivor and divided equally among the survivors.

Pension Benefits for survivors

Article 12

The pension benefits shall be paid to the pensioner, to his / her appointed attorney, survivors or to whom the will is made;

Disability Certification

Article 13

Retirement of a civil service employee in case of disability or illness, is approved based on certification of health panel of disability determination or authority of the Ministry of Public Health.

Disability based pension benefits

Article 14

- (1) Upon work related disability of a civil service employee, his / her pension benefits shall be calculated and paid as follows:
 1. If his/her up to (60%) percent of work power is lost, s/he will receive 50% of his/ her Final monthly Wage of the grade, without taking in account the length of service;
 2. In case his/her more than (60%) percent of work power is lost, s/he will receive 80% of his/ her Final monthly Wage of the grade, without taking in account the length of service.
- (2) Upon death of the employee mentioned in paragraph (1) of this article, his/ her survivor shall be paid an amount equal to 36 times of his/her pension benefits as lump sum and or as installment.

Normal Disability based pension benefits

Article 15

- (1) A civil Service employee who gets disabled for causes other than those related to work, shall be eligible for disability pension and will be paid on regular base as follows:
 1. In case of disability 70% or more and length of services of 25 years or more, s/he shall receive pension rights according to Article 10,para 3 of this Regulation.
 2. In case of disability 70% or more and length of service less than 25 years, he shall receive equal to 50% of his Final Wage.
 3. In case of disability 30% or more but less than 70% and length of services of 25 years or more, he shall receive equal to 50% of his Final Wage.
 4. In case of disability 30% or more but less than 70% and length of services less than 25 years, he shall receive equal to 30% of his Final Wage.
- (2) Disability pension shall be paid with no deduction irrespective of age.
- (3) Disability conditions of the disability pensioner shall be reviewed every 3 years.

- (4) If such conditions change, the eligibility to disability pension benefit may be affected in accordance with this Regulation.

Deprivation of Disability Pension benefits

Article 16

A disable retired person is deprived of pension rights if:

1. S/he is capable of employment after disability;
2. The disability is due to addiction to narcotics and intoxicants;
3. When documents establishing disability are deliberately forged.

Pension Benefits for survivors of Missing Employee

Article 17

Pension benefits of an employee goes missing for more than 4 years, his/her survivors shall be paid an amount equal to (36) time of his/her final monthly wage of his/her grade in accordance with the legal certification as a lump sum payment and or as installments.

Pension benefit upon separation

Article 18

Upon retirement of a civil service employee due to separation, his/her pension benefits shall be paid in accordance with the provisions of this regulation.

Chapter three

Miscellaneous Provisions

Increase in Pension benefits

Article 19

Any increase in pension benefits of the retired employees, shall be made in adjustment with general index of increase of the governmental civil service employees as per the separate procedures, that shall be prepared by MoLSAMD, MoF and IARCSC.

Pension execution place

Article 20

Payment of pension benefits of the civil service employees and the officials mentioned in article (14) of this regulation shall be paid via the pension department.

Article 21

Payment of the Pension for employees that are retired after enforcement of Pay and Grading System mentioned in Civil Servant Law, is calculated as following:

1. If retired before completing full 3 years after being admitted on the new scales of the pay and grading system, Final Wage is multiplied by total previous length of service multiplied by (1.4) percent.

2. If retired and his/ her length of actual service is up to (5) years under the scales of the pay and grading system, Final Wage is multiplied by total length of previous service multiplied by (1.7) percent.
3. If retired after 5 years or above 5 years of actual service under the scales of the pay and grading system, Final Wage is multiplied by total length of previous service multiplied by (2) percent.

Decrease or increase of Pension benefits

Article 22

- (1) Employees that did not fulfill (63) of age and applied for retirement, his/her annual retirement rights will be permanently decreased by 3% for each year of length of service before the age of 63 .
- (2) This provision referenced in para.(1) of this article, shall not apply to employees who have completed 40 years of actual service, disabled, missed or affected with continues illness.
- (3) A civil service employee, who apply for early voluntary retirement with not fulfilling (25) years length of service and (55) years of age, he/she can be eligible to get pension benefits while attaining normal pension age (65) and in this case his/ her pension benefits shall be calculated and paid without any reduction.
- (4) A civil service employee attaining (65) years of age and his/ her contract is extended based on need of the relevant organization and his/her agreement, in this case his/ her pension benefits shall be increased by 3% for each extra year of service over age of 65, but not exceeding maximum of 80% of the Final Wage .
- (5) Enforcement of paragraphs (1) of this Article shall be applied after 5 years of enforcement of this regulation

Article 23

No tax is imposed on pension benefits

Right to complain [appeal]

Article 24

- (1) A commission comprised of (3) members from Ministry of Labor Affairs, Martyred and disable and (2) members form Independent Administrative Reform Civil Service Commission will be formed, to address the complains of the pensioners or their survivors regarding the calculation and payment of their pension benefits.
- (2) If not satisfied, the retired employee or his/her survivors, as the case may be, may complain to the commission referenced in para (1) of this article. If not satisfied with the decision made by the commission, he/she can complain to the court.

No reemployment

Article 25

A civil Service employee retires in following conditions, can not be reemployed.

1. With completion of (40) years of actual service
2. Total permanent disability and continuous illness due to that employee can not return to his/her job.

3. Other conditions anticipated in legislative documents

Supervision Form implementation of the Regulation

Article 26

Ministry of Labor, Social affairs, Martyrs and Disabled as well as Independent Administrative Reform and Civil Service Commission, each in the related section, shall supervise the uniform implementation of the regulation.

Procedure Preparation for the Regulation

Article 27

Ministry of Labor and Social Affairs Martyrs and Disabled, in consultation with Independent Administrative Reform and Civil Service Commission shall prepare Procedures, Rules, and Guidelines to implement this Regulation.

Enforcement

Article 28

This regulation shall be effective after one month upon promulgation.