

***Public Servants' Pension Proclamation No. 1267/2022***

***Implementation Directive No. 959/2023***



***Public Servants' Social Security Administration***

***December 9, 2022 G.C***

## **Table of Contents**

<b>Title</b>	<b>Page</b>
<b>Introduction.....</b>	<b>1</b>
<b>Part 1 General .....</b>	<b>2</b>
<b>Part 2 Registering and Organizing Documents of public Offices and public Servants .....</b>	<b>3</b>
<b>Part 3 Pension Scheme Funds and Contributions.....</b>	<b>4</b>
<b>Part 4 Documents Needed for entitlement of benefit .....</b>	<b>6</b>
<b>Part 5 Documentations needed for Date of birth decesions.....</b>	<b>13</b>
<b>Part 6 period of service that shall be counted for benefit entitlement .....</b>	<b>16</b>
<b>Part 7 Salary that shall be counted for benefit calculation.....</b>	<b>17</b>
<b>Part 8 Pension Decision and Payment Execution .....</b>	<b>18</b>
<b>Part 9 Paying Pension to proxy.....</b>	<b>20</b>
<b>Part 10 starting period of Payment Pension and Arrears Payment decision .....</b>	<b>23</b>
<b>Part 11 Decision-Making on Complaints about Pension Rights and Benefits .....</b>	<b>25</b>
<b>Part 12 Miscellaneous provision.....</b>	<b>27</b>

## **Introduction**

In order to achieve objective of the establishment of Public Servants' social security administration and to provide efficient and effective services to the pensioners, it is necessary to devise an operational strategy to organize the registration document of government offices and employees to establish a modern pension contribution collection system, to ensure that pension decisions is carried out smoothly, and as it is important to clarify the detailed document required, to determine the allowance to the executor, it is necessary to summarize the directives issued at different times and align with Public Servants' social security Proclamation No. 1267/2022 to adjust them in accordance with the authority given to the administration in Proclamation No. 1267/2022 article 61/2/, the following implementing directive has been issued.

## ***Part One***

### ***General***

#### ***1. Short Title***

This directive may be cited as Directive No. 959/2023 for the Implementation of Public Servants' Pension proclamation.

#### ***2. Definition***

In this Directive:

- a. "A project or program conducted by the government" means a governmental work that is established and extended for a certain period of time to implement social, economic, infrastructure and similar issues, and it includes governmental development or research and research activities that are conducted with the support of foreign governments or international organizations and non-governmental organizations.
- b. "Document" means including the personal data, period of service, date of birth, family, salary and other relevant written document information provided by the employer's public office for registration, pension decision or payment and to confirm the identity of the pensioner or to update the information.
- c. "Dismissal for other reasons" means refers to public employee who resigns or quits due to absence from work without notifying the employer, arrest due to an offense unrelated to the work, reduction, disappearance, lack of skills and others similar cases, not because of disciplinary offenses in the office where the employee works.
- d. "Electronic Service (e-Service)" means a process of verification of document when employer government offices organize the registration of their servants' pension form 1 and send it to the administration electronically; the process of registration and notification of pension number is completely online.
- e. "Proclamation" means Public Servants Pension Proclamation No. 1267/2022

- f. Other words and phrases used in this directive shall have the meaning assigned to them in article (2) of the proclamation.

## **Part Two**

### **Registering and Organizing Documents of public Offices and public Servants**

#### **3. Registration**

1. Public offices and Public Servants covered by the Public Servants' pension scheme must be registered.
2. Public Servants who have been registered and assigned a pension identification number will be given a scheme membership card that confirms their membership in the scheme or they will be notified of their pension identification number through e-service.
3. As detailed in this article, the pension will be determined based on the document already organized and held by the administration for the Public Servants, beneficiaries or survivor's who do not submit a change of document within 60 days or when the pension decision is made.

#### **4. *Document to be submitted for Registration***

1. The registration officer of the administration must confirm that the following documents are fulfilled when the form P.1 is submitted to him from the employer's public office:-
  - a. Job Application / personal data, form
  - b. Employment letter/contract agreement,
  - c. If a marriage has taken place, document from an authorized person to register the marriage,
  - d. If a divorce has been taken place, document from an authorized person about the divorce,
  - e. Children under the age of 18, (If there is a disabled or mentally ill child under the age of 21), they must provide a birth certificate issued by an authorized body.

2. When the above-mentioned documents are not clear, it will be confirmed that there are no differences and that there are no different dates of birth. Unless otherwise it will be returned to be fixed.
3. A divorce submitted to change document will be accepted when the divorce is approved by the court. In the same way, the document presented to confirm the marriage after divorce is accepted if and only if the document is presented from the vital event that the main claimant or beneficiary was alive and they were living together, or the document where they made reconciliation through mediation and the document is submitted.

#### **5. *Document Organization***

1. The document of the public office and the public servant organized and kept by the administration are the ones mentioned in article 3 and 4 of this directive.
2. The public offices must organize the personal status of their employees, service, employment transfer, dismissal, family documents etc. and submit the same to the administration within 60 days according to Article 6 of the proclamation.
3. According to sub-article (2) of this article, the documents of the Public Servants which has been organized and kept at the public offices of the employer will conduct a file inspection at least once a year, if necessary, in less time. by the officers of the administration.

### ***Part Three***

#### ***Pension Scheme Funds and Contributions***

#### **6. *Salary For Which Pension Contributions are Paid***

1. If the public servant is employed in different offices and earns different salaries, the pension contribution must be paid only based on the salary of the public servant's chosen office. Service performed and salary paid the public servant other than the public office and salary chosen by the public servant shall not be considered or covered under the Public Servants' Pension Proclamation.

2. If the employee's salary is paid on a daily, weekly, fifteen days or piece of work basis, the pension contribution will be paid by adding the monthly salary to the total salary paid.
3. With the approval of Pension Proclamation 907/2015, when an employee who is working before July 01, 2015 is claimed to earn income for the services provided under contract (temporary) according to article 17 sub-article 5 of the proclamation, based on the employee's salary at the time of the claim, including the employee's and employer's share, at 18% Pension contributions will be paid.
4. If a private company with an accumulated provident fund is transferred to a public office and according to Article 16 Sub-Article 2 of the Public Servants' Pension Proclamation No. 1267/2022, if it is claimed to pay a contribution equivalent to the pension contribution and reserve the service, when the claim is made, based on the salary of the employee, including the share of the employee and the employer, 18% shall be paid.

#### ***7. Notification Of Pension Contribution Payment***

##### **Every public office shall notify:**

1. The amount of pension contributions of his own and his Public Servants,
2. The total pension contribution amount paid in the month,
3. Identifying the salary paid to Public Servants in the month, and the month and year of the payment
4. If the income of the pension contribution of the month is different from the income of the pension contribution of the previous month, stating the reason for the difference;

the document must be reported to the administration or to the revenue collection bodies represented by the administration from the month in which the payment was made until the 30<sup>th</sup> day of the following month,

## **8. *The Organization Of Pension Contribution Payment Documents***

1. Any public office is obliged to organize and maintain the list of servants' names, their monthly salary and document of pension contributions and submit them when claimed by the administration or the revenue collection bodies represented by the administration.
2. The revenue collection bodies must transfer the document mentioned in Article 7 of this Directive and Sub-Article (1) of this Article to the administration during seven consecutive days after making the pension contribution income.
3. The administration will monitor and confirm that the required pension contributions have been made to the pension fund based on the document provided in sub-article (2) of this article.

### ***Part Four***

#### **Documents Needed for entitlement of benefit**

## **9. *Document Presentation***

1. The pension is determined by the document presented in accordance with the second part of the proclamation, article 4; part 10, article 53 and this directive.
2. The document is submitted according to the forms issued by the administration and according to the procedure used by the party providing the document.
3. If the document required for pension determination is submitted to the administration or employer's public office with an unaddressed "to whom it may concerned" address; if the office of the employer who wrote the document is active, it is necessary to send the proof of this document with supporting documents such as payroll or other supporting documents. However, if the employer does not have the office, it can be processed based on the document provided.
4. When the document required to make a decision in accordance with sub-article 1 of this article, when it is impossible to provide the



document due to the destruction of the institution due to war or natural disaster, when it is verified by the government body concerned about the destruction, even if the document cannot be obtained by the employer's public office due to the institution's destruction, the document is provided by the office to which it is responsible or from the authorized office or When a superior body is presented, the service shall be assigned for him.

5. Notwithstanding sub-article (2) of article 16 of the proclamation, the party that makes the allowance decision regarding the information and document that is not organized shall be directly by making and organizing the document needed for the decision to be submitted to him from the employer's office.

#### **10. Document To Be Submitted For retirement Pension Claim**

##### **1. Claim Of Pension Due To Retirement age**

For the pension claimed by a public servant due to reaching the retirement age:

- A. A pension claim form;
- B. A completed job application and personal data form filled when he was first employed for a job;
- C. Employment letters;
- D. If there is service performed in different public offices, supported by document, employment, dismissal, transfer and other document of service written to the administration or the address of the employer's public office, where the origin and destination are stated;
- E. Document to be submitted to all it may concern should be submitted with supporting documents in accordance with sub-article (3) of Article 9 of this directive.

##### **2.Claim for invalidity pension due to Health problem**

When a claim for pension due to a non-work-related health defect is submitted, in addition to what is stated in this article (1), a certificate

confirming that the employee is unable to perform a salaried job must be submitted by a medical board.

**3. *Claim for pension due to employment physical injury or invalidity pensions.***

In addition to what is stated in sub-article (1) of this article, when a claim for pension is made by a public servant due to physical injury sustained on the job:-

- A. An accident notification form in which the civil public servant has been notified of an accident at work within 30/thirty/days;
- B. If necessary the police report;
- C. A certificate issued by the medical board stating the extent of the physical injury and his unfitness for any salaried job;
- D. Document of monthly salary paid in the month prior to the date of injury must be submitted;
- E. Despite what is mentioned in this sub-article /a/, the death of the employee due to an accident related to his work while at work will be accepted even if the accident notification form is submitted after 30 days after it is confirmed by the superior of the office.

**4. *Retirement claims due to withdraw from work voluntary or other reasons;***

- A. In addition to what is stated in sub-article (1) of this article, when the public servant resigns voluntarily or for any other reason, when a claim for pension is submitted, document stating the reason for termination of employment must be submitted.
- B. According to letter "A" of this sub article, a public servant who has been dismissed voluntarily or for any other reason, with a service of not less than 25 years. If so, the pension will be determined from the time five years before reaching the statutory retirement age.

- C. According to article 19 sub-articles 2 of the proclamation, a public servant who has served at least 10 years will be paid a service pension for the rest of his life from the month following his retirement age.
- D. According to the Public Servants' pension announcement or private organizations' servants' retirement announcement, before the retirement age determined by the law (with 25 years of service at the age of 55), the eligible service pensioner who has been re-employed by his own will, combined with the previous service, the age for which the allowance is determined is the age determined by the law (60 years), only when it reaches.

**5. The Claim of Pension for Senior Government Officials and Members of the House of Representatives,**

Subject to the provisions of sub-article (1) of this article, when a claim for pension is made regarding senior government officials and members of the House of Representatives:

- A. At least one full term (five years) of service;
- B. That pensioner is not less than 50 years of age;

Corroborating document must be completed and submitted.

**11. Claim for payment for lumpsum at Once**

**1. Retirement or invalidity Gratuity**

- A. When the public servant reaches the age of retirement with less than 10 years of service or,
- B. When servant less than 10 years of service is dismissed as unfit for any salaried employment due to *invalidity*;
- C. If a senior government official or a member of the House of People's Representatives who has served less than one full election term or less than five years of service is asked to step down due to *invalidity*, the document described in Article 10 Sub-Article (1) of this directive must be submitted.

## **2. *Employment Injury Gratuity***

When a claim employment injures gratuity due to an accident, the document specified in sub-article (3) of Article 10 of this directive must be submitted, and the amount of damage certified by the medical board must not be less than 10%. The calculation of damages is  $47\% \times 60$  of the monthly salary that was paid before the month of the injury, multiplied by the percentage of the injury to the employee.

## **3. *The reimbursement of Money that was Improperly Transferred into the Fund***

According to Article 27 of Proclamation No. 1267/2014, if the service of a public servant is terminated for any reason, the pension contribution will not be *reimbursed*. However, due to the service performed by the employee after the retirement age, contributions made for services not included in the calculation of pension, as well as money received improperly, only the employee's share is returned to the main beneficiary through the employer. Or if the original owner dies without receiving it, it will be returned to the legal successor through the employer's office based on the document provided by the higher authority.

## **12. *Claim for survivors Pension***

### **1. *Claim of Widow's or Widower's Pension***

When applying for Widow's or Widower's pension, in addition to what is listed under article 10 of sub-article (1) and if required as per article 10 sub-article (3) in this directive.

- A. If a deceased public servant or pensioner submitted to the administration office while he was still alive and does not have a registered marriage certificate, document issued by a court or an important event must be submitted to confirm the existence of a marital status.

- B. Additional document can be submitted when the document regarding marriage is doubtful or there is doubt about another marriage or divorce.
- C. When document of two or more marriages is presented, 25% of the deceased pensioners benefit will be entitled if the wife registered in p. 1 fails to appear and the unregistered wife appears with the registration of vital-event or court certificate; It will be determined for the registered wife when she is presented.
- D. Subject to sub-article 1(c) of this article, 50% shall be determined if the registered wife of the deceased submits document of death or divorce by a vital-event or court declaration.
- E. Subject to the articles 1 (a) and (b) of this article, if a public servant who has been sentenced to imprisonment of not less than three years and has lost the right to receive pension or a person whose pension has been terminated dies, from July 8, 2015, without adding arrears of pension, to the successor in the future. Pension will be paid.
- F. In order to determine the benefit mentioned in sub-article 1 (c) of this article, the *Widow's or Widower's* must first proof document of whether or not they are married and the surviving children are alive. However, there will be no payment for surviving children who have reached the age of 18 years (incapacitated child 21 years) before July 8, 2015.

## **2. Claim for surviving Child**

When claiming surviving child pension, as the case may be, as specified in Article 10(1) and 10(3) of this Directive;

In addition,

- A. If the deceased public servant or pensioner has not registered the child's birth certificate with the employer's office while he is still alive, document of childhood issued by the court.

- B. If a deceased public servant or pensioner has submitted document to the employer's office while he was still alive, document from the district where he reside that the children whose pension is determined according to the document are still alive.
- C. For children whose pension is determined by the administration without submitting a court certificate, the pension will be paid according to the mother or father of the child registered while the main beneficiary is alive. However, if the pension is determined based on the document of guardianship issued by the court, the document of guardianship appointed by the court;
- D. If he is an adopted child, document of the adoption contract must be presented to the court while the deceased is still alive.

### ***3. Claim for Parent Pension***

In addition to what is stated in Article 10 sub-article (1) and 10 sub-article (3), as the case may be, when claiming parental pension:

- A. Document of parentage issued by the court,
- B. If the parent is adopting parent of the deceased, the document that the contract was approved while the deceased was still alive,
- C. For a claim of parental pension according to this sub-article (a) and (b), providing document from the relevant government body that they were fully or mostly supported by their deceased child and the parent's income at the time of their child's death.

### ***4. Document to Prove the Beneficiary's Death***

In accordance with Article 12 sub-article (1) (a) and 12 sub-article (2) (a) of this directive, when the pension is determined on the basis of pre-recorded document, on the death of the public servant, from the employer's public office; If the beneficiary dies after retirement, a certificate of death must be submitted from the Kebele administration or a medical institution or authorized body to issue death certificates given by the same body. If the beneficiary person has been absent, the court declaration of absent must be submitted.

**13. *Claim for survivor Payment in lumpsum at once***

1. When claiming for the support of the *Widow's or Widower's* and children of a public servant who has served less than 10 years without termination of his employment contract, the document described in Article 10 Sub-Article (1), 12 Sub-Article (1) and 12 Sub-Article (2) of this directive must be submitted.
2. Subject to the provisions of sub-article (1) of this article, if there is arrears of pension money accumulated after the death of the pensioner, it will be paid to the survivors in accordance with sub-articles of article 41 /1/, 42 sub-article /1/ and 43 of the proclamation.
3. If the deceased's child over 18 years of age or a incapable or mentally ill person is over 21 years of age, no pension shall be paid.
4. Survivors' gratuity lump sum at once support payment is made only to the Widow's or Widower's and children less than 18 years of age, incapable or mentally ill children under 21 years of age.

***Part Five***

**Documentations needed for Date of birth decesions**

**14. *Documentations of Date of Birth for Retirement***

1. The date of birth for the purpose of retirement is the date, month, year or age of the public servant registered for the first time / in advance / when he was employed in an office covered by the public servants' pension scheme.
2. The retirement age is the date of birth recorded in the pre-filled application or biographical statement form or registration form.
3. In the absence of what is described in sub-article (2) above, the document held by the office as information and the date of birth is declared will be considered and processed according to the priority of the date of preparation.
4. If the registered date of birth is incomplete, the document will be rejected and priority will be given to the consecutively filled

documents. However, when there is a questionable situation to accept consecutively filled documents, the date of birth that was first recorded by the results of the forensic fingerprint examination may be accepted first.

**15. *Public Servant who has Registered Date of Birth, Month and Year.***

If the date, month and year of birth of a public servant is registered, the same date of birth will be kept.

**16. *Public Servant who has Registered the Year of Birth only***

A public servant:

1. If it is found that only the year of birth is recorded without mentioning the date and month, the date and month recorded on the document of the previous date of birth, which is different from the consecutive dates held by the office, will be recorded. If the month and date are not specified, the retirement age determined by the pension proclamation is added to the registered birth year, and the last month of the period is August 30, if the Ethiopian calendar is the case, or December 30, the retirement age is considered to have reached the retirement age from the first month of the next year.
2. If the date of birth is registered on the first day of the month, the retirement age will be reached on the last day of the month before the date of birth.
3. If he has registered his date of birth between the 2<sup>nd</sup> and 30<sup>th</sup> days of the month or if only the month and year is registered, he will be retired from the first day of the month following the month of his birth date.

**17. *Public Servant who has Registered Age Only***

If the public servant has recorded only his age on the form recorded in the beginning, the age will be deducted from the date, month and year of recording on the form and the date of birth will be taken. If the date



and month are not specified on the form, it will be done according to article 16 sub-article (1) of this directive.

**18. *Public Servant who has Registered Different Date of Birth and Age***

1. If a public servant has registered a different birth date and age on the form that invites him to register his age and date of birth with on the first form, if he repeats his age or year of birth on one of the consecutively recorded forms, the same age or year of birth that was registered first will be used.
2. If the first recorded age or year of birth is not repeated in the consecutively recorded birth dates, when the month and date are specified in the first recorded that recorded date and year of birth will be taken. If the date and month of the year is not specified on the recorded the age will be taken according to article 17 of this directive.

**19. *Public Servant who did not Register his Date of Birth when he was First Employed***

If a public servant's date of birth is not recorded on the form filled in for the first time, or if the form is not filled in, the date of birth recorded on the form that takes precedence among the consecutively filled forms will be taken. If the employee does not fill in the form, the date of birth held by the employer's office will be used as document of birth or, in the absence of this; on the pension application form will be taken.

**20. *Documentation of Children's Date of Birth***

1. The date of birth for children is the date of birth recorded on the forms prepared by the administration or the employer's office while the pensioner is still alive.
2. If the public servant did not register the child's age while he was alive, or if the child was born after the death of the public servant, the date of birth of the child will be taken from the registered vital-

event or from the medical institutions or the court decision. If this is not the case, the date of birth recorded on the other document first recorded will be used.

3. If only the child's age is mentioned in the document, it will be deducted from the month and year in which the information was prepared or the court filed. If no month is specified in the document, the month recorded on the survivor pension claim form will be used

**21. *Different Documents presented for Date of Birth***

1. If the form filled by a public servant is held by the office as information, it will be accepted whether or not it has the official's signature.
2. The public servant forms filled in the same day means:-
  - A. In a job application,
  - B. In personal data form,
  - C. If different dates of birth are recorded in P.1 (Registration Form), the date of birth recorded first from "A" to "C" in that order will be taken.
3. Any kind of document shall not be accepted to disprove a previously known date of birth when a public servant is to be assigned to pension based on the first recorded form filled while the public servant is employed or on the basis of the birth certificate already held by the public office..

***Part Six***

***period of service that shall be counted for benefit entitlement***

**22. *Period of Service for Retirement***

1. To determining public servant period of service for the purpose of pension entitlement is the employee's period of service performed in the public office permanently or on contract (temporarily) or for a certain period of time or for a certain job while pension contribution is paid.

2. The service period of a public servant starts from the day he was hired or assigned or appointed as a government employee.
3. Public Offices that do not have provisions for extension of service in their establishment proclamation, regulation or labor management law, the service period extended to their employees by the superiors of the institutions shall be used for retirement purposes.
4. Public Offices that do not have provisions for extension of service in their establishment proclamation, regulation or labor management law, as appropriate, the service period extended by the management of the board of the institution or the senior management of the institution to which the institution is responsible shall be considered for retirement.

**23. *Regarding the Service Performed Before the Age of Employment***

If a public servant has been employed and served before the age of employment as determined by the law, the service performed since the age of 14 will be considered for retirement purposes.

***Part Seven***

**Salary that shall be counted for benefit calculation**

**24. *Salary for Calculation of Pension***

1. The calculation of service pension is the average salary paid by the public servant during the last three years of service. When it is found that the salary paid for the last completed service is not completed for three consecutive years (36 months), the remaining will be counted paid back from the monthly salary paid during the previous service;
2. In spite of what is stated in sub-article (1) of this article, an employee who retires within 3 years or less employed by a private company without a structural organization and without a studied salary scale will receive an annual average salary increase of 25% more than the regular monthly salary he was paid in the month before the month of retirement. If he obtain, only up to 25% salary

increase will be added to his salary and his average monthly salary of 3 years will be taken into consideration.

3. If a public servant is declared incapable for work due to invalidity and remains in work and is claimed for a pension, the pension amount is calculated by taking the average salary of 36 months back from the month and year in which the unfit for work was confirmed.
4. Payment of wages to public servants who are absent from work due to sickness, despite the provisions mentioned in the Federal Public Servants Proclamation No. 1064/2010, Article 43 Sub-Article (3) It is based on the full monthly salary, but the employer and employee's share of the 36 months unpaid salary should be considered as pension contributions.
5. The calculation of employment injury pension is the salary paid before the month of injury. However, when the amount earned by the employee for the service is found to be better, the average salary will be fixed according to the determination of period of service.

### ***Part Eight***

#### ***Pension Decision and Payment Execution***

##### **25. *Notification of Pension Decision***

After any *pension decision* has been determined:

- a. Type and amount of pension,
- b. Time and place of commencement of payment;

It should be explained to the pension beneficiary.

##### **26. *Regarding the Suspension/Termination of Pension/***

The suspension or termination of pension payment

1. If the beneficiary died,
2. If the beneficiary changes nationality, from the day of nationality changed;
3. When a child reaches the age of 18 years (21 years if incapable or mentally ill);

4. The pension decision shall terminate from following month that decision is found improperly.
5. Withstanding Article 41 of the Proclamation, when the widow's or widower's are over 45 years of age and the widower's is 50 years old and the widow's is over 45 years old and remarried, when an additional pension is decided for them due to the death of their spouse, the minimum pension payment will be terminated.
6. In order to verify the date of birth in the implementation of Article 41 Sub-Article (2) of the Proclamation, the date of birth registered by the public servant or the pensioner or his/her survivor at different times in registration, pension application and various forms or the birth registered while the beneficiary was in education, birth before marriage, It is necessary to consider and verify the document of the court and the like.
7. Notwithstanding what is stated in sub-article 2 of this article, after the issuance of Proclamation No. 270/2002, a person who changes his nationality and submits an identity card of Ethiopian origin from the relevant party in accordance with Article 2(1) of this Proclamation may receive his pension rights.

## **27. *Payment of Debts***

1. If the pension has been improperly paid to any entitled person, he shall be obliged to return it according to Article 55 Sub-Article (3) of the Proclamation. If the beneficiary is receiving pension, 1/3 (one third) of the pension will be deducted from the debt and will be credited to the pension fund.
2. If there is lumpsum at once payment or arrears that should be paid to the beneficiary, the balance will be paid to him as a substitute for the debt. However, if the lumpsum at once payment does not cover the debt, it will be deducted from the monthly allowance in accordance with sub-article (1) of this article.

3. If a decision is made to pay alimony to the wife (husband) or child while the beneficiary is still alive in a court dispute, it will be implemented according to the court's decision as long as the main beneficiary is alive. However, the pension that was paid from the month and year of his death will be terminated.

### ***Part Nine***

#### ***Paying Pension to proxy***

##### ***28. The State of Paying Pension to proxy***

A pensioner-

1. In case of old age,
2. In case of sickness,
3. In case of going abroad,
4. In case of imprisonment,
5. Other force majeure,

If beneficiary is in a situation where able to follow up and receive the pension for any reasons, the beneficiary can execute the case through an agent or accept the pension through an agent.

##### ***29. Execution of Power to proxy***

Pension payment to proxy shall be made by the administration (headquarters, regional offices, head offices, field offices or toll booths as the case may be). However:

1. If a pensioner goes aboard after giving delegation to proxy, through authorized government body.
2. . If a pensioner goes aboard with out delegating proxy, he can process the delegation at the Ethiopian Embassy or consulate in a country where he resides.
3. If the beneficiary is in prison, the document can be presented after it is verified by the head of the prison,
4. When a verified document is presented from a medical institution that he is receiving treatment in the medical institution

5. For the beneficiaries who live in districts far away from the administration's branch offices and are unable to receive their monthly payment due to invalidity or old age, when a power of delegation is issued by authorized body to provide representation in the area where they live is presented, It will be accepted.

**30. Document that should be presented for proxy payment**

1. The beneficiary claim for proxy payment:-
  - A. If it is due to invalidity, medical document stating the medical condition;
  - B. If the reason is the pensioner going abroad a photocopy of the passport and entry visa of the pensioner,
  - C. Document from prison if due to arrest,
  - D. Delegation will be given when document is presented that shows of his being citizen of a foreign country, but Ethiopian by birth.
2. If the claimant has gone to a foreign country without providing delegation, it is necessary to submit the document of the delegation through the Ethiopian Embassy or Consulate in the country of destination along with a photocopy of the renewed passport.
3. Pensioner who is unable to receive benefit due to invalidity, old age or unproven health defect or any other force majeure reason, a delegation to proxy will be made by the relevant regional or branch office manager as the case may be.

**31. Confirming the Pensioner's existence**

1. When a beneficiary is to be paid through proxy due to old age, invalidity and other reasons of force majors, the payment will be extended if he submits document of his existence every three months in person or from the kebele administration office of his place of residence. However, he must appear in person once a year. However,

- if there is a situation where the person cannot appear in person and cannot be seen, the administration staff can go to his place to confirm or if it is confirmed from the local government that he is alive, they can extend his delegation.
2. The delegation will be extended if the beneficiary living abroad and renews his delegation and sends document to the Ethiopian embassy or consulate office of the country where he lives or according to the laws and regulations of the country where he lives. However, he will need to provide document that his passport has been renewed.
  3. If the benefit is paid to a proxy due to the detention of the beneficiary, the delegation will be extended twice a year every 6 months when document of his/her survival is provided from the prison where he/she was imprisoned.
  4. In order to prove the pensioner is alive, with the document provided in accordance with sub-articles (1) to (3) of this article,
    - A. If the pensioner arrives at the administration one month before the alleged or if a proxy appears in person, then for three months or one year, as the case may be, from the end of the delegation period.
    - B. After the alleged period has passed, if it reaches the administration within three to six months or one year, depending on the type of representation, or if it appears in person, the arrears will be paid and the payment will be continued for a period of three six months or one year, as the case may be, from the time the document is received or the proxy is present;

## ***Part Ten***

### ***Deciding Period of Payment Pension and Arrears payment decision***

#### ***32. Determining the Starting Period of Pension Payment of Survivors***

1. If a claim for a widow's or widower's or parent's pension is submitted to the administration within five years of the death of



the beneficiary, the pension will be paid from the first day of the month following the death of the beneficiary.

2. Notwithstanding the above mentioned in sub-article (1), within five years of the death of the beneficiary, the widow's, widower's or parents applies to the court to enforce their rights, and if the case is delayed due to the court proceedings and the decision of the court is made, the claim shall be submitted to the administration within five years. If it is presented, it will be paid from the month following his death.
3. The widow's, widowers or parent's can claim the benefit after five years of death of the pensioner, If the court decision claim is submitted to the administrative within the five-years, the benefit will be paid starting the month of the application submitted to the court.
4. Subject to the provisions of sub-article (2) of article 49 of the proclamation, if the claim for the pension of the widow's, widowers or parent is submitted outside of the time mentioned in sub-articles 1 to 3 of this article, the benefit will be paid from the month when the document is submitted to the administration.
5. When a claim for pension is made for children below 18 (for incapable, 21) years old, it will be paid from the month following the death of the pensioner.
6. Without prejudice to the provisions of Article 35 and Article 36 of this directive, due to decision of abuses pensioner, the survivors' pension will be determined from the month following the court's decision of abuses.

33. ***Late Submission of Document due to beneficiary***

Article 32, sub-articles 1 to 4 of this directive, notwithstanding the provisions of sub-articles 1 to 4 of this directive, when the claim for pension to regular beneficiaries and survivors' is submitted to the administration and it is stated that it is not entitled to make a decision

based on the claim and that the beneficiary is not able to submit document from the benefit employer's public office and the allowance has not been determined due to the failure to submit that document, the starting period of payment the allowance will be from the month and year in which he should have been benefited.

**34. *Date of commencement of pension payment decision as amended***

1. When determining the pension, if the document of period of service, salary and other document that was not submitted is submitted late, the pension amount will be revised according to the presentation of the document and amended determined as a described in articles 35 to 36.
2. According to article 60 sub-article (5) of the proclamation, the pensioner whose service has been reduced due to imprisonment, The beneficiaries' period of service shall be considered and pension will be amended starting from July 8/2015.

**35. *Decision and payment of Pension in Arrears***

A pensioner who is entitled to a benefit;

1. If he claims payment of arrears within a period of up to five years from the time he stopped receiving the pension, he shall be paid starting from the month the payment ceased.
2. After not receiving the pension for more than five years, the arrears of pension shall be paid from the month of the application;

**36. *Pension Payment Starting Time and Arrears Pension Decision Jurisdiction***

Arrears of up to five years will be decided by the adjudicator and payment specialist of the work process; However, according civil code article 1793 (c) and (d) in case of force majeure such as earthquakes, storms, calamities and war, when a claim is submitted for more than five years of arrears and the starting period of payment, as the case may be, the director of the work process, in the region manager or in the branch office manager shall decide.

### **37. *Implementation of Period of Limitation***

1. Pension payment claim submitted after the period specified below will be banned by period of limitation.
  - A. If he has been for a period of more than five years without submitting a claim for pension or without receiving the benefit while pension has been determined.
  - B. If the claim for child pension is submitted five years after the age of 18 years
  - C. If the claim for the gratuity has been pending for more than five years from the date it is possible to get the benefit,
2. The 3-year period of limitation stipulated by Proclamation No. 714/2011 will end before March 18, 2022. Therefore, after the promulgation of the proclamation, the claim for arrears of pension will be processed with five years period of limitation only if it is less than 3 years
3. Subject to Article 49 Sub-Article (2) of the Proclamation, according to the civil code No. 1793 letter (c) and (d), time that has passed due to reasons beyond the control of the right holder, such as earthquakes, waves, plagues, and wars, shall not be considered as period of limitation

### ***Part Eleven***

#### **Decision-Making on Complaints about Pension right and Benefits**

#### **38. Procedure of Complaint Presentation**

1. Regarding the Pension decision and benefits of any entitled who has a Complaint about a decision made by an Administrative officers, can submit his Complaint to:
  - A. If the decision is made at the head office, complain submits to the Director of the Directorate of Registration and pension Decision;

B.If the decision is made at the region or branch offices, complain can be submits to the head of the region or the branch office.

C.The director or officials of the directorate referred to in sub article 1/a/ and /b/ of this article can modify revoke or approve the expert's decision.

## ***2. Review of the Decision***

When the document that was not seen during the decision made of the case is presented or there is a sufficient and legal reason, a previously given decision will be revised.

## ***3. Notification of the Decision***

A. The decision given on the submitted complaint should be explained to the applicant and the officer should signed, write his name and date of that decision is made.

B. If the complaint claims that the decision to be given in writing, it shall be delivered.

C. If the complainant does not agree with the decision, it should be explained to him that he can submit his appeal to the Social Security Appeals Tribunal through the regional office or the branch office.

D. When the complaint is unsatisfied by the decision made by The Director of the Directorate of Registration and pension Decision, in Regional or branch office, he can submit his appeal against decision through the directorate, the region official or the head of branch to the public s Social Security Appeal Tribunal.

E. Any complaints or appeals may be submitted to the Public Servants' Social Security Appeals Tribunal within one year from the decision of the head office, regional offices or branch offices.

F. The decision of the Social Security Appeals Tribunal shall be final. However, if there is any party who believes that there is a fundamental error of law in that decision made by the Public

Servants' Social Security Administration and Social Security Appeals Tribunal, complaint parties will have the right to submit its complain to the Federal Supreme Court within 30 days of the Appeals decision made.

**4. Social Security Appeal Tribunal Office of the public servant**

1. The administration will ensure the provision of services for the office of the Social Security Appeal Tribunal and the provision of necessary office, office materials, and staff allowances.
2. Employees assigned from the administration office to facilitate Social Security Appeal Tribunal, they shall be responsible for administrative matters to the Directorate of Registration and pension Decision.

**Part Twelve**

**Miscellaneous Provision**

**39. Termination of benefit Due to Imprisonment for Not Less Than Three Years**

1. A public servant who has been sentenced to a prison term of not less than three years due to a criminal offense committed before the issuance of Public Servants' Pension Proclamation No. 345/2003 on June 8, 2003, and who has been in government employment and who has served not less than twenty years, has lost the right to pension;
2. The beneficiary whose service, invalidity or injury pension payment was terminated before the decision,
3. For the same reason, the survivor's pension is terminated,  
He will be entitled to permanent pension from July 8, 2015.

**40. A public Servant who was a Public Servant Before the Coming Into Effect of Public Servants' Pension Proclamation No. 345/2003 and who was Convicted of a Crime by a Court and Sentenced to Imprisonment for Not Less Than Three Years.**

- A. If a public servant who was given a permanent or partial pension only for his service after June 8, 2003, if his previous service is taken together and allows him to get a permanent pension, his allowance shall be revised from 8st of July 2015.
- 41. *Possibility of Obtaining Payment of Permanent Pension which is prohibited by a Sentence of Imprisonment of Less Than Three Years.***
1. A public servant who has lost his right to pension due to a sentence of not less than three years of rigorous imprisonment while in public service or having served not less than twenty years.
    - A. Written document signed by the relevant government official stating the starting day and destination of the service performed in public office before June 8, 2003;
    - B. If the employee in question has served in various government offices, the written document from each of the offices described as the sub-article (1) letter (a) of this article,
    - C. Document to be submitted for retirement pension in article 10 of this directive;
    - D. Document of a sentence of rigorous imprisonment of not less than three years by a competent court;
    - E. The beneficiary is obliged to submit a pension application form P2, with the starting point and destination of service from the government office where the beneficiary last served, 36 months' salary paid before leaving the job, stamped office and signed by person in charge and by the beneficiary.
  2. For the reason of rigorous imprisonment sentenced not less than three years before June 8, 2003, if the beneficiary service provided in a government office deducted being paid gratuity, the public servant, service given in public office is verified the amount of gratuity he received shall be paid at lump sum at once to the administration, the previous deducted service will be considered

and the beneficiary obtains a permanent pension according to the relevant provisions of the pension proclamation. July 8 to 2015.

3. A public servant who has been sentenced to imprisonment of not less than three years by the court due to the crime committed and who has lost his benefit after June 18, 2015, considering the combined service of less than twenty years and does not enable him to get a permanent pension according to the relevant public servants' pension proclamation. If so, there will be no allowance or refund of contribution payable to the beneficiary or his survivors.
4. If the beneficiary was found guilty by the court of the crime committed and sentenced to imprisonment of not less than three years, the pension that was being terminate from beneficiary including the survivors;
  - A. If he has in hand the ID card and payment controlling card for which he was receiving pension payment,
  - B. A recent 4X3 photograph along with a claim application for payment of pension;
  - C. In the application, mentioning the pension identification number and the payment address from which he want to receive the pension,
  - D. For the case of survivors, the document of succession issued by the appropriate court,

They should claim for it by holding and appearing in person at the head office of the administration or the regional or branch office of the administration.

5. While receiving a permanent pension for service, invalidity or injury, or as a public servant whose service qualifies for a permanent pension, and who has been sentenced to imprisonment for not less than three years, and who has not been granted the right to pension, before the coming into effect of Public Servants' Pension (Amendment) Proclamation No. 907/2015 Survivors of deceased persons from July 8, when the proclamation was

approved from 2015 onwards, he can determine the future pension.

6. Regarding the presentation of document to the beneficiaries and survivors who lost their pension rights due to imprisonment, when the document referred to in Article 10 of this directive is presented, first the deceased's period of service will end for permanent pension and the identity and relevance of the survivors shall be checked and determined.

42. ***Commencement of Parental Pension***

1. Parents who earn monthly income (including pension) up to Birr 2000.00 (two thousand Birr) for each parent, if the employer's office, court, district or kebele administration has verified that their deceased child was fully or mostly supporting them while he was alive, pension for each parent shall be paid.
2. Parents whose monthly income is more than Birr 2000.00 (two thousand Birr) including monthly pension, but in addition to what is stated in sub-article 1 above, they must provide documentary document from the office or bank where they received the income.
3. The document submitted according to sub-article 2 of this article should be document that the parents have been receiving the same or similar support every month.

43. ***The Census of Pensioners***

A census is conducted once a year to find out the number of pensioners and the amount of pension to be paid. The performance will depend on the detailed performance issued by the administration.

44. ***Transitional Provision***

Unless otherwise expressly provided for in this directive, the previously applicable directive shall apply to legal matters arising before this directive enters into force.



45. ***Repealed Directives and Procedures***

Procedure or practices contrary to this directive shall not apply to matters covered by this directive unless otherwise specified in this directive.

46. ***Effective Date of this Directive***

This directive shall be effective from the date it is registered by the Ministry of Justice and uploaded on its website.

Dhaba Oriya

Head of Public Servant's Social Security Administration