

GUYANA

No. 2 of 1978

BY-LAWS

Made Under

THE DRAINAGE AND IRRIGATION ACT

(Cap. 64:03)

IN EXERCISE OF THE POWERS CONFERRED BY SECTION 77 OF THE DRAINAGE AND IRRIGATION ACT, THE FOLLOWING BY-LAWS HAVE BEEN MADE BY THE DRAINAGE AND IRRIGATION BOARD AND APPROVED BY THE MINISTER:—

Citation and commencement.

1. These By-laws may be cited as the Drainage and Irrigation (Superannuation Benefits) By-laws 1978, and shall be deemed to have come into operation on 1st January, 1972.

Interpretation.

2. In these By-laws —

“approved appointment” means an appointment specified in the Schedule; and

“salary” means the salary attached to an office.

Service not qualifying for superannuation benefits.

3. No superannuation benefits shall be granted to any employee in respect of any service while under the age of eighteen years.

Circumstances in which superannuation benefits may be granted.

4. No superannuation benefits shall be granted to an employee except on his retirement from the service of the Board in any one of the following cases —

(a) on or after attaining the age of sixty years or, with the approval of the Board, fifty-five years; or

(b) on the abolition of his office; or

- (c) on medical evidence to the satisfaction of the Board that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent; or
- (d) on termination of employment in the interest of the Board; or
- (e) on retrenchment.

5.(1) An employee who, at the date of his retirement, holds an approved appointment and who, for at least twenty continuous years immediately preceding that date, has been in the service of the Board, shall be granted an annual allowance.

Annual allowances to whom and at what rate to be granted.

(2) An annual allowance shall be calculated in accordance with those provisions of the Pensions Act which govern the payment of annual allowances to persons who have served twenty years in a non-pensionable office.

Cap. 27:02

6.(1) An employee to whom an annual allowance is granted may, at his option exercisable as hereinafter provided, be paid in lieu of such annual allowance an allowance at the rate of three-fourths of such allowance together with a gratuity equal to twelve and one-half times the amount by which such allowance is reduced.

Option to take reduced allowance with gratuity.

- (2) An option exercisable in accordance with this section—
- (a) shall be exercised or revoked by notice in writing addressed to the Minister; and
 - (b) shall be deemed to have been exercised or revoked on the date on which such notice is received; and
 - (c) shall be exercisable and, if exercised, may be revoked, on or before the date of retirement of the employee, or, with the permission of the Minister, at any time between that date and the date of the final award of the annual allowance granted to him under these By-laws.

7. An employee who, at the date of his retirement, holds an approved appointment and who, immediately preceding that date, has been in the service of the Board for seven continuous years or more, but not exceeding twenty years, shall be granted a gratuity calculated at the rate of one-eighteenth of a month's pay for each complete month of service.

Gratuities where length of service does not qualify for an annual allowance.

Gratuities to holders of posts which are not approved appointments.

8. An employee who, at the date of his retirement, does not hold an approved appointment and who, for at least seven continuous years immediately preceding that date, has been in the service of the Board, shall be granted a gratuity calculated at the rate of one-twenty sixth of a year's pay for each year of service with a maximum of thirty-three and one-third years' pay.

Computation of super-annuation benefits.

9. For the purpose of computing the amount of the annual allowance or gratuity to be granted to an employee, the following periods shall be taken into account —

- (a) any period during which he has been on duty; and
- (b) any period during which he has been absent from duty on leave with full salary or on commuted leave or on leave on half salary:

Provided that any period during which an employee has been absent on leave on half salary save as provided in the next paragraph of this By-law shall be reckoned at the rate of one month for every two months of such period; and

- (c) any period during which he has been absent from duty on leave either or half salary or without salary granted on grounds of policy with the approval of the Board, and during which he has not qualified for pension in respect of other services;

and any periods during which he has been on leave, other than those specified above, shall be deducted from the total service of the employee.

Computation of service of employees paid at daily, weekly or fortnightly rates.

10.(1) Where an employee is paid at daily, weekly or fortnightly rates, the number of working days in any calendar year to constitute one year's service shall be taken as two hundred and twenty-five days, including public holidays and days on paid leave or sick leave, but not Sundays:

Provided that where the service of an employee is less than two hundred and twenty-five days in each of any consecutive calendar years, such service shall constitute one year's service if aggregating two hundred and twenty-five days or more.

(2) Where there is no official record of any part of the service of an employee, the Board may, on being satisfied beyond all reasonable doubt that such service was given, approve of such service being admitted for the purposes of calculating superannuation benefits.

11. The Board shall have full power and authority to decide all questions that may arise in respect of or in connection with the administration of these By-laws.

Settlement
of questions
arising
under the
By-laws.

SCHEDULE

APPROVED APPOINTMENTS

Checker

Gridman

Mechanic/Operator

Mechanic operator-in-charge

Open vote clerk

Ranger

Sluice attendant

Watchman

Made by the Drainage and Irrigation Board on the 21st day of December, 1977.

L. G. Charles,
Chairman,

Drainage & Irrigation Board

G. G. Assanah,
Secretary,

Drainage & Irrigation Board

Approved by the Minister of Agriculture on the 16th day of January, 1978.

G. B. Kennard,
Minister of Agriculture.