

PRESIDENCY OF THE COUNCIL OF
MINISTERS

**Implementing Decree No 2/2019 of
February 5**

The Government's strategy for Public Administration is based on three main lines focused on employees' valuation, creation of good working environments and public management improvement, in order to build a Public Administration with sound governance models that motivates whoever works for it to daily strengthen the response capability in the core State functions, meet citizens' needs, stimulate the economy and develop the country.

It is in this context that the pre-retirement, with reduction or suspension of work provision, configures an active promotion measure of employees' motivation to be able to reconcile professional and personal life, as well as contributing to the creation of good working environments.

In this way, the present legal text aims to regulate the paragraph 4 of article 286 of the General Labour Law in Public Functions, passed and annexed to Law No 35/2014, of June 20, in its current wording, which establishes that the rules for setting the payment to be granted in the pre-retirement situation that corresponds to the work provision suspension are laid down in this implementing decree.

The procedures provided for in the General Labour law in Public Functions passed and annexed to Law No 35/2014, of June 20, in its current wording, concerning negotiation and participation of employees with public employment relationship have been complied with.

Thus:

Pursuant to sub-paragraph c) of article 199 of the Constitution, and paragraph 4 of article 286 of the General Labour Law in Public Functions passed and annexed to Law No 35/2014, of June 20, in its current wording, the Government decrees as follows:

Article 1

Object

The present implementing decree establishes the rules for setting the payment to be granted under a pre-retirement situation that corresponds to work provision suspension in public functions.

Article 2

Pre-retirement situation

The pre-retirement situation shall be established by agreement between the public employer and the employee, in which the indications are set out, provided for in the General Labour Law in Public Functions, passed and annexed to Law No 35/2014, of June 20, in its current wording, namely in paragraph 3 of article 284, and shall depend on previous authorization of the Government members responsible for finance and public administration areas, to be obtained through the Government member who exercises the management, oversight or supervision power over the public employer.

Article 3

Pre-retirement payment

1 - The initial amount of the pre-retirement payment shall be set by agreement between the public employer and the employee, and shall not be higher than the employee's basic compensation on the date of the agreement nor lower than 25% of the referred to compensation.

2 - Pre-retirement payment shall be updated annually in a percentage equal to the compensation's increase from which the employee would benefit if he/she were in full fulfilment of his/her functions.

Article 4

**Reserve base and contribution rate for
employees integrated into the convergent
social protection scheme**

The pre-retirement period situation shall be taken into account for retirement, and shall be maintained, as regards employees integrated in the convergent social protection scheme, the obligation of the subscriber and the respective employer to

monthly pay the contributions to the Public Employees Special Pension Scheme, P.I., calculated at the normal rate based on the relevant compensation updated value for retirement that served as the basis for calculating the pre-retirement payment.

Article 5

Entry into force

The present implementing decree shall enter into force on the following day of its publication.

Seen and approved in the Council of Ministers of December 20, 2018. — António Luís Santos da Costa — Mário José Gomes de Freitas Centeno — José António Fonseca Vieira da Silva.

Promulgated on January 29, 2019.

Let it be published.

The President of the Republic, Marcelo Rebelo de Sousa.

Countersigned on January 31, 2019.

The Prime Minister, António Luís Santos da Costa.