

LAWS OF SAINT VINCENT AND THE GRENADINES

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CHAPTER 2

PUBLIC SERVICE COMMISSION
REGULATIONS

Booklet 4

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- amended by
- S.R.O. 49 of 1969
- S.R.O. 36 of 1970
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- *S.R.O. 38 of 1980
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Numbering of paragraphs

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Commencement: 4th November 1969

Preliminary

1. Citation. These Regulations may be cited as the Public Service Commission Regulation.

2. Interpretation. In these Regulations, unless the context otherwise requires—

“acting appointment” means the temporary appointment of an officer, whether on promotion or otherwise, to a higher office whether or not that office is vacant;

“appointment” means the conferment of an office of emolument in the public service upon a person;

“authorised officer” means, in relation to a public officer, a member of the Commission or an authority or a public officer to whom the functions of the Commission have been delegated pursuant to section 78(2) of the Constitution.

“chairman” means the chairman of the Commission and includes any temporary chairman and any member presiding at meetings of the Commission;

“Commission” means the Public Service Commission established by section 77 of the Constitution;

“member” means any person appointed to the Commission including any person appointed to act as a member of the Commission under the provisions of section 77 of the Constitution;

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“office of emolument” in relation to the definition of public officer means any pensionable or non-pensionable post which is shown under a personal emoluments sub-head in the estimates;

“officer” means a person holding or acting in a public office;

“Pensions law” means—

(a) the Pensions Act (Cap. 204); and

(b) the Pensions Act (Cap. 136 of 1926);

“permanent secretary” includes the chief administrative officer in a Ministry and the head of a department which is not under ministerial control;

“prescribed form” means the appropriate form as may from time to time be prescribed by the Commission;

“salary” means basic salary;

“secretary” means the secretary to the Commission;

PART I

The Public Service Commission

3. Oaths by staff. Every person appointed a member of the staff of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation set out in Form I of the First Schedule.

4. Meetings. (1) The Commission shall meet as often as may be necessary for the purpose of performing its functions and such meetings shall be held on such days and at such time and place as the chairman shall determine.

(2) Where a member fails to attend at least three consecutive meetings without reasonable excuse, the chairman shall make a report to the Governor-General.

5. Procedure, quorum and voting. (1) At any meeting of the Commission, three members shall form a quorum.

(2) All questions for discussion at a meeting of the Commission shall be decided by a majority of all its members.

(3) The chairman or other member presiding at a meeting shall have an original vote and, in the event of an equality of votes, he shall have a second or casting vote.

6. Decisions otherwise than at meetings. (1) Notwithstanding regulation 5 but subject to subregulation (2) of this regulation, questions may also be decided by the Commission without a meeting by circulation of the relevant papers among the members

and the expression of their views in writing, and in such cases the decision shall be the view of the majority of members.

(2) If any member require that a matter or question being dealt with by circulation of the relevant papers shall be reserved for consideration at the next following meeting of the Commission, no decision shall be made on that matter or question except at a meeting of the Commission.

7. Records of meetings and decisions. (1) The secretary shall ensure that minutes of all meetings of the Commission and all decisions taken under regulation 6 are recorded and that copies of such minutes and decisions are presented for confirmation by the Commission as soon as practicable at a subsequent meeting or by individual members on circulation thereof.

(2) ~~Any member of the Commission who dissents from a decision may require that his dissent and reasons for dissenting be recorded in the minutes.~~

8. Consultation with other persons. The Commission in considering any matter or question may consult with any such public officer or other person as the Commission may consider proper and desirable, and may require any public officer to attend for the purpose of assisting the Commission in its deliberations and producing any official documents relating to such matter or question.

9. Failure to comply with direction. Any public officer who, without reasonable cause or excuse, fails to appear before the Commission when required so to do or who fails to comply with any direction made by the Commission or with any requirement of these Regulations, is guilty of misconduct.

10. Disclosure, etc. No member of the Commission, nor any public officer, shall publish or disclose to any person otherwise than in the exercise of his official functions the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties.

11. Obligation to conform with Regulations. The Commission shall not exercise its powers in connection with the dismissal, the disciplinary punishment or the termination of appointment otherwise than by way of dismissal, of any officer in the public service except in accordance with the provisions of these Regulations.

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12. Obligation to hear permanent secretary or authorised officer. The Commission, at the request of a permanent secretary or authorised officer, shall hear the permanent secretary or authorised officer in connection with any recommendation made by him to the Commission.

13. Irregular representation. In carrying out its duties under the provisions of the Constitution and these Regulations, the Commission shall not take into account any representations made to it otherwise than in accordance with the Constitution or with these Regulations.

PART II*Appointments, Promotions and Transfers*

14. Application for appointment. Every application for first appointment to the public service shall be addressed to the Chief Personnel Officer on the prescribed form.

15. Reporting of vacancies. When a vacancy occurs, or it is known that a vacancy will occur, in any public office in any department or ministry, the permanent secretary shall report the fact to the Commission and—

- (a) if the permanent secretary recommends that the vacancy should be filled by the appointment or promotion of an officer serving in that department or ministry he will inform the Commission and, if the promotion of that officer would involve the supersession of any more senior officers in the ministry, he will also state the reasons for the supersession of each officer;
- (b) if the permanent secretary is unable to recommend the promotion of a serving officer he will inform the Commission of the names of the most senior officers in the particular grade or cadre from which the promotion would normally be made, stating his reasons why he does not consider the officers named to be suitable for promotion to the vacant post;
- (c) if the permanent secretary recommends that applications to fill the vacancy should be invited from serving officers or from both serving officers and the general public he will attach to his report a draft advertisement setting out details of the vacant post and its duties and the qualifications for appointment;

- (d) if the permanent secretary is unable to recommend that the vacancy should be filled immediately he will so inform the Commission and state his reason therefor.

16. Appointments. No appointments to the public service may be made, except to those offices in respect of which the powers of the Commission have been delegated to an authorised officer, before the Commission has determined the suitability of the candidate concerned. The Chief Personnel Officer will inform the appropriate permanent secretary and head of department of appointments authorised by the Commission and of the initial rate of salary approved.

17. Supervision of training. In the performance of its functions in connection with the appointment, promotion or transfer of officers in the public service, the Commission shall supervise the selection of persons, whether employed in the public service or not, for the grant of study leave and for the award of scholarships for special training for the public service.

18. Advertisement of vacancies. (1) The Chief Personnel Officer shall, when so directed by the Commission, by circular or by publication in the Gazette, give notice of vacancies and any officer may make application in the prescribed form for appointment to any such vacancy. Such application shall be forwarded to the Chief Personnel Officer through the head of department and permanent secretary under whose authority the applicant is serving.

(2) Where the Commission considers either that there is no suitable candidate already in the public service available for the filling of any vacancy or that, having regard to qualifications, experience and merit, it would be advantageous and in the best interest of the public service that the service of a person not already in the service be secured, the Commission shall take such step (including advertisement of the existence of such vacancy) as it may think necessary for the filling of such vacancy.

19. Principles of selection for promotion. (1) In considering the eligibility of officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability together with relative efficiency of such officers and, in the event of an equality of efficiency of two or more officers, shall give consideration to the relative seniority of the officers available for promotion to the vacancy.

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(2) The Commission, in considering the eligibility of officers under subregulation (1), for appointment on promotion shall attach weight to—

- (a) seniority, where promotion is to an office that involves work of a routine nature;
- (b) merit and ability, where promotion is to an office that involves work of progressively greater and high responsibility and initiative than is required for an office specified in paragraph (a).

(3) In the performance of its functions under subregulations (1) and (2), the Commission shall take into account as respects each officer—

- (a) his general fitness;
- (b) the position of his name on the seniority list;
- (c) any special qualifications;
- (d) any special course of training that he may have undergone (whether at the expense of the Government or otherwise);
- (e) the evaluation of his overall performance as reflected in annual confidential reports by any permanent secretary, head of department or other senior officer under whom the officer worked during his service;
- (f) any letters of commendation or special reports in respect of any special work done by the officer;
- (g) the duties of which he has had knowledge;
- (h) the duties of the office for which he is a candidate;
- (i) any specific recommendation of the Chief Personnel Officer, permanent secretary or head of department for filling the particular post;
- (j) any previous employment of his in the public service or otherwise;
- (k) any special reports for which the Commission may call;
- (l) his devotion to duty.

(4) In addition to the requirements prescribed in subregulations (1), (2) and (3), the Commission shall consider any specifications that may be required from time to time for appointment to the particular post.

20. Seniority lists. (1) The Chief Personnel Officer shall keep up to date seniority lists of all officers holding offices in the several grades of the public service and from time to time shall provide the Commission with copies of such lists.

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(2) The seniority of an officer shall be determined by the date of his appointment to the particular grade within the range in which he is serving. The seniority of officers promoted to the same grade on the same date shall be determined by their seniority in their former grade.

(3) The seniority of an officer who resigns voluntarily from the public service and is subsequently re-appointed shall be determined by the date of his re-appointment.

21. Commencing salary. The Commission may authorise or recommend payment to an officer of a commencing salary at an incremental point higher than the minimum in the scale attaching to the office to which he is appointed or promoted.

22. Principles of selection for an acting appointment as a prelude to appointment. (1) A permanent secretary shall ensure that any recommendations made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 19.

(2) Where, in the exigencies of the public service, it has not been practicable to apply the principles prescribed in regulation 19, an officer selected for an acting appointment in consequence of a recommendation made under subregulation (1) shall not thereby have any special claim to the substantive appointment.

(3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.

23. Principles of selection for an acting appointment not as a prelude to appointment. (1) Where an acting appointment fails to be made otherwise than as a prelude to a substantive appointment the officer appointed shall—

- (a) as a general rule be the senior officer in the ministry or department eligible for such acting appointment;
- (b) assume and discharge the duties and responsibilities of the office in which he is appointed to act.

(2) In considering the recommendations for an acting appointment, the Commission shall examine whether the exigencies of the service would best be served by transferring an officer from another ministry or department next in line of seniority to act when there is an officer in the ministry or department who is capable of performing the duties of the higher grade, and in such examination the question of additional Government

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expenditure for travelling and subsistence allowance and other expenditure shall be borne in mind.

24. Procedure for appointment. (1) The Commission shall be responsible for the form and manner in which applications are to be made for the appointment to public offices and for the conduct of any examinations for recruitment to such offices, and shall determine whether any candidate has the necessary qualifications for appointment.

(2) The Commission may interview candidates for appointment and shall consider in respect of each candidate—

- (a) his educational qualifications;
- (b) his general fitness;
- (c) any previous employment of his in the public service or otherwise; and
- (d) any reports for which the Commission may call from persons such as the principal, headmaster or headmistress of a candidate's university, college or school or any referees named by the candidates.

25. Selection boards. (1) The Commission may from time to time appoint one or more than one board to assist in the selection of candidates for appointment to the public service or for the award of scholarships in discharge of its functions under regulation 17, and the composition of any such board and the form in which its reports are to be submitted shall be in the discretion of the Commission.

(2) On consideration of any report of a selection board, the Commission may, in its discretion, summon for interview any of the candidates recommended by such board.

26. Selection for scholarships and courses. The procedure for making appointments shall be followed where it is desired to select an officer for a scholarship or a special course of training which is designed to fit him for a higher post or which may enhance his qualifications for promotion.

27. Confidential reports to assist Commission. In order to assist the Commission in performing its functions, permanent secretaries and heads of departments shall, in each year on or before the last day of February, furnish to the Chief Personnel Officer confidential reports in respect of officers serving in their ministries or departments. Such reports shall relate to the twelve months ended on the preceding 31st December.

PART III

Probationary Appointments

28. Probationary service. (1) On first appointment to the public service, or on promotion in the service from a non-pensionable to a pensionable post, an officer will be required to serve a probationary period of two years, unless a shorter term is specified by the Commission.

(2) At the end of the first three months, and again after a period of twelve months during the probationary period, permanent secretaries shall submit to the Chief Personnel Officer a report on every officer so promoted or appointed on probation in their ministries or departments. One month before the end of the probationary period, permanent secretaries and heads of departments shall submit a further report and recommendation—

- (a) that the officer be confirmed in the appointment;
- (b) that the probationary period be extended;
- (c) in the case of an officer on first appointment, that the officer's service be terminated; or
- (d) in the case of an officer promoted on probation from a non-pensionable to a pensionable post, that the officer revert to his former post.

(3) Before any recommendation is made for the extension of the period of probation of an officer or for the termination of his appointment, the permanent secretary shall inform the officer of his recommendation and of the specific reasons therefor, and he shall invite the officer to submit any representations he may wish to make.

(4) If, after consideration of the final report of the permanent secretary or head of department, the Commission is satisfied that the service of an officer on probation has been satisfactory, the Commission shall confirm him in his appointment with effect from the date of appointment.

(5) If the Commission is not satisfied that the service of an officer on probation has been satisfactory, the Commission may extend the period of probation for a further period.

(6) Notwithstanding any other provisions of this regulation or the provisions of any other of these Regulations, in the case of an officer on first appointment, the appointment of an officer made in accordance with subregulation (1) or with any similar regulation previously in force, may at any time during the period of probation and without any reason being given, be terminated by the Commission and the service of an officer promoted on

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probation may, at any time, be terminated for any of the reasons stated in regulation 32 (b) (iv) to (viii).

(7) No increment shall be paid to any officer during the probationary period whether such probationary period be on first appointment or on promotion from one pensionable office to another pensionable office.

29. Probation on promotion from pensionable office to pensionable office. (1) This regulation applies to any officer promoted from one pensionable office to another pensionable office who is required by the Commission to serve for a fixed probationary period.

(2) If the probationary period is for two years, at the end of the first six months and again after a period of twelve months, the permanent secretary or head of department shall submit to the Chief Personnel Officer a report on the officer promoted on probation. One month before the end of the probationary period, the permanent secretary or head of department shall submit a further report and a recommendation—

- (a) that the officer be confirmed in the appointment;
- (b) that the probation period be extended; or
- (c) that the officer revert to his former post or status.

(3) If the probationary period is for one year, at the end of the first six months the permanent secretary or head of department shall submit to the Chief Personnel Officer a report on the officer promoted on probation. One month before the end of the probationary period the permanent secretary or head of department shall submit a further report and a recommendation—

- (a) that the officer be confirmed in the appointment;
- (b) that the probationary period be extended; or
- (c) that the officer revert to his former post or status;

(4) Before any recommendation is made for the extension of the period on probation of an officer or for his reversion to his former post or status the permanent secretary or head of department shall inform the officer of his recommendations and of the specific reasons therefor and he shall invite the officer to submit any representations he may wish to make;

(5) If, after consideration of the final report of the permanent secretary or head of department, the Commission is satisfied that the service of the officer on probation has been satisfactory the Commission shall confirm him in his appointment with effect from the date of appointment;

(6) If the Commission is not satisfied that the service of an officer on probation has been satisfactory, the Commission may extend the period of probation for a further period;

(7) Notwithstanding any other provisions of this regulation or the provisions of any other of these Regulations, the service of an officer to whom this regulation applies may at any time be terminated for any of the reasons stated in regulation 32 (b) (iv) to (vii).

30. Incremental date where period of probation is extended. Where the period of probation of an officer has been extended and he is subsequently confirmed in his appointment, the Commission may direct that the officer's increment be paid—

- (a) with effect from the date following that on which the extended period of probation expired without change in the incremental date; or
- (b) with effect from the date following that on which the extended period of probation expired, which would then become his incremental date.

PART IV

Determination of Appointments

31. Abandonment of office. An officer who is absent from duty without leave for a continuous period of ten working days, unless declared otherwise by the Commission, shall be deemed to have resigned his office, and thereupon the office becomes vacant and the officer ceases to be an officer.

32. Reasons for termination of appointment. The services of an officer may be terminated only for the reasons stated hereafter—

- (a) where the officer holds a permanent appointment—
 - (i) on dismissal or removal in consequence of disciplinary proceedings;
 - (ii) on compulsory retirement;
 - (iii) on voluntary retirement;
 - (iv) on retirement for medical reasons;
 - (v) on being retired in the public interest;
 - (vi) on resignation without benefits payable under any enactment providing for the grant of pensions, gratuities or compensation;
 - (vii) on abolition of office;
- (b) where the officer holds a temporary appointment—

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- (i) on the expiry or other termination of an appointment for a specified period;
- (ii) where the office itself is of a temporary nature and is no longer necessary;
- (iii) on the termination of appointment in the case of an officer on probation;
- (iv) on the termination of appointment in the case of an officer holding a non-pensionable office with no service in a pensionable office;
- (v) on the termination of appointment in the public interest;
- (vi) on dismissal or removal in consequence of disciplinary proceedings;
- (vii) ill-health;
- (viii) resignation;
- (c) where the officer is on contract his services shall be terminated in accordance with the terms of the contract;
- (d) where the officer is unqualified.

33. Resignation. An officer who wishes to resign his appointment shall give due notice in writing of his intention to the Chief Personnel Officer or, where an authorised officer is empowered to accept such notice, to such authorised officer.

34. Retirement. An officer, whether holding a pensionable or non-pensionable post, will be required to retire on attaining the age of fiftyfive:

Provided that—

- (a) an officer to whom the provisions of the Pensions Act (Cap. 136 of 1926) apply shall be required to retire on attaining the age of sixty; and
- (b) in exceptional circumstances and in the public interest, a public officer may be permitted by the Commission to remain in the public service after he has attained the age of compulsory retirement.

35. Premature retirement. (1) Where it appears to a permanent secretary that an officer in his ministry, who has attained the minimum age specified in the relevant Pension Law for voluntary retirement, ought to be called upon to retire from the public service, the permanent secretary shall advise the officer accordingly and report the matter together with his reasons therefor for consideration by the Commission and the Commission shall, if it thinks fit, retire the officer.

(2) Any such officer shall be afforded an opportunity of submitting to the Commission any representations he may wish to make regarding his proposed retirement.

(3) Any officer may at any time after he has attained the minimum age specified in the Pensions Law for voluntary retirement, apply to the Commission for permission to retire and shall in his application state the grounds on which it is based.

(4) The Commission shall either grant or refuse an application under subregulation (3).

36. Termination of appointment on abolition of office, etc. (1) Where a post (being one of a number of like posts) has been abolished but one or more than one of such posts remains, the permanent secretary or head of department shall—

(a) if the post is one in respect of which the power to appoint has been delegated to such permanent secretary or head of department, determine which substantive holder of such post shall have his appointment terminated; and

(b) in any other case submit to the Commission a report thereon containing his recommendations, with reasons therefor, as to which substantive holder of such post ought to have his appointment terminated; and the Commission shall determine which officer's appointment be terminated or direct that the officer concerned be transferred to another post not lower in status than that which has been abolished.

(2) Subregulation (1) shall apply in relation to the termination of appointments for the purpose of facilitating improvement in the organisation of a ministry or department in order to effect greater efficiency or economy.

(3) Where a permanent secretary or head of department makes any recommendation under this regulation, the permanent secretary or head of department shall, at the same time, notify the officer concerned in writing of his recommendations, and such officer may, within seven days of the receipt of the notification, make representations thereon. Any such representations as may be made shall be forwarded in their original form to the Commission by the permanent secretary together with such comments as the permanent secretary thinks fit.

37. Retirement in the public interest. (1) Where it is represented to the Commission, or the Commission considers

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it desirable in the public interest, that an officer ought to be retired in the public interest—

- (a) if the officer has held such pensionable office for less than ten years and his record of service indicates his inability to discharge his duties efficiently; or
- (b) if the officer has held such pensionable office for ten years and over and his retirement is contemplated on the ground of his inability to discharge his duties efficiently,

the office shall be informed of the grounds on which his retirement is contemplated and he shall be given an opportunity of being heard by the Commission.

(2) The Commission shall, in respect of any officer to whom subregulation (1) (b) applies, obtain a report on the work of the officer from his head of department, and it may also obtain a report from any other head of department under whom the officer has served during the previous five years.

(3) If, after having regard to—

- (a) the conditions of the public service;
- (b) the usefulness of the officer in the public service; and
- (c) all the circumstances of his case,

the Commission, after hearing the officer, is satisfied that it is desirable in the public interest to do so, it shall require the officer to retire.

38. Pension. Where the appointment of an officer is terminated under regulation 35, 36 or 37, his service shall terminate on such date as the Commission may determine and the question of his pension shall be dealt with in accordance with the provisions of the Pensions law.

PART V

Discipline

39. Regulations to govern disciplinary proceedings. (1) Any allegation of indiscipline or misconduct on the part of an officer shall be dealt with under this Part.

(2) Any allegation of indiscipline or misconduct on the part of an officer shall be dealt with as soon as possible after it has been made.

40. Misconduct or indiscipline to be reported to the Commission. (1) Where a permanent secretary or head of department becomes aware of any allegation of indiscipline or misconduct

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on the part of an officer, the permanent secretary or head of department shall forthwith make a report to the Commission.

(2) Subject to subregulation (3), where the Commission received a report containing, or otherwise becomes aware of, any allegation of indiscipline or misconduct on the part of an officer, and the Commission is of the opinion that disciplinary proceedings should be instituted against the officer by reason thereof, the Commission may itself institute disciplinary proceedings or may issue instructions to the appropriate permanent secretary or head of department as to how the matter is to be dealt with.

(3) Where an offence against any law appears to have been committed by an officer, the Commission, before instituting proceedings under subregulation (2), shall obtain the advice of ~~the Director of Public Prosecutions as to whether criminal proceedings ought to be instituted against the officer concerned,~~ and if the Director of Public Prosecutions advises that criminal proceedings ought to be so instituted the Commission shall not institute disciplinary proceedings before the termination of the criminal proceedings so instituted and the time allowed for an appeal from such determination has expired.

(4) Where the Commission has delegated to an authorised officer its disciplinary powers in relation to particular offices or officers, the provisions of subregulation (1) shall not have effect and the reference to the Commission in subregulations (2) and (3) shall be construed as a reference to that authorised officer.

(5) Reference to an appeal in this regulation shall not include an appeal to Her Majesty in Council nor to an application for leave to make such an appeal.

41. Informing the police. Nothing in these Regulations shall be deemed to restrict a permanent secretary from reporting to the police directly when an offence against any law appears to have been committed by an officer.

42. Grounds for criminal proceedings. Where, upon a preliminary investigation or a disciplinary inquiry, an offence against any law appears to have been committed by an officer, the Commission shall, unless action by the police has been or is about to be taken, consult the Director of Public Prosecutions as to whether criminal proceedings should be instituted.

43. No disciplinary proceedings while criminal proceedings pending. (1) Where criminal proceedings have been instituted in any court against an officer, proceedings for his dismissal

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upon any grounds arising out of the criminal charge shall not be taken until after the court has given judgment and the time allowed for an appeal from the judgment has expired; and where an officer after conviction has appealed, proceedings for his dismissal shall not be taken until after the withdrawal or determination of the appeal.

(2) Nothing in this regulation shall prevent the officer being interdicted from duty pursuant to regulation 45.

(3) Reference in this regulation to any appeal shall not include any appeal to or proceeding in relation to appeal to Her Majesty in Council.

44. Suspension by Commission. (1) Where the Commission becomes aware of any act of indiscipline or misconduct, and the Commission is of the opinion that it would be in the public interest, having regard to the reputation of the public service, to do so, the Commission may direct in writing that the officer concerned will cease to report for duty until further notice from the Commission and an officer so directed shall cease to perform the functions of his office forthwith.

(2) An officer directed to cease to report for duty in accordance with the provisions of subregulation (1) shall continue to draw full salary until he is reinstated or interdicted from the performance of his duties under regulation 45.

45. Interdiction. (1) Where there have been, or are about to be, instituted against an officer—

- (a) disciplinary proceedings; or
- (b) criminal proceedings,

and where the Commission is of the opinion that the public interest requires that that officer should forthwith cease to perform the functions of his office, the Commission may interdict him from such performance.

(2) An officer who has been interdicted as a consequence of a dishonest act which involves the loss of Government property or funds shall not receive any emoluments after the date of his interdiction.

(3) An officer interdicted for misconduct, other than a dishonest act which involves the loss of Government property or funds, may receive such proportion of the salary of his office, not being less than one half, as the Commission may deem appropriate.

(4) If disciplinary proceedings against any officer result in his exculpation, he shall be entitled to the full amount of salary which he would have received if he had not been interdicted,

but if the proceedings result in any punishment other than dismissal, or if the officer resigns before the determination of the disciplinary proceedings, the officer shall be allowed such salary as the Commission may, in the circumstances, deem appropriate.

(5) An officer who is under interdiction from duty, or against whom disciplinary charges have been instituted, may not leave Saint Vincent and the Grenadines without the permission of the Commission.

46. Copies of evidence of enquiries. An officer in respect of whom a disciplinary inquiry is to be held shall be entitled, without charge to him, to receive copies of, or to be allowed access to, any documentary evidence relied on for the purpose of the inquiry. He shall also be given, upon request, a copy of the evidence (including copies of documents tendered in evidence) after the inquiry is closed.

47. Disciplinary action after acquittal of criminal charge. An officer acquitted in any court of a criminal charge shall not be dismissed or otherwise punished in respect of any charge of which he has been acquitted, but nothing in this regulation shall prevent him being dismissed or otherwise punished in respect of any other charge arising out of his conduct in the matter, unless such other charge is substantially the same as that in respect of which he has been acquitted.

48. Officer convicted of a criminal charge. If an officer is convicted in any court of a criminal charge, the Commission may consider the relevant proceedings of that court, or such official report relating to the matter as the Commission may think fit, and if the Commission is of the opinion that the officer ought to be dismissed, or subjected to some lesser punishment, in respect of the offence of which he has been convicted, the Commission may thereupon dismiss the officer or impose some lesser punishment upon him without the institution of any disciplinary proceedings under these Regulations.

49. Non-payment of emoluments on conviction of a criminal offence. (1) An officer convicted of a criminal charge involving dishonesty, fraud or moral turpitude or convicted of a criminal charge and sentenced to imprisonment shall not receive any of his emoluments after the date of such conviction pending consideration of his case by the Commission.

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(2) This regulation shall apply notwithstanding the pendency of any appeal against conviction.

50. Disciplinary penalties. (1) The penalties which may be imposed on an officer against whom a disciplinary charge has been established are—

- (a) dismissal;
- (b) reduction in rank;
- (c) deferment or withholding of increment;
- (d) a fine;
- (e) a severe reprimand;
- (f) reprimand.

(2) Where a fine is imposed the amount of such fine shall be deducted from the salary of the officer by such instalments as may be specified at the time the penalty is imposed.

(3) An officer who is absent from Saint Vincent and the Grenadines without permission shall be liable to summary dismissal.

51. Suspension, deferment and withholding of increment.

(1) Subject to the provisions of this regulation, an increment shall not be suspended, deferred or withheld except by the Commission.

(2) The grant of an increment may be prejudiced by—

- (a) lack of efficiency;
- (b) unsatisfactory service or conduct or;
- (c) failure to pass a requisite examination conditional to the grant of the officer's increment.

(3) Where a permanent secretary or head of department considers that, for any of the reasons specified in subregulation (2) (a) or (b), an officer's increment ought not to be granted, he shall notify the officer in writing at least one month before the date on which the increment is due of the reasons for which he considers that the increment ought not to be granted and report the matter to the Commission for its decision.

(4) Where a permanent secretary or head of department has notified an officer in accordance with subregulation (3), he may suspend, for a period not exceeding three months, the payment to that officer of the increment to which the notification relates, and shall at the end of the period of suspension—

- (a) grant the increment from the date on which it became due; or
- (b) recommend to the Commission that the increment be either deferred or withheld.

(5) In making a recommendation for the suspension, deferment or withholding of an increment, the permanent secretary or head of department shall take into account the gravity of the original misconduct or dereliction of duty if any, and the nature of the officer's subsequent behaviour or his present degree of efficiency; he shall bear in mind that—

- (a) "suspension" is to be applied when for any reason it is thought desirable to reserve judgment and allow for reformation or otherwise;
- (b) "deferment" is a substantial fine; and
- (c) "withholding" is a very serious penalty which deprives the officer of the amount of that increment during each subsequent year of his service until the officer reaches the maximum of his scale.

~~(6) An increment may be deferred for a period not exceeding six months including any period for which it has been suspended, and shall be payable from the date on which it is restored.~~

(7) Where an increment has been withheld the Commission may at any subsequent incremental date grant to the officer concerned a special increment in addition to his ordinary increment.

52. Proceedings for misconduct or indiscipline not warranting dismissal of an officer whose annual salary exceeds \$16,920.

(1) Where a report of indiscipline or misconduct by an officer whose annual salary (whether fixed or in a scale) exceeds \$16,920 is made to the Commission under regulation 40 and the Commission is of the opinion that the indiscipline or misconduct alleged, if proved, would not be sufficiently serious to warrant proceedings under regulation 54 with a view to dismissal but would be sufficiently serious to warrant a lesser punishment, the Commission shall direct the permanent secretary or head of department to initiate disciplinary proceedings against the officer.

(2) The permanent secretary or head of department shall thereupon, after such preliminary investigation, and such consultation with the Director of Public Prosecutions as he may consider necessary, forward to the officer a written statement of the charge or charges against him and shall call upon him to state in writing, within a period, not exceeding seven days, any grounds upon which he relies to exculpate himself.

(3) The permanent secretary or head of department shall forward his report, the statement of the charge or charges, the

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reply, if any, of the officer and his own comments thereon to the Commission.

(4) If, upon consideration of the report of the permanent secretary or head of department including the grounds, if any, upon which the officer relies to exculpate himself, the Commission is of the opinion that no further investigation is necessary, it may forthwith determine the punishment, if any, other than dismissal, or reduction in rank which should be imposed upon the officer.

(5) If, upon consideration of the report of the permanent secretary, including the grounds, if any, upon which the officer relies to exculpate himself, the Commission is of the opinion that the matter should be further investigated, the Commission shall appoint a public officer or officers to inquire into the matter. Such public officer or officers shall be selected with due regard to the standing of the officer whose conduct is under inquiry.

(6) The inquiry shall be conducted in accordance with regulation 54 (2) (e) to (k).

(7) The Commission, upon consideration of the report of the public officer or officers appointed to hold the inquiry, may, if it is of the opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the public officer or officers for further investigation and report.

(8) The Commission, upon consideration of the report of the public officer or officers appointed to hold the inquiry or of any further report called for under the provisions of subregulation (7), shall determine the punishment, if any, other than dismissal, to be imposed upon the officer.

(9) Notwithstanding the preceding provisions of this regulation, if at any stage during the proceedings taken under it—

(a) it appears to the Commission that the offence, if proved, would justify dismissal; or

(b) the Commission considers that if the offence is proved, proceedings for the retirement of the officer from the public service on grounds of public interest would be more appropriate;

the proceedings so taken shall be discontinued and the procedure prescribed in regulation 37 or 54 as the case may be, shall be followed.

53. Proceedings for misconduct or indiscipline not warranting dismissal of officer whose annual salary is \$16,920 or less.

(1) Where a permanent secretary or head of department con-

siders it necessary to institute disciplinary proceedings against an officer whose annual salary (whether fixed or in a scale) is \$16,920 or less in accordance with the provisions of regulation 40 but is of the opinion that the indiscipline or misconduct alleged, if proved, would not be sufficiently serious to warrant proceedings under regulation 54 with a view to dismissal, but would be sufficiently serious to warrant a lesser punishment, the permanent secretary or head of department, after such preliminary investigation and such consultation with the Director of Public Prosecutions as he may consider necessary, shall forward to the officer a written statement of the charge or charges against the officer and shall call upon the officer to state in writing, within a period not exceeding seven days, any grounds upon which he relies to exculpate himself.

(2) ~~Upon consideration of the officer's exculpatory statement and after such further investigations as he may consider necessary, the permanent secretary or head of department shall forward his report, the statement of the charge or charges, the reply, if any, of the officer and his own comments thereon to the Chief Personnel Officer:~~

~~Provided that, where disciplinary proceedings under this regulation have been initiated by a head of department, the report shall be forwarded to the Chief Personnel Officer through the permanent secretary who will append his comments thereon.~~

(3) If, upon consideration of the report of the permanent secretary or head of department, including the grounds, if any, upon which the officer relies to exculpate himself, the Chief Personnel Officer is of the opinion that no further investigation is necessary, he may forthwith determine the punishment, if any, other than dismissal or reduction in rank, which should be imposed upon the officer and report his decision to the Commission for its information.

(4) If, upon consideration of the report of the permanent secretary or head of department including the grounds, if any, upon which the officer relies to exculpate himself, the Chief Personnel Officer is of the opinion that the matter should be further investigated or that a punishment or dismissal or reduction in rank would be justified, if the offence is proved, he shall refer the matter, with his comments, for consideration by the Commission.

(5) If, upon consideration of the report of the permanent secretary or head of department, including the grounds, if any, upon which the officer relies to exculpate himself, the Commission is of the opinion that no further investigation is necessary,

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it may forthwith determine the punishment, if any, other than dismissal, which should be imposed upon the officer.

(6) If, upon consideration of the report of the permanent secretary or head of department including the grounds, if any, upon which the officer relies to exculpate himself, the Commission is of the opinion that the matter should be further investigated, the Commission shall appoint a public officer or officers to inquire into the matter. Such public officer or officers shall be selected with due regard to the standing of the officer whose conduct is under inquiry.

(7) The inquiry shall be conducted in accordance with regulation 54 (2) (e) to (k).

(8) The Commission upon consideration of the report of the public officer or officers appointed to hold the inquiry may, ~~if it is of the opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the public officer or officers for further investigation and report.~~

(9) The Commission, upon consideration of the report of the public officer or officers appointed to hold the inquiry or of any further report called for under the provisions of subregulation (8), shall determine the punishment, if any, other than dismissal, to be imposed upon the officer.

(10) Notwithstanding the preceding provisions of this regulation, if at any stage during the proceedings taken under it—

- (a) it appears to the Commission that the offence, if proved, would justify dismissal; or
- (b) the Commission considers that if the offence is proved, proceedings for the retirement of the officer from the public service on grounds of public interest would be more appropriate,

the proceedings so taken shall be discontinued and the procedure prescribed in regulation 37 or 54, as the case may be, shall be followed.

54. Proceedings for dismissal. (1) Subject to the provisions of these Regulations, an officer may be dismissed only in accordance with the procedure prescribed by this regulation.

(2) The following procedure shall apply to an investigation with a view to the dismissal of an officer whose basic annual salary (whether fixed or in a scale) exceeds \$16,920—

- (a) Where a report of indiscipline or misconduct by an officer is made to the Commission under regulation 40 and the Commission is of the opinion that the indiscipline or misconduct alleged, if proved,

would justify his dismissal from the public service, the Commission shall direct the permanent secretary to initiate disciplinary proceedings against the officer.

- (b) The permanent secretary shall thereupon, after such preliminary investigation as he considers necessary and after consulting the Director of Public Prosecutions as to the terms of the charge or charges, forward to the officer a statement of the charge or charges against him which shall contain such particulars as may be necessary for giving reasonable information as to the nature of the charge, and call upon such officer to state in writing, within a period not exceeding fourteen days any grounds upon which he relies to exculpate himself.
- (c) The permanent secretary shall forward his report, the statement of the charge or charges, the reply, if any, of the officer charged and his own comments thereon to the Commission.
- (d) (i) If, upon consideration of the report of the permanent secretary and of the grounds, if any, upon which the officer relies to exculpate himself, the Commission is of the opinion that proceedings for the dismissal of the officer should be continued, it shall appoint a tribunal, consisting of not less than three members, to inquire into the matter.
- (ii) The tribunal may be selected from persons who are serving public officers, retired public officers and, after taking into consideration the status of the officer against whom disciplinary proceedings are to be taken and the complexity of the case, a public officer with legal qualifications.
- (iii) The chairman of the tribunal may be any one of the three persons selected to hold the inquiry.
- (e) The tribunal shall inform the officer charged that, on a day specified, the tribunal will inquire into the charges and that he will be permitted to appear before the tribunal and defend himself.
- (f) If witnesses are examined by the tribunal, the officer shall be given an opportunity of being present and of putting questions to the witnesses on his own behalf, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

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- (g) The tribunal shall permit the officer charged or the person or authority preferring the charges to be represented by a public officer or by a legal representative if he so desires.
- (h) If, during the course of the inquiry, further grounds of dismissal are disclosed, these shall be reported to the Commission. If the Commission thinks fit to proceed against the officer upon such grounds, it shall cause the officer to be furnished with the written charge and the same steps shall be taken as those prescribed by this regulation in respect of the original charge.
- (i) If, having heard the evidence in support of the charges, the tribunal is of the opinion that that ~~evidence is insufficient it may report accordingly~~ to the Commission without calling upon the officer for his defence.
- (j) The tribunal, having completed its inquiry, shall forward a report on its findings to the Commission together with the record of the charges preferred, the evidence led, the defence and other proceedings relevant to the enquiry. The report of the tribunal shall include—
- (i) a statement whether, in the opinion of the tribunal, the officer has or has not committed the offence or offences charged and a brief statement of the reason for their opinion;
 - (ii) details of any matters which, in the opinion of the tribunal, aggravate or mitigate the gravity of the case; and
 - (iii) a summing up and such comments as will indicate clearly the opinion of the tribunal on the matter under inquiry.
- (k) The tribunal shall not make any recommendation regarding any punishment to be imposed.
- (l) The Commission, after consideration of the report of the tribunal, may, if it is of the opinion that the report should be amplified in any way or that further inquiry is desirable, refer the matter back to the tribunal for further inquiry and report; such further inquiry to include calling upon the officer for his defence, if in the opinion of the Commission, he should have been called upon for the same.
- (m) The Commission after consideration of the report of the tribunal, or of any further report called for

under the provisions of the paragraph (l), shall determine the punishment, if any, including retirement from the public service under the provisions of regulation 37 which should be imposed upon the officer.

(3) (a) The procedure prescribed by subregulation (2) shall apply to an investigation with a view to the dismissal of an officer who has served for ten years and over in a pensionable office and whose basic annual salary is less than \$16,920, except that the charges may, at the discretion of the Commission, be investigated by a permanent secretary, head of department or such other officer or officers as may be appointed by the Commission.

(b) The procedure prescribed by subregulation (2) (a) to (c) shall apply to an investigation with a view to the dismissal of an officer who has served for less than ten years in a pensionable office and whose basic annual salary is less than \$16,920.

(c) Upon receipt of the documents mentioned in subregulation (2) (c), and after giving the officer an opportunity to be heard, the Commission may consider and decide his case.

(4) Where an officer charged under this regulation admits in writing the facts giving rise to the charges, it shall not be necessary to hold an inquiry or investigation under this regulation unless, in the opinion of the Commission, such inquiry or investigation is likely to find such circumstances as may modify the view taken of, and the punishment to be imposed for, the offence.

(5) The procedure in regard to the disciplinary control of officers holding non-pensionable posts the maximum annual salary of which does not exceed \$15,336 and such public officers as may be weekly or daily paid or in casual employment shall be as specified in the Second Schedule.

55. Notification of decision. Where proceedings have been taken against a public officer under the provisions of this Part, such officer shall be informed in writing—

- (a) of the decision, but not of the reasons therefor, on each charge which has been preferred against him;
- (b) of the penalty, if any, or other punishment to be imposed; and
- (c) of his right of appeal to the Public Service Board of Appeal against any decision of the Commission,

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or to the Commission against any decision of any public officer, and of the time within which an appeal must be lodged.

56. Appeals. An appeal by a public officer, including an officer to whom the Second Schedule applies, shall lie to the Commission against an order made in relation to him in disciplinary proceedings by a permanent secretary or other public officer exercising powers of disciplinary control under the provisions of these Regulations: except that no appeal shall be entertained unless it is received by the secretary within fourteen days from the date upon which the decision is addressed to the officer.

57. Decision not to take effect pending determination of appeal. Where an appeal lies to the Public Service Board of Appeal, or to the Commission, against a decision taken under these Regulations including the Second Schedule, to remove a public officer from office or to exercise disciplinary control over a public officer, such decision shall not take effect pending the determination of the appeal or, if no appeal against the decision is lodged, pending the expiry of the time within which it is specified that an appeal must be lodged:

Provided that when the decision in respect of which the appeal is made is that the officer be dismissed, the officer shall, from the date of being notified of the decision, cease to perform his duties and shall not receive any salary pending the determination of the appeal. If the appeal is upheld by the Public Service Commission or the Public Service Board of Appeal, as the case may be, the officer shall be reinstated and shall receive salary from the date immediately following that on which the decision relating to his dismissal was communicated to him. If the appeal is dismissed, the officer shall not be entitled to receive any salary. If a fine is imposed, the officer shall be entitled to receive full salary from the date immediately following that on which the decision relating to his dismissal was communicated to him. Such fine shall be deducted from the salary of the officer by such instalments as may be specified by the Commission.

Provided further that this regulation shall not apply to any decision of the Commission to terminate an appointment on probation.

58. Service of documents. Where, under the provisions of these Regulations—

(a) it is necessary either—

- (i) to serve any notice, charge or other document upon a public officer; or
 - (ii) to communicate any information to any public officer by reason of such officer having absented himself from duty; and
- (b) it is not possible to effect such service upon, or to communicate such information to, such officer, it shall be sufficient if such notice, charge or other document or letter containing such information, be served upon such officer by post to his last known address.

PART VI

Miscellaneous

59. Production of relevant documents, etc. Any public officer who submits any matter for the consideration of the Commission shall ensure that all relevant documents and papers are made available to the Commission, and the Commission may require the production of any further documents relevant to the case.

60. Correspondence. All correspondence for the Commission from permanent secretaries, heads of departments and other persons shall be addressed to the secretary unless otherwise provided by these Regulations.

61. Application. (1) Regulations 35, 36, 41, 43, 46, 47, 48 and 51 shall apply to an officer to whom the Second Schedule applies, but shall not apply to any person who is daily-paid, weekly-paid or casually employed.

(2) Save as is otherwise provided in subregulation (1) and the Second Schedule, Parts II, III and IV shall not apply to an officer to whom that Schedule applies.

FIRST SCHEDULE

Regulation 3

FORM 1

I do swear (or solemnly affirm) that I will not directly reveal to any unauthorised person or persons, otherwise than in the course of duty, any information in connection with the business of the Commission which may have come to my knowledge in the course of my duties as secretary/ to the Commission.

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So help me God. (To be omitted in affirmation.)
Sworn/declared before me this day of 19

SECOND SCHEDULE Regulations 54 (5)
and 61

77

Preliminary

This Schedule applies to the holders of non-pensionable posts the maximum annual salary of which does not exceed \$15,336. Save as is otherwise herein provided, all such officers shall be subject to the provisions of Civil Service Orders and Financial Regulations in so far as they are applicable.

In this Schedule, unless the context otherwise requires—
“officer” means an officer to whom this Schedule applies.

Appointments

1. Authorised officer may make certain appointments. The appropriate authorised officer is authorised to make appointments of persons, temporarily or permanently, to non-pensionable posts in a ministry or department where the maximum annual salary attached to such posts does not exceed \$15,336 and to make appointments of such public officers as may be weekly or daily paid or be casually employed in accordance with the provisions of this Schedule.

2. Letter of appointment. Every officer, other than an officer who is to be daily paid or whose employment is to be casual, shall, on appointment, receive an appropriate letter of appointment in Form I or II of the Annex.

3. Confidential reports. (1) The appropriate authorised officer shall, in each year, cause to be furnished to him by such senior officer as he may designate, confidential reports for the twelve months preceding the 31st December upon all non-pensionable officers whose maximum annual salary does not exceed \$15,336.

(2) Where a confidential report is furnished pursuant to subparagraph (1) in relation to any officer whose next promotion is to a pensionable post that report shall be forwarded to the Chief Personnel Officer by the authorised officer.

Probationary Service and Termination of Appointments

4. Probationary service. Every officer shall, on first permanent appointment to the established staff, be required to serve a probationary period not exceeding two years, but his probationary period may be reduced and he may be confirmed in the appointment at any

time after twelve months' service if the appropriate authorised office is satisfied that the performance of the officer has been so high a standard that no useful purpose would be served by further delaying confirmation. During the probationary period of any employee, his appointment may, without enquiry or reason given to him, be terminated by the appropriate authorised officer, in the case of a weekly-paid officer on two weeks' notice in writing or payment of two weeks' salary in lieu thereof, and in the case of an officer paid on a monthly basis, on one month's salary in lieu thereof.

5. Termination of employment of employee other than daily-paid of casual officer. The appointment of any officer (other than an unestablished officer, a daily-paid or casual officer) may, on three months' notice in writing, be terminated at any time by the appropriate authorised officer on the ground of abolition of office or for the purpose of facilitating improvements in the organisation of the ministry or department to which such employee is attached.

6. Termination of employment of unestablished officer. The appointment of an unestablished officer (that is, an officer who holds a post for which separate provision has not been made in the current Estimates) may, without inquiry made, or reason given to him, be terminated by the appropriate authorised office at any time on one month's notice in writing or the payment of one month's salary in lieu thereof.

7. Termination of employment of daily paid or casual officers. The appointment of a daily-paid or casual officer may be terminated at the end of any day.

Discipline

8. Interdiction. (1) Where—

- (a) there have been, or are about to be, disciplinary or criminal proceedings instituted against an officer; or
- (b) an authorised office becomes aware of any misconduct on the part of an officer and considers it desirable in the public interest that such officer should forthwith cease to perform the functions of his office,

the authorised officer may forthwith interdict such officer from the performance of those functions.

(2) An officer interdicted for misconduct, other than a dishonest act which involves the loss of Government property or funds, shall, during the period of interdiction, be permitted to receive such proportion, not being less than half of his salary, as the authorised officer may decide.

(3) Where an officer has been interdicted as a consequence of a dishonest act which involves the loss of Government property or

[Booklet 4]

funds, such officer shall not receive any salary from the date of his interdiction.

(4) If disciplinary proceedings against any such officer result in his exculpation, he shall be entitled to the full amount of the salary which he would have received if he had not been interdicted: but if the proceedings result in any punishment other than dismissal or if the officer resigns before the conclusion of the disciplinary proceedings the officer shall be allowed such salary as the authorised officer may in the circumstances think appropriate.

9. Penalties. (1) The penalties which may be imposed where a disciplinary charge has been established are—

- (a) dismissal;
- (b) reduction in rank;
- (c) withholding or deferment of increment;
- (d) fines not exceeding one-half of one month's salary, or, in the case of an officer paid on a weekly basis, not exceeding two weeks' salary, regard being had in every case in determining the amount of a fine to the economic circumstances of the employee;
- (e) severe reprimand;
- (f) reprimand.

(2) Where a fine is imposed it shall be deducted from the salary of the officer by such instalments as may be specified at the time the penalty is imposed.

10. Power of summary dismissal. The appropriate authorised office may summarily dismiss an officer in the circumstances and with effect from the date hereinafter respectively specified—

- (a) where he is absent from Saint Vincent and the Grenadines without permission, with effect from the date of his departure from Saint Vincent and the Grenadines;
- (b) where he is absent from duty without permission for seven days, with effect from the first day of such absence;
- (c) where he does not reply to charges on or before the date on which his reply should be received, with effect from such date;
- (d) where he fails to attend an inquiry into charges against him with effect from the date of such failure;
- (e) subject to regulation 44, where he is convicted of a criminal charge involving dishonesty, fraud or moral turpitude or is sentenced to imprisonment on conviction of a criminal charge, with effect from the date of such conviction:

Provided that the power of dismissal shall not be exercised in any case falling under subparagraph (c) or (d) if the authorised officer is satisfied that, owing to illness or other reasonable cause, the officer was prevented from replying to such charges, or from attending such inquiry.

11. Proceedings in respect of misconduct not warranting dismissal.

If it is represented to the appropriate authorised officer that an officer has been guilty of misconduct and that authorised officer is of opinion that the misconduct alleged is not so serious as to warrant proceedings with a view to dismissal, he may cause an investigation to be made into the matter in such manner as he may think proper, and the officer shall be entitled to know the whole case made against him and shall be given adequate opportunity of making his defence.

(2) If the authorised officer is of the opinion that the allegation is proved, he may impose upon the officer such punishment (other than dismissal) as may seem just.

12. Procedure in respect of conduct warranting dismissal. The following procedure shall apply to an investigation with a view to dismissal of an officer (other than an unestablished, temporary, daily-paid or casually employed officer).

The authorised officer shall as soon as practicable cause to be delivered to the officer written charges specifying the nature of the offences and informing the officer in writing—

- (a) that a written reply to the charges, and any observations the officer may desire to make thereon, must be received by the authorised officer within seven days (or such longer period as the authorised officer may permit) of the delivery of the written charges;
- (b) that the officer may attach to the written reply statements from his witnesses; and
- (c) that the officer may elect in his written reply either to have the charges dealt with by the authorised officer on the basis of the written reply and the statements (if any) of the officer's witnesses, or to have an oral inquiry before such person as the authorised officer may appoint for the purpose; and that if no election is made the officer will be presumed to have elected to have the charges dealt with on the basis of the written reply.

13. Finding of authorised officer. (1) Where an oral inquiry is not held, the authorised officer shall consider the charges, the written reply and the statements (if any) and shall find as a fact whether or not any of the charges has been established.

(2) If he finds that the charges have not been established, he shall so inform the officer in writing.

(3) If he finds that any of the charges has been established, he shall so inform the officer in writing and shall also inform the officer of the penalty to be imposed upon him and of his right of appeal against the decision of the authorised officer.

(4) The record of an inquiry held under this Schedule, after it is completed, shall be referred without delay to the Commission.

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14. Holding of inquiry. (1) An oral inquiry shall be held by the appropriate authorised officer (not being an officer personally involved in the circumstances leading to the charges) or by another senior officer in his ministry or department appointed by the appropriate authorised officer for the purpose.

(2) The time and place of the oral inquiry, shall be communicated in writing to the officer charged by the officer holding the inquiry and it shall be the responsibility of the officer charged to see that his witnesses (if any) attend the inquiry; but if any such witness is in the public service, on application by the officer charged to the officer holding the inquiry, such witness shall be allowed time to attend the inquiry.

(3) Where it is decided to hold an oral inquiry, the officer charged shall be entitled to receive free copies of the statements of witnesses to be called in support of the charges and shall also be furnished with copies of, or given permission to inspect, any documents to be used in support of the charges.

(4) At an oral inquiry the officer holding the inquiry shall first hear the evidence in support of the charges, and permit the officer charged to put questions to the witnesses, and shall then hear the evidence of the employee and his witnesses, who may also be questioned. Notes of the proceedings shall be recorded by the officer holding the inquiry.

(5) Where an oral inquiry is held by an officer other than the appropriate authorised officer, the officer holding the inquiry shall consider the charges and the written reply and the statements (if any) and the evidence given at the oral inquiry; he shall find as a fact whether or not any of the charges has been established, and shall report his findings to the appropriate authorised officer.

(6) The authorised officer shall consider the findings and shall take action in accordance with the provisions of paragraphs 13 (2), (3) and (4).

15. Right of appeal. An appeal by an officer other than an unestablished, temporary, daily-paid or casually employed officer shall lie to the Commission against any decision made in relation to him in disciplinary proceedings held under this Schedule, except that no appeal shall be entertained in any case unless it is received by the Chief Personnel Officer within fourteen days of the date upon which the officer is informed of the decision.

16. Procedure in relation to unestablished, temporary, daily-paid and casual employees. The following procedure shall apply only to unestablished, temporary, daily-paid or casually employed officers—

- (a) the appropriate authorised officer may, after such informal inquiry as he may think fit, provided that he has given opportunity to the temporary officer to be heard in his defence, forthwith dismiss a temporary

officer if he is satisfied that such officer has been guilty of any misconduct;

- (b) the appropriate authorised officer may, without an inquiry being held or without giving any reason, dismiss a temporary officer by giving him two weeks' notice (or such other notice as may be specified in the letter of appointment) or two weeks' salary in lieu of notice;
- (c) every daily-paid or casual officer may be dismissed by the appropriate authorised officer without an inquiry being held and without reason or notice being given.

ANNEX

Paragraph 2

FORM I

Original
Duplicate
Triplicate
Quadruplicate
Quintuplicate

To officer
To Chief Personnel Officer
To Accountant General
To Permanent Secretary
or Head of Department
To Director of Audit

THE GOVERNMENT OF SAINT VINCENT AND THE GRENADINES

File reference Office of the
Dated

LETTER OF APPOINTMENT TO STAFF APPOINTED TO
NON-PENSIONABLE POSTS

PART I

Sir/Madam,

1. I am authorised to offer you the appointment of
..... in the Ministry/Department* of the Government
of Saint Vincent and the Grenadines.

2. The appointment is non-pensionable and will be terminable
at any time on one month's notice in writing on either side or by
the payment of one month's salary to you in lieu of notice.

* Delete as appropriate.

[Booklet 4]

3. The offer is subject to your passing an examination as to your physical fitness conducted by a doctor in the public service.

4. You will receive salary at the rate of \$ per annum in the scale \$ and will be eligible for annual increments subject to the satisfactory conduct and performance of your duties.

5. The appointment will confer no right of appointment to an established post in the Saint Vincent and the Grenadines Civil Service.

6. You will be subject to the provisions of the Public Service Commission Regulations, Civil Service Orders, Financial Regulations and such other regulations as the Government may introduce for the conduct of officers and the despatch of business. You will be required to comply with all departmental instructions and lawful orders given to you and to discharge such duties as may be given to you by officers in authority over you.

7. If you accept this offer, you are required to sign Part II of the duplicate copy of this letter and return it to me by

I have the honour to be,
Sir/Madam,
Your obedient servant

(Permanent Secretary/Head of Department

PART II

To:

I accept the offer of appointment made in Part I above, and the conditions of the offer.

Dated

Signed

PART III

To: The Chief Personnel Officer

Forward for necessary action
has been engaged with effect from

Signed
(Permanent Secretary/Head of Department

Dated

Department

Ministry

Copy to Accountant General

FORM II

Original	To employee
Duplicate	To Chief Personnel Officer
Triplicate	To Accountant General
Quadruplicate	To Permanent Secretary or Head of Department
Quintuplicate	To Director of Audit

77
THE GOVERNMENT OF SAINT VINCENT AND THE GRENADINES

File reference Office of the
Dated

LETTER OF APPOINTMENT OF A TEMPORARY EMPLOYEE

Sir/Madam,

I am authorised to inform you that you are appointed temporarily to the post of on the following conditions—

- (a) Your temporary appointment takes effect from and will be terminable on notice in writing on either side.
- (b) The salary payable to you will be at the rate of a week*/month*/year* and will be paid to you weekly*/monthly*.
- (c) You will be subject to the provisions of the Public Service Commission Regulations governing the discipline and conditions of service of employees and, so far as they are applicable, Civil Service Orders, Financial Regulations and such other regulations as the Government may introduce from time to time.
- (d) You will be required to comply with all departmental instructions and lawful orders issued to you and to discharge any duties upon which the Permanent Secretary/Head of Department may think it desirable to employ you in the interests of the Service.

I am,
Sir/Madam
Your obedient servant

for (Permanent Secretary/Header of Department)

* Delete as appropriate