

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 8 of 2014

**PUBLIC SERVICE (RECRUITMENT AND APPOINTMENT
OF OFFICERS) CODE**

IN EXERCISE of the powers conferred upon the Minister by section 53 of the Public Service Act, this Code is hereby made.

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PART I - PRELIMINARY

1. Citation.

(1) This Code may be cited as the Public Service (Recruitment and Appointment) Code, 2014.

(2) This Code shall be deemed to have come into force on the 1st day of January, 2013.

2. Interpretation.

(1) In this Code, unless the context otherwise requires,

“Act” means the Public Service Act, No. 19 of 2011;

“appointment” means the placing of a person in an established office or position in the public service including appointments on contract;

“Caribbean Community” means the Caribbean Community including the CARICOM Single Market and Economy established by the Revised Treaty of Chaguaramus signed at Nassau, the Bahamas on 5 July 2001;

“CARICOM Member State” means a Member State of the Caribbean Community;

“Chief Personnel Officer” means the Permanent Secretary, Human Resources Department;

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

“Department” means a department of the Government referred to in section 61 of the Constitution;

“fairness and transparency” shall be interpreted so as to ensure that any scrutiny of the selection process will not reveal any bias in the assessment of candidates at any time during that process;

“Head of Department” is the public officer who is responsible for the day to day running of a Department for which a Minister is responsible and has direction and control and which is supervised by a Permanent Secretary;

“Head of the Public Service” has the meaning given under the Act;

“office of emolument”, in relation to the definition of “public officer”, means any pensionable post;

“Permanent Secretary” means a permanent secretary whose responsibility is described under section 61 of the Constitution;

“public office” means any office of emolument in the public service;

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

“Public Service” means, subject to the provisions of section 119 of the Constitution, the service in a Civil capacity of the Crown in right of the Government;

“Service Commission” means the Public Service Commission and the Judicial and Legal Services Commission.

(2) Where the Service Commission is required, pursuant to the provisions of the Constitution, to consult with another person before giving advice to the Governor-General on the appointment or removal of a public officer, a reference in this Code to the recommendation of the Service Commission shall be a reference to the recommendation of the Service Commission after consultation with that person.

(3) In this Code, a reference to the “Governor-General” with regard to an appointment or removal of a public officer to whom section 78 of the Constitution applies is a reference to a person to whom the Governor-General has, pursuant to a direction by instrument in writing, given the power to appoint or remove or exercise disciplinary control over a public officer in accordance with section 78.(2) of the Constitution.

(4) For the purposes of this Code, merit is to be interpreted so as to ensure that

- (a) persons are not appointed to offices unless they are competent to perform the duties of those offices;
- (b) in circumstances where more than one person satisfies the criteria for appointment, the office should be offered to the person who is considered to be best capable of performing the duties.

(5) Any other term used in this Code shall have the meaning assigned to it by the Act.

3. Purpose of the Code.

(1) This Code seeks to

- (a) govern the methods to be used in the recruitment and promotion of officers in the Public Service;
- (b) supplement the provisions of the
 - (i) Constitution;
 - (ii) Public Service Act; and
 - (iii) Public Service Commission Regulations;
- (c) ensure that the selection of candidates at each stage is such that it can be demonstrated that there has been absolute fairness without any form of discrimination or the introduction of any irrelevant considerations;
- (d) ensure that where the selection process includes the specific testing of the

skills and aptitudes of candidates, then all such tests must have been previously proven to be acceptable on the basis of their reliability as indicators of future performance, provided that no psychological tests shall be administered or interpreted by persons who are not professionally trained;

- (e) ensure that the selection procedure is so ordered that the decision on which candidates should progress from one stage to the next is determined solely by considerations of the individual merits of those candidates;
- (f) ensure that at the conclusion of the selection process all those candidates who are deemed to possess the requisite qualifications, skills and competencies for appointment should be ranked in order of merit, and appointments shall be offered in accordance with that rank order, unless it is possible to appoint all applicants immediately;
- (g) ensure that the principles set out in this Code are adhered to in all cases except those permitted by the Code itself;
- (h) set a criteria for the purpose of differentiating on a consistent and objective basis between candidates at each stage of the selection process, which criteria shall be relevant to the job.

4. Recruitment principles.

The Code seeks to ensure that recruitment and appointments to the Public Service are made on the basis of merit, impartiality and the highest standards of integrity, and in addition the code seeks to ensure that consideration is also given to seniority and experience where the nature of work so requires.

5. Application of Code.

This Code shall apply to all public officers, except in cases where, by virtue of the Constitution or any other law in force in Saint Christopher and Nevis, specific provision is made with respect to a particular public office or category of public office.

6. Application of existing enactments.

The process in respect of appointment on recruitment, promotion or transfer shall be in accordance with this Code in so far as the provisions of the Code are not inconsistent with the provisions of the Constitution, the Act and the Public Service Commission Regulations.

PART II - APPOINTMENT ON RECRUITMENT, PROMOTION, AND TRANSFERS

7. Application of principles of merit, impartiality and integrity.

(1) Subject to subsection (3), the appointment on recruitment or promotion of an individual to a public office shall be made on the basis of the following principles, that is to say,

- (a) the principle of merit (after an open competitive selection process);
- (b) the principle of impartiality; and
- (c) the principle of taking into consideration the highest standards of integrity, seniority, and experience where the nature of work so requires.

(2) The principles referred to in subsection (1) shall apply to appointments to public offices by recruitment or promotion to established offices and to public offices that have

not been established under an enactment including where the offices are filled on contract.

(3) The principles referred to in subsection (1) shall not apply in the following circumstances, that is to say,

- (a) when filling short-term vacancies of up to no more than three months, and only when such vacancies are being filled from within the Department; or
- (b) when employing a physically or mentally challenged person.

8. Notification of vacancies within the Public Service.

(1) Vacancies within the Public Service shall first be advertised or published within the Public Service in Saint Christopher and Nevis for a period of two weeks.

(2) After the provisions of subsection (1) are complied with, vacancies may be advertised within the Federation of Saint Christopher and Nevis for a period of two weeks, and thereafter may be advertised outside of Saint Christopher and Nevis.

(3) All relevant information in respect of the vacancy shall be accessible to prospective applicants.

(4) The advertisement or publication referred to in subsections (1) and (2) shall include the following information:

- (a) the statutory qualifications required;
- (b) the duties, functions and responsibilities of the office;
- (c) the major terms and conditions of service applicable to the office;
- (d) a description of the skills, competencies, experience and personal qualities required; and
- (e) the nature of the procedure of the selection process which shall be based on relevant criteria that is applied to all candidates.

9. Eligibility for appointment to the Public Service.

(1) To be eligible for appointment in the Public Service a person shall

- (a) not, subject to subsection (2), be less than sixteen years or more than fifty – two years;
- (b) possess such educational qualifications as may be prescribed, from time to time;
- (c) be certified by a District Medical Officer to be in sound health and mentally fit for employment;
- (d) produce two recent certificates of good character, of which one, if the candidate
 - (i) has not previously been in employment, should be from the Head of the School or College he or she last attended;
 - (ii) has been previously employed, from his or her last employer.

(2) Notwithstanding the provisions of subsection (1)(a), a person who is over the age of fifty-two years may be appointed on contract for specialised work.

10. Appointment on recruitment or promotion.

An appointment on recruitment or promotion shall not be made, unless

- (a) the vacancy in the public service, or a vacancy in an office with the same duties, was advertised in a Public Service Official Circular within the last year as open to any citizen of Saint Christopher and Nevis or CARICOM Nationals;
- (b) an assessment is made of the relative suitability of the candidates for the duties, after an interview or using another competitive selection process;
- (c) the assessment is based on the relationship between the candidate's work-related qualities and the work-related qualities genuinely required for the duties;
- (d) the assessment focused on the relative capacity of the candidates to perform the duties.

11. Selection of persons to public offices.

(1) Subject to subsection (3), a person to be appointed to an office in the Public Service shall be selected on merit, except that where the nature of work so requires, consideration shall be given to seniority and experience.

(2) The method of selection of candidates shall be governed by objectivity, impartiality and transparency.

(3) For the purposes of section 7 of this Code, the following criteria of work related qualities shall be taken into account in making an assessment:

- (a) skills and abilities;
- (b) qualifications, training and competencies;
- (c) standard of work performance;
- (d) capacity to perform at the level required;
- (e) demonstrated potential for further development;
- (f) ability to contribute to team performance; and
- (g) seniority and experience.

(4) Subsection (3) shall not prevent any other relevant matter to be taken into account.

(5) The Governor-General may, acting in accordance with the recommendation of the Service Commission, by directions in writing, approve the recommendation of the Service Commission, direct that this section may not apply, or may apply with specified changes,

- (a) to the appointment or promotion of a wage earner; or
- (b) to the appointment of a person to be employed on contract or to perform duties temporarily in a Department.

(6) The Commission may recommend the appointment of a person who has a criminal conviction, where such person's criminal records have been expunged from the Police Criminal Records in accordance with the law which makes provision for expunging criminal records.

(7) In this section, vacancy includes a vacancy that has not commenced and a prospective vacancy.

12. Composition of Selection Panels.

The Human Resource Department shall ensure that selection panels established in

accordance with the Act shall comprise of persons who are

- (a) trained in or experienced in the process of interviewing;
- (b) knowledgeable in the area for which the candidate is being considered; and
- (c) impartial.

13. Procedure for selection.

(1) The procedure to be followed during the selection of a candidate shall be such that the merit of each person is given equal consideration throughout the entire procedure for selection.

(2) The procedure for selection shall be such that there is a consistent application of the relevant criteria specified in section 13.(1) of this Code in respect of each candidate.

14. Techniques in selection.

(1) The recommendations made by selection panels in respect to the filling of vacancies, either through recruitment or promotion, shall be allowed in the order of rank.

(2) Where the candidates

- (a) are not accepted; or
- (b) in respect of whom the order of rank recommended by the selection panel is not accepted by the recruiting authority;

a new selection panel shall be established to make new recommendations.

15. Dual appointment.

If a Permanent Secretary or Head of Department (the first Department) is also appointed as Permanent Secretary or Head of Department of another Department, the Permanent Secretary or Head of Department does not merely, because of the additional appointment, cease to be the Permanent Secretary or Head of Department of the first Department, as the case may be.

16. Appointment of a person on contract.

(1) A person may be appointed on a contract to perform duties in the public service for a fixed period.

(2) A person who has been serving on contract in the public service may, upon application, be appointed to an office in the Public Service on permanent terms.

(3) Notwithstanding the provisions of subsection (2), in computing the benefits of such officers the period served by the officer while on contract shall not be taken into account.

17. Temporary appointments.

(1) A person may be appointed on contract on a month to month basis to perform some duties temporarily in a Department.

(2) A person may be appointed under this section only where the Governor-General, acting in accordance with the recommendation of the Service Commission, is satisfied that

- (a) the employment is necessary for the efficient operation of the Department, and that assistance in temporarily performing the duties cannot be given by another Department;
- (b) the person should not be appointed to an office in the Public Service because of
 - (i) physical or mental incapacity; or
 - (ii) a medical condition.

18. Re-appointment of resigned officer.

When an application for appointment is received from a person who had previously resigned from the Public Service within a period of one year after the person had resigned, the Service Commission shall direct that the circumstances which led to the resignation of that person be investigated before a decision is taken on whether to allow the application, and the investigation shall include a reference to the Chief Personnel Officer.

19. Re-appointment of retired officers.

(1) Officers who have retired from the Public Service of Saint Christopher and Nevis may be re-appointed to an office in the Public Service on the recommendation of the Service Commission, and the appointment shall be on temporary terms or on contract.

- (2) The appointment shall be made only where
 - (a) the prospects of serving public officers are not prejudiced;
 - (b) the vacancy cannot otherwise be readily filled; and
 - (c) the retired public officer is medically fit and in all respects suitable for employment.

20. Appointments to be on probation.

(1) The appointment of a person to a public office, in the first instance, shall be an appointment on probation, and the period of probation shall, subject to subsection (6) or (7), be for a period of twelve months.

(2) The period of probation begins on the date of assumption of duty on probation by the public officer.

- (3) During the period of probation the public officer shall be
 - (a) given an opportunity to learn his or her work and to test his or her suitability for the work;
 - (b) given all possible facilities for acquiring experience of his or her duties; and
 - (c) kept under continued observation, and shall be as far as possible be posted where such observation is possible.

(4) The Head of Department or Permanent Secretary, as the case may be, shall pay special attention to the training of a public officer on probation.

(5) If, at any time during the period of probation, a public officer exhibits tendencies which render it in anyway doubtful that he or she will be suitable for permanent retention, he or she should at once be warned and given such assistance as may be possible to correct the faults.

(6) A public officer's probationary period may be extended for an additional period not exceeding six months where the public officer has not had proper opportunity either through illness or through other just reason to display fitness for confirmation.

21. Probation reports.

(1) There shall, in respect of a public officer appointed on probation in the Public Service, be submitted to the Commission

- (a) a report about the public officer's service by the Head of Department or Permanent Secretary six months before the end of the period of probation; and
- (b) another report about the public officer's service by the public officer's Head of Department or Permanent Secretary one month before the end of the period of probation.

(2) The reports referred to in subsection (1) (a) and (b) may include any of the following recommendations:

- (a) that the public officer's appointment be confirmed;
- (b) that the public officer's period of probation be extended for a period not exceeding six months;
- (c) that the public officer's appointment be terminated.

(3) A recommendation specified in subsection (2)(b) or (c) shall not be made about the public officer unless

- (a) the public officer has been told of the proposed recommendation;
- (b) the public officer has been given a reasonable opportunity to state his or her views about the recommendation; and
- (c) any views stated by the public officer have been considered in making the recommendation.

22. Termination of probation.

The services of a public officer on probation may be terminated at any time during the probationary period if the Governor - General, acting in accordance with the recommendation of the Service Commission, is satisfied that on account of general unsuitability of temperament or personal characteristics, or by reason of misconduct it is undesirable that the public officer should continue to hold office.

23. Confirmation of appointment to the Public Service.

(1) The Service Commission shall, after considering the probation reports made under section 21, decide whether it is satisfied that the public officer's service has been satisfactory.

(2) The Service Commission shall recommend to the Governor-General to confirm the appointment of a public officer on probation if

- (a) the Service Commission is satisfied that the public officer's service has been satisfactory; and
- (b) the public officer has passed any prescribed or required examinations.

(3) Where the Service Commission does not recommend that the appointment of a

public officer on probation be confirmed, then the Service Commission may recommend to the Governor-General that

- (a) the public officer's period of probation be extended for a period not exceeding six months; or
- (b) the public officer's appointment be terminated.

(4) The Head of Department or Permanent Secretary shall, one month before the end of any extended period of probation imposed on a public officer under subsection (3), make a report about the public officer's service, which report shall contain a recommendation that either

- (a) the public officer's appointment be confirmed; or
- (b) the public officer's appointment be terminated.

(5) The Service Commission shall, after considering the report made pursuant to the provisions of subsection (4), recommend to the Governor-General that either the public officer's appointment be confirmed or terminated.

(6) Where a public officer's appointment to the Public Service is confirmed, such confirmation shall be in writing, unless the appointment is automatically confirmed pursuant to the provisions of section 24 of this Code.

24. Automatic confirmation of appointment.

(1) Where the appointment of an individual to the Public Service is not confirmed or terminated within a period of eighteen months from the date of the individual's appointment, the appointment of that individual shall be automatically confirmed at the end of that period.

(2) The provisions of this section shall be effective irrespective of what is contained in sections 21, 22, and 23 of this Code.

25. Effective date of appointment.

(1) Subject to the provisions of this Code, the effective date of appointment is the date on which a public officer assumes the public office to which he or she or is appointed.

(2) Where a public officer has been on probation, the date of appointment shall normally be the date on which he or she commenced the probationary period.

26. Oath of office and secrecy or affirmation of office and secrecy.

(1) Subject to subsection (2), a public officer shall, whether permanent or temporary, on appointment to an office in the Public Service, be required to make and subscribe to the oath of office and secrecy or affirmation of office and secrecy in the forms set out in Schedule 1 to this Code.

- (2) The oath of office and secrecy or affirmation of office and secrecy shall,
 - (a) in the case of a public officer below the level of Head of Department, be made and subscribed to before the Permanent Secretary, Human Resources; or
 - (b) in the case of a public officer at or above the level of Head of Department, be made and subscribed to before the Head of the Public Service.

27. Medical reports.

(1) A District Medical Officer who certifies a candidate's fitness for appointment as a public officer shall state in the certificate of fitness that he or she has made a complete and thorough medical examination of the candidate and that he or she has inquired into the medical history of the candidate's family.

(2) No fees shall be payable by the public officer for a medical examination under this section.

(3) If the person selected for appointment as a public officer fails to produce a certificate within one month of assumption of duty or a District Medical Officer certifies the person to be unfit for service, the appointment shall be terminated accordingly.

(4) If a public officer has already passed the prescribed medical examination in respect of an earlier appointment immediately preceding his or her appointment to the permanent establishment, a further medical examination may be dispensed with.

28. Further medical reports.

(1) A public officer, whether or not he or she is on leave of absence at the time, may be required by

- (a) the Chief Personnel Officer, in the case of a public officer below the level of Head of Department; or
- (b) the Head of the Public Service, in the case of a public officer at or above the level of Head of Department;

to present himself or herself for medical examination by a District Medical Officer in order to ascertain whether he or she is physically and mentally capable of performing the duties of his or her office or of any other public office to which his or her appointment is being considered.

(2) No fee is payable by the public officer for a medical examination under this section.

(3) Where a medical examination is required pursuant to the provisions of subsection (1), the District Medical Officer may, in his or her discretion, call a specialist into consultation, and any fees due to the specialist for assistance in rendering a report shall be paid by the Government.

(4) The report of a medical examination made pursuant to the provisions of this section shall not be communicated to the public officer concerned, except that the public officer shall be informed as soon as is practicable of the decision reached with regard to his or her case after the report is considered, and if the public officer is dissatisfied with the decision he or she shall be at liberty to make representations to this effect.

29. Record of service.

The Chief Personnel Officer shall maintain a record of service for all public officers in such form as the Minister may, by Order, prescribe.

30. Probation of non-pensionable officers appointed as pensionable officers prior to the coming into force of this Code.

Where a public officer was appointed to a pensionable office after non-pensionable service in an office in which he or she has been performing the same or similar duties, prior to

the coming into force of this Code, the period of his or her probation in the pensionable office may be reduced by the Governor-General, acting in accordance with the recommendation of the Service Commission, by the length of his or her non-pensionable service provided that there is no break between his or her non-pensionable and pensionable service.

31. Appointments on contract.

(1) A person may be employed on a contract to perform duties in the Public Service for a fixed period.

(2) A person who has been serving on contract in the Public Service on contract may, upon application, join the Public Service to serve on permanent terms.

(3) The conditions of service of a public officer appointed on contract are those provided in his or her contract, but the officer shall during the duration of his or her contract, unless it is specifically provided otherwise, be subject to all changes in conditions of service applicable to public officers of equivalent grade who are appointed to permanent and pensionable offices.

32. Seniority as between posts.

(1) The relative seniority of different grades in the same classification of officers in the Public Service shall be determined by the salary scale attached to the grade such that the grade with the higher maximum salary being the senior.

(2) Where the maximum salaries of two grades are the same, then the grades with the higher minimum salary will be the senior.

33. Seniority as between officers in the same grade.

(1) A public officer's seniority shall be determined by the date of his or her appointment to the particular grade in which he or she is serving.

(2) Seniority as between public officers appointed on probation and subsequently confirmed in their appointment shall be determined by the date of confirmation.

(3) The seniority of public officers appointed to the same grade from the same date shall be determined in accordance with the seniority in their former grade and if necessary in each preceding grade.

34. Seniority of officers re-appointed after resignation.

The seniority of a public officer who resigns from the public service and is subsequently re-appointed, shall be determined by the date of his or her re-appointment.

35. Transfer of public officers.

(1) A public officer may be transferred to any post of equivalent grade in the Public Service.

(2) A public officer who wishes to be transferred within the Public Service or who wishes to apply for transfer without promotion to a particular post within the Public Service shall apply, in writing, through the Permanent Secretary or the Head of the Department, to the Service Commission.

(3) The Service Commission may, with knowledge of the public officer, recommend

to the Governor-General that a public officer be transferred to another office in the Public Service within Saint Christopher and Nevis, provided that the public officer is given ten working days notice prior to the transfer.

(4) The Commission may recommend that a public officer be transferred on promotion to any post in the Public Service.

36. Effective date of promotion.

(1) Subject to subsections (2) and (3), the effective date of a promotion of a public officer shall be fixed by the Governor-General, acting in accordance with the recommendation of the Commission, and such date will normally be the date upon which a public officer who is selected for promotion assumes the duty of the higher office which has fallen vacant.

(2) If the public officer who is promoted is on leave at the time the higher office falls vacant and the officer assumes duty of the office immediately on his or her return from leave, the promotion may be made effective from the date on which he or she assumes the duties.

(3) If the public officer who is promoted has been acting continuously (apart from periods of leave) in the higher office or in an office of equivalent grade, prior to his or her selection for promotion to the office, his or her promotion may be effective from a date not earlier than the date on which he or she commenced such continuous acting or the date on which the higher office fell vacant, whichever date is later.

(4) The higher office shall be deemed to have fallen vacant on the date the holder of the office proceeds on pre-retirement leave.

37. Certificate of service and testimonials.

(1) A public officer, other than a Head of Department, a Permanent Secretary or a public officer duly authorised by a Permanent Secretary or Head of Department, shall not give personal testimonial in favour of a public officer subordinate to him or her or to a public officer of another Department for any purpose connected with promotion in the Public Service.

(2) A public officer who leaves the Public Service shall be given a certificate of service issued by the Permanent Secretary, Human Resources showing his or her public office and setting out the period of his or her service and the reason for leaving the Public Service.

(3) The Chief Personnel Officer may, on the advice of a Permanent Secretary or Head of Department, append to the certificate referred to in subsection (2), any recommendation or classification with respect to his or her efficiency and conduct which may be reasonably necessary to append to the certificate.

38. Overseas appointments and travel arrangements.

(1) The provisions of this section shall apply to all persons selected from outside Saint Christopher and Nevis for first appointment to a public office in Saint Christopher and Nevis.

(2) In this section, "children" means the children who are

- (a) dependants of the person appointed;
- (b) below eighteen years; and
- (c) unmarried and normally resident with the appointed person.

(3) In this section, “passage” means a passage by a route approved by the Ministry responsible for Finance as a normal route in the course of removal.

(4) A person referred to in subsection (1) shall, in the absence of any arrangements to the contrary, be provided with passages at the expense of the Government of Saint Christopher and Nevis by the cheapest and most direct route from the country of recruitment to Saint Christopher and Nevis for himself or herself, his or her spouse and not more than two children if they accompany him or her within twelve months of his or her appointment.

(5) A person who is selected for appointment shall

- (a) be required to execute a passage agreement in such form as the Minister may, by Order, prescribe to refund the cost of the passage in certain contingencies;
- (b) be paid in full salary from the date of embarkation for Saint Christopher and Nevis;
- (c) be granted the following allowances for the transportation of his or her baggage and personal effects:
 - (i) ocean freight charges, not exceeding two shipping tons (or 80 cubic feet) exclusive of the free baggage allowance provided on the tickets issued to the public officer and his or her family;
 - (ii) the cost of transporting baggage and personal effects from his or her house to the place of embarkation and from the place of disembarkation to his or her destination;
 - (iii) incidental expenses paid in accordance with approved rates for each passage paid by the Government under this section towards the cost of all incidental expenses including the cost of crating, packing and handling;
 - (iv) if the appointed person travels by air, an additional allowance for accompanied baggage not exceeding 10 kilograms in respect of each full fare air ticket provided.

(6) A public officer shall submit vouchers in support of claims for the payment of the allowances specified in subsection (5)(c)(ii), and the liability of the Government shall be limited to that portion of the baggage falling within the volume limitation set out in subsection (5)(c)(i).

(7) No additional allowances shall be payable for the transportation of items including motor vehicles, cycles, wireless sets, television sets, Compact Disc Player, DVD players or radios, except as provided for in subsection (5).

(8) A person referred to in subsection (1) shall, on arrival in Saint Christopher and Nevis, be offered transportation from the airport to the hotel where such person is to be accommodated until he or she is allocated Government Quarters or he or she finds alternative accommodation at the expense of the Government.

(9) The person referred to in subsection (8), and his dependants, if any, shall, while at the hotel, shall be entitled to free hotel accommodation, inclusive of meals.

(10) The person referred to in subsection (8) shall, while at the hotel, be entitled to free transportation from the hotel to his or her office and back to the hotel until the person moves away from the hotel pursuant to the provisions of subsection (8).

39. **Retention of services of promoted officer in former Department.**

(1) Where a public officer is promoted to a public office in another Department, arrangements should normally be made whereby he or she assumes his or her new duties on the date of his or her appointment.

(2) Where, a public officer is promoted in accordance with the provisions of subsection (1) and exceptional circumstances necessitate the public officer's retention in his or her former Department beyond the promotion date, he or she shall be considered to be holding his or her new office from the date of his or her appointment to that office and seconded to his or her former Department subject to the approval of the Chief Personnel Officer, in the case of a public officer below the level of Head of Department, or the Head of the Public Service, in the case of a public officer at or above the level of Head of Department.

40. **Acting appointments.**

(1) Where a public officer is absent from office due to annual leave or short absence due to illness or other cause for a period of less than fifteen days, then generally, no acting appointment may be made to that office.

(2) Notwithstanding subsection (1), where the nature of the duties attached to the office is such as cannot reasonably be expected to be performed by another public officer in the same Department, then an acting appointment may be made to that office regardless of the length of the absence of the substantive holder of the public office.

(2) In special circumstances, owing to the length of the absence or to the fact that by the law in force in Saint Christopher and Nevis certain matters can be dealt with only by the public officer holding the senior post or a public officer acting in that post, an acting appointment may be made.

(3) In making an acting appointment in the temporary absence of the substantive holder of an office the claims of all suitable candidates shall be considered, and while no claim to act as of right will be recognised, consideration shall be given to the record of service and suitability of the public officer next in seniority in the Department in which the acting appointment is to be made.

(4) A Permanent Secretary shall make his or her recommendations for acting appointments to the Service Commission through the Chief Personnel Officer, as far as practicable, one month before the vacancy which it is proposed to fill by the acting appointment, except in cases of emergency.

PART III - RESIGNATION, RETIREMENT, AND TERMINAL BENEFITS ETC.

41. **Resignation.**

(1) A public officer who is appointed on probation or appointed otherwise than on contract to a post may resign his or her post after giving not less than one month's notice in writing to the Permanent Secretary or the Head of Department.

(2) A public officer who has been confirmed in the Public service and has served a period of twenty five years may resign from the Service after giving one month's notice in writing to the Permanent Secretary or the Head of Department, and where the officer is confirmed but has not served for a period of twenty five years, such officer may resign from

the Service after giving three months' notice.

(3) A public officer who is appointed on contract shall resign his or her appointment only in accordance with the terms of his or her contract.

(4) Notwithstanding the provisions of subsection (1) and (2) of this section, a public officer, other than a public officer appointed on contract, may resign his or her appointment at any time after paying to the Government one month's salary in lieu of notice.

(5) All resignations shall be reported immediately to the Chief Personnel Officer, the Accountant-General and the Director of Audit.

42. Reasons for refusal of resignation.

The appropriate authority may refuse to accept the request for resignation, if

- (a) it is conditional;
- (b) the public officer does not intend to complete a period of service for which he or she is bound;
- (c) criminal proceedings are pending against the public officer;
- (d) disciplinary proceedings against the public officer are contemplated or are pending; or
- (e) the public officer is indebted to the Government.

43. Retirement pensions and gratuities.

All claims to pension, gratuity and other retiring allowances shall be settled in accordance with the provisions of the Pensions Act, Cap. 22.06.

44. Evidence of age.

(1) A public officer's birth certificate shall be furnished as evidence of his or her age.

(2) Where this is not possible a declaration by the public officer himself or herself or any other reliable person may be submitted.

45. Death of a public officer in the Public Service.

(1) In the event of the death of a serving public officer, the Permanent Secretary or Head of Department shall be responsible for ensuring the prompt payment of death benefits and or gratuity, as the case may be, which may be due to the deceased, to his or her legal representatives.

(2) Where the deceased person has not named any beneficiary then payment of benefits due to the deceased shall be made upon presentation of letters of administration of the estate.

46. Performance review and development system.

The Head of the Public Service shall ensure that

- (a) effective performance review and development instruments for measuring competence, performance and productivity exist to facilitate appointment on merit;
- (b) the Committee of Permanent Secretaries meets with the Service Commissions at least twice a year to provide guidance, strategic direction and support for the development of the Public Service;
- (c) joint meetings of the Service Commissions are held at least once a year to ensure uniformity and strategic direction.

Schedule

(Section 26.(1))

OATH OF OFFICE AND SECRECY

I do solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by virtue of my employment in the Public Service, and that I will not, without authority in that behalf, in any manner whatsoever, communicate or publish any facts or expressions of opinion based on such facts that come to my knowledge by virtue of such employment.

AFFIRMATION OF OFFICE AND SECRECY

I do solemnly and sincerely affirm and declare that I will faithfully and honestly fulfil the duties that devolve upon me by virtue of my employment in the Public Service, and that I will not, without authority in that behalf, in any manner whatsoever, communicate or publish any facts or expressions of opinion based on such facts that come to my knowledge by virtue of such employment.

Dated this 9th day of May, 2014.

DENZIL L DOUGLAS

Minister responsible for the Public Service