

REPUBLIC OF
TRINIDAD & TOBAGO



PUBLIC
SERVICE
COMMISSION
2007
ANNUAL REPORT

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TOBAGO**

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ANNUAL REPORT**

2007

October, 2008



Foreword

During 2007, the Public Service Commission continued to focus its activities on several broad policy areas within its overall constitutional mandate:

- The further delegation of authority to Permanent Secretaries, Deputy Permanent Secretaries and Heads of Departments of the Public Service;
- Professional evaluation of Senior Managers of the Service;
- A system of accountability for Senior Executives;
- Collaboration with other related authorities in modernising human resource management; and
- Refining the role of the Commission as a policy oversight body for the Public Service as a whole.

The initiative of the delegation of authority that was launched in May 2006 was further pursued throughout the year. All indications are that the implementation of the programme has taken root. However some outstanding areas still need to be addressed. The success of this initiative is critical to many others which are being contemplated by the Commission and which together will help to take the Public Service to a place of improved leadership and enhanced service delivery.

The establishment of an Assessment Centre Programme (ACP) is another initiative. This initiative which was launched in 2005 has unfortunately continued to stagnate as a result of a pending appeal before the Courts. The most important attribute of this programme is its direct relationship to future performance and knowledge skills. The programme has not been easily accepted by senior officers of the Service and continues to pose a challenge to the Commission in relation to the future development of

leadership in the Public Service. Pending the decision of the Court and in the interest of good administration the Commission has begun to focus on the development of other methods for the evaluation of requisite leadership skills for the Service.

The establishment of an ACP would also lead to higher levels of transparency and accountability in the Public Service through more objective measurement and evaluation of performance. Accountability however at senior levels of the Service is a relatively new concept and needs to be carefully managed for optimum effect. In this regard the Commission has begun to consult on best practices in other Public Services with a view to developing an accountability framework appropriate for the Public Service.

Basic to the above policy areas is the need:

- to modernise recruitment practices and the job and training requirements for employment in the Public Service;
- to align the different jurisdictions within the Public Service in relation to the expanding and critical demands for service delivery; and
- to review and update the existing Regulations in relation to evolving human resource management practices.

These areas can only be effectively addressed in collaboration with the wider authorities of the Public Service and during 2007 the Commission has put in place mechanisms through which they might be engaged. The Commission will continue to pursue these questions in 2008.

The policy areas outlined above are not exhaustive of the mandate of the Commission. They are however critical to the empowerment of senior managers, enhanced professionalism of the Public Service and optimum service delivery. They are critical also to the ultimate effectiveness of the work of the Commission in the enhancement of

its functions of policy formulation oversight and monitoring. The Commission will continue to pursue these objectives throughout 2008.

I take this opportunity to thank the Deputy Chairman of the Commission and the other members of the Commission for their support throughout 2007. I also thank the Director of Personnel Administration and her staff for their invaluable contribution and cooperation throughout 2007.

I would also like to convey our gratitude to all stakeholders who rendered support to the Commission in carrying out its constitutional mandate.

A handwritten signature in dark ink, appearing to read "Christopher R. Thomas", is positioned above the printed name.

Christopher R. Thomas
Chairman
Public Service Commission

October, 2008

TABLE OF CONTENTS

	Page No.
1.0 INTRODUCTION.....	7
2.0 ORIGIN AND MEMBERSHIP	7
3.0 THE RESPONSIBILITY OF THE PUBLIC SERVICE COMMISSION WITHIN THE CONTEXT OF HUMAN RESOURCE MANAGEMENT IN THE PUBLIC SERVICE	8
4.0 THE PUBLIC SERVICE ESTABLISHMENT	9
5.0 METHOD OF FUNCTIONING	10
6.0 WORK OF THE PUBLIC SERVICE COMMISSION DURING 2007 ...	11
6.1 Recruitment and Selection	11
6.2 Permanent Appointments	13
6.3 Temporary Appointments	15
6.4 Acting Appointments	16
6.5 Promotions	18
6.6 Transfers	19
6.7 Confirmation of Appointments	20
6.8 Secondment	20
6.9 Separation from the Public Service	21
7.0 EXERCISE OF DISCIPLINARY CONTROL	21
7.1 Wider Disciplinary Issues	23

7.2	High Court Action/Judicial Review	23
7.3	Representations	24
8.0	INSTITUTIONAL POLICY MATTERS.....	25
8.1	Delegation of Authority	25
8.1.1	Temporary Appointments	27
8.1.2	Acting Appointments	27
8.2	Unsolicited Applications	29
8.3	Contract Positions	30
8.4	Selection Procedures	30
8.5	Tobago	31
9.0	Summary and Conclusions	31
10.0	Goals for 2008 and beyond	32

1.0 INTRODUCTION

The Report of the Public Service Commission for the Year 2007 is submitted pursuant to Section 66B of the Constitution of the Republic of Trinidad and Tobago (as amended by Act No. 29 of 1999) which requires the Commission to report each year on its administration, the manner of the exercise of its powers, its method of functioning and any criteria adopted by it in the exercise of its powers and functions.

2.0 ORIGIN AND MEMBERSHIP

The Commission is an independent body established under Section 120 of the Constitution and comprises a Chairman, Deputy Chairman and no less than two or more than four members, appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

During the year 2007, the membership of the Commission comprised:

Mr. Christopher Thomas , C.M.T. LL.D. -	Chairman
Mr. Ainsley Tim Pow, C.M.T. -	Deputy Chairman (to 24 th October, 2007)
Mrs. Zaida Rajnauth, C.M.T. -	Deputy Chairman (w.e.f November 1, 2007)
Mr. Sakal Seemungal , M.O.M. -	Member
Mr. Neil Rolingson -	Member
Mrs. Pamela Benson, M.O.M. -	Member
Miss Susheila Maharaj -	Member

3.0 THE RESPONSIBILITY OF THE PUBLIC SERVICE COMMISSION WITHIN THE CONTEXT OF HUMAN RESOURCE MANAGEMENT IN THE PUBLIC SERVICE

The management of the Human Resources in the Public Service is fragmented. Responsibility for discrete activities falls within the purview of different bodies/agencies. Establishment matters and system-wide training activities are handled departmentally by the Ministry of Public Administration; terms and conditions of service, code of conduct for Public Officers, classification and compensation, job description and job specification and assessment of qualification are under the purview of the Personnel Department; performance management, staff training and succession planning are handled by Permanent Secretaries and Heads of Departments; the Service Commissions Department under the direction of the Director of Personnel Administration serves as the Secretariat to the Public Service Commission in the discharge of its Constitutional functions to make appointments on promotion, transfer, confirm appointments and to exercise disciplinary control over persons holding or acting in such offices.¹

This shared responsibility for the management of the human resource functions in the Public Service lacks synergy and continues to result in major delays in the functioning of the Commission and significant inefficiencies in its delivery of the services for which it is charged, for example:

- the selection of candidates for appointment in accordance with outdated job descriptions and training requirements;
- the creation of positions by Cabinet which cannot be filled because they have not been classified by the Personnel Department;

¹ The Service Commissions Department also serves as the Secretariat for the Police, Teaching and Judicial and Legal Service Commissions

- late submissions of Performance Appraisal Reports from Permanent Secretaries/Heads of Departments;
- untimely recommendations for the filling of vacancies from Permanent Secretaries and Heads of Departments which result in delays in decisions on appointments and promotions.

The specific functions of the Public Service Commission are prescribed under Section 121 of the Constitution of the Republic of Trinidad and Tobago. Under section 121, the Public Service Commission is empowered **“to appoint persons to hold or to act in offices in the Civil Service, Prison Service and the Fire Service including power to make appointments on promotion and transfer and to confirm appointments and to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers.”**

4.0 THE PUBLIC SERVICE ESTABLISHMENT

As at the end of 2007, the approximate number of offices in the respective Services were as follows:

TABLE 1 – NO. OF OFFICES IN THE PUBLIC SERVICE UNDER THE PURVIEW OF THE PUBLIC SERVICE COMMISSION

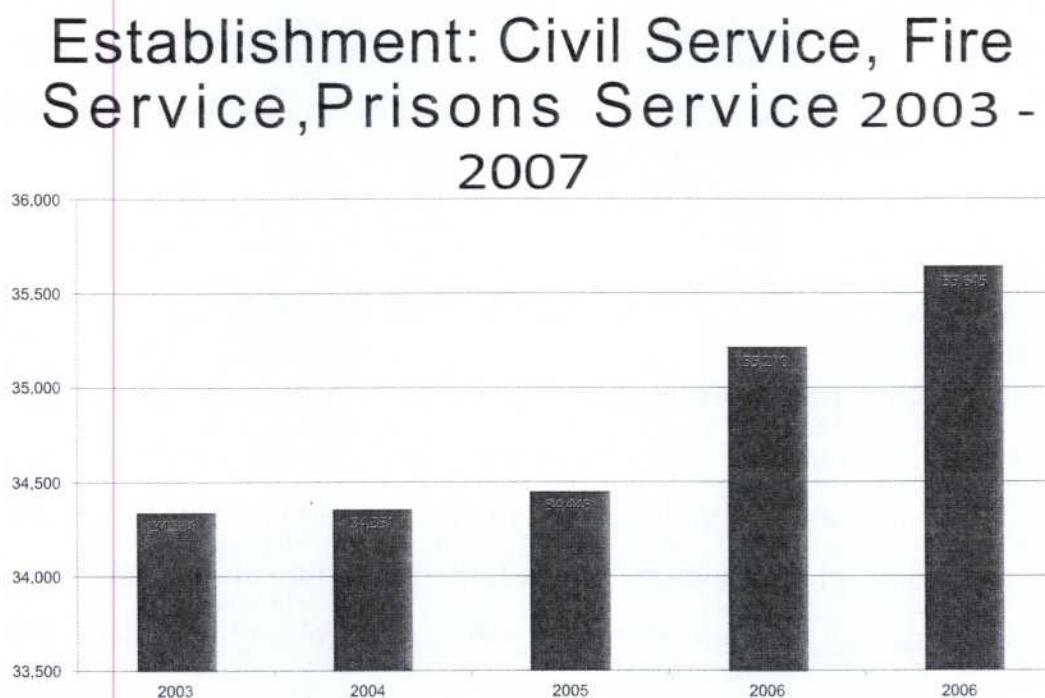
	Permanent	Temporary
Civil Service	30,337	1,513
Prison Service	2,630	nil
Fire Service	2,678	Nil
Total	35,645	1513

Source: Annual Estimates of Expenditure for the year 2007

It is to be noted that the above figures indicate offices on the establishment. However, this figure does not reflect the number of officers employed against these offices since several temporary appointments can be made against one position.

Figure 1 depicts details of the Public Service Establishment over the period 2003 – 2007.

FIGURE I – ESTABLISHMENT: CIVIL SERVICE, FIRE SERVICE, PRISONS SERVICE 2003-2007



Source: Annual Estimates of Expenditure 2003-2007

5.0 METHOD OF FUNCTIONING

The Commission conducts its work at weekly meetings or through special meetings as required using a number of mechanisms which comprise:

- deliberating on relevant Human Resource matters submitted through the Service Commissions Department in the form of Notes;
- identifying, formulating and considering various matters of policy;

- consulting directly with a core group of Senior Public Officers; Permanent Secretary to the Prime Minister and Head of the Public Service, Permanent Secretary, Ministry of Public Administration, the Chief Personnel Officer, and the Director of Personnel Administration informally called the Group of Four;
- consulting indirectly with the Board of Permanent Secretaries through the Director of Personnel Administration;
- monitoring and providing oversight on the performance of Ministries in respect of the delegation of authority; and
- interfacing from time to time with the representative trade unions and other interested stakeholders.

6.0 WORK OF THE PUBLIC SERVICE COMMISSION DURING 2007

During the year 2007, the Public Service Commission held 45 statutory meetings, 1 special meeting, and 7 meetings with Permanent Secretaries/Heads of Departments. During this period the Commission considered 2,542 Notes, made decisions on appointments, acting appointments, promotions, transfers, confirmation of appointments, and removal from office, and exercised disciplinary control of officers in the respective Services as detailed hereunder.

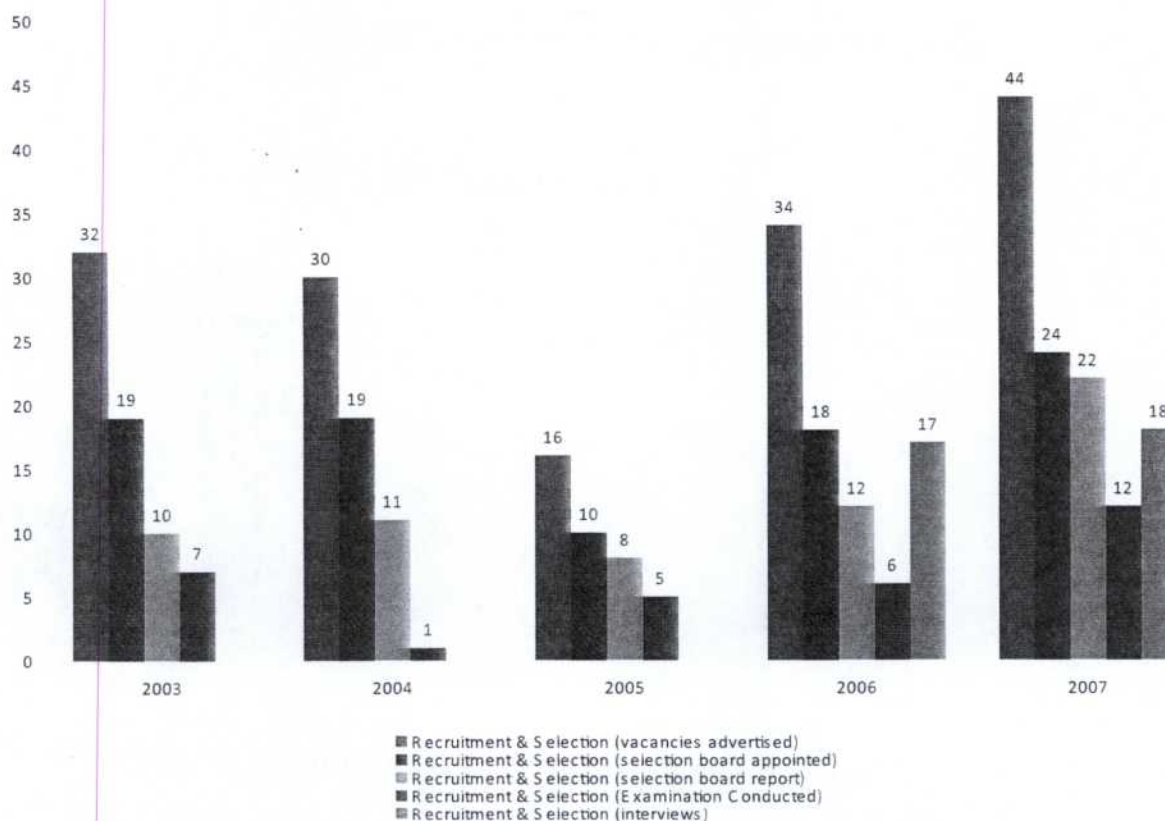
6.1 Recruitment and Selection

The recruitment process involved the advertisement of vacancies from within the Public Service in the first instance and then from without if no suitable candidates were found. The selection process included the conduct of examinations by the Public Service Examinations Board in some instances and the conduct of interviews by Selection Boards.

During the year 2007, forty-four (44) vacancies were advertised², twelve (12) examinations were held, eighteen (18) interviews were conducted, twenty-four (24) Selection Boards were appointed, twenty-two (22) reports from these Boards were accepted by the Commission; two (2) reports were pending.

Figure 2 depicts details of recruitment and selection indicators for the years 2003 - 2007.

FIGURE 2 RECRUITMENT AND SELECTION 2003 - 2007



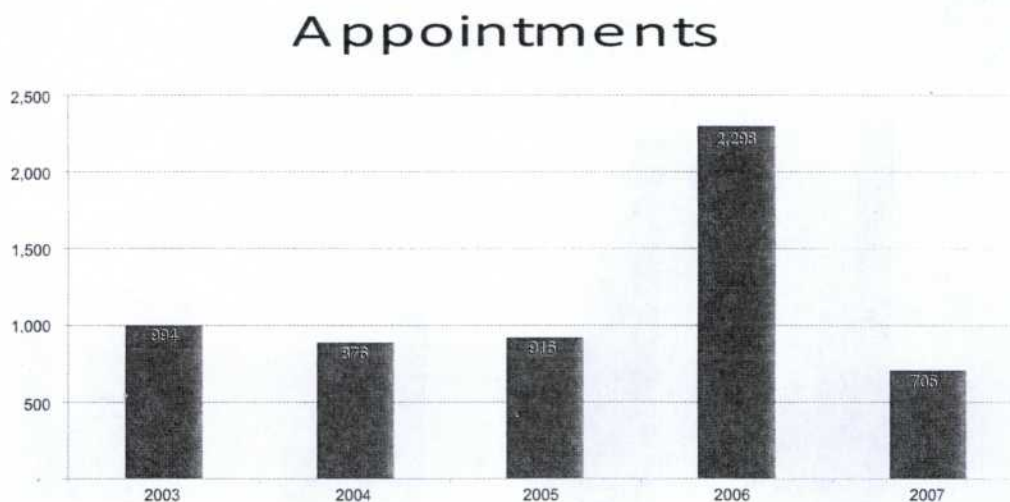
² The Director shall, from time to time by circular memorandum or by publication in the Gazette, give notice of vacancies which exist in the particular service and any officer may make application for appointment to any such vacancy. Such application shall be forwarded through the appropriate Permanent Secretary or Head of Department to the Director, but the failure to apply shall not prejudice the consideration of the claims of all eligible public officers. (Regulation No. 13 (4) of the Public Service Commission Regulations)

6.2 Permanent Appointments

For the year 2007, 438 permanent appointments were made in vacant offices.

Figure 3 gives details of appointment indicators for the years 2003 to 2007. The apparent under-performance in 2007 results from the Commission's insistence on the receipt of up-to-date Performance Appraisal Reports prior to making such appointments. This was communicated to the Permanent Secretaries and Heads of Departments in Circular No. 6 of 2005 (see **Appendix I**).

FIGURE 3 PERMANENT APPOINTMENTS 2003-2007



There was an increase of 4.3% in the number of appointments made in the Civil Service by the Public Service Commission during the year 2007 as compared to the year 2006 as indicated by the following statistics for the Civil, Fire and Prisons Services:-

SERVICE	PROMOTIONS		APPOINTMENTS	
	2006	2007	2006	2007
Civil Service	654	787	419	438
Fire Service	66	157	-	107
Prison Service	8	30	1879	160
TOTAL	728	974	2298	705

As in previous years, in 2007, the Commission again encountered the problem of the non-submission of Performance Appraisal Reports on officers by Permanent Secretaries and Heads of Departments. The absence of these Reports hindered the Commission in the performance of its Constitutional functions of making promotions and appointments. It should be noted that in accordance with Regulation No. 18 of the Public Service Commission Regulations, the evaluation of the officer's performance as reflected in the Annual Performance Appraisal Report is one of the factors that must be considered by the Commission before a promotion is effected.

In December, 2004, Permanent Secretaries and Heads of Departments had been informed by a Circular Memorandum that effective 3rd January, 2005, recommendations to the Commission for acting and permanent appointments, confirmations and promotions must be accompanied by the required Performance Appraisal Reports duly signed and submitted to the Director of Personnel Administration at least six weeks before the arrangements were to be made. In an effort to assist the Permanent Secretaries and Heads of Departments to decrease the number of outstanding Performance Appraisals, the Commission granted an amnesty to them allowing them until 31st March, 2005 to provide Honour

Certificates attesting to the work, conduct and performance of officers up to December 31, 2004, instead of the normal Performance Appraisal Reports. Permanent Secretaries and Heads of Departments did not take full advantage of the amnesty and the Commission extended the period up to 31st August, 2006 for the submission of the Honour Certificates attesting to the work, conduct and performance of the officers up to 31st December, 2004.

A Circular Memorandum was again issued to Permanent Secretaries and Heads of Departments in March, 2005 informing them of the Commission's decision to not consider recommendations for promotion, permanent and acting appointments to take effect after 1st January, 2006, unless accompanied by up-to-date Performance Appraisal Reports. This information was reiterated in a Circular Memorandum dated 10th April, 2007. The Commission has issued personal letters to Permanent Secretaries and Heads of Departments giving them seven (7) days to furnish relevant Performance Appraisal Reports on officers who were being considered for promotion/appointment and also has informed the officers that their promotions/appointments were not made because of the non-submission of the relevant Report. Notwithstanding the course of action taken by the Commission, some Permanent Secretaries and Heads of Departments are still delinquent in the submission of Performance Appraisal Reports, thereby hindering the Commission from making promotions and appointments.

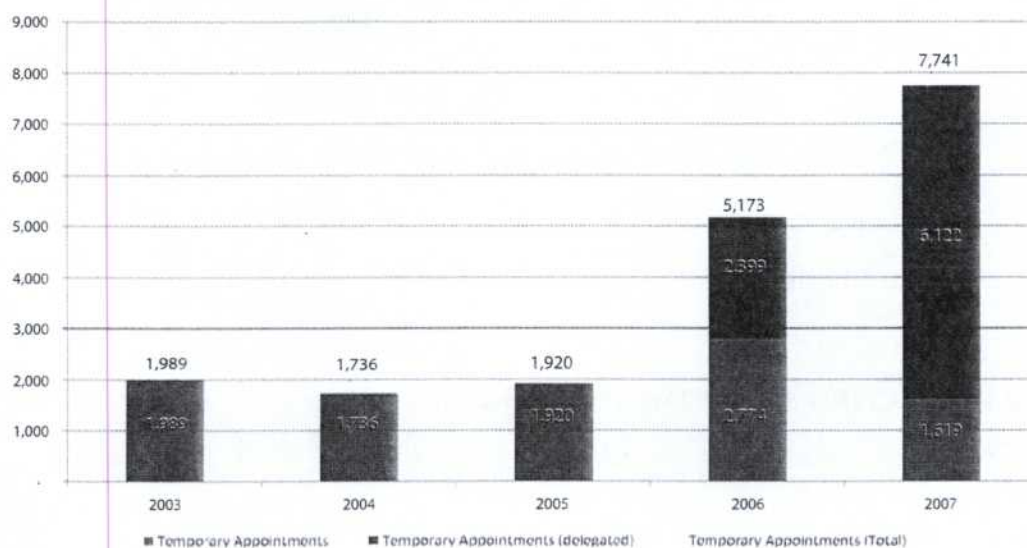
6.3 Temporary Appointments

For the year 2007, 1,619 temporary appointments were made. It is to be noted, given the Commission's decision in 2006 to increase the delegation of functions to Permanent Secretaries and Heads of Departments, that the

Public Service Commission now makes only the first temporary appointments and Permanent Secretaries and Heads of Departments are authorised to make subsequent temporary appointments under such Delegated Authority.

Figure 4 gives details of the quantum of temporary appointments. The impact of the Delegation of Powers (Amendment) Order, 2006, Legal Notice No. 105 dated 24th May, 2006 is immediately seen.

FIGURE 4 TEMPORARY APPOINTMENTS 2003-2007



6.4 Acting appointments

In June 2006 the Commission delegated authority for acting appointments. This delegation was not retroactive and the Commission began to receive recommendations from Permanent Secretaries and Heads of Departments for acting appointments predating June 2006.

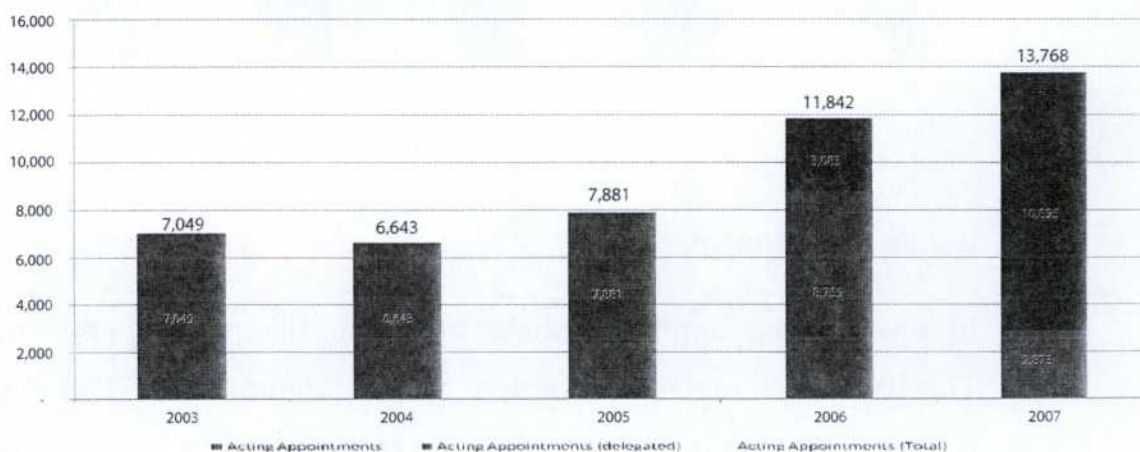
Training of staff in various Human Resource Units of Ministries/Departments continued in 2007 to ensure compliance with the delegated authority and the relevant Regulations.

13,768 acting appointments were made in 2007. Of these 10,895 were made under delegated authority. This resulted in public officers receiving compensation for their appointments in a more timely manner, and again demonstrating some positive outcomes of the delegation to the Permanent Secretaries and Heads of Departments.

Figure 5 depicts acting appointments made over the period 2003 - 2007 as well as acting appointments made under delegated authority for the years 2006 and 2007.

The Public Service Commission continues to press for the filling of vacancies in accordance with its own Regulations in order to reduce the requirement to make long term acting appointments.

FIGURE 5 ACTING APPOINTMENTS 2003-2007



6.5 Promotions

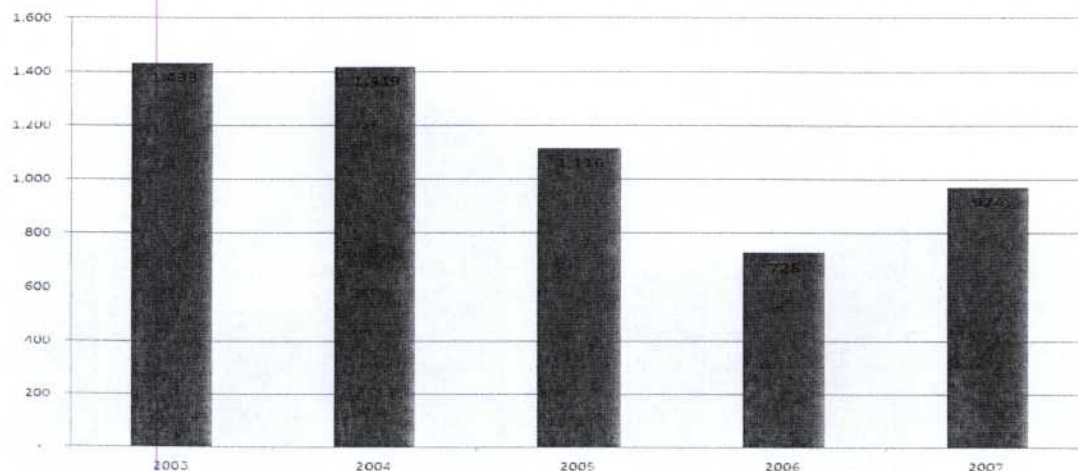
Promotions are made by the Public Service Commission on the basis of recommendations from Permanent Secretaries and satisfactory performance appraisal reports. The tardy submission of performance appraisal reports by Permanent Secretaries continues to hinder the Public Service Commission in making timely promotions.

In accordance with the provisions of sub-sections (3) to (5) of Section 121 of the Constitution, the Commission consulted the Prime Minister in respect of 302 matters. In all these instances, there was no objection from the Prime Minister.

974 promotions were made in 2007; such promotions were made strictly on the basis of Circular No 6 of 2005 (see **Appendix I**).

Figure 6 depicts details of promotion indicators for the years 2003 to 2007.

FIGURE 6 PROMOTIONS 2003-2007

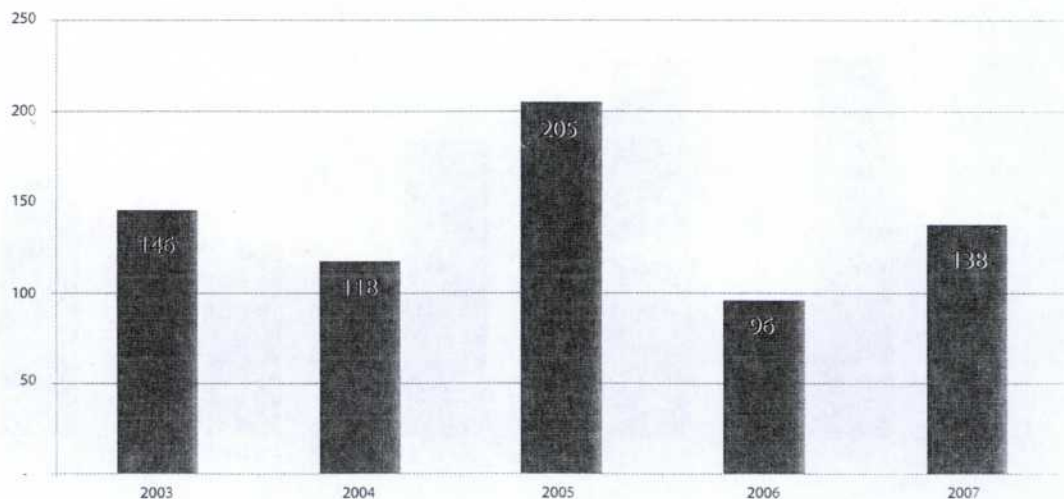


6.6 Transfers

There continues to be numerous requests from public officers for transfer to locations nearer to their place of residence. The main reason cited for such requests was the challenge of the daily commute. Opportunities for such transfers are severely limited given the concentration of Ministries and Departments in Port of Spain. Permanent Secretaries and Heads of Departments have delegated powers to transfer officers within their Ministries. Transfers are made by the Public Service Commission from one Ministry to another where vacancies exist or between Ministries when two officers of the same rank in different Ministries indicate in writing that they wish to be transferred and their Permanent Secretaries have no objection to their release.

138 such transfers were made by the Public Service Commission in 2007. Figure 7 depicts details of transfers made during the period 2003 – 2007.

FIGURE 7 TRANSFERS 2003-2007

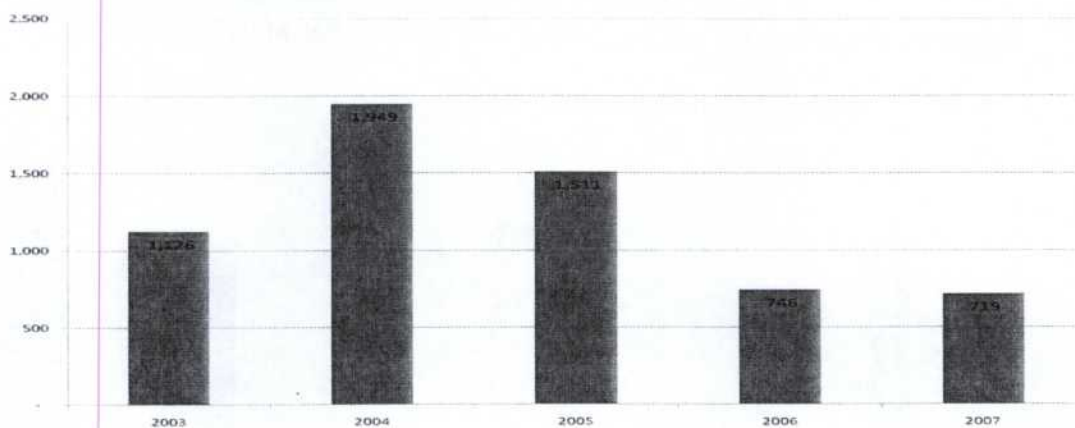


6.7 Confirmation of Appointments

For the year 2007, 719 appointments of officers were confirmed following the receipt of medical reports where required and the receipt of satisfactory performance appraisal reports.

Figure 8 depicts details of confirmation made during the period 2003 - 2007.

FIGURE 8 CONFIRMATION OF APPOINTMENT 2003-2007

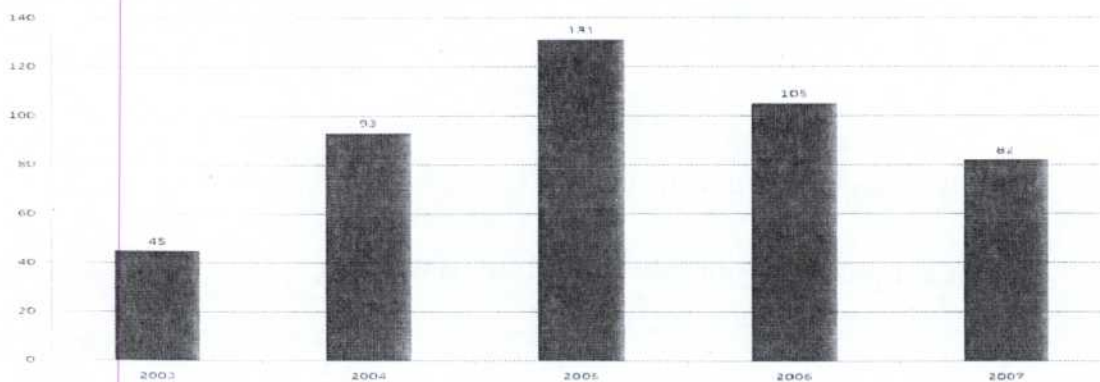


6.8 Secondment

82 officers were released from the Public Service on secondment to other agencies.

Figure 9 depicts indicators of release on secondment during the period 2003 to 2007.

FIGURE 9 RELEASE ON SECONDMENT 2003 - 2007

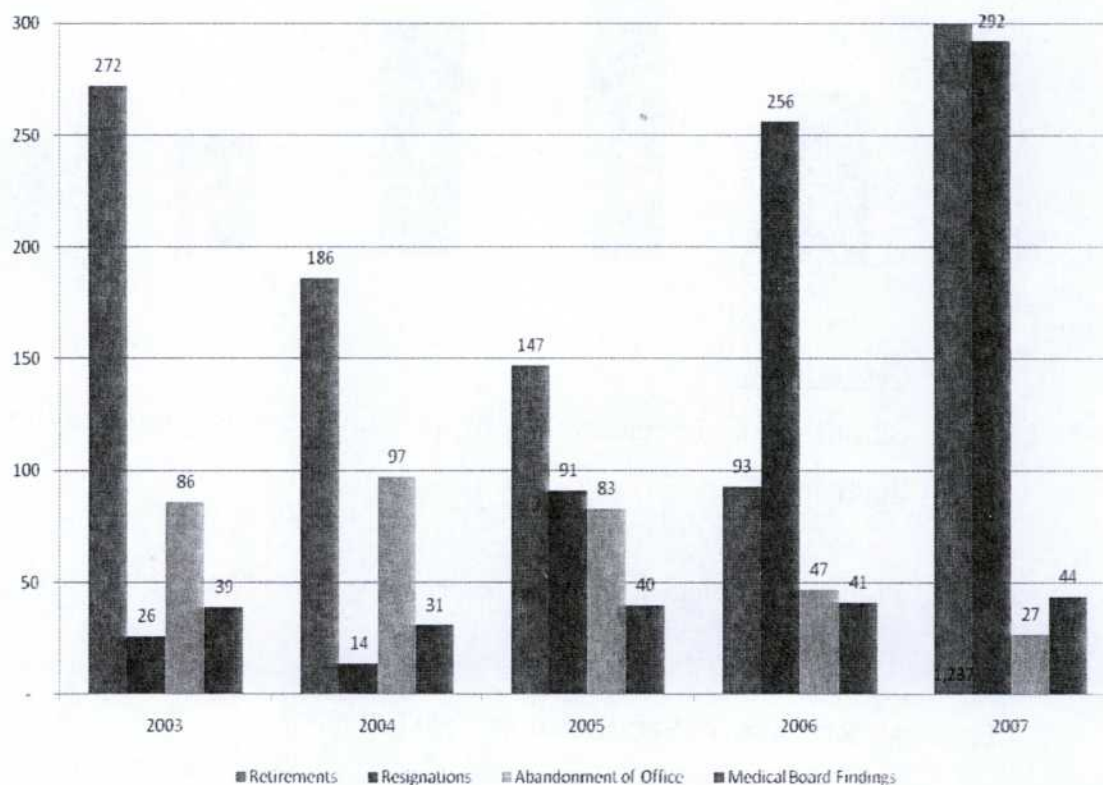


6.9 Separation from the Public Service

In 2007, 1237 officers retired, 292 officers resigned and 27 officers were declared to have resigned their offices. The appointment of 44 officers was terminated based on Medical Board findings.

Figure 10 gives indicators of separation from the Public Service during the period 2003 to 2007.

FIGURE 10 RETIREMENTS, RESIGNATIONS, ABANDONMENT OF OFFICE, MEDICAL BOARD FINDINGS 2003 - 2007



7.0 EXERCISE OF DISCIPLINARY CONTROL

The Commission appointed 18 tribunals in 2007.

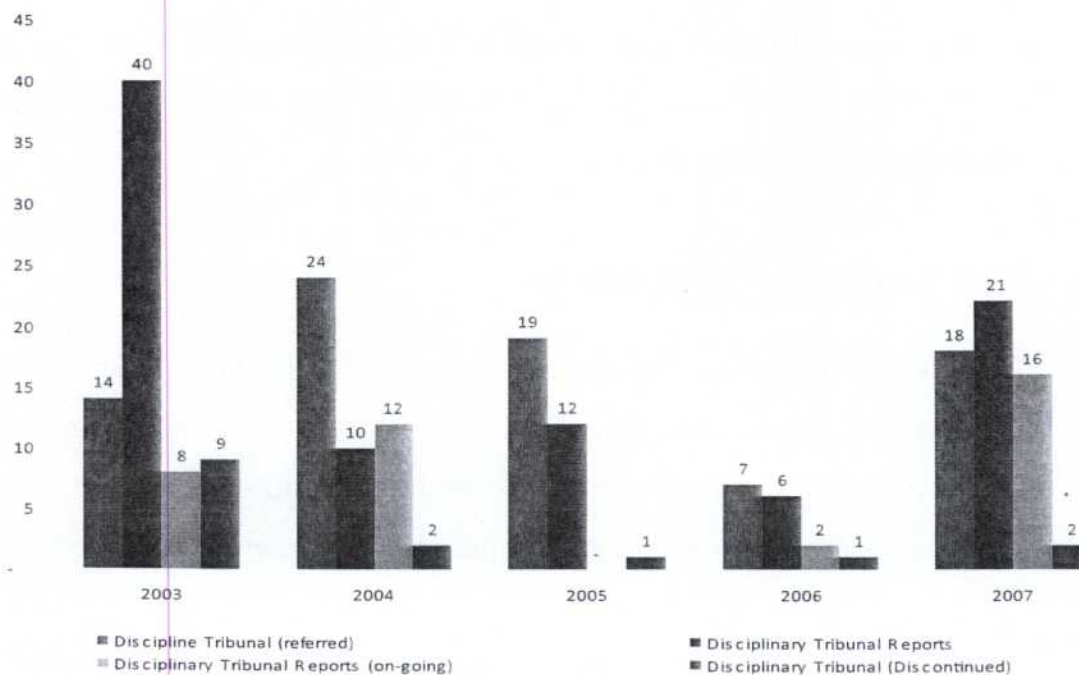
Twenty-one (21) matters were concluded before Disciplinary Tribunals in 2007 as indicated hereunder:

- ? officers were exonerated in eight (8) matters because of insufficient evidence;
- ? two (2) matters were dismissed for want of prosecution;
- ? no further action was taken in four matters because the witnesses refused to give evidence; and
- ? seven officers were found guilty and penalties were imposed.

As at the end of 2007, sixteen (16) disciplinary matters were still being pursued by Disciplinary Tribunals.

Figure 11 gives indicators of disciplinary tribunals during the period 2003 to 2007.

FIGURE 11 DISCIPLINARY TRIBUNALS 2003 - 2007



7.1 Wider Disciplinary Issues

Several charges relating to alleged offences committed by Public Officers fall outside the parameters of their jobs and the Code of Conduct prescribed in the Civil Service Regulations. In such cases the Commission has to await the outcome of the court proceedings before addressing any related disciplinary action. Court proceedings are generally very protracted and many such matters have had to be eventually abandoned on the grounds of abuse of process.

In 2007, no officers were dismissed arising out of the outcome of court matters. No officers were fined and six officers were reinstated. The Commission notes with concern that two officers had their matters dismissed in court because of the non-appearance of police complainants. This has been a constant occurrence over the years and the Commission has continued to convey its concerns to the Commissioner of Police. In the instances of dismissal by the court, the Commission has had to reinstate the officers concerned and restore salaries withheld as a result of interdiction from duty. The Commission institutes dual disciplinary proceedings alongside court matters where the alleged offence committed by a public officer is job related and falls within the Code of Conduct prescribed in the Regulations.

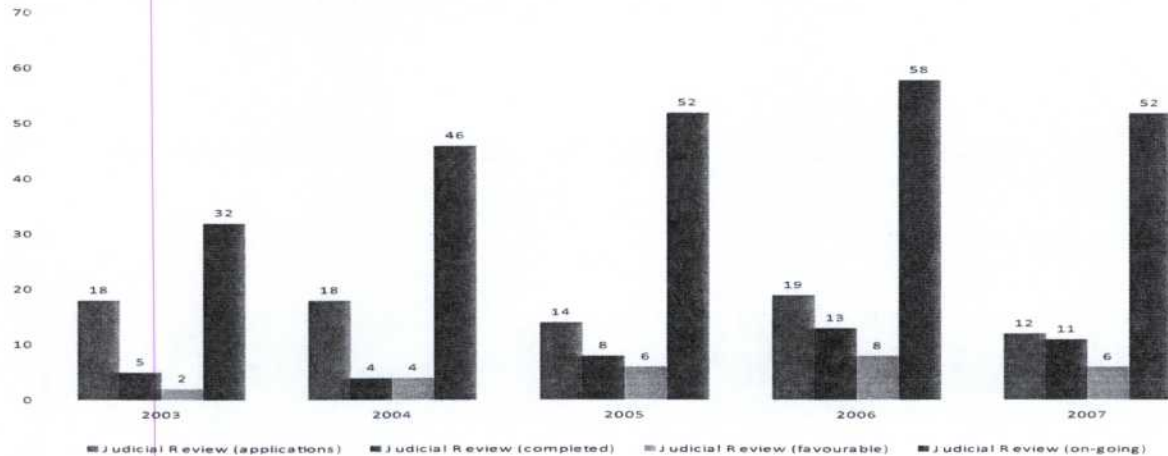
7.2 High Court Action/Judicial Review

The Commission began 2007 with 52 on-going High Court Action matters. 12 matters were subsequently filed during the year. 11 judgments were received of which 6 were determined in the Commission's favour. Of the 6 matters, 1 appeal was filed. 5 judgments were determined in the

claimant's favour. Details of their determination are set out at **Appendix II.**

Figure 12 gives indicators of Judicial Review during the period 2003 to 2007.

FIGURE 12 JUDICIAL REVIEW 2003-2007

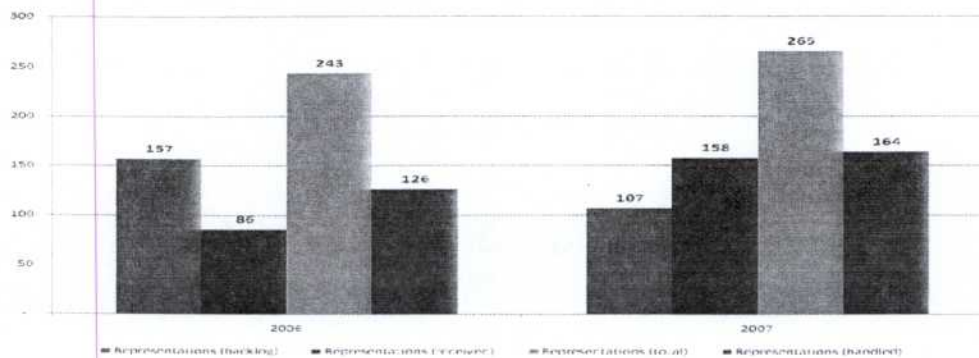


7.3 Representations

The Commission makes its decisions on the basis of transparency and fairness utilising the information available to it and in accordance with the Regulations which govern its functioning.

Figure 13 displays graphically the out turn for the years 2006 and 2007.

FIGURE 13 REPRESENTATIONS 2003 -2007

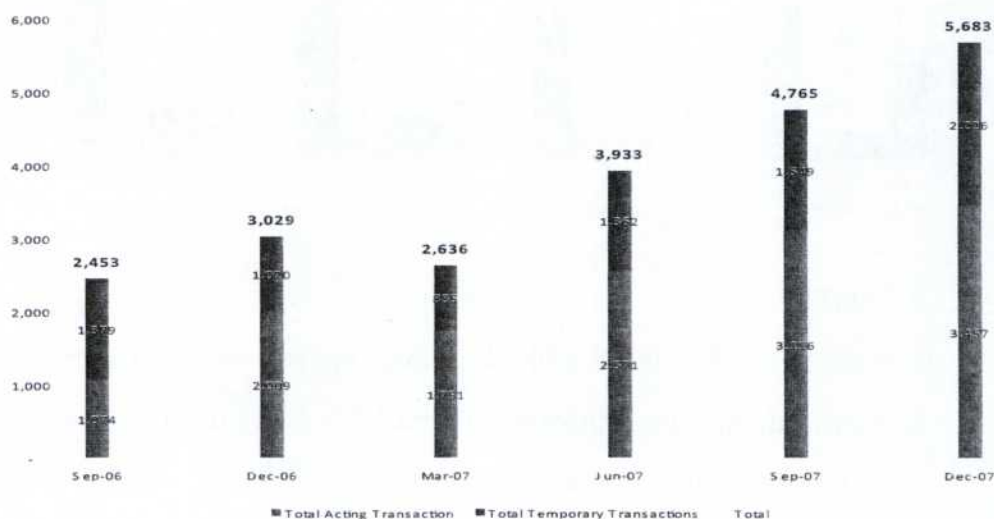


8.0 INSTITUTIONAL POLICY MATTERS

8.1 Delegation of Authority

Figure 14 depicts a summary of the Performance of the various Ministries and Departments in the Public Service. They reveal a gradual improvement in the quality of implementation of the Delegation Order.

FIGURE 14 DELEGATED FUNCTIONS - ACTING AND TEMPORARY APPOINTMENTS



The main indicator tracked by the Public Service Commission is the level of non-compliance with the Public Service Commission Regulations of the decisions made by Permanent Secretaries and Heads of Departments in implementing the Delegation of Powers (Amendment) Order, 2006, Legal Notice No. 105 dated 24th May, 2006.

Figures 15 and 16 give indicators of the level of non-compliance by Permanent Secretaries and Heads of Departments in exercising the delegated functions.

FIGURE 15 QUARTERLY NON-COMPLIANCE% (ACTING APPOINTMENTS)

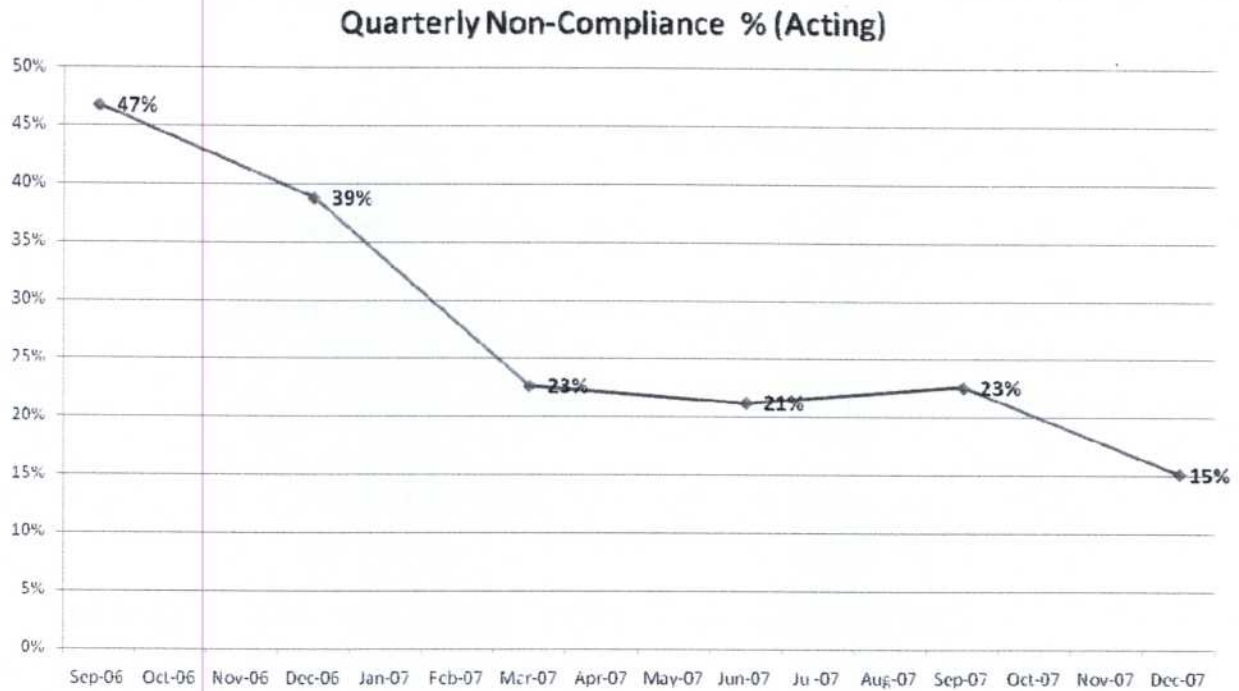
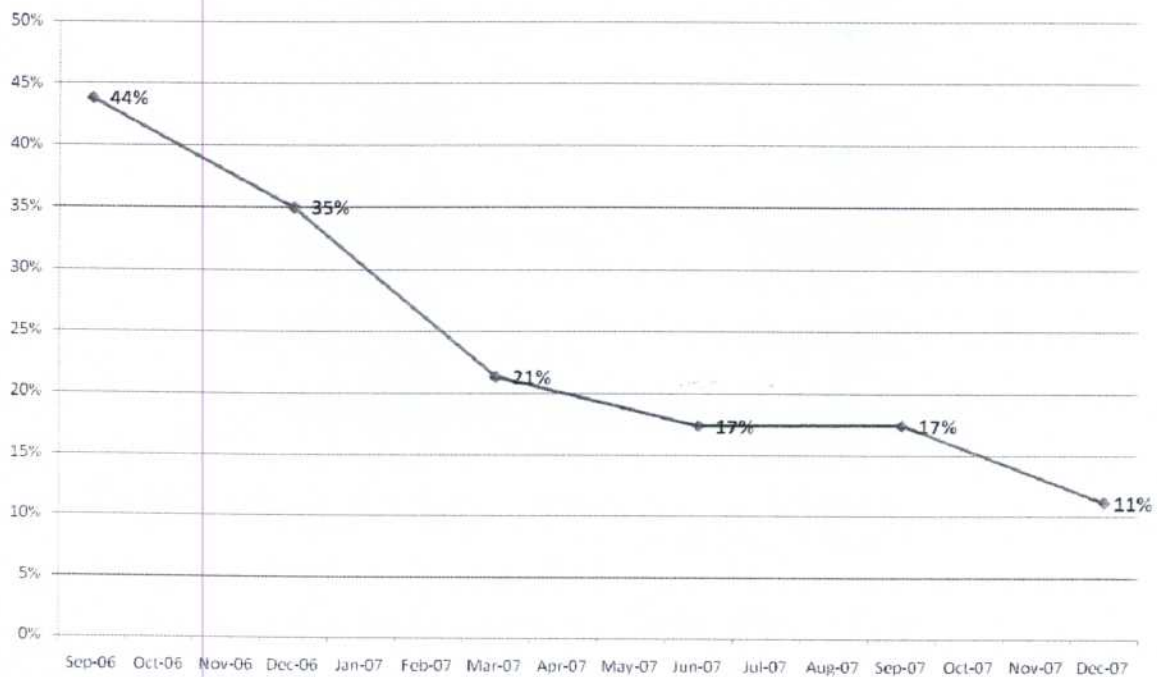


FIGURE 16 QUARTERLY NON-COMPLIANCE % (TEMPORARY APPOINTMENTS)



Non-compliance can occur for a number of reasons.

8.1.1. Temporary Appointments

- Vacancy not clearly defined;
- Period of last temporary appointment approved not indicated;
- Period of appointment to be approved not indicated;
- Period of temporary appointment exceeds six months;
- Approval of first temporary appointment by the Public Service Commission not indicated;
- Period of performance appraisal and assessment not indicated;
- Allegations of misconduct or court charges not indicated;
- Return of delegation not assigned by the appropriate authorised officer and dated; and
- Letter(s) of appointment not attached.

8.1.2. Acting Appointments

- Eligibility/seniority of officer not indicated;
- Vacancy not clearly defined;
- Period of acting appointment exceeds 6 months;
- Job specification not indicated and officer not assessed for meeting this specification;
- Principles and procedures of regulations 18-24 not adhered to;

- Eligible officers not notified;
- Reasons for the passing over of qualified officers not solicited or stated
- Period of Performance Appraisal report and Assessment not indicated;
- Return of delegation not signed by appropriate authorised officer and dated; and
- Letters of Appointment not attached.

The Field Officers of the Service Commissions Department have made a number of recommendations for improving quality which are repeated here for information.

- (i) Continuous monitoring of Ministries and Departments;
- (ii) Regular training/retraining of staff of the Human Resource Units and should include officers likely to perform in the Human Resource Units on the delegation exercise (twice yearly, April and October);
- (iii) Training of staff of Human Resource Units in the areas of the Public Service Commission Regulations and maintenance of Establishment Books and Seniority Lists;
- (iv) A re-sensitization/training to be facilitated for Permanent Secretaries, Heads of Departments, Deputy Permanent Secretaries and Directors, Human Resources especially in areas of non-compliance to ensure that returns submitted are of the quality required by the Delegation Order;
- (v) A status report submitted to Permanent Secretaries/Head of Departments with regard to performance of their Ministries/Department on the delegation exercise;
- (vi) Review sessions on the audited returns to be conducted with staff of the Human Resource Unit;

- (vii) Additional staff for the Monitoring and Oversight Unit;
- (viii) Timely submissions of returns of the delegation exercise, with reasons for late submissions signed off by the respective Permanent Secretaries and Heads of Departments; and
- (ix) Implementation of the other aspects of the Delegation Order.

The Public Service Commission has adopted all of these recommendations for immediate implementation by all parties concerned.

8.2 Unsolicited Applications

In 2006, the Commission considered the acceptance of unsolicited applications unsustainable. In addition there was some doubt as to the transparency of the practice.

This practice of accepting unsolicited applications has created a problem of unfulfilled expectations by the applicants with the resultant repeated, multiple enquiries about job opportunities that the Public Service Commission cannot fill.

In 2007, the Commission took a decision that it would no longer entertain unsolicited applications but only applications that were received in response to notices of vacancies. This policy decision was communicated to the public via the printed media and became effective from 17th April 2007.

The Public Service Commission is in the process of determining the most transparent and equitable process for determining of the selection of

applicants for all offices but especially in the Manipulative and Clerical Classes, so that unsolicited applicants can be realistic about their opportunities for immediate temporary employment and at the same time be confident that they have been treated fairly. The Commission is also in the process of devising practical methods to sort, sanitize and process the overwhelming backlog of such unsolicited applications. This will be a major focus of the work of the Commission in 2008.

Particulars relating to unsolicited applications can be seen at **Appendix III.**

8.3 Contract Positions

The Commission notes that contract positions are created by the Executive and these positions are not under the jurisdiction of the Public Service Commission.

3,577 contract positions existed in the Public Service in 2007 as advised by the Public Management Consulting Division of the Ministry of Public Administration. Of these, the creation of sixty (60) contract positions resulted in the suppression of sixty (60) Public Service offices.

8.4 Selection Procedures

As the Public Service Commission examines new modalities for Recruitment and Selection and in the interest of increased efficiency and timeliness, more practical mechanisms must be derived for the delivery of this service.

The Commission is cognizant that before embarking on this exercise, it must ensure that all the necessary safeguards are in place and the existing delegated functions are being efficiently executed.

8.5 Tobago

Over the period 29th January, 2007 to 1st February, 2007, a team from the Service Commissions Department visited the Central Administrative Services and the Tobago House of Assembly with respect to the regularization of persons employed as Clerical Relief.

The team was mandated by the Public Service Commission to certify that all persons recruited as Clerical Reliefs satisfied the academic/age requirements for Clerk I at the time of their employment.

The exercise involved 478 persons. The Commission at its meetings of May 1, 2007 and July 17, 2007 appointed 244 persons who were eligible for appointment on a temporary basis as Clerk I.

9.0 **Summary and Conclusions**

The above review of the Commission's activities for 2007 reveals that there has been some movement forward in meeting the stated vision and mission of the Public Service Commission in 2007.

In our report of 2006, we stated that our mission, detailed in the Constitution of Trinidad and Tobago, is to *"appoint persons to hold or act in offices in the Public Service including the power to make appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary*

control over persons holding or acting in such offices and to enforce standards of conduct on such officers."

Our vision was stated as expediting this mission *'in a fair, transparent and timely manner, so that matters within the purview of the Public Service are conducted in an efficient and effective manner to the satisfaction of the citizens of Trinidad and Tobago.'*

With these two (2) over-arching objectives in mind the Commission continues on this *'work in progress'*, mindful of the legal framework within which we have to work with as well as the principles of excellent Human Resource practices.

We continue to insist on best practices in this regard, whether in terms of getting appropriate legal advice from Senior Counsel prior to finalising our decision-making, or in terms of references to the tried and proven methodologies of other jurisdictions.

We are also guided by enlightened public opinion whether positive or negative.

10.0 Goals for 2008 and beyond

Some of the key objectives of the Public Service Commission for 2008 and beyond are:

I. Recruitment & Selection

- (i) Implementation of a competency based methodology for recruitment and selection in senior managerial offices in the Public Service;
- (ii) Implementation of a new recruitment and selection policy for temporary appointments in the Civil Service with special focus on the Clerical and Manipulative Classes.

II. *Appointments*

Making a minimum of one thousand (1,000) permanent appointments in the Public Service annually.

III. *Promotions*

Making one thousand, five hundred (1,500) promotions in the Public Service.

IV. *Confirmations*

Making two thousand (2,000) confirmations in the Public Service.

V. *Discipline*

- (i) Processing at least fifty (50) disciplinary reports; and
- (ii) Exploring the possibility of introducing Alternative Dispute Resolution (ADR) as part of the disciplinary process in the Public Service.

VI. *HRIS*

Implementation of a fully functional electronic data base of the Service Commissions Department's records that can be accessed selectively by all Public Officers.

VII. *Electronic Management Document System*

Implementation of an electronic document management system to manage the records of the Service Commissions Department.



Circular Memorandum

COPY

CIRCULAR MEMORANDUM NO. 6 OF 2005

P: 15/51 Vol. II

FROM : Director of Personnel Administration

TO : All Permanent Secretaries and Heads of Departments

DATED : 9th March 2005

SUBJECT : **Promotions, permanent, acting and temporary appointments – Honour Certificates/Performance Appraisal Reports**

Further to my Circular Memorandum No. 1 dated 8th December, 2004 I wish to inform you that following representations made by Permanent Secretaries and Heads of Departments, the Public Service Commission has agreed to the following:

- (i) Honour Certificates received in the Service Commissions Department on or before 31st March, 2005 will be accepted by the Public Service Commission as valid up to 31st December, 2005 in support of recommendations for promotions, permanent and acting appointments.
- (ii) Recommendations for promotions, permanent and acting appointments received in the Service Commissions Department up to 31st December, 2004 will be considered by the Commission with the last Staff/Appraisal Reports submitted on the work and conduct of officers.

- (iii) From 1st April, 2005 Public Service Commission will require Performance Appraisal Reports in support of recommendations for promotions, permanent and acting appointments if Honour Certificates on the work and conduct of the respective officers were not received in the Service Commissions Department by 31st March, 2005.
- (iv) **The Commission will not consider any recommendations for promotions, permanent and acting appointments that are to take effect after 1st January, 2006 unless accompanied by up to date Performance Appraisal Reports.**
- (v) The above requirements also apply to recommendations for continued temporary appointments in instances where persons have an aggregate or more than one (1) year service.

Recommendations from Permanent Secretaries and Heads of Departments in relation to promotions, permanent and acting appointments for continued temporary appointments **which do not comply** with the above requirements **will be returned** as incomplete.

The above clarifications do not change the other requirements of Circular Memorandum No. 1 dated 8th December, 2004.

The Commission directs that Permanent Secretaries and Heads of Departments be guided accordingly.

Michael Mahabir (sgd)
DIRECTOR OF PERSONNEL ADMINISTRATION

HIGH COURT ACTIONS FILED AGAINST THE PUBLIC SERVICE COMMISSION – 2007

For the year 2007 twelve (12) High Court Action matters were received in the Service Commissions Department. Eleven (11) matters were determined in 2007. Of these eleven (11) six (6) were in favour of the Commission. Of these six (6) one (1) Appeal was filed in the Court of Appeal, that is, Mr. Reynold Beddeau. By memorandum dated September 25th, 2008 the Chief State Solicitor informed that the parties are currently awaiting a Cause List Hearing date for the fixing of the Appeal date in this matter. Of the eleven (11) matters filed five (5) were determined in favour of the Claimants. The reason/s given for their determination are outlined hereunder:

	1 CASE	2 OUTCOME	3 REASON
1.	Bernadette Paul	Judgement was entered by consent in terms of the reliefs claimed as outlined at Column 3.	<p>(i) An order of Certiorari to remove in this Honourable Court to quash the proposed decision of the Chief Fire Officer to terminate the Applicant's Induction Training as a Trainee Firefighter is illegal;</p> <p>(ii) A declaration that the Chief Fire Officer acted illegally arbitrarily and/or unfairly or in breach of the rules of natural justice;</p> <p>(iii) An order of mandamus directing the Chief Fire Officer and/or the Public Service Commission and or the Chief Fire Officer to consider or reconsider the Applicant's eligibility for completion of the Induction Training Programme in accordance with the Fire Service Term and Conditions of Employment Regulations 1998 Section 3; and</p> <p>(iv) An order of Mandamus directing the Public Service Commission and/or the</p>

	1 CASE	2 OUTCOME	3 REASON
			Chief Fire Officer to reconsider the decision to terminate the Applicant's training and/or to allow the Applicant to complete training in accordance with her legitimate expectations.
2.	Lennox London	Parties agreed that Mr. London would be paid the outstanding monies owed to him and that costs in the matter will be taxed in default of agreement.	<p>The following reliefs claimed by Mr. London gives an indication of the monies which were outstanding:-</p> <ul style="list-style-type: none"> a) An order of Certiorari quashing the decisions of the Chief Fire Officer and Comptroller of Accounts to deny the Applicant of incremental Payments towards an alleged overpayment of salaries without notice and his consent. b) An order of Mandamus to oblige the Comptroller of Accounts and/or the Permanent Secretary and/or Chief Fire Officer to pay the said increments to the Applicant. c) A Declaration that the Applicant is entitled to payment of the said increments pending investigation and notification of the Applicant in accordance with the procedure prescribed by Sections 84 and 85 of the Financial Regulation Chapter 69:01 and Regulation 28 (3) (b) and (c). d) A Declaration that the Comptroller of Accounts has failed and/or neglected to follow the prescribed procedures applicable to deductions from the Applicant's salary Account of overpayment. e) A Declaration that the decision of the Comptroller of Accounts and/or Chief Fire Officer to deny payment of

	1 CASE	2 OUTCOME	3 REASON
			<p>increments to the Applicant is an abuse of power and ultra vires null and void.</p> <p>f) A Declaration that the said procedure adopted for the said recovery of overpayment by the said Chief Fire Officer and/or Comptroller of Accounts constitutes a breach of the principles of Natural Justice.</p> <p>g) A Declaration that the Applicant is entitled to repayment of the incremental payments deducted.</p> <p>h) A Declaration that the Applicant has a legitimate expectation to receive incremental benefit and not to be deprived thereof without due process of law.</p>
3.	Keith Crichlow	<p>1. It is declared that the Chief Fire Officer acted illegally and unfairly by reason of his failure to inform the Claimant of the fact that he was not recommended for promotion and to provide reasons for his non recommendation for promotion in consequence of which he was deprived of his right and/or an opportunity to make representations to the Public Service Commission pursuant to Regulation 160 (3).</p> <p>2. It is further declared that the Chief Fire Officer acted in breach of the principles of natural justice and of fundamental fairness by reason of his failure to inform the Claimant of the fact that he was</p>	<p>The Court based its decision on the following:</p> <p>a) The Claimant was appointed a Fire Fighter on the 1st day of December, 1992 and served in the Engineering Department for over five (5) years.</p> <p>b) The Claimant was appointed to act as a Fire Sub-Officer in the Engineering Department from the 14th day of July 2003 to 30th day of August 2005.</p> <p>c) By Fire Service Order No. 19 of 2005 promotions were made to the rank of Fire Sub-Officer effective from 30th day of August 2005.</p> <p>d) The Claimant was entitled to be considered for promotion in accordance</p> <p>e) with Regulation 160 of the Public</p>

	1 CASE	2 OUTCOME	3 REASON
		<p>not recommended for promotion and to provide the Claimant with reasons for his non recommendation.</p> <p>3. It is ordered that the matter of the Claimant's recommendation for promotion be remitted to the Chief Fire Officer for him to reconsider the Claimant's entitlement to promotion to the rank of Fire Sub-Officer in accordance with the findings and orders of this Court.</p> <p>AND IT IS HEREBY ORDERED BY CONSENT:</p> <p>4. The Defendant will pay the Claimant's costs of this action agreed in the sum of Twenty Thousand Dollars (\$20,000.00).</p>	<p>Service Commission (Amendment No. 2) Regulations as it is agreed that he fell into the categories set out in Regulation 160 B (ii) and (iii).</p> <p>f) The Claimant was never informed by the Chief Fire Officer or at all of the fact that he was not recommended for promotion and never given reasons for same.</p> <p>g) The Claimant was never informed of the fact that a decision was made to bypass him for promotion and was not given any opportunity to be heard and/or to make representations to the Public Service Commission prior to any said decision as he was entitled to.</p> <p>h) The Claimant was never given any reasons for the decision to bypass him for promotion.</p>
4.	Michael Dindayal	<p>1. An order of certiorari to quash the decision of the Public Service Commission to deny the Claimant access to the information requested on his application made under the Freedom of Information Act dated 28 May 2006.</p> <p>2. A declaration that the Claimant's denial of access to the requested information by the Defendant on the ground that it is exempted under Section 30 (1) of the Freedom of Information Act is illegal, unjustifiable and unreasonable.</p> <p>3. An order of mandamus to compel the Defendant to provide</p>	<p>The Honourable Mr. Justice Best read the fixed date claim form, the affidavit of the Claimant, as well as his supplemental affidavit, and the affidavit of Yolande Charles Mottley; and heard the Attorney at Law for the Claimant.</p> <p>The Defendant did not appear and was unrepresented in the Court and as such the Judge made his orders.</p>

	1 CASE	2 OUTCOME	3 REASON
		<p>the Claimant with the information requested in his application made under the provisions of the Freedom of Information Act dated 28 May 2005.</p> <p>4. A declaration that the Claimant is entitled to the information set out in the said application.</p> <p>5. An order directing the Defendant to provide the Claimant with the requested information free of charge within seven days thereof.</p> <p>6. Costs in the sum of seventy thousand dollars to be paid by the Defendant.</p>	
5.	Alvin Fortuné	<p>The Judge declared that:</p> <p>1. The Public Service Commission in the preferment against the applicant of a charge of the unreasonable exercise of authority contrary to regulation 149(2) and two charges of failure to perform his duty in a proper manner contrary to regulation 149(1)(a) of the Civil Service (Amendment) Regulations 1996, acted unreasonably in the exercise of its discretion under section 121(1) of the Constitution.</p> <p>2. The Public Service Commission in the preferment against the applicant of a charge of contravening regulation</p>	<p>The Honourable Mr. Justice Bereaux gave his Order after reading the Notice of Motion and the affidavits of the following; Mr. Fortune, Mr. Garvin Scott, Mrs. Gloria Edwards-Joseph, Mr. Nasser Racha and Ms. Janetta Des Vignes and also after hearing the Attorneys for the Applicant and the Respondent. No reasons were given for his Orders.</p>

	1 CASE	2 OUTCOME	3 REASON
		<p>149(1)(c) of the Civil Service (Amendment) Regulations 1996 acted irrationally and contrary to proper procedure in the exercise of its discretion under section 121 (1) of the Constitution.</p> <p>The Judge ordered that:</p> <ol style="list-style-type: none"> 1. The charges and the decisions of the Commission are hereby removed into this Honourable Court and quashed. 2. The Respondent shall pay the Applicant's costs to be taxed in default of agreement. 	

15th October, 2008

**NUMBERS/OFFICES OF UNSOLICITED APPLICATIONS RECEIVED &
STORED
IN THE SERVICE COMMISSIONS DEPARTMENT DATABASE
AT THE END OF 2007**

No.	Position	Range	No. of Qualified Applicants	No. of Unqualified Applicants
1.	Accountant III	53	36	63
2.	Agricultural Engineer I	53	3	15
3.	Archive Assistant I	35	31	164
4.	Assistant Field Interviewer	13	2	1
5.	Assistant School Farm Attendant	8	23	2
6.	Attendant	5	252	68
7.	Auditor III	53	15	5
8.	Automotive Mechanic I	18	2	2
9.	Best Village Officer I	17	15	26
10.	Broadcasting Equipment Operator I	22	20	52
11.	Broadcasting Officer I	31	493	41
12.	Business Analyst I	59D	16	171
13.	Canine Control Worker	10	2	4
14.	Caretaker (see Watchman/Caretaker)	6	-	-
15.	Chauffeur I	14	10	9
16.	Chauffeur/Messenger	17	192	26
17.	Cleaner I	4	5519	3756
18.	Cleaner/Watchman Watchman/Caretaker) (see	9	-	-
19.	Clerk I	14	5980	3050
20.	Clerk Stenographer I/II	15/30	52	48
21.	Clerk Typist I	13	100	60
22.	Clerk, Swimming Pool Complex	14	124	82
23.	Community Development Aide	17	311	359
24.	Computer Operator I	22	1433	791
25.	Cook I	16	264	265
26.	Data Clerk	18	748	624
27.	E.D.P. Conversion Equipment Operator	19	1736	379
28.	E.D.P. Programmer I	39	131	310
29.	Economist I	46	21	38
30.	Estate Constable	17/20C	252	592
31.	Field Interviewer I	25	337	786
32.	Fisheries Extension Officer	25	1	-
33.	Food Service Worker	8	132	300

No.	Position	Range	No. of Qualified Applicants	No. of Unqualified Applicants
34.	Forest Ranger I	21/24C	627	33
35.	Forester I	30	6	33
36.	Game Warden I	21/24C	39	748
37.	Groom	17	22	7
38.	Groundsman	6	334	108
39.	Handyman	6	39	39
40.	Janitor	6	369	555
41.	Laboratory Assistant I	15	4631	935
42.	Laundress I	10	157	98
43.	Maid I	4	485	335
44.	Mechanical Engineer I	53	122	67
45.	Medical Laboratory Technician I	29C	20	90
46.	Medical Social Worker I/II	46/53E	30	25
47.	Messenger I	9	6334	1382
48.	Mortuary Attendant	16	38	56
49.	Motor Vehicle Driver	17	157	98
50.	Motor Vehicle Driver Operator I	18	18	4
51.	Mounted Police Aide	10	55	26
52.	Museum Attendant	9	45	11
53.	Network Operator	39	49	49
54.	Office Assistant	13	928	53
55.	Office Attendant	4	258	50
56.	Personnel and Industrial Relations Officer I	35F	4	8
57.	Petroleum Engineer I/II	53/59	53	50
58.	Photographer I	22	57	16
59.	Photographer I (Scientific) (See Photographer I)	28	1	-
60.	Planning Officer I	46	21	43
61.	Probation Officer I	34	96	85
62.	Project Analyst I	46	269	51
63.	Project Officer I	45	206	41
64.	Psychiatric Social Worker I	46	6	109
65.	Public Relations officer I	45	47	14
66.	Radiographer I	46	14	28
67.	Receptionist	13	3638	168
68.	Receptionist/Telephone Operator	13	474	52
69.	Research Assistant I	23	437	110
70.	Research officer I	46	260	683

No.	Position	Range	No. of Qualified Applicants	No. of Unqualified Applicants
71.	Rest House Keeper	9	15	4
72.	School Farm Attendant	14C	69	12
73.	School Workshop Attendant	13	999	687
74.	Scientific Assistant I	23	940	463
75.	Seamstress I	15	279	326
76.	Search Clerk I	16	8	297
77.	Statistical Aide	11	1374	790
78.	Statistical Assistant I	23	958	219
79.	Statistical Officer I	22	90	34
80.	Statistician I	46	38	66
81.	Stores Attendant	8	619	112
82.	Survey Interviewer I	17	1099	245
83.	Systems Analyst I	55	237	205
84.	Telephone Operator I	13	527	32
85.	Telephone Receptionist (see Receptionist)	-	-	-
86.	Trawler Captain I	30C	1	-
87.	Watchman (see Watchman/Caretaker)	9	-	-
88.	Watchman/Caretaker	9	545	70
89.	Youth Officer I	34F	74	1402
	TOTAL		46,477	23,314

