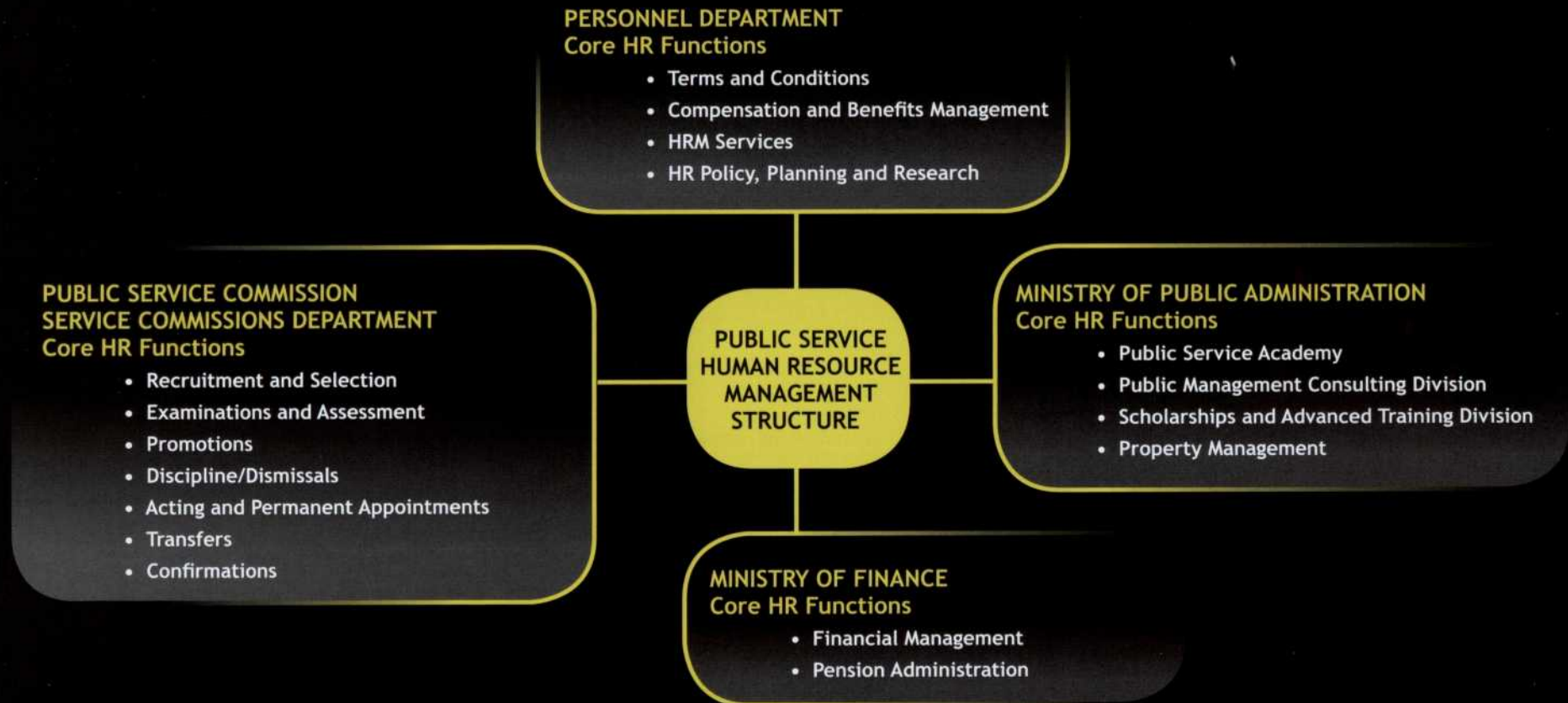


Figure 1
Human Resource Management in the Public Service



5.1 Recruitment & Selection

Figure 2 reveals the outcome for the set of measurable targets pertaining to Recruitment and Selection.

The data indicates that while there was an improvement in performance over 2007 and years prior, there was in fact a significant decline when compared to achievements in 2008.

While the Commission is disappointed with these results, it is mindful of the challenges of operating with a centralized recruitment and selection system that is largely manual in nature. The Commission continues to champion the cause for further delegation of this function and is anxious to collaborate with the other arms of the management of the Human Resource function in the public service, to speed up this implementation.

Figure 2
Recruitment and Selection 2005-2009



Figure 3
Permanent Appointments 2005-2009

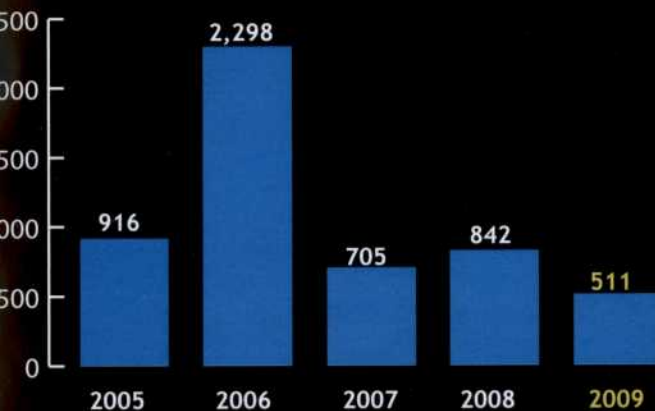
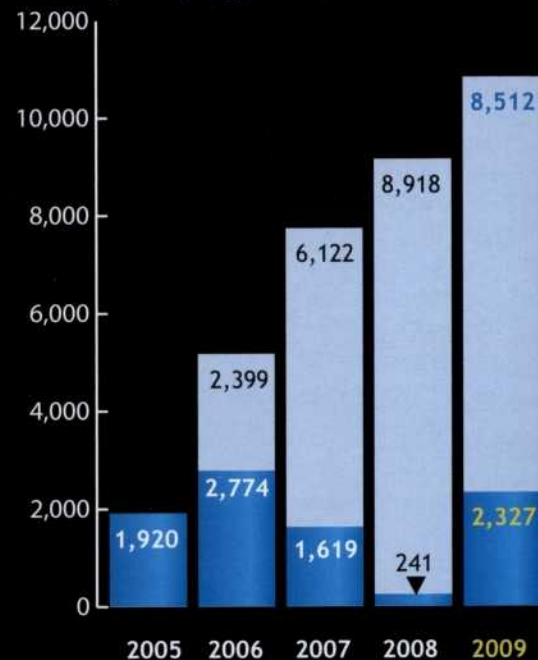


Table 1
No. of Appointments
across the Public Service 2007-2009

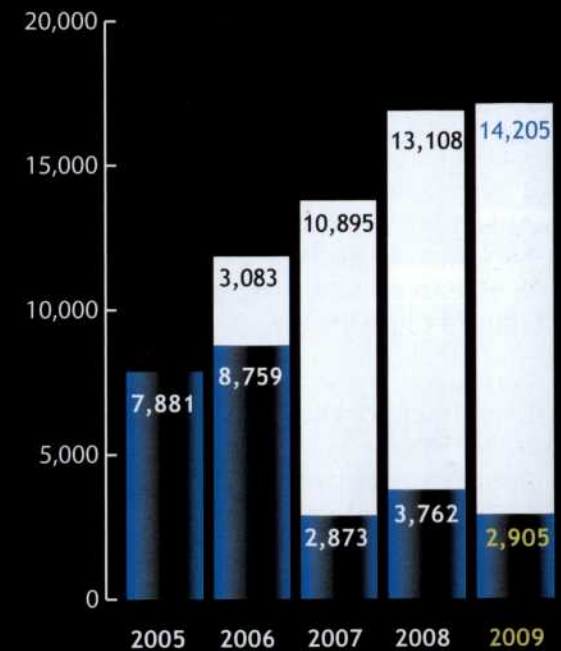
Service	Appointments		
	2007	2008	2009
Civil	438	437	200
Fire (Delegated)	107	184	113
Prison (Delegated)	160	221	198
TOTAL	705	842	511

Figure 4
Temporary Appointments 2005-2009



- Temporary Appointments
- Temporary Appointments Delegated

Figure 5
Acting Appointments 2005-2009



- Acting Appointments
- Acting Appointments Delegated

Figure 6
Promotions 2005-2009

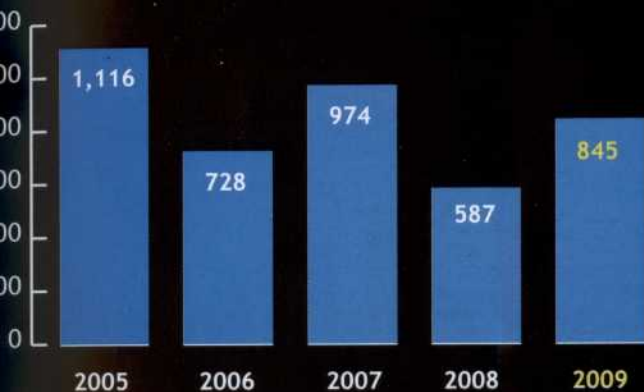


Table 2
No. of Promotionss
across the Public Service 2007-2009

Service	Promotions		
	2007	2008	2009
Civil	787	513	747
Fire (Delegated)	157	7	14
Prison (Delegated)	30	67	84
TOTAL	974	587	845

Figure 7
Transfers 2005-2009

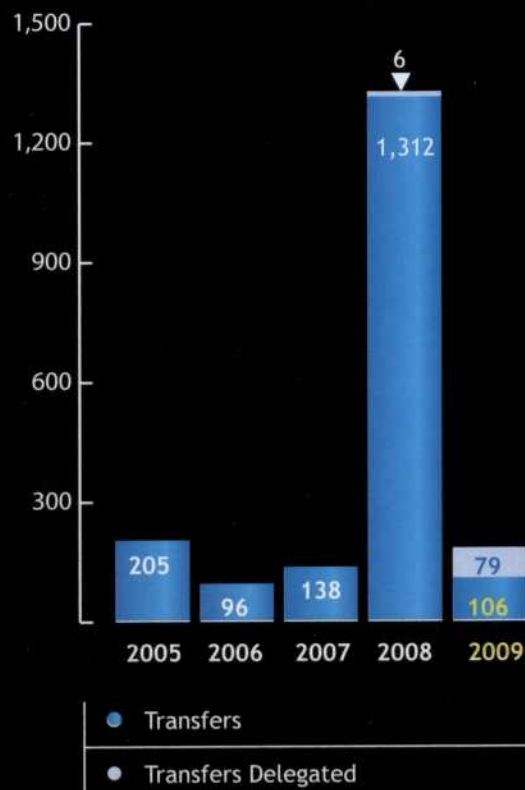
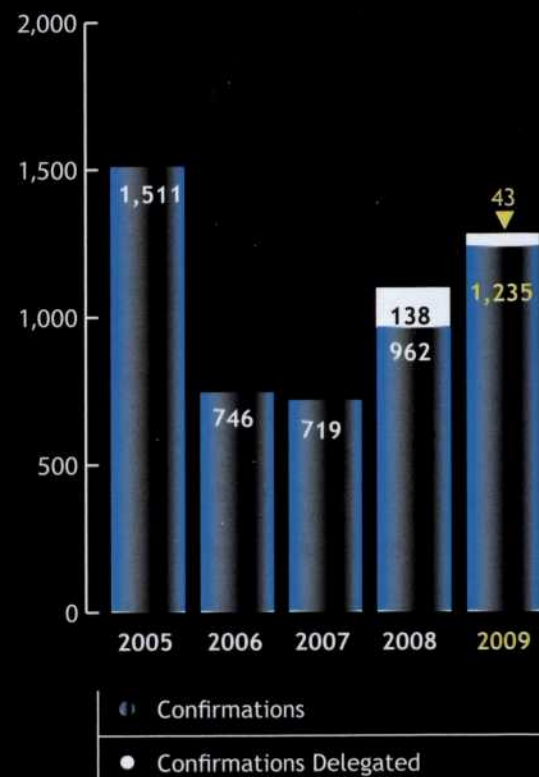


Figure 8
Confirmations 2005-2009



5.0 continued

5.8 Secondment

Secondment is defined as the transfer of an officer in a particular service to serve for a period in an office in another service or in an office in the Public Service or in an office under another Government or under a Statutory Board or organisation approved by the President.

In the year under review, 61 Public Officers were released from the Public Service on secondment to other agencies.

5.9 Separation from the Public Service

Figure 10 details the separation profile of Public Officers for 2009.

Figure 9
Release on Secondment 2005-2009

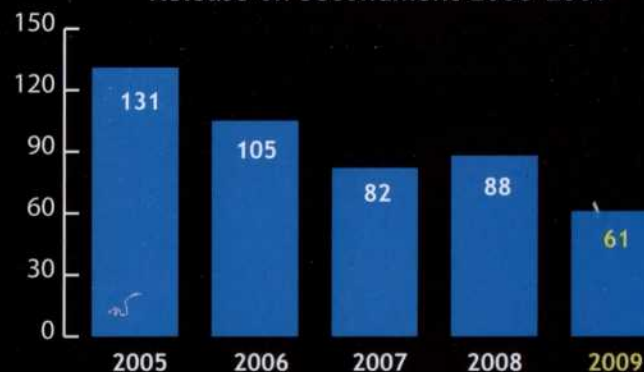
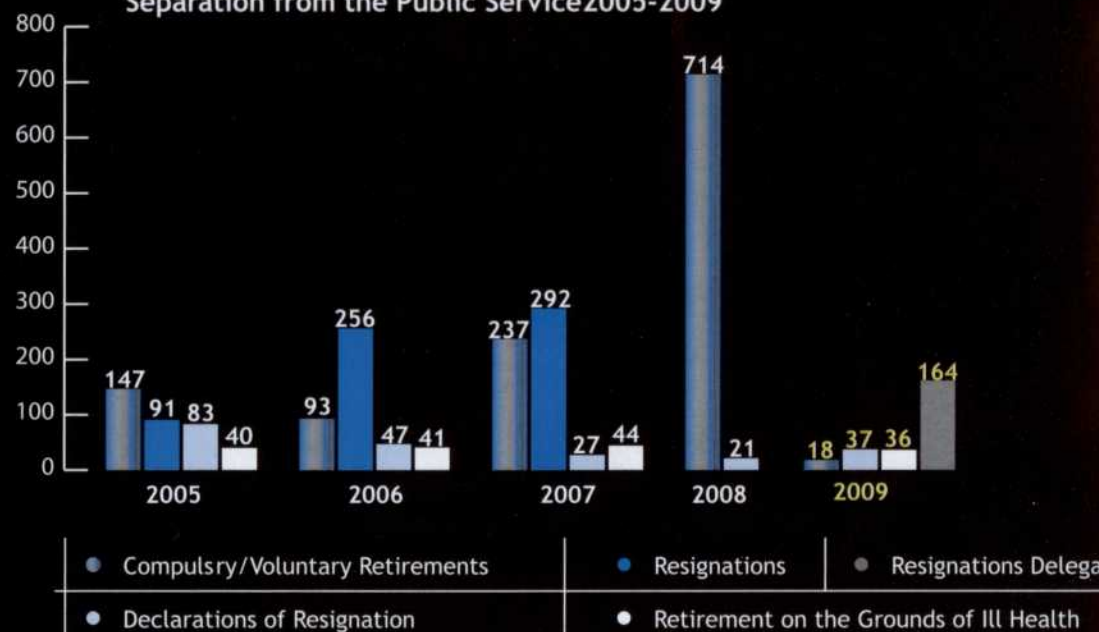


Figure 10
Separation from the Public Service 2005-2009



6.0

Exercise of Disciplinary Control

The Commission appointed 21 tribunals in 2009.

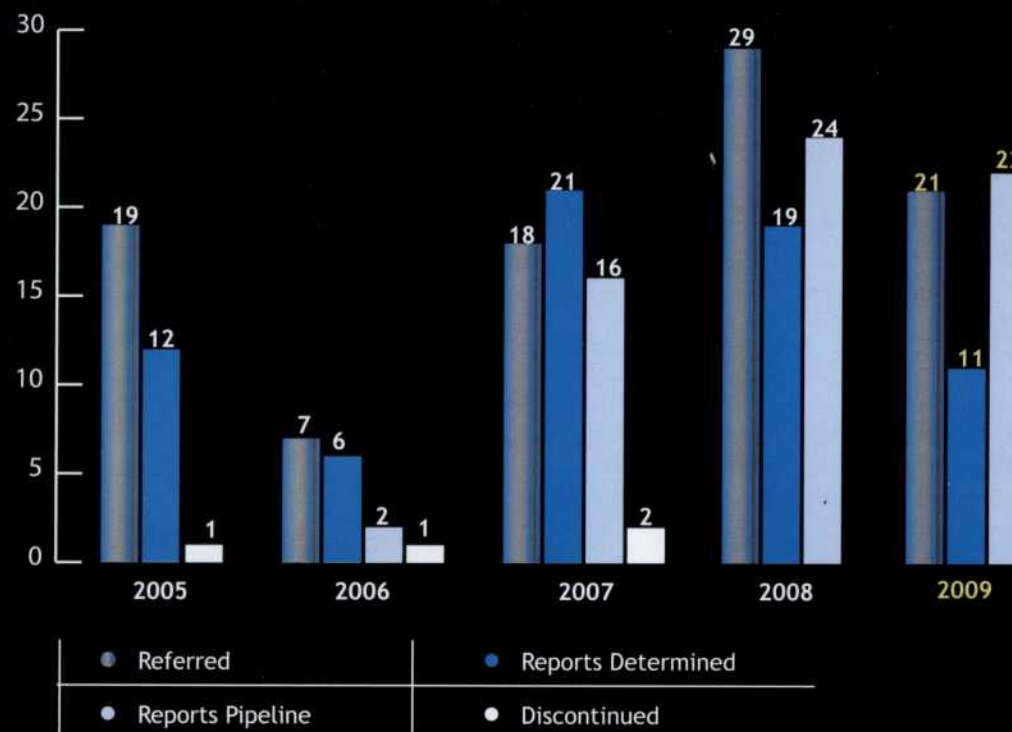
Eleven matters were concluded before the Tribunals with the following results:

- One officer was exonerated because of insufficient evidence
- No further action was taken in two matters due to insufficient evidence
- Eight officers were found guilty of disciplinary charges and penalties were imposed. Four were dismissed; four were fined.

At the end of 2009, 24 disciplinary matters were still pending before Disciplinary Tribunals. Figure 11 details the activities of the Tribunals.

Under the current delegated authority Permanent Secretaries and Heads of Departments can facilitate the expedition of this process by conducting One-Man Disciplinary Tribunals. So far, there has been some reluctance on the part of Senior Executives in Ministries to carry out such tribunals despite being trained in this regard.

Figure 11
Disciplinary Tribunals 2005-2009



The Commission notes with concern that in several instances, the findings of the One-Man Disciplinary Tribunal had to be overturned by the Chairman of the Public Service Appeal Board because the function had not been effectively discharged by the Permanent Secretary/Head of Department.

The Monitoring and Evaluation Unit of the Service Commissions Department provides quality assurance for the Delegated Authority and will continue to give support for the increased use of this function by providing continuous training to officers of the Human Resource Departments of Ministries and Departments and other key personnel.

6.0 continued

6.1 Wider Disciplinary Issues

The Commission's disciplinary processes continued to be frustrated by the non-appearance of Police Officers in matters that involve criminal breaches of the Code of Conduct.

The Commission notes that in 2009, four officers had their matters dismissed in court because of the non-appearance of Police Officers.

Correspondence highlighting this unfortunate occurrence has been sent to the Commissioner of Police on several occasions. It is hoped that there will be an improvement in this area in 2010.

Table 3 gives a five-year review of the number of case dismissals on account of the failure of Police Officers to appear in court.

In 2009, orders of interdiction were imposed on 17 officers and penalties were imposed on two officers; one was fined; one was dismissed.

6.2 High Court Action/ Judicial Review

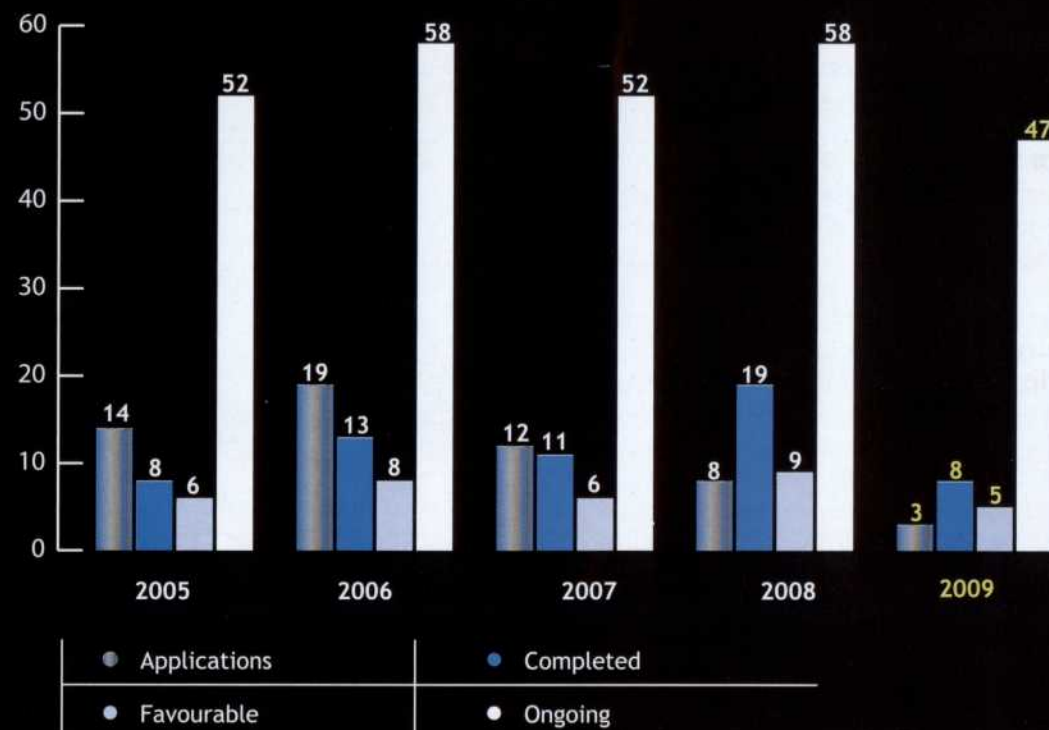
There were some 47 ongoing High Court matters at the beginning of 2009. During the year, three additional matters were filed against the Commission.

Eight matters were concluded during the year; of these, five were concluded in favour of the Commission, and three in favour of the Claimant. Details of these matters are contained in the Appendices.

Table 3
Case Dismissals due to Non-Appearance of Police Officers

2005	2006	2007	2008	2009
9	8	3	6	4

Figure 12
Judicial Reviews 2005-2009



7.0

Representations

The resolution of representations by Public Officers continues to be an area that requires significant improvement.

Figure 13 reveals an increasing backlog of pending representations at the Service Commissions Department, an increase of 6% over 2008. There has been a slowdown in the processing of representations which has resulted in a 5% decline in representations completed and sent to the Commission over 2008.

There were 155 new matters in 2009, a 15% increase in Public Officers seeking assistance in the determination of their status and tenure.

The complaints of Public Officers which were received in 2009 are categorized in Figure 14 overleaf.

Figure 13
Trend of Representations 2006-2009

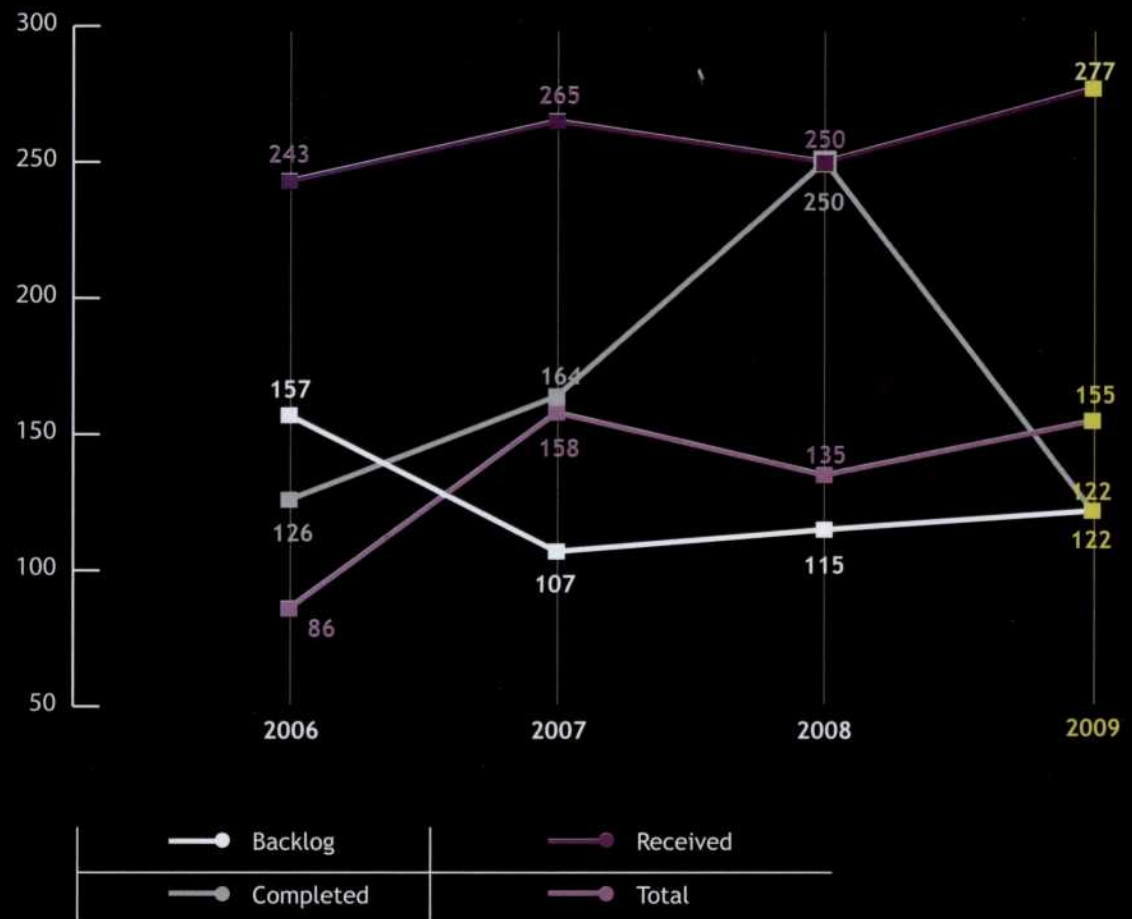


Figure 14
Categories of Representations 2009

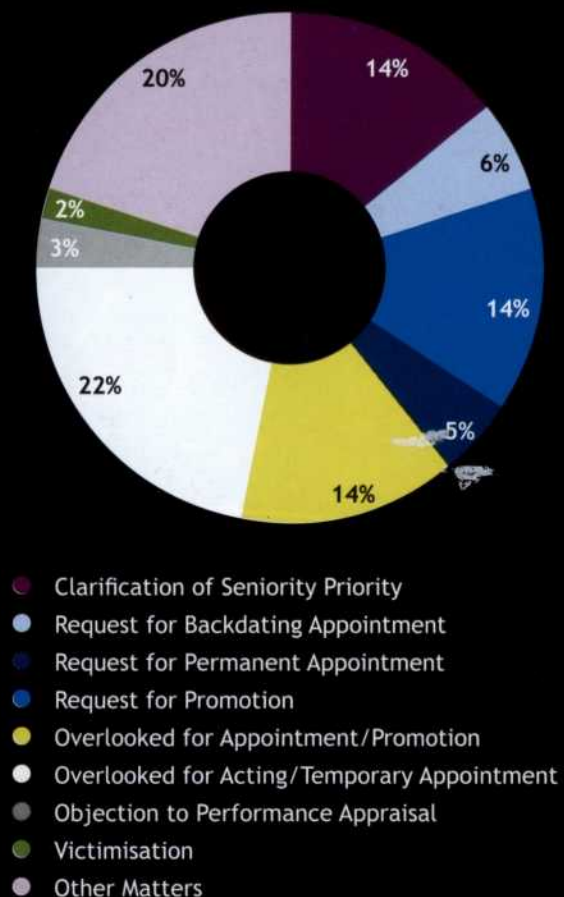
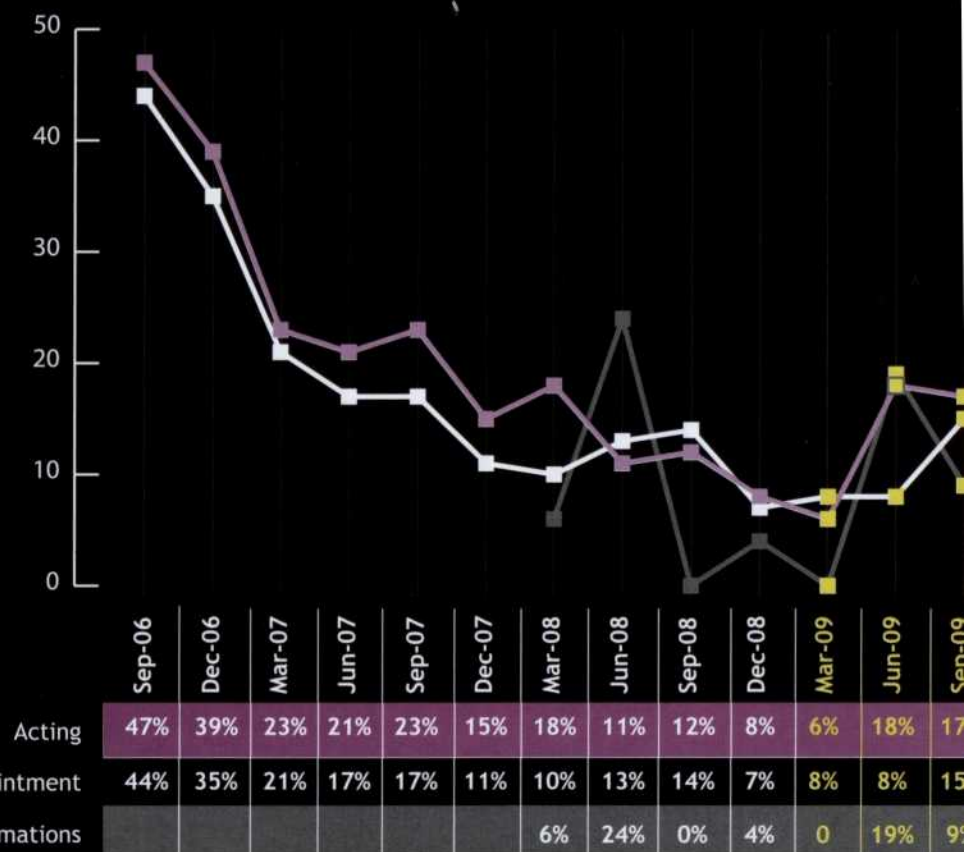


Figure 15
Quarterly % of Non-Compliance of Delegated Functions



Appendix I High Court Actions completed in 2009 in favour of the Public Service Commission

PLACIDE, Gregory - Fire Sub Station Officer - Ministry of National Security

-vs-

The Director of Personnel Administration and The Fire Service Commission

HCA #/Date Filed: 00406 - 6th February, 2009

Judicial Review of

A declaration that the decision of the First Respondent via the Public Service Examination Board, to review/remark the examination scripts for the 2006 Fire Station Officer and Assistant Divisional Fire Officer Examinations of the Applicant and advise him of his failure ultra vires is pursuance of the regulations of the Fire Service Regulations of the Fire Service Act Chap 35:50 null and void and of no effect.

Date of Outcome: 30th July, 2009

Order/Judgement

Honourable Madam Justice Pemberton granted leave to the Claimant to discontinue proceedings and ordered the Claimant to pay the Defendant's costs to be assessed.

Statement of Cost comes up for hearing on 9th February, 2010.

WILLIAMS, Lennox - Hospital Administrator - Ministry of Health

-vs-

Public Service Commission and Permanent Secretary, Ministry of Health

HCA #/Date Filed: 1669 - 2003

Judicial Review of

The matter of the delay and/or failure of the PSC to determine and advise the Appellant on disciplinary charges pending against him after eight years following a decision to suspend him on 26th May, 1995 and ending with correspondence dated 3rd June, 2003.

Date of Outcome: 7th May, 2009

Order/Judgement

Judge dismissed the matter with no order as to cost.

It should be noted that Mr. Lennox Williams retired compulsorily from the Public Service with effect from 5th July, 2003.

Appendix I High Court Actions completed in 2009 in favour of the Public Service Commission

RUSH-ROMEO, Jean - Kitchen Supervisor, Ministry of Health

-VS-

Public Service Commission

HCA #/Date Filed: 04676 - 2008

Judicial Review of

A Declaration that the failure of the Public Service Commission to promote the Claimant to the office of Kitchen Supervisor I was unreasonable and contrary to the rules of natural justice and Section 20 of the Judicial Review Act 2000.

An order requiring the Public Service Commission to promote the Claimant to the office of Kitchen Supervisor I with effect from 25th March, 2004 alternatively requiring it to consider the question of so doing.

Date of Outcome: 25th May, 2009

The Honourable Mr. Justice Best dismissed HCA No. CV 2008-04676 with no order as to costs.

COX, Gabra - Firefighter

-VS-

Chief Fire Officer and the Public Service Commission

HCA #/Date Filed: 279 - 2004

Judicial Review of

The decision of the Chief Fire Officer and/or the Public Service Commission to deny the applicant payment of his salary contrary to section 24 of the Fire Service (Terms and Conditions of Employment) Regulations 1998.

Date of Outcome: 30th March, 2009

1. The proceedings began in February 2004, and since all of the matters raised were conceded after that date, no orders were made in Applicant's favour.
2. The Applicant was therefore entitled to his cost up to the 18th July, 2007 when the State conceded before Deyalsingh J. that the Applicant was entitled to be paid up to 3rd April, 2003.
3. The Application was dismissed.

Appendix I High Court Actions completed in 2009 in favour of the Public Service Commission

ROBERTSON, Stanford - Firefighter

-vs-

Chief Fire Officer and the Public Service Commission

HCA #/Date Filed: 3050 - 2003 and 3597 - 2003

Judicial Review of

The decisions and/or failure and/or refusal of the CFO and the PSC to comply with the Public Service Commission Regulation Chapter 1:01 and the Fire Service (Terms and Conditions of Employment) Regulations 1988. The unreasonable delay and/or failure by the CFO to assign the applicant to duties as a Firefighter.

The decision by the CFO and/or the PSC to deny the applicant payment of his salary contrary to Section 24 of the Fire Service (Terms and Condition of Employment) Regulations 1998.

Date of Outcome: 25th July, 2007
received at SCD on 20th July, 2009

Order/Judgement

Both HCA matters were dealt with simultaneously.

The motion was dismissed with cost to be taxed and paid by the Applicant to the Respondent.

13th November, 2009 - memorandum to Chief State Solicitor to recover costs accordingly.

Appendix II

High Court Actions completed in 2009 with decisions against the Public Service Commission

MAHARAJ, Harridath - Motor Vehicle Supervisor II - Ministry of Works and Transport -vs- Public Service Commission

HCA #/Date Filed: CV 01093 - 20th April, 2007

Judicial Review of

1. An order of certiorari to quash the promotion of Mr. Rueben Cato to the office of Transport Commissioner.
2. A declaration that the decision to bypass the Applicant for promotion to the office of Transport Commissioner was unreasonable, irrational, unfair and illegal.
3. An order remitting the issue of the Applicant's application for promotion to the office of Transport Commissioner to the PSC for it to reconsider in accordance with the findings of the court.
4. A declaration that the Applicant was and remains, qualified and eligible to be considered for promotion to the office of Transport Commissioner.
5. An order of mandamus directing the PSC to appoint an investigator to investigate the complaints made against Mr. Cato as set out in the letter dated 25th day of April 2006 addressed to the Permanent Secretary in the Ministry of Works with attachments thereto.
6. An order setting aside the promotion and/or appointment of Mr. Rueben Cato to the position of Transport Commissioner.

Date of Outcome: 16th July, 2009

Order/Judgement

The Honourable Madam Justice Ragnauth-Lee ordered that:

- a) The Commission's decision not to interview the Claimant without having considered his equivalent combination of experience and training was unfair, irrational and made without due regard to a relevant consideration contrary to the Judicial Review Act Chap. 7:08
- b) The Commission shall pay the Claimant's costs in the sum of \$100,000.00.

At its meeting on 28th July, 2009 the Commission decided that it would not appeal the judgement.

Appendix II

High Court Actions completed in 2009
with decisions against the Public Service Commission

MORGAN, Ronald - Assistant Superintendent of Prisons
-vs-
Public Service Commission

HCA #/Date Filed: CV 01605 - 2006

Judicial Review of

A declaration that the decision of the PSC to charge the Claimant was illegal, arbitrary and/or unfair and in breach of the rules of natural justice and/or unreasonable and/or in contravention of the law.

Date of Outcome: 21st July, 2009

Order/Judgement

On 13th September, 2006 an injunction was granted by the Honourable Justice Jamadar re:

- 1) No further steps be taken regarding the disciplinary tribunal hearing against the Claimant until the hearing and determination of this action.
- 2) No order as to costs,

Oral judgment given that Breach of Regulation 90 and Claimant was denied opportunity to be heard. Charge was illegal, null and void. Respondent to pay Claimant's costs to be assessed by a Master.

By memorandum and letters dated 21st August 2009, the Commissioner of Prisons, Ronald Morgan and Keith Seaton were informed that no further action would be taken with respect to disciplinary charges.

Appendix II

High Court Actions completed in 2009
with decisions against the Public Service Commission

WALCOTT, Ronald - Prison Welfare Officer II
-vs-
Public Service Commission

HCA #/Date Filed: 2173 - 2005

Judicial Review of

The decision of the PSC that the Applicant did not satisfy the minimum requirement of the office of Mechanical Supervisor I and for that reason should not be considered for further acting appointments to that office.

Date of Outcome: 11th December, 2009

Order/Judgement

The Court granted the following relief:

1. An order of Certiorari to quash the decision of the PSC that the Applicant did not satisfy the minimum requirements of the office of the Mechanical Supervisor I and should not be considered for further acting appointments in that office;
2. The Respondent to pay to the Applicant the costs of the application to be assessed if not agreed.