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GRENADA

STATUTORY RULES AND ORDERS, NO. 27 1969

ARRANGEMENT OF REGULATIONS

PART I

COMMENCEMENT AND INTERPRETATION

1. Short title and commencement.
2. Interpretation.

PART II

Public Service Commission

3. Oath of members.
4. Oath of Office of staff.
5. Meetings.
6. Procedure, quorum and voting.
7. Decisions otherwise than at meeting.
8. Duties of Chief Personnel Officer.
9. Consultation.
10. Attendance and production of documents.
11. Influencing decisions of Commission.

PART III

Appointments, Promotions and Transfers

12. Appointments, promotions and transfers.
13. Supervision of training.
14. Supervision of recruitment.
15. Selection boards.
16. Recommendations for filling public offices.
17. Advertisement of vacant office.
18. Appointments by competition.
19. Principle of selection for promotion.
20. Seniority and seniority lists.
21. Seniority in cases not ..
22. Commencing pay.
23. Submission of rec.

- 24. Principles of selection to an acting appointment as prelude to substantive appointment.
- 25. Acting appointment otherwise than as prelude to substantive appointment.
- 26. Applications by officers for appointment to act in public offices.
- 27. Transfers of Permanent Secretaries.
- 28. Transfers of particular officers other than Permanent Secretaries.
- 29. Transfers of public officers other than particular officers.
- 30. Transfer from one district or parish to another.
- 31. Date of appointment.
- 32. Medical examination on appointment.

**PART IV**

**Confidential Reports**

- 33. Annual Confidential Reports.
- 34. Adverse reports.
- 35. Value of Confidential Reports.

**PART V**

**Probationary Service and Termination of Appointments**

- 36. Construction of officer.
- 37. Probationary service.
- 38. Principles to be observed while officer on probation.

**PART VI**

**Resignations, Retirements and Termination of Appointments**

- 39. Construction of office.
- 40. Compulsory retirement age.
- 41. Retirement.
- 42. Interest.
- 43. Consent for abolition of office or for facilitating the work of the Ministry or Department.

## PART VII

## Conduct

50. Construction.
51. General conduct.
52. Duties of officer.
53. Discourtesy.
54. Absence without leave.
55. Wilful refusal to perform duties.
56. Activities outside the service.
57. Officer not to call public meeting or participate in certain public meetings.
58. Officer not to publish information.
59. Officer not to allow interview on questions of public policy.
60. Officer not to publish comment on national or local matter.
61. Reference to Permanent Secretary.
62. Officer not to contribute, edit or manage newspaper.
63. Rules relating to broadcast talks.
64. Indebtedness.
65. Bankruptcy.
66. Officer not to solicit intervention.
67. Gifts or rewards.
68. Exceptions.
69. Bribery.
70. Legal proceedings
71. Application to initiate legal proceedings to be in writing.
72. Grounds for refusal of application.
73. Officer to report criminal charge.
74. Misconduct defined.

## PART VIII

## Discipline

75. Construction.
76. Functions respecting discipline.
77. Regulations to govern disciplinary proceedings.
78. Grounds for criminal prosecution.
79. No disciplinary proceedings while criminal proceedings pending.
80. Interdiction.
81. Copies of evidence of enquiries.
82. Disciplinary action after acquittal of criminal charge.
83. Officer convicted of criminal charge.
84. Non-payment of emoluments on conviction of criminal charge.
85. Disciplinary penalties.
86. Suspension of increments.
87. Proceedings for misconduct not warranting dismissal of officers.
88. Proceedings for dismissal.
89. Discipline of non-pensionable officers and temporary officers.

**PART IX**

**Employees**

90. Special provision for employees.
91. Application of preceding parts to employees.
92. Conditions of appointment and letters of appointment.
93. Employees to comply with departmental instructions.
94. Confidential Reports.
95. Probationary service.
96. Transfers to other districts.
97. Interdiction.
98. Penalties.
99. Power of summary dismissal.
100. Proceedings in respect of misconduct not warranting dismissal.
101. Proceedings for dismissal
102. Procedure in respect of misconduct warranting dismissal.
103. Finding of Commission.
104. Holding of oral enquiry.
105. Appointment of student nurses etc.

REGULATIONS MADE BY THE PUBLIC SERVICE COMMISSION, AND TO SUCH EXTENT AS IS NECESSARY, WITH THE CONSENT OF THE PREMIER, UNDER SECTION 83(13) OF SCHEDULE 2 TO THE GRENADA CONSTITUTION ORDER, 1967 (STATUTORY INSTRUMENTS 1967 No. 227).

(Gazetted 16th August, 1969).

**W**HEREAS by sections 84 and 90(2) of the Constitution (the provisions of which sections are set out in full in the Annex to these Regulations) the power to appoint and to exercise disciplinary control over certain public officers is vested in the Public Service Commission: Annex.

**AND WHEREAS** by sections 86 and 90(1) of the Constitution (the provisions of which sections are set out in full in the Annex to these Regulations) the power to appoint and to exercise disciplinary control over certain public officers is vested in the Governor acting in accordance with the advice of the Public Service Commission:

**AND WHEREAS** by section 83(13) of the Constitution it is provided that the Public Service Commission may by regulation or otherwise regulate its own procedure and, with the consent of the Premier, may confer powers or impose duties on any public officer or on any authority of the Government of Grenada for the purpose of the exercise of its functions.

**NOW, THEREFORE,** the Public Service Commission by virtue and in exercise of the powers in that behalf conferred on it by the Constitution and, to such extent as is necessary, acting with the consent of the Premier, hereby makes the following Regulations :—

#### PART I

##### COMMENCEMENT AND INTERPRETATION

1. These Regulations may be cited as the  
**PUBLIC SERVICE COMMISSION REGULATIONS, 1969.**

2.—(1) In these Regulations, unless the context otherwise requires—

“acting appointment” means the appointment of a public officer to act in any public office other than the office to which he is substantively appointed, carrying a higher salary or salary scale ;

Short title  
and  
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ment.

Interpret-  
ation.

“appointment” means the conferment of an office of emolument in the public service, whether or not subject to subsequent confirmation, upon a person not in the public service ; the grant of permanent and pensionable terms of service in a public office to a person recruited and serving on contract terms of service or in an unestablished capacity in a pensionable or non-pensionable public office ; the engagement in a public office of a person on contract terms of service for a further period of service on the conclusion of his previous period of engagement on contract terms in the same or other public office; the conferment of a public office by way of transfer; an acting appointment;

“Chairman” means the person appointed under the provisions of section 83(1) (a) of the Constitution to be the Chairman of the Commission or such member of the Commission as may for the time being be designated by the Governor, in accordance with the provisions of section 83(9) of the Constitution, to exercise the functions of the office of Chairman;

“Commission” means the Public Service Commission constituted under the provisions of section 83 of the Constitution ;

“Constitution” means the Constitution of Grenada set out in Schedule 2 to the Grenada Constitution Order, 1967 ;

“Department” means a Department not under the control of a Minister ;

“emoluments” means the whole of an officer’s receipts from public funds but does not include fees, transport allowances, subsistence allowances or allowances for out-of pocket expenses ;

“Gazette” means the *Gazette* published by the order of the Government and includes supplements thereto and any *Extraordinary Gazette* so published ;

“Head of Department” means the person in charge of the appropriate Department of the public service ;

“member” means any person appointed under the provisions of section 83(1) of the Constitution to be a member of the Commission, and includes any person appointed to act as such under the provisions of section 83(10) of the Constitution ;

“misconduct” has the meaning assigned to it by regulation 74 ;

“oath of allegiance” and “oath of office” have the same meanings as are respectively assigned to these expressions in section 117 of the Constitution ;

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"office" means public office ;

"office in the public service" shall be construed in like manner as in section 117 of the Constitution ; and the expression "officer in the public service" shall be construed accordingly ;

"officer" means public officer ;

"particular office" means any office to which section 86 of the Constitution applies ; and the expression "particular officer" shall be construed accordingly ;

"Permanent Secretary" means the Permanent Secretary of the appropriate Ministry ;

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

"promotion" means the conferment upon a person in the public service of a public office to which is attached a higher salary or higher salary scale than that attached to the public office to which he was last substantively appointed ;

"public office" means—

(a) any office in the public service to which section 84 of the Constitution applies ; and

(b) subject to section 90(1) of the Constitution, the office of Chief of Police ;

(c) any office to which section 90(2) of the Constitution applies ;

"public officer" means any person holding or acting in any public office ;

"public service" shall have the same meaning as that assigned to it in section 117 of the Constitution ;

"salary" means basic salary ;

"seniority" means the relative seniority of officers and shall be determinable and shall be regarded as having always been determinable in the manner provided by regulations 20 and 21 of these Regulations ;

"transfer" means the conferment, whether permanently or otherwise, of some public office, other than that to which the officer was last substantively appointed, not being a promotion ; but the posting of an officer referred to in regulation 29(2) of these regulations in the circumstances mentioned therein shall not be regarded as a transfer for the purposes of these regulations.

(2) Where any doubt or difficulty arises as to the application or construction of these Regulations, that doubt or difficulty may be referred by the Chief Personnel Officer to the Commission for its determination, and the Commission may determine the matter so referred to it.

(3) Where by any provision of these Regulation a Permanent Secretary or Head of Department is required to do an act, he shall not be under any obligation to do that act with respect to himself, unless the Commission otherwise directs him in writing.

(4) Nothing in any provision of these Regulations shall be construed so as to derogate from any provision of the Constitution.

(5) Subject to the provisions of the Constitution, the Commission may, from time to time, revoke, modify or add to these Regulations.

## PART II

### THE PUBLIC SERVICE COMMISSION

Oath of members.

3. A member of the Commission shall not enter upon the duties of his office until he has taken and subscribed the oath of allegiance and the oath of office set out in Schedule 3 to the Constitution.

Oath of office of staff

4.—(1) Subject to the provisions of paragraph (2) of this regulation, every person appointed to the staff of the Commission shall before entry upon his duties, take the oath or make the affirmation set out in the First Schedule to these Regulations.

(2) A person appointed to the staff of the Commission before the date of the commencement of these Regulations shall, if he has not already done so, take the oath or make the affirmation aforesaid within one month from the date of the commencement of these Regulations.

Meetings.

5. The Commission shall meet as often as may be necessary or expedient for the purpose of performing its functions and such meetings shall be held at such places and at such times as the Chairman shall determine.

Procedure, quorum and voting.

6.—(1) The Chairman shall preside at meetings of the Commission.

(2) The Commission may, subject to the provisions of the Regulations, act notwithstanding any vacancy in its members or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings. Provided that any decision of the Commission shall require the concurrence of a majority of all its members.

(3) At any meeting of the Commission three members present (including the Chairman) shall constitute a quorum.

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

(5) All decisions of the Commission may be signified under the hand of the Chairman, or of any member of the Commission authorised by the Commission to act in that behalf or of the Chief Personnel Officer.

7. Notwithstanding the provisions of regulation 6, but subject to the proviso to regulation 6(2), matters may also be decided by the Commission without a meeting by circulation of the relevant papers among the members; but if on circulation of the papers relating to any matter a difference of opinion arises among the members, or if any member so requires, the matter shall be reserved for discussion at a meeting.

Decisions otherwise than at meeting.

8. It shall be the duty of the Chief Personnel Officer to—

Duties of the Chief Personnel Officer.

- (a) submit, whether in writing or orally, matters for the decision of the Commission ;
- (b) attend all meetings of the Commission ;
- (c) carry out the decisions of the Commission ;
- (d) ensure that all documents and papers relating to any matter being or to be considered by the Commission are made available to the Commission ;
- (e) ensure that minutes of all meetings of the Commission and of all decisions arrived at under regulation 7 shall be duly recorded and kept and that the same be presented for confirmation by the Commission as soon as practicable at a subsequent meeting or by individual members on circulation thereof ; and
- (f) be responsible, generally, for matters relating to the functions of the Commission.

9. The Commission, in considering any matter or question, may consult with any person in the public service or any other person or authority.

Consultation.

10.—(1) It shall be the duty of every person in the public service and of every authority of the Government of Grenada, when required so to do by the Commission, to attend and give evidence before the Commission in relation to any matter or question before it, and to produce any official document relating to such matter.

Attendance and production of documents.

(2) Any public officer including a particular officer who, without reasonable cause fails to comply with the provisions of paragraph (1) of this regulation shall be guilty of misconduct, and the Commission may institute disciplinary proceedings against him.

Influencing  
decisions of  
Commission.

11.—(1) No person in the public service shall, otherwise than in the course of his duty, directly or indirectly by himself or by any other person, in any manner whatever, influence or attempt to influence any decision of the Commission or of the Chairman or of any member.

(2) Subject to the provisions of this regulation, any public officer including a particular officer who commits a breach of the provisions of paragraph (1) of this regulation shall be guilty of misconduct, and the Commission may institute disciplinary proceedings against him.

(3) Nothing in this regulation shall prohibit a person in the public service from supplying any information or assistance to the Commission upon the request of the Commission.

### PART III

#### APPOINTMENTS, PROMOTIONS AND TRANSFERS

Appoint-  
ments,  
promotions  
and transfers.

12. In this Part, except where the context otherwise requires reference to a public office and to a public officer shall, subject to the provisions of the Constitution, be construed as including reference to a particular office and to a particular officer respectively

Supervision  
of training.

13. In order to perform its functions the Commission shall supervise the selection of persons for admission to public office for the grant of study leave and for the award of scholarships for special training for public offices.

Supervision  
of Recruitment.

14. In order to discharge its duties the Commission shall exercise supervision over and approve all schemes for appointment to a public office by examination, for award of scholarships for special training for public offices, and over all other methods of recruitment including the appointment and the procedure of Boards for the selection of candidates.

Selection  
Boards.

15.—(1) The Commission may, from time to time, appoint one or more Selection Boards to assist in the selection of candidates for appointment to public offices and the composition of any such Board and the form in which its reports are to be submitted shall be in the discretion of the Commission.

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

Recom-  
mendations  
for filling  
public  
offices.

16.—(1) As soon as it is known that a vacancy will occur in a public office the Permanent Secretary or Head of Department shall communicate thereon to the Chief Personnel Officer in writing and he shall make his recommendation regarding the filling of the vacancy.

(2) The Chief Personnel Officer may send, from time to time, to the Permanent Secretary or Head of Department a statement of existing vacancies in his Ministry or Department (as the case may require) requesting early recommendations for appointing a person to hold the office.

17.—(1) Where the Commission considers that there is no suitable public officer for the appointment to a vacant office or that having regard to the duties of that office or of the qualifications, experience and merit of officers already in the public service, it would be advantageous and in the best interest of the public service that the services of a person not already in that service be acquired, the Commission may authorise the advertisement of such vacancy by publication in the *Gazette* or in such other manner as the Commission may direct.

Advertisement of vacant office.

(2) Without prejudice to the provisions of the preceding paragraph, the Chief Personnel Officer may, from time to time, by circular memorandum give notice of vacancies which exist in public offices.

(3) Any public officer may make application for appointment to any vacant office including a vacant office advertised pursuant to paragraph 1 of this regulation, but the failure to apply for any such vacancy shall not prejudice the consideration of the claims of all eligible officers. Applications by public officers for appointment to a vacant office shall be forwarded to the Chief Personnel Officer through the appropriate Permanent Secretary or Head of Department.

18.—Where, in the opinion of the Commission it is possible so to do and it is in the best interest of the public service, the Commission may direct that any appointment to a vacant office shall be made from within the public service by competition.

Appointments by competition.

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

Principles of selection for promotion.

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

- (a) seniority, where promotion is to an office that involves work of a routine nature, or
- (b) merit and ability where promotion is to an office that involves work of progressively greater and higher res-

possibility and initiative than is required for an office specified in sub-paragraph (a).

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

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

(4) In addition to the requirements prescribed in paragraph (1), (2) and (3), the Commission shall consider any specification that may be required from time to time for appointment to the office in question.

Seniority and  
seniority  
lists.

20.—(1) The Chief Personnel Officer shall keep up-to-date seniority lists of all officers holding offices in the several grades prescribed from time to time.

(2) The Permanent Secretary or Head of Department shall keep in the prescribed form, up-to-date seniority lists of all officers holding office in the several grades in his Ministry or Department for the purpose of making recommendations for promotions and acting appointments.

(3) The seniority of officers shall, subject to the next following regulation, be determined as follows :—

- (a) as between officers of the same grade—
  - (i) by reference to the dates on which they respectively entered the grade ;

- (ii) if any officers entered that grade on the same day by reference to their seniority on the day immediately preceding that day ;
- (iii) if any officers who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from a non-pensionable to a pensionable grade), their seniority relative to each other shall be determinable by reference to their respective ages ;
- (b) as between officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades ;
- (c) as between officers of different grades on different salary scales, by reference to the maximum point on their salary scales, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate : Provided that when assessing the seniority of a pensionable public officer, service by himself or any other person in a non-pensionable capacity shall not be taken into account ;
- (4) Where officers have been appointed to public offices by competitive examination and are appointed to the same grade at the same salary with effect from the same date, the relative seniority of such officers shall be determined according to their respective performance in such examinations.

21.—In any case not covered by these Regulations the Commission shall determine the seniority of an officer.

Seniority in cases not provided.

22.—The Commission may recommend payment to an officer of a commencing pay at an incremental point higher than the minimum in the scale attached to the office to which he is to be appointed or promoted.

Commencing pay.

23.—(1) The Permanent Secretary or Head of Department shall submit, well in advance, recommendations for acting appointments so as to permit of their consideration by the Commission before the date on which the acting appointment is to become effective. But the Commission may relax the provisions of this regulation in cases of illness or in exceptional circumstances.

Submission of recommendations for acting appointments.

(2) In submitting recommendations for acting appointments, Permanent Secretaries and Heads of Departments shall state the reasons why officers, if any, are being passed over.

Principles of selection to acting appointment as prelude to substantive appointment.

24.—(1) The Permanent Secretary or Head of Department shall ensure that any recommendation made to the Commission as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 19 (Principles of selection for promotion).

(2) The provisions of paragraph (1) of this regulation shall not be construed so as to give an officer any special claim to any substantive appointment.

Acting appointment otherwise than as prelude to substantive appointment.

25.—Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the officer appointed shall, as a general rule, be the senior officer in the Ministry or Department eligible for such acting appointment, and any officer so appointed shall be expected to assume and discharge the duties and responsibilities of the office to which he is appointed to act.

Applications by officers for appointment to act in public offices.

26.—(1) Any officer may apply to the Commission, through the appropriate senior officer (if any), for appointment to act in an office whether as a prelude to a substantive appointment or not and the appropriate senior officer (if any) shall forward such application through the Chief Personnel Officer in its original form.

(2) Notwithstanding the provisions of the preceding regulation, as a general rule an acting appointment shall not be made where the holder of an office is unable to perform the functions of that office (for any cause) and where such inability is or is likely to be of short duration.

Transfers of Permanent Secretaries.

27.—The power to appoint a person to hold or act in an office of Permanent Secretary on transfer from another such office carrying the same salary shall be exercised in accordance with the provision of the proviso to section 86 (2) of the Constitution (namely by the Governor acting in accordance with the advice of the Premier).

Transfers of particular officers other than Permanent Secretaries.

28. Particular officers, other than Permanent Secretaries, shall be transferred by order of the Governor acting in accordance with the advice of the Commission.

Transfers of public officers other than particular officers.

29.—(1) Public officers, other than particular officers shall, subject to the provisions of this regulation, be transferred by the Commission by order in writing.

(2) The posting of public officers (other than particular officers) between duty posts in the same Ministry or Department carrying the same nomenclature, grade and salary shall be made at the appropriate Permanent Secretary or Head of Department.

30.—(1) So far as practicable, reasonable notice of transfer shall be given to an officer where it is proposed to transfer him from an office in a parish or district to another office in another parish or district.

Transfers from one district or parish to another.

(2) An officer whose transfer has been ordered pursuant to regulation 28 or 29 from an office in a parish or district to another office in another parish or district may, within three days from the date of his receipt of the order of transfer, or within such extended period as the Commission may in exceptional cases allow, make representations to the Commission, through his appropriate senior officer (if any) for a review of such transfer:

(3) The appropriate senior officer (if any) shall forward forthwith to the Commission any representation received by him under paragraph (2) of this regulation together with his own comments thereon.

(4) The Commission shall consider all representations and comments received by it pursuant to the preceding provisions of this regulation and shall communicate its decision in writing.

(5) Where, pursuant to the provisions of paragraph (2) of this regulation, representations for a review have been duly made to the Commission by an officer, and where a decision of the Commission thereon is still pending, that officer shall not be required, unless the Commission directs otherwise in writing, to assume the duties of the office with respect to which he has made such representations.

(6) Any officer who fails to comply with a decision of the Commission under paragraph (4) of this regulation, or with a direction of the Commission under paragraph (5) of this regulation, shall be guilty of misconduct and the Commission may institute or cause to be instituted disciplinary proceedings against him for such failure.

31.—(1) The date of appointment to an office shall normally be the date on which the officer assumes substantively the duties of the office to which he has been appointed.

Date of appointment.

(2) The date of appointment on promotion shall be such date as the Commission shall specify.

(3) If an officer is selected for appointment outside Grenada the date of appointment shall be the date specified in the letter of appointment.

32.—(1) A candidate selected for first appointment to the public service shall undergo a medical examination by a Government medical officer and shall not be confirmed in his appointment unless and until he has been passed as medically fit.

Medical examination on appointment.