
GRENADA

STATUTORY RULES AND ORDERS, NO. 27 1969

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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).

WHEREAS 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:

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 ;

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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.

(2) The Permanent Secretary or Head of Department with whose Ministry or Department the candidate has been assigned shall make appropriate arrangements for the new appointee to be medically examined as soon as practicable after the assumption of duty.

(3) A medical officer who examines a new appointee shall submit his medical report on the prescribed form to the Chief Personnel Officer under confidential cover as soon as practicable after the examination.

(4) The Chief Personnel Officer shall inform the new appointee whether the medical report is favourable or unfavourable.

(5) All communications relating to the medical report of a new appointee shall be strictly confidential and treated as such, and any officer who communicates the details of any such medical report to any other person except the officer to whom they relate, otherwise than in the course of his duty, shall be guilty of misconduct.

PART IV

CONFIDENTIAL REPORTS

Annual
Confidential
Reports.

33.—(1) A Permanent Secretary or Head of Department shall forward to the Chief Personnel Officer in each year on or before the 1st day of February a Confidential Report in respect of every officer and of every particular officer who served in his Ministry or Department during the whole or part of the previous year.

(2) A Confidential Report shall cover the period of twelve months (or such shorter period as may be relevant) immediately preceding the 1st day of February of any year.

(3) In the preparation of a Confidential Report a Permanent Secretary or Head of Department shall be guided by his own deliberate judgement and shall in such report—

- (a) make an unbiased assessment of the officer's performance and conduct ; and
- (b) give an indication of the future prospects of the officer for promotion.

(4) A Confidential Report shall be in such form as may from time to time be prescribed by the Commission.

Adverse
reports.

34. In order that an officer to whom regulation 33 applies may be given opportunity to correct any shortcomings which he may show during the course of his period of service to be reported under this Part, a Permanent Secretary or Head of Department shall—

- (a) as and when such shortcomings are noticed, inform the officer or cause him to be informed thereof in writing and

- (b) when adverse markings are included in a Confidential Report on an officer, inform him or cause him to be informed thereon in writing before he submits the report to the Chief Personnel Officer.

35. A Confidential Report made in respect of an officer pursuant to regulation 33 shall form an important consideration for determining his eligibility for promotion. Value of Confidential Reports.

PART V

PROBATIONARY SERVICE AND TERMINATION OF APPOINTMENTS

36. In this Part, except where the context otherwise requires, references to an officer shall, subject to the provisions of the Constitution, be construed as including references to a particular officer. Construction of officer.

37.—(1) Except as otherwise provided in this Part, on first appointment to the public service or on promotion in the service from a non-pensionable to a pensionable office, an officer shall be required to serve on probation for a period of two years unless a shorter period is specified in his letter of appointment. Probationary service.

(2) At the end of the first six months and of each succeeding twelve months of the probationary period Permanent Secretaries and Heads of Departments shall submit to the Chief Personnel Officer a report on every officer so appointed or promoted on probation in their Ministries or Departments. One month before the end of every probationary period the Permanent Secretary or Head of Department shall submit a further report and a recommendation—

- (a) that the officer be confirmed in the appointment ; or
- (b) that the probationary period be extended ; or
- (c) that the officer's services be terminated ; or
- (d) that the officer revert to his former post (if any).

(3) Subject to the provisions of these Regulations, the appointment on probation of an officer may, at any time during the period of probation and without any reason given, be terminated upon one month's notice in writing or upon payment of one month's salary in lieu of notice : Provided that the Governor, or the Commission (as may be appropriate) may specify a longer period of notice where it is reasonable so to do.

Principles to be observed while officer on probation.

38. The following principles shall be observed for the treatment of an officer during his period of probation—

- (a) the officer on probation shall be given an opportunity to learn his work and be tested as to his suitability for it ;
- (b) he shall be accorded all possible facilities for acquiring experience in his duties ;
- (c) he shall be subject to continual and sympathetic supervision ;
- (d) so far as the exigencies of the service permit, he shall be assigned to duty only where such observation is possible ; and
- (e) if at any time during his period of probation he exhibits tendencies which render it doubtful that he is likely to become fit for confirmation in his appointment, these shall at once be drawn to his attention in writing by the Permanent Secretary or Head of Department and he shall be given such assistance as may be possible to enable him to correct his shortcomings.

PART VI

RESIGNATIONS, RETIREMENTS AND TERMINATION OF APPOINTMENTS

Construction.

39.—(1) In this Part, except where the context otherwise requires, references to an office and to an officer shall, subject to the provisions of the Constitution, be construed as including references to a particular office and to a particular officer respectively.

(2) A reference in any provision of this Part to the exercise of a function by the Commission shall, as respects the exercise of that function with respect to a particular officer, be construed as a reference to its exercise by the Governor acting in accordance with the advice of the Commission.

Resignations.

40.—(1) An officer who wishes to resign from the public service shall give to the Governor (through the Chief Personnel Officer in the case of a particular officer) or to the Commission through the Chief Personnel Officer in any other case, notice in writing of his intention at least one month before the date on which he wishes to relinquish his appointment, but the Commission may waive the requirement of notice in whole or in part if it thinks fit.

(2) An officer who fails without reasonable cause to comply with paragraph (1) of this regulation shall, unless the Commission directs otherwise, forfeit all leave and the benefits and privileges in respect of leave to which he would otherwise have been eligible.

(3) An officer shall not be entitled to withdraw his notice of resignation after such resignation becomes effective, but the Commission may accept such withdrawal if tendered in writing at any time before the effective date of the resignation.

41.—(1) An officer who is absent from duty without leave for a period of one month may be declared by the Commission to have resigned his office and thereupon the office becomes vacant and the officer ceases to be an officer.

Abandonment
of office.

(2) The provisions of this regulation shall not be construed so as to derogate from any other provision of these Regulations.

42.—(1) The Permanent Secretary or the Head of Department shall inform the Chief Personnel Officer of all officers in his Ministry or Department who are within one year of the compulsory retirement age.

Report of
compulsory
retirement
age.

(2) In this regulation reference to the compulsory retirement age means any age prescribed from time to time by law on or after the attainment of which an officer may be required (with or without any approval) to retire from the public service.

Cap. 214.

43.—(1) The Commission may, at any time, but subject however to paragraph (3) of this regulation, require an officer who has attained the compulsory retirement age to retire from the public service as from such date as it may fix.

Compulsory
retirement.

(2) Where it appears to the Permanent Secretary or the Head of Department that an officer in his Ministry or Department who has attained the compulsory retirement age ought to be required to retire from the public service, the Permanent Secretary or the Head of the Department (as the case may be) shall advise such officer accordingly in writing and report the matter together with his reasons therefor for consideration by the Commission, and the Commission shall, subject to the provisions of paragraph (3) of this regulation determine whether or not that officer ought to be required to retire and, where appropriate, the date of such retirement: Provided that the provisions of this paragraph shall not be construed so as to derogate from the power of the Commission to require any officer to retire in the absence of a report made to it under this paragraph.

(3) Any officer required to retire pursuant to the provisions of this regulation shall be afforded a reasonable opportunity to submit to the Commission any representations he may wish to make regarding his proposed retirement.

(4) In this regulation references to the compulsory retirement age have the meaning in regulation 42(2) of these Regulations.

Voluntary
retirement.

44.—(1) An officer who has attained the prescribed age may apply—

- (a) to the Governor through the Chief Personnel Officer, in the case of a particular officer, or
- (b) to the Commission through the Chief Personnel Officer, in any other case,

for permission to retire from the public service, and shall in his application state the grounds on which it is based ; and the Commission shall determine whether or not the application ought to be granted and the date of such retirement.

(2) In this regulation reference to the prescribed age means the age of fifty years or such other age as may from time to time be prescribed by law for voluntary retirement from the public service.

Retirement in
public interest.

45.—(1) Notwithstanding the provisions of any other regulation, where it is represented to the Commission or the Commission considers it desirable in the public interest that any officer ought to be required to retire from the public service on grounds which cannot suitably be dealt with under any of these Regulations the Commission shall call for a full report from the Head of every Ministry or Department (if any) in which the officer has served during the last preceding ten years :

Provided that, in the case of an officer who has himself been the Head of a Ministry or of a Department within the relevant period of ten years, such report shall be dispensed with; and the Commission may act on any other suitable grounds.

(2) If, after considering such reports (if any) and giving the officer an opportunity of submitting a reply to the grounds on which his retirement is contemplated, and having regard to the conditions of the public service, the usefulness of the officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest so to do the Commission shall require the officer to retire from the public Service, whereupon retirement shall take effect upon such date as the Commission shall fix.

Termination
of appointment
for
facilitating
improvement
of organisation
of Ministry
or Department.

46.—(1) Where an office, being one of a number of like offices, has been abolished but one or more than one such office remains, the Permanent Secretary or Head of Department shall, subject to paragraph (4) of this regulation, make a report thereon to the Chief Personnel Officer for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the public service in consequence of such abolition.

(2) Where it is necessary to retire or remove an officer from the public service for the purpose of facilitating improvement

in the organization of a Department or Ministry to which he belongs in order to effect greater efficiency or economy, the Permanent Secretary or Head of Department shall, subject to paragraph (4) of this regulation, make a report thereon to the Chief Personnel Officer for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the public service in consequence of such organization.

(3) Where a Permanent Secretary or Head of Department makes any recommendation under paragraph (1) or (2) of this regulation, the Permanent Secretary or Head of Department shall, subject to paragraph (4) of this regulation, at the same time, notify the officer concerned in writing of his recommendations and such officer may, within seven days of the receipt of the notification, make representations thereon.

(4) Where the office which has been abolished is the office of a Permanent Secretary or that of a Head of Department, or where the officer to be retired is himself a Permanent Secretary or a Head of Department then, in every such case, reports under paragraphs (1) and (2) of this regulation shall be dispensed with; and the Commission may act on such facts and circumstances as it sees fit:

Provided however that the officer concerned shall be given a reasonable opportunity to make representations to the Commission.

(5) Where an officer makes representations in respect of recommendations made under paragraphs (1) and (2) of this regulation, the representations shall be forwarded in their original form to the Commission by the Permanent Secretary or Head of Department together with such comments as the Permanent Secretary or Head of Department thinks fit.

(6) Notwithstanding the provisions of this regulation, the Commission may, after consideration of any representations made by an officer under this regulation, instead of retiring or removing him from the public service, transfer him to another public office not lower in status or emoluments than that which he holds or held (as the case may be).

47.—(1) A Medical Board shall be held whenever it is necessary for an officer to be examined with a view to ascertaining whether or not the officer should be retired on grounds of ill-health, or in any case or class of cases in which the Commission directs. Medical Boards.

(2) An officer may be required by the Commission to undergo a medical examination at any time.

(3) An officer who is required to undergo a medical examination shall submit himself to be examined by a Medical Board at such time and place as the Permanent Secretary or the Head of Department may direct on behalf of the Board.

(4) Where an officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so recommended by a Medical Board, falls sick and in consequence is unable to perform his duties, the Commission may direct that the period during which he is unable to perform his duties shall be counted as leave without pay.

(5) Whenever it is considered necessary for an officer to be examined with a view to ascertaining whether or not he should be retired on grounds of ill-health, the Permanent Secretary or Head of Department (or the Chief Personnel Officer in the case of a particular officer) shall make a recommendation to this effect to the Commission and where there is a medical record of the officer, the record shall be made available to the Medical Board.

(6) Where a deterioration in the work of the officer is the reason or one of the reasons for requesting that the officer undergo a medical examination, the Permanent Secretary or Head of Department, shall submit, with his recommendation under paragraph (5), a detailed confidential report on any change in the quality of the officer's work in order to assist the Medical Board in carrying out the medical examination of the officer concerned.

Unfit
officers.

48. An officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty after receipt of the Medical Board's report, and shall be granted such annual leave and accumulated annual leave for which he is eligible or two months' leave, whichever is the greater, as from the date on which he is notified of his unfitness for further duty.

Reasons for
termination
of appoint-
ment.

49. The services of an officer may be terminated only for one or more of the following reasons—

(a) where the officer holds a permanent appointment (whether pensionable or non-pensionable) :—

- (i) on dismissal or removal in consequence of disciplinary proceedings ;
- (ii) on compulsory retirement ;
- (iii) on voluntary retirement ;
- (iv) on retirement for medical reasons ;
- (v) on retirement in the public interest ;
- (vi) on resignation ;
- (vii) on abolition of his office ;
- (viii) on compulsory retirement for the purpose of facilitating improvement in the organization of his Ministry or Department ;
- (ix) abandonment of office under regulation 41.

- (b) Where the officer holds a temporary appointment—
- (i) on the expiry or other termination of an appointment for a specified period ;
 - (ii) where the office itself is of a temporary nature and is no longer necessary ;
 - (iii) on the termination of appointment by notice under regulation 37(3) in the case of an officer on probation ;
 - (iv) on the termination of appointment by reasonable notice in the case of an officer holding a non-pensionable office ;
 - (v) on dismissal or removal in consequence of disciplinary proceedings ;
 - (vi) ill-health ;
 - (vii) on resignation ;
 - (viii) abandonment of office under regulation 41.
- (c) Where an officer is on contract his services shall be terminated in accordance with the terms of the contract.

PART VII

CONDUCT

50.—(1) In this Part, except where the context otherwise requires, references to a public office and to a public officer shall, subject to the provisions of the Constitution and of these Regulations, be construed as including references to a particular office and to a particular officer respectively. Construction.

(2) Subject to paragraph (3) of this regulation, a reference in any provision of this Part to the exercise of a function by the Commission, a Permanent Secretary or a Head of Department shall, as respects the exercise of that function with respect to a particular officer, be construed as a reference to its exercise by the Governor acting in accordance with the advice of the Commission.

(3) Where by a provision of this Part an officer is required to refer or to report a matter to the Permanent Secretary or to the Head of Department that provision shall, in any case where the officer required to make the reference or report is himself the Permanent Secretary or Head of Department, be construed as requiring the reference or report (as the case may be) to be made by such officer to the Commission.

51. An officer shall conduct himself at all times in such a manner as not to bring the public service into disrepute. General conduct.

Duties of
officer.

52.—(1) An officer shall discharge the duties of the office to which he is appointed and any other related duties that the Permanent Secretary or Head of Department may, at any time, call upon him to discharge.

(2) In the discharge of his duties, an officer shall be courteous and polite both to other public officers and to members of the public.

Discourtesy.

53. An officer who is discourteous or impolite to other public officers or to members of the public shall be guilty of misconduct.

Absence with-
out leave.

54.—(1) An officer shall not be absent from duty without leave or reasonable excuse.

(2) An officer shall not leave Grenada without the permission in writing of the Chief Personnel Officer after consultation with the Permanent Secretary or Head of Department

Wilful refusal
to perform
duties.

55. An officer who wilfully refuses to perform his duties or who wilfully omits to perform his duties, shall be guilty of misconduct.

Activities
outside service.

56.—(1) Except in the case of part-time officers, an officer's whole time is at the disposal of the Government. Accordingly—

- (a) an officer may not at any time engage in any activity which would in any way tend to impair his usefulness as an officer, nor may he engage in any occupation or undertaking which might in any way conflict with the interest of his Ministry or Department or be inconsistent with his position as an officer ;
- (b) an officer shall not, without the prior approval of the Commission, engage in any trade or any professional, commercial, agricultural or industrial undertaking or undertake private work for remuneration ;
- (c) notwithstanding that prior approval may have been given, the Commission may at any time after notice to the officer and after holding an inquiry prohibit an officer from—
 - (i) engaging in any trade, professional, commercial agricultural or industrial undertaking ;
 - (ii) undertaking private work for remuneration, if the Commission is of the opinion that the officer's activity tends to impair his usefulness as an officer or conflicts with the interests of his Ministry or Department or is inconsistent with his position as an officer ;

- (d) within a period of thirty days after his first appointment to the public service, an officer shall disclose in writing to the Commission particulars of any investment or shareholding which he possesses in any company carrying on business inside or outside Grenada and also of any direct interest which he has in any professional, commercial, agricultural or industrial undertaking in or outside Grenada ;
- (e) an officer who invests in or acquires shares in any company carrying on business in or outside Grenada or who acquires any interest in any professional, commercial, agricultural or industrial undertaking in or outside Grenada, shall within a period of thirty days thereafter inform the Commission.
- (f) whenever the Commission is of the opinion that an officer's performance of his duties is likely to be influenced by the fact that he owns shares or investments in any company, or he has direct interest in any professional, commercial, agricultural or industrial undertaking, the Commission may require the officer to dispose of such shares, investment or interest within such period as the Commission may specify or may transfer the officer to other duties. If the officer, on being required to dispose of such shares, investment or interest fails to do so within the specified period, he shall be guilty of misconduct ;
- (g) an officer while he is on leave shall not accept any paid employment or engage in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake regular private work for remuneration; the Commission may, however, grant to an officer who is on leave prior to resignation or retirement permission to engage in the activities aforementioned. Such permission shall not be conditional on the curtailment of any period of leave to which the officer is entitled.

57. An officer may not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such purpose or procure signatures to any public petition regarding the actions of the Government. Nothing in these Regulations shall affect an officer's right to participate actively in any meeting called, or sign any petition prepared by his staff association on matters with which the staff association is competent to deal.

Officer not to call public meeting or participate in certain public meetings.

Officer not to publish information.

58. An officer shall not make public or communicate to the Press or to an individual, or, make private copies of documents, papers or information of which he may have become possessed in his official capacity, unless his duties require him to do so.

(2) An officer who contravenes any of the provisions of any relevant enactment relating to official secrets, shall be guilty of misconduct notwithstanding that he may be charged with an offence under any such enactment.

Officer not to allow interview on questions of public policy.

59. An officer, whether on duty or on leave of absence, shall not allow himself to be interviewed on questions of public policy or on matters affecting the defence or military resources of Grenada or of any other country unless his official duties require him to do so.

Officer not to publish comment on national or local matters.

60.—(1) An officer shall not, without permission of the Permanent Secretary or Head of Department, broadcast on the radio or television or publish in any other manner any statement which may reasonably be regarded as being in the nature of a personal comment on any national, local, political or administrative matter unless his official duties require him to do so.

(2) An officer may, with the permission of the Permanent Secretary, or Head of Department publish, in his own name, articles relating to other subjects of general interest or give broadcast talks on the radio or television on such subjects.

Reference to Permanent Secretary.

61. In any case of doubt as to the propriety of any proposed publication or broadcast, an officer shall refer the matter to the Permanent Secretary or the Head of Department.

Officer not to contribute, edit or manage newspaper.

62. Except in the case of the official organs of staff associations or professional associations, an officer shall not, without express permission in writing of the Commission, act as editor of any newspaper, or take part directly or indirectly in the management of a newspaper, or contribute anonymously thereto any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Government.

Rules relating to broadcast talks.

63. Broadcast talks by officers shall be governed by the following rules :—

(a) No question of payment either to the officer employed in the preparation or delivery of a lecture or talk, or to the Ministry or Department which he represents shall arise in connection with lectures or talks, which are necessary or desirable in order to enable a Ministry or Department to carry out its recognised duties to the community. No payment shall be made to an officer

in respect of broadcast lectures or talks on subjects which are a part of the duties imposed on him to enable a department to perform its normal functions.

(b) Lectures or talks which are not necessary for departmental purposes may be given by officers who are experts in a particular subject, whether or not they have specialised in this subject in their official capacity. In all such cases, if the subject matter is related to the work or the policy of the Ministry or Department to which the officer belongs, or if the broadcaster is to be announced by his departmental title, the prior authority is required with the object of ensuring—

- (i) that there is nothing in the lecture or talk contrary to the public interest or inconsistent with the status of an officer; and
- (ii) that the standing of the speaker is sufficient to justify the delivery by him of a lecture under his departmental title.

Subject to these conditions, and to the due observance of any professional rule that may be in force as to the acceptance of remuneration for such services, it shall be open to an officer to make his own terms with the broadcasting authority, but in these cases the work involved in the preparation and delivery of the lecture or talk shall be done outside official hours.

64.—(1) An officer who incurs indebtedness to the extent that it impairs his efficiency or that it has brought or is likely to bring the public service or the service of which he is a member, into disrepute, shall be guilty of misconduct. Indebtedness.

(2) An officer shall not be a party to an accommodation bill.

(3) The Commission may require an officer to authorise deductions from his pay for the repayment of any debts due to Government and the officer shall comply with such requirements :

Provided that the officer shall be first afforded a reasonable opportunity to make representations to the Commission as to why the requirement should not be made and as to the amount of such deduction.

65.—(1) An officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Commission. Bankruptcy.

(2) An officer who fails to report under paragraph (1) shall be guilty of misconduct,

- Officer not to solicit intervention** 66. An officer shall not solicit the intervention or influence of members of the House of Representatives or the Senate, Ministers, members of the Commission, or members of the community to support or advance his individual claims in the service.
- Gifts or rewards.** 67. Except with the permission of the Commission, an officer shall not accept any gifts or rewards from any member of the public or from any organisation for services rendered in the course of his official duties.
- Exceptions.** 68. Notwithstanding regulation 67, an officer may accept a present offered by—
- (a) a representative of a foreign Government, on the occasion of an official visit to that country ;
 - (b) a community organisation, on a social occasion where the gift represents the work or achievement of that organisation ;
 - (c) other officers in his Ministry or Department on the occasion of his marriage, or on retirement, or on transfer.
- Bribery.** 69. An officer who is offered a bribe shall immediately refer the matter to the Permanent Secretary or Head of Department who shall report the matter to the Police and the Commission.
- Legal proceedings.** 70. An officer who desires to initiate legal proceedings on his own behalf against another officer, or against a member of the public, with respect to any matter which arose out of and in the course of the execution of his duty, shall apply to the Commission for permission so to proceed.
- Application to initiate legal proceedings to be in writing.** 71. An application under regulation 70 shall be in writing and shall be addressed to the Chief Personnel Officer for transmission to the Commission and forwarded through the Permanent Secretary or Head of Department of the Ministry or Department to which the officer is assigned, or if the Permanent Secretary or Head of Department is the applicant, directly to the Chief Personnel Officer.
- Grounds for refusal of application.** 72. The Commission may refuse the application under regulation 70, if the Commission is of the opinion that proceedings would be—
- (a) contrary to the best interest of public policy ;
 - (b) detrimental to discipline and the good reputation of the public service or, of the particular service of which the officer is a member.

73.—(1) An officer who is charged by a member of the public with a criminal offence shall report the matter forthwith to the Permanent Secretary or Head of Department for the information of the Commission. Officer to report criminal charge.

(2) Where an officer is charged by the Police with a criminal offence the Chief of Police shall report the matter to the Permanent Secretary or Head of Department (or where appropriate to the Chief Personnel Officer) for the information of the Commission.

(3) An officer who fails to comply with the provisions of this regulation shall be guilty of misconduct.

(4) Where an officer who is charged by the Police with a criminal offence fails without reasonable excuse to attend Court on the date fixed for hearing, the Commission may direct that such officer shall not receive any pay or allowance.

74.—(1) An officer who without reasonable excuse does an act which— Misconduct defined.

(a) amounts to failure to perform in a proper manner any duty imposed upon him as such ; or

(b) contravenes any of the provisions of these Regulations ; or

(c) contravenes any provision of an enactment relating to his official duties, conduct or obligations ; or

(d) is otherwise prejudicial to the efficient conduct of the service or tends to bring that service into disrepute, shall be guilty of misconduct and shall be liable to such punishment as is prescribed in regulation 85.

(2) Without prejudice to the generality of the provisions of paragraph (1), an officer who—

(a) is persistently unpunctual ; or

(b) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give the order ; or

(c) is drunk on duty ; or

(d) is inefficient or incompetent through causes which appear to be within his own control ; or

(e) is guilty of any immoral or obscene or disorderly conduct in office ; or

(f) performs his duties in a negligent manner ; or

(g) having made or subscribed an oath or affirmation for the purposes of his office does or says anything in violation of that oath or affirmation ; or

(h) uses without the consent given personally, of the Permanent Secretary or Head of Department, any

property or facilities provided for the purposes of the public service or of the service of which he is a member for some purpose not connected with his official duties ; or

- (i) engages in any gainful occupation outside the public service without consent of the Commission ; or
- (j) is convicted of any criminal charge involving dishonesty, fraud, moral turpitude or is convicted of a criminal charge and sentenced to imprisonment without the option of a fine ; or
- (k) writes letters to the press, publishes books or articles or circulates leaflets setting forth his views on matters of national or local party political controversy ; or
- (l) speaks in public on matters of party political controversy or speaks at political meetings or heckles at such meetings ; or
- (m) participates in the meetings of any party political organization while on duty, while on official business or while wearing official uniforms ;

shall be guilty of misconduct and shall be liable to such punishment (as may be appropriate) as is prescribed by regulation 85 or by any other regulation.

(3) Without prejudice to the generality of the provisions of paragraph (1), an officer who holds any office whatsoever in any political organisation or serves as a member of a Committee thereof or engages in canvassing in support of or against any political candidate shall be guilty of misconduct and shall be liable to such punishment (as is appropriate) as is prescribed by regulation 85 or by any other regulation.

PART VIII

DISCIPLINE

(General)

Construction. 75.—(1) In this Part, except where the context otherwise require references to an officer shall, subject to the provisions of the Constitution, be construed as including references to a particular office

(2) A reference in any provision of this Part to the exercise of a function by the Commission shall, as respects the exercise of that function with respect to a particular officer, be construed as reference to its exercise by the Governor acting in accordance with the advice of the Commission.

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Public Service Commission

(3) Where the office of Attorney General is not a public office, reference in this Part to the Attorney General shall be construed to mean the Director of Public Prosecutions.

76.—(1) The Commission shall deal with disciplinary proceedings against officers in the light of reports from Permanent Secretaries and Heads of Departments, or otherwise. Functions respecting discipline.

(2) Subject to paragraph (3) of this regulation, where the Commission is of the opinion that disciplinary proceedings ought to be instituted against an officer, the Commission may institute such proceedings.

(3) Where an offence against any law appears to have been committed by an officer the Commission before acting under paragraph (2) of this regulation shall obtain the advice of the Attorney General as to whether criminal proceedings ought to be instituted against the officer concerned; and if the Attorney General advises that criminal proceedings ought to be so instituted the Commission shall not initiate disciplinary proceedings (if any) before the determination of any criminal proceedings so instituted.

77.—(1) Any report of misconduct shall be made to the Chief Personnel Officer and dealt with under this Part of these Regulations as soon as possible after the time of its occurrence: Provided that this paragraph shall not be construed so as to derogate from the power of the Commission to receive or to act upon a report submitted to it in any other manner. Regulations to govern disciplinary proceedings

(2) Any case not covered by this Part shall be reported to the Chief Personnel Officer and the Commission may issue such instructions thereon as it sees fit, and the case shall be dealt with accordingly.

78. Where upon a disciplinary enquiry under this Part an offence against any law appears to have been committed by an officer the person or persons conducting the inquiry shall suspend the inquiry and report the matter to the Commission who, unless criminal proceedings have already been taken against the officer, shall obtain the advice of the Attorney General as to whether criminal proceedings ought to be instituted; and if the Attorney General advises that criminal proceedings ought not to be taken the Commission may direct that the inquiry be continued. Grounds for criminal prosecution.

79.—(1) Where criminal proceedings have been instituted in any Court against an officer, disciplinary proceedings upon any grounds arising out of the criminal charge shall not be taken or continued against him until after the Court has given judgment and the time allowed for an appeal from the judgment has expired; and where No disciplinary proceedings while criminal proceedings pending.

an officer after conviction has appealed, proceedings for his dismissal shall not be taken until after the withdrawal or determination of the appeal.

(2) Nothing in this regulation shall prevent the officer being interdicted from duty pursuant to regulation 80 of these Regulations.

Interdiction. 80.—(1) Where there have been or are about to be instituted against an officer—

(a) disciplinary proceedings ; or

(b) criminal proceedings ;

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

(2) An officer so interdicted shall, subject to the provisions of regulation 84 be permitted to receive such proportion of salary of his office, not being less than one-half, as the Commission shall think fit.

(3) If disciplinary proceedings against any such officer result in his exculpation, he shall be entitled to the full amount of the salary which he would have received if he had not been interdicted, but if the proceedings result in any punishment other than dismissal the officer shall be allowed such salary as the Commission may think fit.

(4) An officer who is under interdiction from duty may leave Grenada without the permission of the Commission.

Copies of evidence of enquires.

81. An officer in respect of whom a disciplinary enquiry is held shall be entitled without charge to him to receive copies of the evidence which shall be allowed access to any documentary evidence relied on for the purpose of the enquiry. He shall also be given upon request copies of the evidence (including copies of documents tendered in evidence) for the purposes of an appeal to the Public Service Board of Appeal after the enquiry is closed.

Disciplinary action after acquittal of criminal charge.

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

Officer convicted of a criminal charge.

83. If an officer is convicted in any Court of a criminal offence the Commission may apply for and consider the relevant proceedings of that Court, and if the Commission is of the opinion that in the interest of the public service the officer ought to be dismissed

subjected to some lesser punishment in respect of the offence of which he has been convicted the Commission may thereupon dismiss or award such other punishment to the officer without the institution of any disciplinary proceedings under these Regulations :

Provided that where the offence of which an officer has been convicted does not involve dishonesty, fraud or moral turpitude, such officer shall not be punished as aforesaid unless he has been notified of the intention so to do and unless he has been afforded reasonable opportunity to make representations thereon.

84. An officer convicted of a criminal charge involving dishonesty, fraud or moral turpitude or convicted of a criminal charge and sentenced to imprisonment shall not receive any of his emoluments after the date of such conviction pending consideration of his case by the Commission.

Non-payment of emoluments on conviction of criminal charge.

85.—(1) The penalties which may be imposed by the Commission on an officer against whom a disciplinary charge has been established are—

Disciplinary penalties.

- (a) dismissal ; or
- (b) reduction in rank, that is, removal to another grade with an immediate reduction in salary ; or
- (c) deferment of increment, that is, postponement of the date on which the next increment is due, with corresponding postponements in subsequent years ; or
- (d) stoppage of increment, that is, no payment for a specified period of an increment otherwise due ; or
- (e) fine ; or
- (f) reprimand.

(2) A fine shall not in any case exceed one half of an officer's salary and, in every case, in determining the amount of a fine, due regard shall be had to the economic circumstances of the officer.

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

86.—(1) An increment shall not be suspended, except on the authority of the Commission in manner provided by this regulation.

Suspension of increments.

(2) The grant of an increment may be suspended for—

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

(3) Where, subject to paragraph (1) of this regulation, a Permanent Secretary or Head of Department considers that for any

of the reasons specified in sub-paragraph (a) or (b) of paragraph (2) of this regulation an officer's increment ought not to be granted he shall notify the officer in writing at least one month before the date on which the increment is due of the reasons for which he considers that the increment ought not to be granted, and report the matter to the Chief Personnel Officer for the decision of the Commission as to whether the payment of the increment ought to be made on the date on which it becomes due and the officer may, within seven days of the receipt of such notification, make representations in writing, through the Permanent Secretary or Head of Department, to the Commission.

(4) Where the Commission after considering any representation by an officer made under paragraph (3) of this regulation, supports the recommendation of the Permanent Secretary or Head of Department, the Commission shall notify the officer in writing of its decision to suspend the payment of the increment.

(5) The Commission may suspend under paragraph (4) of this regulation the payment of an increment, subject to paragraph (6), for a period not exceeding six months.

(6) Where the Commission suspends an increment under paragraph (4) for a specified period, the Permanent Secretary or Head of Department shall, not less than 30 days before the expiry of the period, make a report on such officer and if in the opinion of the Commission—

(a) the report justifies the payment of the increment, the Commission shall grant the increment which shall be payable from the date from which it is granted ;

(b) the report does not justify the payment of the increment, the Commission may suspend the payment for a further period not exceeding six months.

(7) Where the Commission suspends the payment of an increment to an officer under this regulation, the suspension shall not affect the officer's incremental date.

PROCEEDINGS

Proceedings
for miscon-
duct not
warranting
dismissal of
pensionable
officers.

87.—(1) Where—

(a) it is represented to the Commission that a pensionable officer has been guilty of misconduct ; and

(b) the Commission is of the opinion that the misconduct alleged is not so serious as to warrant proceedings under regulation 88 with a view to dismissal ;

the Commission may cause an investigation to be made into the matter in such manner as it may think proper ; and the officer shall be entitled to know the whole case made against him, and shall be given an adequate opportunity of making his defence.

(2) If the Commission is of the opinion that the allegation is proved, it may inflict such punishment, as prescribed in regulation 85, other than dismissal, as may seem just.

88.—(1) Subject to the provisions of these Regulations an officer may be dismissed only in accordance with the procedure prescribed by this regulation.

Proceedings
for dis-
missal.

(2) The following procedure shall apply to an investigation with a view to the dismissal of a pensionable officer—

- (a) Subject to paragraph (3) of this regulation, the Commission (after consultation with the Attorney General if necessary) shall cause the officer to be notified in writing of the charge and to be called upon to state in writing before a specified day (which day shall allow a reasonable interval for the purpose) any grounds upon which he relies to exculpate himself ;
- (b) if (from whatever cause) the officer does not furnish such a statement within the time so specified, or if he fails to exculpate himself, the Commission shall appoint to enquire into the matter a Committee consisting of one or more persons. Where the salary of the officer on the date of charge is \$3,600 or more the Chairman shall be a Judge, Magistrate, or legal officer, or some other person possessing legal qualification ; the Committee shall be selected with due regard to the standing of the officer concerned and to the nature of the charges made against him. The head of the officer's department shall not be a member of the Committee.
- (c) the Committee shall inform the officer charged that on a day specified the Committee will enquire into the charges and that he will be required to appear before the Committee and defend himself ;
- (d) if witnesses are examined by the Committee the officer shall be given an opportunity of putting questions to the witnesses on his own behalf, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto ;
- (e) the Committee may in its discretion permit the officer charged or the person or authority preferring the charges to be represented by a public officer or by a solicitor or counsel, and may at any time, subject to such adjournment as in the circumstances may be necessary, withdraw such permission, so, however, that where the Committee permits the person or authority preferring the charges to be represented the officer charged shall be given the like permission ;

-
- (f) the hearing of an inquiry may be adjourned from time to time as may appear necessary for due hearing thereof ;
 - (g) if the officer does not attend the hearing of the charge, without good reason, the hearing may be proceeded with and concluded in his absence, but if good reason is given to the Committee by or on behalf of the officer why the officer is unable to attend the hearing, the hearing shall be postponed or adjourned as the case may be.
 - (h) if during the course of the enquiry further grounds of dismissal are disclosed, and the Commission thinks fit to proceed against the officer upon such grounds, the Commission shall cause the officer to be furnished with the written charge and the same steps shall be taken as those prescribed by this regulation in respect of the original charge ;
 - (i) if having heard the evidence in support of the charge the Committee is of the opinion that that evidence is insufficient it may report accordingly to the Commission without calling upon the officer for his defence ;
 - (j) the Committee shall furnish to the Commission a report of its findings together with a copy of the evidence and all material documents relating to the case ; if the Commission is of the opinion that the report should be amplified in any respect or that further enquiry is desirable, it may refer the matter back to the Committee for further enquiry and report accordingly ;
 - (k) upon the Committee's report the Commission shall impose, in accordance with regulation 85, such penalty as it deems fit ;
 - (l) where a penalty imposed by the Commission is open to an appeal to the Public Service Board of Appeal, the Chief Personnel Officer shall, at the same time as the imposition of the penalty is communicated to the officer affected by it, give him notice in writing that the imposition of the penalty is open to such appeal.
- (3) Where owing to the absence of the officer it is not practicable to comply with the provisions of paragraph 2(a) of this regulation these provisions shall be dispensed with.
- (4) Where an officer charged under this regulation admits in writing the facts giving rise to the charge, it shall not be necessary to hold an enquiry or investigation under this regulation unless in the opinion of the Commission such enquiry or investigation is likely to find such circumstances as may modify the view taken of and the punishment to be imposed for the offence.

89.—(1) Where it is considered necessary to institute disciplinary proceedings against a non-pensionable public officer in respect of whom the power of the Commission to exercise disciplinary control has not been delegated, or to institute proceedings for the retirement of such officer from the public service, such proceedings shall be in the form appropriate to a pensionable public officer.

Discipline of non-pensionable officers and temporary officers.

(2) Where it is reported to the Commission that a temporary public officer has been guilty of misconduct, the Commission may cause an investigation to be made into the matter in such manner as it may think proper, and the officer concerned shall be entitled to know the whole case made against him and shall be given an adequate opportunity of making his defence; and if the Commission is of the opinion that such officer ought to be dismissed from the public service the Commission may dismiss him accordingly: nothing in this paragraph shall be construed so as to derogate from the power of the Commission to terminate the services of any such officer by notice or by payment of salary in lieu of notice.

PART IX

EMPLOYEES

90.—(1) The power of the Commission to appoint persons to hold or act in offices in the public service to which this Part applies (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall be exercisable by the Commission in accordance with the provisions of this Part.

Special provision for employees.

(2) This Part applies to all officers the maximum annual salary of which is not more than \$1,380 (and a person who holds or acts in any such office is hereinafter referred to as an "employee").

91.—(1) Save as is otherwise provided in paragraph (2) of this regulation, the Regulations contained in the preceding Parts of these Regulations shall not apply to employees.

Application of preceding Parts to employees.

(2) The regulations mentioned in the Second Schedule to these Regulations (being regulations contained in the preceding Parts of these Regulations) shall apply to employees.

92.—(1) In making any appointment the Commission shall select the person in accordance with any conditions for the time being in force in relation to candidates for the particular post.

Conditions of appointment and letters of appointment.

(2) Every employee shall on appointment receive an appropriate letter of appointment which may be in Form I, II or III of the Third Schedule hereto.

Third Schedule.

Employees to comply with departmental instructions.

93. Every employee shall comply with all lawful departmental instructions and orders and shall perform any lawful functions in respect of which the Permanent Secretary, Head of Department or Chief Personnel Officer (as the case may be) may think it desirable to employ him in the public interest.

Confidential reports.

94. The Commission shall in each year cause to be furnished to it by such senior officer as it may designate confidential reports upon all employees for the twelve months preceding the 1st day of April.

PROBATIONARY SERVICE AND TERMINATION OF APPOINTMENT

Probationary service.

95. Every employee shall, on first permanent appointment to the public service, be required to serve a probationary period not exceeding two years, but his probationary period may be reduced and he may be confirmed in the appointment at any time after twelve months' service if the Commission is satisfied that the performance of the employee has been of so high a standard that no useful purpose would be served by further delaying confirmation. During the probationary period of any employee, his appointment may without enquiry or reason given to him be terminated by the authorised officer, in the case of a weekly-paid employee on two weeks' notice in writing or payment of two weeks' salary in lieu thereof, and in the case of an employee paid on an annual basis, on one month's notice in writing or payment of one month's salary in lieu thereof.

Transfers to other districts.

96. So far as practicable, reasonable notice of transfer shall be given to an employee where it is proposed to transfer him from an office in a parish or district to another office in another parish or district.

Interdiction.

97.—(1) Where there have been or are about to be instituted against an employee—

(a) disciplinary proceedings ; or

(b) criminal proceedings ;

or where the Commission becomes aware of any misconduct on the part of an employee and considers it desirable in the public interest that such employee should forthwith cease to perform the functions of his office, the Commission may forthwith interdict such employee from the performance of those functions.

(2) An employee so interdicted shall during the period of interdiction be permitted to receive such proportion not being less than one half of his salary, as the Commission may decide.

(3) If the disciplinary proceedings against any such employee result in his exculpation, he shall be entitled to the full amount of the salary which he would have received if he had not been interdicted; but if the proceedings result in any punishment other than dismissal the employee shall be allowed such salary as the Commission may in the circumstances think appropriate.

98.—(1) The penalties which may be imposed by the Commission on an employee where a disciplinary charge has been established are— Penalties.

- (a) dismissal ; or
- (b) reduction in rank, that is, removal to another salary scale or grade with an immediate reduction in salary ; or
- (c) deferment of increment, that is, postponement of the date on which the next increment is due, with corresponding postponements in subsequent years ; or
- (d) stoppage of increment, that is, no payment for a specified period of an increment otherwise due ; or
- (e) fines not exceeding one-half of one month's salary, or, in the case of an employee paid on a weekly basis, not exceeding two weeks' salary, due regard being had in every case in determining the amount of a fine to the economic circumstances of the employee ; or
- (f) reprimand.

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

(3) Where a decision of the Commission under paragraph (1) of this regulation or under regulation 99, 100 or 103 is open to an appeal to the Public Service Board of Appeal, the Chief Personnel Officer shall at the same time as he communicates that decision to the employee affected by it, also give him notice in writing that the decision is open to such appeal.

99. The Commission may summarily dismiss an employee in the circumstances and with effect from the date hereinafter respectively specified— Power of
summary
dismissal.

- (a) where he is absent from Grenada without permission, with effect from the date of his departure from Grenada ;
- (b) where he is absent from duty without permission for seven days, with effect from the first day of such absence ;
- (c) where he does not reply to charges on or before the date on which his reply should be received (including any extension granted), with effect from such date ;

- (d) where he fails to attend an enquiry into charges against him (including any adjournment granted) with effect from the date of such failure ;
- (e) where he is convicted of a criminal charge involving dishonesty, fraud or moral turpitude or is sentenced to imprisonment on conviction of a criminal charge, with effect from the date of such conviction: Provided that the power of dismissal shall not be exercised in any case falling under sub-paragraph (c) or:
- (d) of this paragraph if the Commission is satisfied that owing to illness or other reasonable cause the employee was prevented from replying to such charges, or from attending such enquiry.

Proceedings
in respect of
misconduct
not warranting
dismissal.

100.—(1) If it is represented to the Commission that an employee (other than a temporary employee) has been guilty of misconduct and the Commission is of opinion that the misconduct alleged is not so serious as to warrant proceedings with a view to dismissing the employee, the Commission may cause an investigation to be made into the matter in such manner as it may think proper, and the employee shall be entitled to know the whole case made against him and shall be given adequate opportunity of making his defence.

(2) If the Commission is of opinion that the allegation is proved, it may impose upon the employee such penalty, in accordance with regulation 98, (other than dismissal) as may seem just.

Proceedings
for dismissal.

101.—(1) Subject to regulations 95 and 98 an employee (other than a temporary employee) may be dismissed only in accordance with the procedure prescribed by regulations 102, 103 and 104.

(2) If it is represented to the Commission that a temporary employee has been guilty of misconduct, the Commission may cause an investigation to be made into the matter in such manner as it may think proper, and the temporary employee shall be entitled to know the whole case made against him and shall be given an adequate opportunity of making his defence ; and if the Commission is of opinion that the temporary employee ought to be dismissed it may dismiss the temporary employee ; nothing in this paragraph shall be construed so as to derogate from the power of the Commission to terminate the services of a temporary employee by notice or payment of salary in lieu of notice.

(3) The Commission may in lieu of dismissal of an employee (other than a temporary employee) impose some lesser penalty such as reduction in rank, withholding or deferment of increment, or fine or reprimand, or if the proceedings disclose ground for so doing the Commission may retire the employee from office in the public interest, and regulation 45 shall apply accordingly.

102. The following procedure shall apply to an investigation with a view to dismissal of an employee (other than a temporary employee)—

Procedure in respect of misconduct warranting dismissal.

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

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

103.—(1) Where an oral enquiry is not held, the Commission shall consider the charges, the written reply and the statements (if any) and shall find as a fact whether or not any of the charges has been established.

Finding...
Commission

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

(3) If it finds that any of the charges has been established, it shall so inform the employee in writing and shall also inform the employee of the penalty to be imposed upon him.

104.—(1) An oral enquiry shall be held by such officer (not being an officer personally involved in the circumstances leading to the charges) as the Commission may appoint.

Holding of
oral enquiry.

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

(3) Where it is decided to hold an oral enquiry, the employee shall be entitled to receive free copies of the statements of witnesses

to be called in support of the charges and shall also be furnished with copies of, or given permission to inspect, any documents to be used in support of the charges.

(4) At an oral enquiry the officer holding the enquiry may in his discretion permit the person or authority preferring the charges or the employee to be represented by an officer or other employee in the public service or by a solicitor or counsel and may at any time, subject to such adjournment as in the circumstances may be necessary, withdraw such permission, so however that where the officer holding the enquiry permits the person or authority preferring the charges to be represented the employee charged shall be given the like permission.

(5) At an oral enquiry the officer holding the enquiry shall first hear the evidence in support of the charges, and permit the employee charged or his representative to put questions to the witnesses, and shall then hear the evidence of the employee and his witnesses, who may be questioned. Notes of the proceedings shall be taken.

(6) The officer holding the enquiry shall find as a fact whether or not any of the charges has been established, and shall report his findings to the Commission.

(7) The Commission shall consider the findings and shall take action in accordance with the provisions of paragraphs (2) and (3) of regulation 103.

FIRST SCHEDULE

FORM I

(Regulation (3))

Oath of Allegiance

I, _____ do swear (or solemnly affirm) that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

So help me God. (To be omitted in affirmation)

Sworn/Declared before me this

day of

19 .

FORM II

(Regulation 4(1))

Oath of Office

I, _____ do swear (or solemnly affirm) that I will faithfully execute the duties of the office of Chairman/Member of the Public Service Commission without fear or favour, affection or ill-will and that in the execution of the functions of that office I will know, uphold and preserve the Constitution of Grenada.

So help me God. (To be omitted in affirmation).

Sworn / Declared before me this _____ day of _____ 19 .

FORM III

Regulation 4(2))

Oath or Affirmation of Officer of the Commission

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

So help me God.

Sworn/Declared before me this _____ day of _____ 19 .

SECOND SCHEDULE (Regulation 91(2))
Provisions of Regulations applicable to employees

<u>Regulation</u>	<u>Marginal Note</u>
2(1)	.. Interpretation
19	.. Principles of selection for promotion
20(3)	.. Determination of seniority
31	.. Date of appointment
32	.. Medical examination on appointment
38	.. Principles to be observed while officer on probation
40	.. Resignations
42	.. Report of Compulsory retirement
43	.. Compulsory retirement
44	.. Voluntary retirement
45	.. Retirement in public interest
46	.. Abolition of office
47	.. Medical Boards
48	.. Unfit officers
49(c)	.. Services on contract
Part VII	.. Conduct
78	.. Grounds for criminal prosecution
79	.. No disciplinary action while criminal proceedings pending
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
86	.. Suspension of increments.

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THIRD SCHEDULE

FORM I

Regulation 92(2))

Letter of Appointment of an Employee on the pensionable establishment

Sir,

I am directed by
to inform you that, pursuant to the power vested in him/it for that purpose,
he/it has appointed you to the post of _____ in the _____
on the following conditions :—

- (a) Your appointment takes effect from the _____ day of _____
and will be on (two) years' probation and during the probationary period your
appointment may be terminated at any time without any enquiry or reason being
assigned ;
- (b) you will be required to pass a medical examination as to your physical
fitness conducted by a medical officer in the public service ;
- (c) the salary payable to you will be at the rate of a _____ week/year
in the scale of _____ a week/year and your salary will
be payable weekly/monthly ;
- (d) you will be subject to the provisions of the Public Service Commission
Regulations, in force from time to time, governing the discipline and con-
ditions of service of employees, and, so far as they are applicable, the Establish-
ment Code, Financial Regulations and other instructions from time to time in
force ;
- (e) you will be required to comply with all departmental instructions and
lawful orders issued to you and to discharge any duties upon which the Permanent
Secretary/Head of Department may think it desirable to employ you in the interests
of the Service.

Yours truly,

for

NOTE : Delete and initial words that are not applicable.

FORM II

(Regulation 92 (2))

Letter of Appointment of an Employee not on the Pensionable establishment

Sir,

I am directed by
to inform you that, pursuant to the power vested in him/it for that purpose he/it
has appointed you to the post of _____
on the non-pensionable establishment in the _____ on
the following conditions :—

(a) your appointment takes effect from the _____ day of _____

and will be on (two) years' probation and during
the probationary period your appointment may be terminated at any time without
any enquiry or reason being assigned ;

(b) you will be required to pass a medical examination as to your physical
fitness conducted by a medical officer in the public service ;

(c) your appointment will confer no right to appointment on the pensionable
establishment of the public service of Grenada ;

(d) the salary payable to you will be at the rate of _____
a week/year in the scale of _____ a week/year and will
be payable weekly/monthly ;

(e) you will be subject to the provisions of the Public Service Commission
Regulations, in force from time to time governing the discipline and con-
ditions of service of employees and, so far as they are applicable, the Establish-
ment Code, Financial Regulations and other instructions from time to time
in force ;

(f) you will be required to comply with all departmental instructions and
lawful orders issued to you and to discharge any duties upon which the Permanent
Secretary/Head of Department may think it desirable to employ you in the interests
of the Service.

Yours truly,

for

NOTE : Delete and initial words that are not applicable.

FORM III

Letter of Appointment of a Temporary Employee

Sir,

I am directed by
to inform you that, pursuant to the power vested in him/it for that purpose, he/it
has appointed you temporarily to the post of
in the _____ on the following conditions:—

(a) your temporary appointment takes effect from the day of
_____, 19____ and will be terminable on _____ weeks/months notice
in writing on either side/and will determine on the day of _____, 19____.

(b) the salary payable to you will be at the rate of _____ a
week/year and will be paid weekly/fortnightly/monthly ;

(c) you will be subject to the provisions of the Public Service Commission
Regulations, in force from time to time, governing the discipline and con-
ditions of service of employees and, so far as they are applicable, the Establish-
ment Code, Financial Regulations and other instructions from time to time in
force ;

(d) you will be required to comply with all departmental instructions and
lawful orders issued to you and to discharge any duties upon which the Permanent
Secretary/Head of Department may think it desirable to employ you in the interests
of the Service.

Yours truly,

for

NOTE : Delete and initial words that are not applicable.

ANNEX

(Preamble)

Appointment,
etc., of public
officers.

84.—(1) Subject to the provisions of sections 85 and 92 of this Constitution, the power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Public Service Commission.

(2) The Public Service Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Commission or, with the consent of the Premier, to any public officer.

(3) The provisions of this section shall not apply in relation to the following offices, that is to say :—

- (a) any office to which section 86 of this Constitution applies;
- (b) the office of Director of Public Prosecution ;
- (c) the office of Director of Audit ;
- (d) any office to which section 89 of this Constitution applies;
- (e) any office in the Police Force.

(4) No person shall be appointed under this section to or to act in any office on the Governor's personal staff except with the concurrence of the Governor.

(5) Before any of the powers conferred by this section are exercised by the Public Service Commission or any other person or authority in relation to the Clerk of the Senate or the Clerk of the House of Representatives or a member of the staff of either of those Houses, the Commission or that person or authority shall consult with the President of the Senate or the Speaker of the House, as the case may be.

(6) Before the Public Service Commission or any other person or authority exercises its powers under this section to appoint to or to act in any public office any person who holds or is acting in any office the power to make appointments to which is vested by this Constitution in the Judicial and Legal Services Commission, the Public Service Commission or that person or authority shall consult with the Judicial and Legal Services Commissions.

(7) A public officer shall not be removed from office or subjected to any other punishment under this section on the grounds of any act done or omitted by him in the exercise of a judicial function conferred on him unless the Judicial and Legal Services Commission concurs therein.