



Human Resources Policies and Procedures Manual

Revised 1 April 2013

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PREFACE

The Human Resource Policies and Procedures Manual is compiled to provide information and guidance to the Human Resource Management and Development team as well as the Chief Executive Officer and the other members of the Management team. Its purpose is to increase the understanding of the Human Resource Policies and Procedures and to ensure consistency in human resource policy administration. Every staff member is responsible for following these policies. Every supervisor is responsible for carrying out these policies in a consistent and impartial manner.

Supervisors should ensure that all employees are familiar with the content and application of the policies contained in this document and that they act within its spirit.

The *Manual* cannot cover all employment situations, nor can policy statements substitute for good judgment and common sense. While these policies are consistent guidelines, they do not cover all situations and are not a substitute for detailed review of individual cases.

This Manual is to be used in conjunction with:

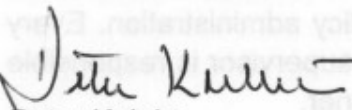
- The Public Service Regulations in force from time to time
- The Labour Laws of Jamaica
- The Government Staff Orders for the Public Service in force from time to time
- The Executive Agencies Act and Regulations in force from time to time
- Relevant Circulars from the Ministry with responsibility for the Public Service
- Relevant Circulars from the Office of the Services Commission
- The Financial Administration and Audit Act
- The Financial Instructions to Executive Agencies

This policy document is subject to change in order to remain in line with practice and changed legislation. Amendment pages will accordingly be issued in this regard from time to time, and human resource practitioners should ensure that copies are made available and the Manual kept updated.

At any time, the Agency reserves the right to modify, change, suspend, or cancel all or any part of the policies, procedures, and programs contained in this Manual. When the Agency develops or modifies new policies, procedures, and programs, it will notify team members as soon as possible. Differences that result from such changes will take precedence over the contents of this Manual.

This Manual supersedes any and all prior Human Resources Policies and Procedures Manuals and employee handbooks of the Agency. The effective date of the Manual indicates the current policy and practice in effect for the Agency.

The revised Manual is to take effect from 1 April 2013.


Peter Knight
Chief Executive Officer

2013/03/28
Date

INTRODUCTION

The Cabinet in June 1998 approved the principles which governed the drafting of legislation to create Executive Agencies (EA) in Jamaica. In 1999 Executive Agencies were introduced as a new organizational form within the Jamaican Public Sector landscape to operate as semi-autonomous government agencies as part of the Public Sector Modernization Programme. Essentially, the primary aim in creating Executive Agencies was to reduce central control and delegate authority to the Chief Executive Officers in these organisations. Another aim was to substantially improve the quality and quantity of services provided by government agencies. In that connection, Executive Agencies have enhanced delegated authority over the management of their resources.

In this regard, the Governor General, acting on the advice of the Public Service Commissions, agreed to delegate most of the functions under the Public Service Regulations (1961) to Chief Executive Officers in Executive Agencies. This delegation is effected through the Delegation of Functions and governed by an Accountability Agreement between the Public Service Commission and the Chief Executive Officer of the National Environment and Planning Agency. Consequently, the following functions have been delegated to the CEO; *Appointments, Promotion, Separation, Discipline and Training*.

In keeping with the Executive Agencies Regulations (2010), the Chief Executive Officer is required to formulate and implement human resource policies containing provisions which are generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment. It is on this basis that the National Environment and Planning Agency (NEPA) has developed a Human Resources Policies and Procedures Manual to communicate the related approved policies and procedures, and the Agency's and employees' responsibilities; to all levels of staff. This Manual therefore sets out a framework for human resources management within the Agency.

The Chief Executive Officers within EAs are also required to establish Human Resource Executive Committees (HREC) which have the responsibility to manage human resource functions that are delegated to the Agencies. The decisions of the HRECs are undergirded by the Office of the Services Commissions **FRAMEIT** principles of *Fairness, Respect, Accountability, Merit, Equity, Integrity, and Transparency*.

All employees of the Agency are covered by this Manual including Directors, Senior Managers and Managers on contract to the Agency and all other permanent and temporary staff, except for the Chief Executive Officer (CEO) who has a contract with the Public Service Commissions and a performance contract with the responsible Minister. However individual contracts may contain different provisions in specific areas, in which case such a contract will state accordingly.

1 PURPOSE OF THE MANUAL

It is the policy of the National Environment and Planning Agency (NEPA) to maintain a Human Resources Policies and Procedures Manual to communicate the related approved policies and procedures, and the Agency's and employees' responsibilities to all levels of staff. This Manual therefore sets out a framework for human resources management within the Agency.

All employees of the Agency are covered by this Manual including Directors and Managers on contract to the Agency and all other permanent and temporary staff, except for the Chief Executive Officer (CEO) who has a contract with the Public Service Commission and a performance contract with the responsible Minister. However, individual contracts may contain different provisions in specific areas in which case such a contract will state accordingly.

1.1 Management of the Manual

1.1.1 Responsibilities

It is the responsibility of:

- i. The CEO to approve and sign off all revisions to the Human Resources Policies and Procedures Manual.
- ii. The Human Resources Manager to regularly review the Human Resources Policies and Procedures Manual and update and distribute revised policies and procedures in line with business requirements.
- iii. The Director, Senior Managers and Managers to maintain an updated copy of this Manual and be thoroughly familiar with its contents.
- iv. All Supervisors and staff to become familiar with all areas of this Manual as well as the ongoing changes and updates.
- v. All Supervisors to recommend revisions to the established Human Resources Policies and Procedures Manual whenever such revisions are recognised as being desirable and/or necessary. Such recommendations should be presented in writing to the Human Resources Manager
- vi. Employees to recommend additions or modifications to the Human Resources Policies and Procedure Manual through his/her Supervisor, Manager or Division head. Such recommendations should be presented in writing to the Human Resources Manager
- vii. All employees to acquaint and keep themselves up to date with the contents of this Manual. They are reminded that the Manual contains policies and procedures relating to the conduct and the performance of staff, and are further reminded that any breaches of these policies and procedures will lead to disciplinary action in accordance with the Agency's disciplinary procedure.

1.1.2 Distribution of the Manual

- i. The Human Resources Manager will make the Manual available to all employees electronically. This will involve providing an office copy or copies of the Manual for staff to access from time to time, as it is uneconomical to provide each member of staff with an individual copy and to keep it up to date. However, all employees will be provided with a Employee Handbook, which will summarize the Human Resources Policies and Procedures.
- ii. Manuals are assigned to positions (not the incumbents of the positions) and the Human Resources Manager will assign control numbers to them when issued.
- iii. Manual holders are expected to maintain assigned copies in an up-to-date manner by inserting new pages when issued and destroying superseded material.
- iv. All Manuals remain the property of NEPA and Manual holders are accountable for returning assigned copies upon request.

1.1.3 Review and Update of the Manual

- i. The policies and procedures described herein are subject to change as deemed necessary by the Agency.
- ii. The Human Resources Manager or his/her appointee shall prepare a draft of new or revised policies and procedures for preliminary review.
- iii. The Chief Executive Officer (CEO) shall commission a sub-committee of the Human Resource Executive Committee to co-ordinate subsequent reviews of the Manual.
- iv. The CEO shall give final approval and sign off on all material to be included in the Human Resources Policies and Procedures Manual. The CEO will decide the dates when new polices and procedures become effective and these dates will be indicated on all policies.

1.2 Responsibilities and Authorities in implementation of Human Resources Polices and Procedures

Members of the management team shall ensure that all Human Resources policies and procedures are implemented in a consistent and impartial manner. It is not feasible to outline all rights and authorities for any position, however, below are the main points for senior posts within the Agency. Members of the management team should discuss with and seek direction from the Human Resources Manager prior to imposing discipline on staff. Members of the management team should also follow the prescribed procedures set out in the relevant policies and procedures when taking any action.

1.2.1 CEO's Responsibilities & Authorities

The CEO has delegated authority for recruitment and selection, training, disciplining and separation of staff to other areas/levels

The CEO reports to the portfolio Minister. The CEO has the authority to maintain an effective organization and has overall responsibility for:

- i. The performance and financial success of the Agency;
- ii. Setting the organization's overall structure and budget, allocating financial responsibility to the various Divisions and;
- iii. Ensuring that each Division is maintaining its overall plan and budget as well as ensuring that all staff are in compliance with Governmental Laws, Statutes and Regulations.

1.2.2 Divisional Directors' Responsibilities & Authorities

Each Division Head reports to the CEO, and has the authority to:

- i. Initiate recruitment and selection, training, disciplining and separation of staff under his/ her supervision.
- ii. Decide on the functions of the Branch(es) and units under his/her authority, giving due consideration to the Statutes and Regulations that govern the Agency as well as the overall purpose of the Division.

The Division Head may decide on the overall structure of his/her Division and instruct reportees in the performance of the Division's duties and functions. The Division Head is responsible for:

- i. Maintaining the Divisional budget and overall staff morale in his/her area.
- ii. Ensuring that all staff in his/her Division are in compliance with all Governmental Laws, Statutes and Regulations.

1.2.3 Senior Managers' Responsibilities & Authorities

Each Senior Manager, reports to a Division Head and has the authority to initiate the recruitment and selection, training, disciplining and separation of staff under his/ her supervision and structure set by the Division Head.

The Senior Manager provides input to the Division Head regarding;

- The overall structure of his/her Sub-Division.
- The Sub-Division's functions and services to be provided.

The Senior Manager is responsible for;

- Maintaining the Sub-Division's budget and overall staff morale in his/her area;
- Ensuring that all staff in his/her Sub-Division is in compliance with all Governmental Laws, Statutes and Regulations.

The Senior Manager instructs reportees in the performance of the Sub-Division's duties and functions and evaluates reportees' performance in light of the overall Performance Management System.

1.2.4 Managers' Responsibilities & Authorities

Each Manager, reports to a Division Head and in some instances to the CEO or a Senior Manager, and has the authority to initiate the recruitment and selection, training, disciplining and separation of staff under his/ her supervision and the structure set by the Division Head.

The Manager provides input to the Division Head regarding:

- The overall structure of his/her Branch. The Manager instructs reportees in the performance of the Branch's duties and functions and evaluates their performances in light of the overall Performance Management System; and
- The Branch's functions and services to be provided.

The Manager is responsible for:

- Maintaining the Branch's budget and overall staff morale in his/her area; and
- Ensuring that all staff in his/her Branch are in compliance with all Governmental Laws, Statutes and Regulations.

1.2.5 Supervisor's Responsibilities & Authorities

Each Supervisor, reports to a Manager, and consults with the Manager in the decision to recruit and select, train, discipline and separate staff under his/ her supervision. In the absence of the Manager, the Supervisor may refer to the Human Resource Manager should the offence be of a serious nature.

The Supervisor instructs reportees in the performance of the Branch's duties and functions and evaluates their performance in light of the overall Performance Management System. The Supervisor is responsible for:

- Assisting the Manager in maintaining the Branch's budget and overall staff morale in his/her area.
- Ensuring that all staff in his/her unit are in compliance with all Governmental Laws, Statutes and Regulations.

1.2.6 Human Resource Manager's Responsibilities and Authorities

The Human Resources Manager shall regularly examine all Human Resources policies and procedures to ensure they do not act to unjustly discriminate against particular groups or persons. In particular, practices in the following areas shall be assessed: recruitment and selection; training and development; promotion, performance ratings and awards, discipline and grievance and access to employee benefits including leave and overtime.

The Human Resources Manager will provide appropriate guidance and training to support Managers and Supervisors to implement all the Human Resources policies fairly in line with the Agency's policies.

1.2.7 The Responsibilities of all Employees

All employees have personal responsibility for the practical application of all human resources policies and procedures.

1.3 Equal Opportunity

The Agency will administer all its human resource policies equitably to avoid discriminatory practices. This includes but is not limited to discrimination based on disability, age, colour, family background, nationality, gender, disability status, employee category/grade, sexual orientation, marital status, religion or political affiliation. The Agency will also provide an employment environment in which employees have the opportunity to contribute and develop according to their merits and aspirations and will fully integrate equal opportunity into NEPA's culture and practice and promote procedures and practices designed to support equal opportunity at all stages of employment. Additionally:

- i. The principles of equal opportunity will be integrated into all of NEPA's Human Resource policies and procedures.
- ii. Individuals will be considered on their personal merit and reasons for decisions recorded. Human resource decisions will not be based on assumptions or generalisations about particular groups or categories.
- iii. All employees with responsibility for making decisions about or assessment of others will receive adequate training in the principles and practices of equal opportunity. In particular, all Directors, Senior Managers, Managers, Supervisors and those involved in recruitment and selection, training and promotion will display equal opportunities in their day-to-day activities and working relationships.
- iv. Workplace harassment, including racist and sexist harassment and abuse will be dealt with under the disciplinary procedure, which may lead to dismissal. Complaints of such conduct will be investigated thoroughly and the results documented and appropriate actions taken.
- v. Employees who have reasons to believe they are being treated unfairly or denied opportunity on the basis of age, gender, national origin, race, colour, religious beliefs, political affiliation, disability or sexual orientation may file a complaint to the Chief Executive Officer.
- vi. The Chief Executive Officer shall have the matter investigated and appropriate remedial measures applied.

2. HUMAN RESOURCE PLANNING

2.1 Policy Statement

It is the Agency's policy to plan its human resource requirements for the future and take action to ensure that it has an adequate supply of people with the right skills, training and experience to enable the Agency's objectives to be met.

2.2 Objectives

The objectives of this policy are to:

- i. Establish guidelines and processes for effectively dealing with organisation development and change and;
- ii. Ensure that a plan is in place for establishing appropriate organisational arrangements, staffing levels and skill requirements to accomplish the Agency's objectives.

Procedures

2.3 Organisational Development

- i. The Human Resource Manager shall review the suitability of the Agency's organisational structure to meet current and future customer business needs on an annual basis, and as part of the Agency's business planning process. In reviewing the existing structure the focus shall be on the identification of duplicated effort and responsibility within the Branches as well as identification of surplus capacity.
- ii. Proposals to change organisational structures shall be supported by a revised organisation chart, position descriptions and a cost benefit analysis outlining the rationale and increase in performance to be gained by the change together with a statement giving the means by which the proposed benefits will be measured. The Human Resources Manager should incorporate relevant Managers' viewpoints into the proposal and submit same to the CEO together with an implementation plan. Consideration should be given in the proposal to the following:
 - a. clarity of reporting lines and responsibilities;
 - b. allocation of sufficient functional authority to discharge responsibility;
 - c. the effects of present levels of competence, and any identified training needs, where reporting lines and responsibilities are changed;
 - d. the involvement of key personnel including relevant Directors, Managers and Staff Representatives; and
 - e. the span of control.

- iii. The CEO will decide on whether to implement any organisational changes and will agree on an implementation plan with the Divisional Heads and Human Resource Manager.
- iv. Once organisational structures have been approved the Human Resource Manager should ensure that documents detailing organisation structures and arrangements reflect approved changes and that the changes are communicated to staff and understood by those who are affected.

2.4 Human Resource Plans

- i. A human resource plan should be developed, taking account of business needs and the implication of any projected organisation change on the numbers and skills of employees. This should be done on an annual basis following a review of organisational structures.
- ii. Where available the Human Resource Manager should use human resource planning information developed from a single, accurately maintained database, so that plans are based on consistent information.
- iii. Human resource plans should be based on the systematic assessment of the characteristics and trends of the existing workforce, including:
 - a. competencies required;
 - b. employee turnover;
 - c. length of service profiles;
 - d. age distribution;
 - e. grade/earning level profiles;
 - f. skills inventories (including special qualifications and/or experience), and;
 - g. gender/ethnic/disabled groups.
- iv. Human resource plans should also take account of external trends relating to forecasts of external labour skills in supply and demand.
- v. Future human resources requirements identified from human resource plans should be fed into recruitment, training, and development plans and co-ordinated by the Human Resources Manager in accordance with the respective policies. Changes should be incorporated into the annual business plan and budget process.

2.5 Succession Planning

- i. The Human Resources Manager, in conjunction with Directors, Senior Managers, and Managers, should develop succession plans for all management, supervisory and critical positions, based on the identification

of outstanding potential from performance reviews and development activities to ensure the continuity of operations.

- ii. Discussions between the individual and his/her Manager during the performance appraisal process/ interview concerning realistic career aspirations (the personal development plan) shall be considered when developing succession plans, and appropriate development opportunities should be identified.
- iii. The Human Resources Manager shall facilitate succession planning by providing information, support and guidance to all Managers.
- iv. Employees who are participating in succession plans will be invited to compete for selection as appropriate vacancies arise
- v. The Human Resources Manager in consultation with the CEO will develop succession plans for senior level positions, where appropriate.
- vi. The succession planning process must conform to the spirit and intent of the equal opportunity policy and the identification of employees for succession will be based on performance, competence and merit.
- vii. Only in exceptional circumstances will direct appointments be made, and this will normally relate to a transfer or level movement rather than a promotion.

3. RECRUITMENT, SELECTION, PROMOTION, DEPLOYMENT AND TRANSFER

3.1 Policy Statement

- i. It is the Agency's policy to ensure that all appointments to posts are based on a fair and open assessment of individuals' capabilities and in accordance with standards of professional best practices.
- ii. Any suitably qualified Jamaican/Caricom national is eligible for employment in NEPA. If recruitment activities do not identify a suitable Jamaican/Caricom national, then other nationalities may be considered. A person shall not be considered for employment, unless he/she has reached eighteen (18) years and complies with the required qualifying requirements as stipulated in the advertisement.

3.2 Objectives

The objectives of this policy are to ensure that:

- i. There is compliance with the legislation concerned with employment practices;
- ii. Requirements for jobholders relate to job related competencies, qualifications and experience;
- iii. All posts are filled by the most suitable candidates whose capabilities have been objectively and competently assessed.

Procedures

3.3 Recruitment

The recruitment process will vary according to the level of the post to be filled and whether the post is permanent or temporary. The Chief Executive Officer shall be responsible for the form and manner in which applications are to be made for employment to the Agency and for the conduct of any examinations for recruitment to such offices, and shall determine whether any candidate has the necessary qualifications for employment to such offices.

3.3.1 Request for Recruitment

- i. The Director or Manager in whose Branch the vacancy or new position is to be filled, must submit a request for recruitment and an up-to-date job description to the Human Resources Manager, in order to undertake any recruitment. Job descriptions should be competency and results focused, in line with the standard format for all job descriptions.

- ii. Requests for temporary employees should be for an employment period of no longer than six (6) months. These requests must have the approval of the CEO.
- iii. The Human Resources Manager shall review the requests received and confirm the category, level and details of the position in consultation with the Director, Senior Manager or Manager. Based on this review the Human Resources Manager will then make a recommendation to the CEO to approve or decline the request.
- iv. The CEO will approve or decline the proposed recruitment and return the application to the Human Resources Manager who will communicate the decision to the Director, Senior Manager or Manager.

3.3.2 Advertisement of Positions

- i. Management vacancies may be advertised simultaneously internally and externally to encourage open competition. However, the CEO may opt to renew the employment contract of an incumbent whose contract is renewable and has performed satisfactorily according to agreed targets in the opinion of the CEO.
- ii. Vacancies for positions below management level (level 7 and below) will normally be advertised internally first and if no suitable candidate is found, external candidates will be invited to apply. The Human Resources Manager may advertise positions below management internally and externally at the same time, where it is believed that there will not be sufficient competition for a job or where there will be an advantage in attracting applicants from the external market.
- iii. Where the CEO considers either that there is no suitable candidate already in the Agency available for filling of a vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interest of the Agency that the services of a person not already in the Agency be secured, the CEO shall take such steps (including local advertisements of the vacancy) as he/she may think necessary for the filling of such vacancy.
- iv. Internal advertisements will be placed on the Agency's staff notice boards and on the intranet together with details of the vacant posts.
- v. External speculative applications should be referred to the local press for external advertisements, but speculative applications may be kept on file for future vacancies at which time, qualified persons may be invited to apply. The external speculative applications may be used as a pool from which to select suitable candidates for recruitment of temporary staff.

- vi. The Human Resources Manager may utilise the external expertise of a recruitment company or undertake selective recruitment campaigns e.g., at the universities, schools and job fairs where appropriate.

3.3.3 Qualifications for Positions

- i. All recruitment for permanent positions, except Level I, will be based on a minimum entry academic standard of four (4) CXC subjects at level three or equivalent qualification, including English Language and Mathematics.
- ii. The qualifications and person requirements for each position should be clearly stated on the finalised job description and communicated in all advertisements, that is, advertisements should specify details of the job, the person specifications and should invite interested and qualified persons to apply in writing for the position indicating their suitability for the position.

3.4 **Selection**

All selection decisions will observe the equal opportunity policy and will be based on competency and demonstration that candidates successfully meet the job and person requirements for the position. The Chief Executive Officer may interview candidates for employment and shall consider in respect of each candidate- his/her educational qualifications; his/her general fitness; any previous employment in the public sector and any referees named by the candidate.

3.4.1 Stages in the Selection Process

- i. The selection process will include the following stages which are designed to ensure that the best qualified candidate for the position is selected:
 - 1) preliminary shortlist based on information on application;
 - 2) competency assessment; and
 - 3) selection panel interview.

All levels of staff may be required to go through the three (3) stages of selection, but different selection instruments may be used at the various stages and for varying levels. The tools will vary from highly sophisticated selection tools to fairly simple methods, depending upon the complexity and seniority of the job. The Human Resources Manager will develop and maintain a battery of tests for such use, and where certification is a prerequisite for administering and interpreting certain tests, the Human Resources Manager will ensure that she/he or a member of staff is certified to use those tests.

a. Preliminary Shortlist

All candidates will be considered on the basis of their written application which will be judged against the job and its requirements. The candidates who meet the key job requirements will be placed on the shortlist. Depending upon the number of applicants, the Human Resources Manager may decide to raise the standards required for short-listing (based on the number of applications) in order to keep the number of candidates for further consideration at manageable levels.

b. Competency Assessment

Short-listed candidates will be required to undergo an assessment to test for evidence of competence/ability. The assessment may include one or any combination of the following depending on the level and type of position:

- a. a simple practical test e.g., typing test;
 - b. a reading and arithmetic exercise;
 - c. verbal and numerical reasoning tests;
 - d. a range of assessment centre assignments including in-tray tests and competency based assessment interview;
 - e. an occupational personality questionnaire;
 - f. a presentation; and
 - g. a group exercise/assessment.
- ii. Management positions may involve the equivalent of a full day assessment programme. Positions below management will involve no more than the equivalent of a half-day assessment programme.
- iii. Assessors for this programme may be given training in assessment centre techniques. They may involve the CEO and will usually include other executives of the Agency, such as Directors, Senior Managers and Managers. There may be instances where external expertise or a staff representative may be used.

3.4.2 Selection Panels

- i. The Chief Executive Officer may from time to time appoint one or more interview panels to assist in the selection of the candidates for appointment to the Agency and the composition of any such panel and the form in which its reports are to be submitted shall be decided by the Chief Executive Officer.
- ii. All successful candidates who have completed the competency/ability assessment will be invited to an interview to confirm the validity of the application information supplied. Applicants will also be asked to submit verified copies of requisite qualifications. Additionally, further screening will be undertaken, including reference checks, for candidates being considered for permanent and/or contract positions.

- iii. On the consideration of any report of a Selection panel, the Chief Executive Officer may in his/her discretion summon for interview any of the candidates recommended by such panel.

3.4.3 Notification of Results and Offer of Employment

- i. The Human Resources Manager will notify the successful candidate and offer the employment in writing.
- ii. The offer letter will outline the terms and conditions of employment.
- iii. The successful candidate in accepting the offer of employment will sign and return a copy of the letter indicating his/her acceptance of the employment under the terms and conditions outlined in the letter.

3.4.4 Penalty for giving false information during recruitment

Refer to 16.5.1

3.5 Salary on employment or promotion

- i. Employment shall be made according to the qualifications and experience of the applicant, at a point within the prescribed salary scale, provided that, if a successful applicant claims a higher point than the starting point of a particular salary scale, the salary of the existing employees occupying similar positions in the relevant Branch, shall be taken into consideration.
- ii. If an existing employee is promoted, his/her salary shall be adjusted to the minimum point of the new salary scale, provided that such salary adjustment shall be equal in salary to at least one additional point in the scale applicable to him/her prior to the promotion.
- iii. Notwithstanding the above the HREC having taken all things into consideration, may determine the salary to be paid to the employee.

3.6 Probation

- i. All newly employed staff, excepting those employed on a temporary basis and those on fixed term contracts, will be required to undergo a three (3) month probationary period that will facilitate further assessment of competence, organisational attributes and management of tasks.
- ii. Any period served previously in a temporary capacity may be considered, in whole, or in part, in the determination of the probationary period. In exceptional cases, the probationary period may be waived before the end of the three (3) months period at the discretion of the CEO, in consultation with the Human Resources Manager.
- iii. During the probationary period, the Manager will appraise the employee's

performance and behaviour on a monthly basis to determine suitability of the individual to the position. The Manager must complete a probation assessment one (1) month before the end of the probationary period and the decision of the appraisal communicated to the Human Resources Manager.

- iv. During the probationary period, either party, with or without notice may effect termination of service. After the probationary period or any extension thereof, termination of employment may be effected by either party serving one (1) month's notice, in writing on the other.
- v. An employee who has successfully completed the probationary period will be issued a letter confirming his/her permanent appointment, subject to receipt of satisfactory references.

3.7 Extension of Probation

If the confirmation of the permanent appointment of an employee is not recommended by the Branch Manager, he/she shall communicate in writing to the Human Resources Manager and recommend that either, he/she:

- i. Extend the probationary period of the employee by the maximum period of three (3) months;
- ii. Terminate the service of such employee

The probationary period may be extended (on the basis of the supervisor's assessment), with the approval of the Director, for a period not exceeding three (3) months.

3.8 Medical Certification

Employees entering the Agency for the first time are required to pass a medical examination conducted by a registered medical practitioner, prior to the confirmation of permanent appointment.

3.9 Confirmation of Permanent Appointment

An employee, who has successfully completed the probationary period and has received a satisfactory medical report, will be issued a confirmation letter of permanent appointment and will become eligible for the benefits of permanent members of staff, except for paid vacation leave entitlement, which requires one complete year of service.

3.10 Fixed Term Contracts

All persons recruited to fill positions that are in the job Levels Eight to Nine (8-9) on the organizational structure of the Agency will be given fixed term contracts. The employment contracts will outline the terms and conditions of employment and will be consistent with current policies and procedures issued by the appropriate authority.

3.11 Project Employees

Persons recruited to work on specific projects will be given fixed term contracts which will be consistent with current policies and procedures issued by the appropriate authority. These persons will be given specific terms of references and deliverables in accordance with project objectives. If a project is externally funded, recruitment and terms of references may also be subject to the guidelines from the relevant funding Agency.

3.12 Temporary Employment

Temporary employment will be based on the following:

- a) Short term assignments e.g. employee proceeding on vacation leave, sudden separation of an employee, study leave, etc.;
- b) Specific projects assignments

Temporary employment should not normally exceed six (6) months and temporary employees will be subject to different terms and conditions as may be determined by the CEO in consultation with the Human Resources Manager.

3.13 Recruiting Temporary Employees

Temporary employees will usually be recruited from internal applicants or from the pool of speculative applicants. Depending on the position that is being filled, the short-listed candidates may be required to complete a competency assessment as well as appearing before an interviewing panel.

3.14 Promotion

- i. Promotion will be on a competitive basis
- ii. From time to time as vacancies occur the Chief Executive Officer shall consider the eligibility of all officers for promotion, and in respect of every such officer shall take into account not only his seniority, experience and educational qualifications but also his merit and ability.

- iii. For the promotion to a post involving work of a routine nature more weight may be given to experience than where the work involves greater responsibility and initiative. Merit and ability shall be given more weight progressively as the work involves a higher degree of responsibility and initiative.
- iv. The Human Resources Manager will maintain a record of all employees who were identified for promotion and will ask Managers and Directors to invite these persons to apply for the positions when appropriate vacancies arise and when the positions have been advertised.
- v. Invited applicants with recognised promotion potential will have the opportunity to demonstrate their competence alongside other internal and external candidates.
- vi. Candidates selected for promotion will be notified in writing with a letter setting out the terms and conditions of employment.
- vii. In exceptional cases and at the discretion of the CEO, with a written justification perhaps for reasons of expediency or cost efficiency, direct promotions may be made to vacant posts. These cases will be communicated to staff.

3.15 Deployment

- i. In exceptional cases and at the discretion of the CEO, (perhaps for reasons of expediency or cost efficiency) deployments may be made to vacant posts. These cases will be communicated to staff.
- ii. In special cases where the Agency's business needs necessitate that an employee be deployed at the same grade, adequate notice of the intention to redeploy will be given to the employee. The Human Resources Manager will advise the employee in person, followed by written confirmation of the move with any revised terms and conditions of employment.
- iii. A deployment may be temporary in the first instance and could lead to a transfer

3.16 Acting Appointments

- i. Employees may be appointed to perform duties in a higher post whenever the substantive holder of the post is appointed to act in a higher level post or is away from the job for reasons which include but are not limited to; maternity, vacation, study, extended or no-pay leave.

- ii. Employees may be paid an acting allowance, in instances where they have acted for periods of fifteen (15) consecutive working days or more.

3.17 Secondment

- i. A secondment is the temporary assignment of an employee to projects (including those managed by NEPA), the wider public service or to other organizations, with the approval of the CEO.
- ii. The Agency may approve secondment either for a fixed term with a guarantee to return, or it may be an interim arrangement for a specified period leading to a permanent change in employment. During the period of secondment, the employee's position within the Agency will be protected.
- iii. When an employee is seconded to a project or another Agency the vacation leave already earned by the employee in NEPA will be frozen. All other benefits will also be frozen.

3.18 Transfers

A transfer is a permanent appointment from one position within the Agency to a vacant post in the Agency that is equivalent in level, emoluments and benefits.

- i. Employees wishing to be transferred to a vacant position within the Agency may submit a request for transfer to the the Human Resources Manager for the approval of the Human Resource Executive Committee (HREC).
- ii. NEPA employees wishing to be transferred to other Agencies or Government Bodies will be treated in accordance with the respective external applications procedures for those Agencies and Bodies.
- iii. Transfer requests from other Agencies or Government Bodies will be treated in accordance with the Agency's external recruitment procedures.

3.19 Internship and Work Experience Programmes

- i. The Agency fully supports the Human Employment And Resource Training (HEART), National Youth Service (NYS), Citizens, Security & Justice Programme (CSJP) Government internships and other school internship and work experience programmes. As such; participants in these programmes may be facilitated for work experience and internship for prescribed periods within specific areas of the Agency.
- ii. The Agency is not responsible for continuing training or association beyond the specified internship/training period. Interns/Trainees are expected to do their own job searches during the period and are invited to

submit applications for consideration to fill any vacancy that may exist or arise.

- iii. Termination of internship and/or work experience may be done at any time for reasons similar to those under the terms of employment for temporary staff.

3.20 Holiday Workers

The Agency may (subject to budgetary provisions), offer summer holiday employment to students; including children of employees. Normal working hours and office procedures will apply for these workers.

4. EMPLOYEE RECORDS

4.1 Policy Statement

It is the Agency's policy to record and maintain accurate and up to date employee records and documentation for employment administration purposes.

4.2 Objectives

The objectives of this policy are to:

- i. ensure that up to date records are maintained accurately and securely on all employees of the Agency for employment administration purposes;
- ii. outline (to employees) the relevant information and documentation required to be kept on employee files and the confidentiality of this information, and;
- iii. monitor and evaluate the implementation of Human Resource Policies.

Procedures

4.3 Employees' files

A personal file will be created when an employee joins the Agency. Standard documentation to be placed on the personnel file will include:

- i. Employee's application letter;
- ii. Selection decision;
- iii. Copy of National Insurance Scheme Card;
- iv. Copy of Tax Registration Number;
- v. Copy of P.A.Y.E. Certificate
- vi. Copy of Birth Certificate
- vii. Evidence of professional certification or recognition;
- viii. Educational, degree, diploma, certificate or transcript;
- ix. Work permits if required;
- x. Record of citizenship or alien status
- xi. A note of the documents and the originators of any documents that are filed on the employee's confidential file;
- xii. Letter of employment;
- xiii. Personal data (e.g., next of kin and emergency contact numbers);
- xiv. Leave records
- xv. Copies of any disciplinary warnings;
- xvi. Salary, benefits, performance and development information (including Annual Performance Appraisals),
- xvii. References.

4.4 Maintenance of Records

- i. Copies of the personnel changes form, which notes and/or authorises various changes to an employee's personnel record (e.g., new salary, new job) will also be kept on the employee's personal file.
- ii. Personnel files are confidential and will be kept in the Human Resource Branch in a secure place. Employees' files may not be removed from the Human Resource Branch without the authorization of the Human Resources Manager.
- iii. Managers shall ensure that all letters, memoranda and documents with personal reference to an employee is forwarded to the Human Resources Branch to be included in the employee's files.
- iv. Employees are required to notify the Human Resources Branch of any change of circumstances that may necessitate their records to be updated, e.g., change of address, next of kin, beneficiary, marital status, qualifications etc.
- v. Any addition of information/documentation to the file by an employee must be done through the appropriate authority in the Human Resources Branch
- vi. The removal of any information/documentation from the file, by an employee must be done through, and with the permission of the Human Resources Manager

4.5 Access to Personal File

- i. Employees will have right of access to view his/her own personal file, however, the Human Resources Manager or his designee shall observe all review of personal files.
- ii. Employees may request copies of documents on their personal files. These documents will be copied by a HR Representative.

4.6 Service Record

- i. Service records will be maintained for employees who are enrolled on the Government Pension Scheme.
- ii. The original of the employee's Service Record with entries properly completed and certified will be forwarded to the Head of the Human Resources Division in the new organization (in cases where an employee is transferred to a new Government Office), and a copy provided to the employee.

4.7 Computerised Employee Records

- i. To facilitate efficient personnel administration, key employee information will be computerised using the Human Resource Management Information System.
- ii. This system will be used to facilitate salary and benefits administration and aid in global reporting of personnel statistics as required internally and externally.

- iii. The Human Resources Branch and the CEO will have access to this system. Employees may inspect their computerised records using the same procedure as set out above for employees' files.

4.8 Requests for Reference Checks

The Human Resources Manager will exercise care (on receipt of written requests) to supply honest and factual employee references. Where possible standard reference letters will be used e.g. accommodation references, mortgage/financial and employment references.

5. HOURS OF WORK

5.1 Policy Statement

It is the Agency's policy to contract staff to work agreed hours of work in line with its business needs.

5.2 Objectives

The objectives of this policy are to ensure that:

- i. sufficient staff are present at any given time to carry out activities necessary to meet the business needs of the Agency ;
- ii. all employees understand their normal hours of work; and
- iii. each individual attends work as agreed.

Procedures

5.3 Hours of Work

- i. The normal work week consists of forty (40) hours per week, to be worked from Monday to Friday, from 8:30am – 4:30pm).
- ii. The CEO may propose alternative work hours for the approval of the Minister responsible for the Public Service, based upon the nature of the operation, the exigencies of the service, the specific needs of employees and in order to ensure quality service to the public
- iii. The normal work-week includes a one-hour lunch break each day, which employees may take at times agreed with their Managers. These times should take into account arrangements to provide sufficient office cover and a full continuous service to customers.
- iv. Exceptions to the above will be stated in individual contracts e.g., part-time/casual/shift work employees. The Human Resources Manager may allow for special cases e.g., disability or to permit a temporary arrangement at his/her discretion.
- v. In instances where a business need requires staff to work significantly beyond their normal working hours, staff below supervisory level may be entitled to overtime pay for such work.

5.4 Punctuality and Attendance

- i. Employees are expected to arrive at work punctually and be in attendance during the contracted times. Failure to do so without prior approval will result in disciplinary action in accordance with the Agency's disciplinary policy and procedure.

- ii. The deadline for permitted late arrival is 11:00a.m. for all staff. That is, employees may be granted **permission to arrive late** by the latest 11:00a.m. Any arrival beyond that time will be charged as leave.
- iii. This leave will be first charged as Casual leave. If the Casual leave provision is exhausted, then Vacation leave will be utilized. If vacation leave is exhausted then the day will be granted as no-pay leave.
- iv. No Supervisor/Manager/Senior Manager/Director is allowed to give permission for lateness beyond 11:00a.m.
- v. Lateness **in excess** of three (3) times per month and or 150 minutes per month will attract disciplinary action as follows:
 - The 1st month - Verbal Warning by Supervisor or Manager
 - The 2nd month - First written warning by Manager and copied to HR
 - The 3rd month - Second written warning by Director and copied to HR
 - The 4th month - Suspension for three (3) days, to be done by HR
 - The 5th month - Suspension for five(5) days, to be done by HR

These measures will be applicable on a calendar year basis. The months need not be consecutive.

- vi. Habitual/frequent lateness within a month may result in disciplinary action being taken.
- vii. Employees are to advise their Supervisors if they are unable to report for work, this must be done within the first two hours of the beginning of the work day.

5.4.1 Computation of Late Arrival

Employees are considered “late” if they arrive at work after the start of their scheduled time to arrive at work. Hence, if work starts at **8.30 a.m** and an employee arrives at **8.35 a.m**, this individual would, be considered five (5) minutes late in computing time lost. There is no “**grace period**”.

The Head of each Branch/Unit will prepare a monthly report of Late Arrivals and submit to the HR Branch no later than the first Friday of the subsequent month. Where there are breaches in a specific month which requires an action to be taken (see 5.4 .v above); this must be done immediately. This report should state:

- Number of times late
- Minutes/hours lost
- Whether first, second or third offence.

5.4.2 Employee Review

Reducing late arrival is critical to organizational efficiency and a review of an employee's punctuality record may be initiated once a breach has been established, that is, an employee's failure to report to work on time at the scheduled agreed time of work more than three (3) times per month.

If a review of an employee's punctuality is initiated the following procedure must be adopted:

- a. The manager should arrange for a meeting with the employee whose record is being reviewed. A union representative may be present.
- b. The tardiness record is to be discussed with the employee in an attempt to determine if there is any mitigating reason for the poor record or possible abuse.
- c. The manager/supervisor must be willing to work with the employee to resolve whatever circumstances are adversely affecting the individual's punctuality record.

Discipline is **NOT** to be automatically applied until the above procedures at 5.4.2 are followed.

These progressive steps will be taken in the order listed in all cases except where the manager determines that a violation is serious enough to warrant a higher level of discipline.

5.5 **Attendance Register**

- i. An Attendance and or electronic Register shall be established in which all staff will be required to write and log their names, signatures, time into the building, and time out of the building on a daily basis. In addition, employees who use the offices after working hours and/or weekends **must** sign the register and clock in with the same information as stated above.
- ii. **Under no circumstance should any employee sign in or clock in for another employee**
- iii. Managers and Supervisors will establish mechanisms and procedures to monitor and record punctuality and attendance of employees under their supervision. The variances are to be submitted to the Human Resources Branch on a monthly basis.

- iv. Directors and/or Branch Managers are to ensure that monthly absence reports are submitted to the HR Branch to validate attendance and to report the nature of absences.

5.5.1 Absenteeism

Absenteeism: means habitual absence from work without prior official approval.

- i. Employees are expected to be present at work during the contracted times.
- ii. Leave should be applied for ***and approved*** before proceeding on that leave. In the case of an emergency, Casual or Sick leave must be applied for on resumption.
- iii. Absence without permission will result in the issuance of a written warning and deduction of the day(s) from available casual leave. If there is no casual leave vacation leave will be utilised. If there is no available vacation leave the day will be considered and treated as no-pay leave.

5.6 **Alternative Work Arrangements**

5.6.1 Compressed Work Week

Employees, with the written permission of the CEO or his/her designate, may be allowed to work the required number of hours within a compressed period.

5.6.2 Flexible Hours

In view of the nature of the operations of the Agency, flexible time arrangement may be exercised with the written permission of the CEO or his/her designate to ensure that operations involving long and unusual hours as well as special situations impacting employees are facilitated. The minimum period of flexi-time should be for a calendar month

Protocol for Flexi-time Work Arrangement

Flexi Time is "A system permitting flexibility of working hours at the beginning or end of the day, provided an agreed period of each day (**core time**) is spent at work."

Objective of the protocol

To provide established principles and guidelines by which flexi-time work arrangement is implemented and managed.

Guiding Principle

The management of NEPA will allow for flexi work times to improve the working conditions of staff members as well as to improve productivity and service delivery.

Core Time

During core time all members of staff should be at work. These hours are from *9:30am to 3: 30 pm*.

Implementation Procedures:

- i. To operationalize the flexi-time NEPA will operate five (5) work periods of eight (8) hours during the work day to enhance the working conditions of staff as well as productivity and service delivery;
 - a. 7:30 am to 3:30 pm
 - b. 8:00 am to 4:00 pm
 - c. 8:30 am to 4:30 pm
 - d. 9:00 am to 5:00 pm
 - e. 9:30 am to 5:30 pm
- ii. In all instances a staff member's selection of a reporting time must have the support of the Branch Manager and Divisional Director. Director and Managers must ensure that there is adequate staff coverage during the normal working hours of 8: 30 am to 4: 30 pm as service delivery and productivity must not be adversely affected by this arrangement.
- iii. All approvals for the grant of flexi-time will be granted for a maximum period of one (1) year on each occasion, to allow for review on an annual basis and persons will require re-applying.
- iv. Applications should be submitted through Senior/Branch Managers and Directors to the Manager, Human Resource at least one month in advance of the contemplated commencement date for approval, by the CEO.
- v. Directors and Senior/ Branch Managers should state clearly in writing whether or not the request is supported.
- vi. Staff members should await a response in writing before commencing to report for work in keeping with a request for flexi work arrangements.
- vii. Staff members who wish to change their flexi work arrangement within the approved period should give one (1) month's notice in

writing. In exceptional cases consideration will be given to requests submitted giving less than the one month's notice.

- viii. Staff member giving back hours using the flexi work arrangement should fit in the scheduled time frames above but may also be required to work on week – ends. In all instances the Senior Manager/ Branch Manager and Director should review and agree on the work recovery schedule. The Directors and Managers are required to have mechanism(s) in place to monitor both the time spent and the work done.
- ix. Applications for flexi work arrangements should be submitted as at iii to vii above.

Monitoring Mechanism

- i. The attendance of all staff members is monitored by the electronic log in system and Attendance Registers
- ii. A monthly report will be submitted to each Director and Manager for review.
- iii. Staff members who are not adhering to the hours of work should be so informed and will be warned for sanction as appropriate

5.7 Time-Off

Time-off may be granted to employees during the normal working hours to attend classes for personal development. In these instances the employees will be required to work back the time granted to attend classes.

5.8 Excess Hours of Work

Any time worked in excess of the required hours of work is to be recorded and dealt with in accordance with established procedures/provisions. Compensation will be paid only for such work which was given prior written approval by a Supervisor/Manager and authorised by the Director.

6. TRAINING AND DEVELOPMENT

6.1 Policy Statement

- i. It is the Agency's policy to train and develop staff to enable them to perform their jobs effectively and to meet the short, medium and longer-term skill requirements of the Agency.
- ii. The training of the Agency's staff will not be seen as something that simply teaches employees certain skills. It will be viewed as the means of making the transition from the Agency's current group of employees to those needed as the organisation matures.
- iii. The value of training will be the timely development of the employees necessary to meet the Agency's goals. The rapid pace of change requires training to supplement experience gained on the job, with intensified learning experiences to compact experience into a shorter time period and enable people to develop faster.

6.2 Objectives

The objectives of this policy are to:

- i. ensure all training activities are conducted on a business need basis to a high and consistent standard;
- ii. ensure that competent well trained staff is to achieve the objectives of the Agency;
- iii. provide an efficient, effective, motivated and productive workforce;
- iv. ensure staff receive the training necessary to enable them to perform their jobs effectively and to achieve their agreed objectives and targets, and;
- v. encourage employees to take responsibility for continuing their own professional development.

Procedures

6.3 Orientation and Induction

- i. All new employees will undergo an orientation programme with the Agency beginning on their first day of employment. The orientation will include:
 - a. an overview of the Agency
 - b. an explanation of the Agency's mission and vision
 - c. a description of the benefits and service available to the employee
 - d. d) a description of specific job functions and how they fit into the overall plan for the Agency
 - e. some general statements about expectations
 - f. an introduction to the Agency's Human Resources policies and procedures; and
 - g. an opportunity for questions

- ii. The Human Resources Manager will meet with the new employee on the first day of work to begin the orientation sessions. At the first session the Human Resources Manager will discuss and communicate a short orientation programme, which would have been developed and agreed on between the new employee's Manager and or Supervisor.
- iii. The programme will include a checklist of the initial training areas to be covered and it will identify those responsible for delivering each area, and the dates and deadlines for completion. Induction programmes should cover periods of between one week and one month, depending on the seniority of the post in question.
- iv. The employee will be asked to sign all relevant benefit forms at this time. The employee will be given a copy of relevant Agency literature and directed to recent copies of the Agency's staff newsletter.
- v. The Human Resources Manager will then direct new employees to their Managers who will introduce them to other team members and continue the process of orientation including a tour of the different work areas within the Agency. Orientation and induction training will include familiarisation with the work of the section and basic training to undertake the job functions.
- vi. At the end of the planned orientation programme the Human Resources Manager will meet with the employee to check that the programme is completed satisfactorily and to answer any questions/concerns that may have come up during the programme. The Human Resources Manager may also meet the employee informally during the orientation programme to check on progress and problems.
- vii. New employees will be assigned a staff member from the employing Branch or Division who will act as a mentor during the first month. The mentor will have the role of answering any questions the individual may have about the Agency's way of working and provide a continuation of the orientation process that the employee will receive as part of the orientation programme. At the end of the month the option will be available for the Manager and member of staff to maintain the relationship with the mentor who will continue to provide an objective view for the individual. Normally the mentor will not be a Manager to whom the individual reports directly.

6.4 Training Needs Analysis

- i. All training plans will be based on the clearly identified business needs of the Agency, and individuals, and information gleaned from the Agency's annual training needs analysis. This analysis will form part of the annual corporate, business plan, and budgetary activity. It will take account of the development and training needs identified as part of the performance appraisal (work planning and review) system. Training needs will take into account the employee's job role, performance criteria, current competencies, quality and safety considerations.
- ii. Where a member of staff perceives that he/she has a training need he/she should discuss it with his/her Manager at any time.

6.5 Training Plan

- i. The Human Resource Manager is responsible for supporting Managers in identifying training and development needs and for recommending the appropriate training.
- ii. The Human Resource Manager is also responsible for developing and co-ordinating the implementation of the training plan for the Agency and the associated budget, in conjunction with the CEO and Managers.
- iii. All training must reinforce achievement of the Agency's mission, strategic objectives, key outputs and performance targets and incorporates best training practices.
- iv. Individual training requirements not identified as part of the training plan should be conveyed in writing to the Human Resources Manager via the appropriate Director or Manager; giving a cost benefit analysis of how the skills will be used on return to work and indicating why the need was unforeseen at the time of developing the budget.
- v. The CEO is responsible for signing-off on the annual training plan and associated budget as part of the annual review of the corporate plan and development of the annual business plan and budget.
- vi. The Director of the Corporate Management Division is responsible for signing-off on the procurement of all training programmes save and except those requiring sole source approvals.

6.6 Training Delivery

- i. To ensure training effectiveness, consideration will be given to the most cost effective, appropriate and available methods of training delivery. On-the-job training and coaching will be encouraged.
- ii. Internal trainers used for in-house courses and on-the-job training shall be given guidance and instruction to ensure that staff get the best possible training by using this approach.
- iii. The Human Resources Manager will prepare a written training specification and terms of reference in cases where external training is required for groups of staff. Tenders should be invited from at least three (3) training suppliers to obtain the most competitive rate.
- iv. The Human Resources Manager will ensure that all training providers are qualified and of a suitable caliber to conduct the training. Adequate training

facilities which offer an atmosphere and surrounding conducive to learning shall be provided.

- v. On completion of any programme of training, the Human Resource Manager is responsible for reviewing and evaluating it.
- vi. The Human Resource Manager is also responsible for maintaining employee training records.

6.7 Coaching

- i. Coaching will be one of the primary methods of employee development. Coaching is a systematic method of developing employees by supporting action learning that uses real job issues as training opportunities.
- ii. Managers will take on the coaching role on a continuous basis to develop their employees' skills and effectiveness. All Managers will be required to undergo coaching and instructional techniques training as part of their own development and must maintain competent coaching skills through periodic reviews.

6.8 Continuing Professional Development

- i. Employees should take responsibility for their continuing professional development in partnership with their Managers. This requires all members of staff to ensure that skills and qualifications remain up to date and are current. Continuing professional development may include regularly reading trade or professional magazines.
- ii. Individuals should keep a personal record of their continuing professional development activities which include reading professional journals, books, attending conferences and seminars, participating as an active member of a professional society and other activities. Such records may be useful to draw on to demonstrate competence at a later stage.

6.9 Training Reports and Knowledge Transfer

- i. All employees on study leave/short courses/workshops sponsored by the Agency will be required, on completion, to provide a copy of their final work, e.g. thesis, dissertation, publication, presentation, through their respective Manager to the Human Resources Manager within a month of completing their studies and also, make an oral presentation of their work to staff at a date to be determined by the HR Branch. The Human Resources Branch will forward a copy to the Documentation Centre,
- ii. Copies of reports for specific training will be sent by the Senior Training Officer to the Ministry and/or Agency with responsibility for the specific training, when required.

6.10 Job Rotation/Attachment

Planned job rotation/attachments, both internal and external to the Agency, may be used to further develop employees in their job. The need for such development should arise from discussions held as part of the employee's performance review. The Human Resource Manager should agree in advance all such matters and a detailed coaching plan in advance; as part of organisational development and succession planning.

6.11 Specialised Development Schemes

For highly specialised and technical roles, the Agency, from time to time may run or arrange specialised development schemes to develop a cadre of employees to fill roles in the Agency which cannot be easily recruited externally. In these cases the Human Resources Manager will develop the specialised development programme for which staff may be selected, and in some cases recruitment may be undertaken externally. This will normally be done for entry roles.

6.12 Medical Fitness

The selection of an employee to attend a course of training may be dependent upon his/her passing a medical examination as to his/her fitness.

6.13 Bonding

Bonding may be required before training, depending upon the level of training investment made by the Agency in training individual employees. The Agency will request such employees as it may determine, prior to attending any training or development programme, to give a written guarantee, underwritten by a financial bond, to serve the Agency for up to five (5) years after completion of the training. The level of the financial undertaking and the length of bonded service will be decided upon by the Human Resources Manager and is dependent on the training cost incurred. In the event that an employee defaults on such a bond, the Agency will take such steps as are necessary to collect the debt that will arise, either from any payments due to the employee (from the Agency), guarantors of the employee or through the Courts as the Agency may determine.

6.14 Obligations of Trainees

Requirements of persons to whom awards have been made to attend a course of training:

6.14.1 Prior to Commencement of Course

Awardees are to ensure that the loan agreement is executed by himself/herself and his/her guarantors

6.14.2 While on Course the Awardee should:

- i. Devote the full time allocated to the course for which the award was made;
- ii. Refrain from changing his/her course of study without prior permission;
- iii. Sit all examinations that are set or write such papers or reports as may be required by the training authorities;
- iv. Provide progress reports, at the end of each semester or at the end of short courses

6.14.3 Upon Completion of Course

- i. If a loan agreement is in place, the awardee will resume duty immediately upon completion of the course of study, after any approved period of leave
- ii. In the event of failure to honour the terms of the loan agreement, the awardee will repay such sum, with interest, as determined by the Agency.

6.15 Suspension or Termination of Training Awards

A scholarship or training award may be suspended or terminated by the Agency if:

- i. The employee fails to complete the loan agreement by the end of the period of his/her vacation leave
- ii. The employee changes the approved course of study without prior approval from the Agency
- iii. Reports on the employees' performance or conduct are consistently unsatisfactory
- iv. The employee, without reasonable cause, fails to pass a prescribed examination within the time set by the authorities of the institution at which he/she is attending
- v. The employee engages in any occupation which is considered detrimental to his/her progress in the prescribed course of study
- vi. The employee becomes unfit to complete his/her studies owing to illness

- vii. The Agency has reason to believe that it is unlikely that the employee will return to Jamaica on completion of the course
- viii. The employee is convicted of a criminal offence and
- ix. The employee fails to submit progress reports at the end of each semester or at the end of short courses.

7. COMPENSATION & REWARDS

7.1 Policy Statement

It is the Agency's policy to remunerate and reward staff for their work commensurate with the level and quality of work performance, subject to overall business and financial performance, and with regard to the labour market and Government's overall compensation policy.

7.2 Objectives

The objectives of this policy are to:

- i. attract and motivate staff through a comprehensive remuneration and reward package that is flexible and responsive to the needs of the Agency; and
- ii. ensure a balanced relationship between level of compensation and reward and employees skills, responsibilities and performance output.

Procedures

7.3 Salary Administration

7.3.1 Salary on Employment

- i. The CEO will be responsible for deciding salary and other remuneration or expense levels for all staff in accordance with the Agency's policies and procedures.
- ii. Salaries will be based on the salary band for job grades established by the Agency in conjunction with the Ministry of Finance and the Public Service.
- iii. New employees or employees being promoted will normally start at the minimum of the salary band for their job grade, however, the employees' skill, knowledge and experience that are being brought to the job may impact on the final decision.
- iv. The salary of each individual will be outlined at the start of employment with the Agency in each individual's employment letter, and will be amended each time there is a salary revision.
- v. Salary bands for the respective job levels are broken out into a 'seven point' incremental scale.

7.3.2 Salary Adjustments

Overall salary increases will be based upon:

- i. Approved increases negotiated between the union and the government
- ii. Performance increments

7.3.3 Pay Day

- i. Salaries will be paid fortnightly or monthly net of any deductions, by bank transfer to employee's accounts. Each pay day, employees will be advised by payslip of his/her salary and deductions. The Human Resources Manager will co-ordinate the administration of the payroll in liaison with the Finance & Accounts Branch which will have operational responsibility for making the payments.
- ii. Designated staff, in levels one to three (1 -3) will be paid fortnightly and all other employees will be paid monthly.
- iii. Temporary staff may have special pay arrangements, which will be communicated, to them at the start of their contract periods.
- iv. Pay day will be the 25th of each month. Where this day falls on a weekend or a public holiday, or on a Monday, salaries will be paid on the Thursday immediately preceding the 25th.
- v. The cut-off period for submission of all items that impact on the payroll for the 25th is the 5th working day of each month. Examples of items that impact on the payroll are claims for mileage, travelling and subsistence and authorisations for personal payroll deductions.
- vi. In those instances where the 25th falls on a weekend or a public holiday, the cut-off date may be brought forward to an earlier date so as to facilitate the smooth preparation of the payroll.

7.3.4 Payroll Deductions

- i. Statutory deductions will be made from all employees' gross salaries before payments are issued. These include income tax, national housing trust, education tax, national insurance scheme contributions and any other statutory deductions that may be in effect from time to time. Payments to these organisations will be made in accordance with payment schedules and government laws and regulations and the record of all statutory deductions

will be noted on employees' salary slips and totaled on employees' annual returns.

- ii. Additionally, other payments agreed with employees may be made to various organisations. These will be deducted from employees' salaries before salaries are issued. Such payments may be made to mortgage loan organisations, banks, credit unions, life/health insurance companies, staff sports and social clubs, staff association or a recognised trade union. Such deductions will be effected on the presentation of a salary deduction authorization.
- iii. Employee should submit written agreement for all non-statutory payments to be deducted.

7.4 Performance Related Payments

In recognition of the performance of staff, and subject to budgetary provisions, the Agency will implement a two-fold performance reward system:

- 1. A periodic incentive reward
- 2. An incremental increase in salary

Supervisors are responsible for evaluating performance for performance related pay.

7.4.1 Periodic Incentive Reward

The payment of incentives will be guided by the Ministry of Finance and the Public Services' Circulars that are in effect.

- i. A periodic incentive reward is a lump sum amount paid to staff based on performance throughout the financial year. It is not an increase in salary rates.
- ii. A minimum achievement of 80% of agreed Key Performance Indicators targets must be met by the Agency for eligibility of payment.
- iii. The audited/certified annual KPI report must be sent to the Ministry of Finance and Planning for approval of payment on the basis of level of achievement.
- iv. The maximum performance incentive payable to an employee is 12.5% of his/her basic salary and is divided into a three tier equation:
 - a. Agency's performance – 6 %
 - b. Team/Branch performance – 3 %
 - c. Individual performance – 3 ½ %

- v. Incentive reward payments shall not be made for the achievement of any level of performance that is less than one hundred percent (100%) in eighty percent (80%) of agreed targets.
- vi. Incentive payment shall be made on the matriculated scale provided by the Ministry of Finance and the Public Service.
- vii. The certified matriculated scores from the individual performance assessments must be sent by the Human Resources Branch to the Finance & Accounts Branch for computation of amounts payable and inclusion in the monthly cash flow.
- viii. Performance related payments would usually be paid for performance achieved during the previous financial year.
- ix. Employees who have left the employ of the Agency should contact the Finance & Accounts Branch concerning any payments that may be due to them.

7.4.2 Eligibility (Incentive reward)

- i. Individual employees are entitled to a performance incentive if their performance score for their targets is greater than or equal to 80%.
- ii. The Team/Branch component of the three tier equation is payable if the Branch has achieved a minimum of 80% of the KPI targets.
- iii. Employees must work for a minimum aggregate of six (6) equivalent months of the year.
- iv. Payments are made to employees who have not taken any leave that required the individual to be away from the job for an aggregate period of more than six months for the financial year.
- v. Employees are entitled to a performance incentive, if no disciplinary action, in the form of a suspension has been taken against the individual during the financial year.
- vi. Payments for part of the year must be pro-rated to represent only the period being paid for.

7.4.3 Incremental Increase

The incremental increase is an adjustment in salary rates according to the intervals in the salary scale and will be based on performance during the previous financial year.

The results of the individual performance assessment will be used to establish eligibility for an incremental increase in salary. This will be awarded at two levels:

1. Staff members having achieved 75% - 84% performance rating will be eligible for one incremental increase on the basic salary.

2. Staff members having achieved 85% or more performance rating will be eligible for two incremental increases on the basic salary.

The following other eligibility requirements must be met:

- i. Staff members must be permanently employed on the Agency's establishment to be considered for incremental increase
- ii. Employees are entitled to a performance increment, if no disciplinary action, in the form of a suspension has been taken against the individual during the financial year.
- iii. Employees should work for the full operational year under review to be eligible for incremental payments

All incremental increases must be approved by the Chief Executive Officer and these are effective 1st April of each year.

7.5 Withholding of Increments

- i. Increments may be withheld as a result of unsatisfactory job performance (below 75%) or as a penalty following a disciplinary procedure.
- ii. Employees will be advised, in writing, when increments will be withheld.
- iii. Subject to the provisions of Public Service Regulation 38, an increment shall not be suspended, deferred or withheld except by the Chief Executive Officer.
- iv. The grant of an increment may be prejudiced by –
 - a. Lack of efficiency;
 - b. Unsatisfactory service or conduct;
- v. Where the CEO considers that for any of the reasons specified in sub-paragraph (a) or (b) or paragraph (2) an officer's increment ought not to be granted he shall notify the officer in writing at least one month after the performance appraisal is completed and indicate the reasons for which the increment ought not to be granted.
- vi. Where the CEO has notified an officer in accordance with sub-paragraph (a) of paragraph (v) he may suspend, for a period not exceeding three months the payment to that officer, the increment to which the notification relates and at the end of the period of suspension-
 - a. Grant the increment from the date on which it became due; or
 - b. Defer or withhold the increment.
- vii. In making a decision for the suspension, deferment or withholding of an increment the CEO shall take into account the gravity of the original misconduct or dereliction of duty if any, and the nature of the officer's subsequent behaviour, or his present degree of efficiency; he shall bear in mind that –

- a. "suspension" is to be applied when for any reason it is thought desirable to "reserve judgement" and allow for reformation or otherwise;
 - b. "deferment" is a substantial fine; and
 - c. "withholding" is a very serious penalty which deprives the officer of the amount of that increment during each subsequent year of the service until the officer reaches the maximum of his scale.
- viii. Increments may be deferred for a period not exceeding six months including any period for which it has been suspended, and shall be payable from the date on which it is restored.
 - ix. Where an increment has been withheld, the Chief Executive Officer, may at any subsequent incremental date grant to the officer concerned a special increment in addition to his ordinary increment(s).

7.6 Increments for Additional Qualifications

Staff members may be eligible for additional increment (s) if the employee has upgraded his/her qualification to a higher degree. Such qualification must be relevant to the Agency. The increment (s) is/are payable after completion of studies. The current Ministry of Finance and Planning's Circular that is in effect will guide the payment of this increment.

7.7 Seniority Increment /Allowance

- i. Employees who have served at the maximum of their respective salary scale for two (2) years will be eligible for a seniority allowance at the rate equivalent to the highest incremental rate of their salary scales. This will be subject to the employee achieving a performance score of seventy-five percent (75%) and over.
- ii. Additional seniority allowances/increments will be paid every two years while employees remain at the maximum of the same salary scale.
- iii. Employees will be eligible for a maximum of three (3) seniority allowances in the same salary scale.
- iv. Employees who have received three seniority increments may be awarded a one-off payment in the form of a lump sum equivalent to one (1) increment. This is payable at two year intervals after the receipt of the third seniority increment.

7.8 Quarterly and Annual Awards

- i. In addition to performance related rewards the Agency will recognise one employee per quarter as having achieved exceptional performance. After the nomination and selection processes a final recommendation shall be passed to the CEO, who in conjunction with the Directors will make the final selection of the employee who will be recognised as **‘Employee of the Quarter’**
- ii. An employee, from the persons who were chosen as employees of the quarter will be recommended as **‘Employee of the Year’** based on criteria established by the committee. These criteria will be communicated to all members of staff. The Human Resources Manager will submit all nominations to the Awards Committee for its deliberation.
- iii. These awards will be communicated through the various media in the Agency and a photograph of the employee of the quarter and the year placed in the reception area of the Agency’s offices. Employees of the quarters and year will receive plaques and token rewards as mementos of their achievement.

7.9 Long Service Awards

- i. The Agency shall recognise employees for long service with the Agency at ten (10), fifteen (15) and twenty (20) years and each five (5) years thereafter.
- ii. Subject to budgetary provisions, the CEO, in conjunction with the Human Resources Manager, shall determine the award for each level of long service.
- iii. Employees recognised for long service will have their names published in the Agency’s internal media and the awards may be presented at an official Agency function.
- iv. As public officers, employees of the Agency will also be eligible for long service awards that may be made by the Government of Jamaica to all eligible public officers from time to time.

7.10 Additional Pay Provisions

7.10.1 Acting Allowance

- i. Where employees are required to carry out the additional duties of a higher graded position for fifteen (15) consecutive working days or more, an additional allowance may be paid at the

minimum salary rate of the higher job or 10% above the employees existing salary in the current grade, whichever is the greater.

- ii. Such periods should not normally be for more than six (6) months.
- iii. Where an acting appointment is to be made otherwise than as a prelude to substantive appointment, the officer appointed shall-
 - a. As a general rule be the most senior officer in the Branch/Unit/Division eligible for such acting appointment, however, all qualified officers may be considered;
 - b. Assume and discharge the duties and responsibilities of the post to which he/she is appointed to act.
- iv. If an employee is acting in a post which is not vacant for a continuous period of one (1) year or more, he/she will be eligible for a maximum of ten (10) days vacation leave at any one time at the acting salary. However if the employee is acting in the post for under one (1) year, the acting allowance will be cut.
- v. If an employee is acting in a clear vacancy, the acting allowance will be cut when vacation leave is taken.

7.10.2 Overtime Payment

The general policy of the Agency is to avoid overtime.

- i. In exceptional situations where a business need arises to warrant staff to work significantly beyond their normal working hours, fortnightly paid staff may be entitled to overtime pay for such work.
- ii. Overtime pay will only be paid for time worked by employees where the prior approval of the Supervisor has been given.
- iii. Employees will receive:
 - a. One and half times their basic hourly rate of pay for each complete hour worked in excess of forty (40) hours per week and for work performed on Saturdays provided that the employee has worked the entire week preceding the Saturday, and
 - b. Two times the employee's basic hourly rate of pay for any time worked on Sundays and public holidays.
- iv. Overtime payment will be received with the following fortnight's salary.

7.10.3 Honorarium

- i. Employees who are assigned special duties which are extraneous to their normal duties and which require the performance of official duties beyond normal working hours for a period of not less than one (1) month may be paid honorarium.
- ii. The request for the performance of such duties should be made to the Chief Executive Officer before the commencement date and should include particulars about the work to be undertaken, the employees who will be involved as well as an estimate of the cost.
- iii. Employees who are being paid honorarium should not be relieved of their normal duties for the duration of the assignment.
- iv. The existing rate of payment is determined by the Ministry responsible for the Public Service. To be eligible for such payment employees are required to work not less than ten (10) hours per week or an average of ten (10) hours per week over the period.
- v. Employees who qualify for the payment of overtime or are in receipt of a Duty allowance should not be paid honorarium. Supper allowance is also not payable.

7.11 Reimbursable Expenses

7.11.1 Travel

- i. All reasonable travel expenses, excluding travel to and from an employee's home and normal place of work, will be reimbursed where travel is related to the execution of the Agency's business, subject to prior approval by a Manager and the production of supporting bills and receipts.
- ii. Where an employee is required to use his or her private car to travel on Agency business then reimbursement may be claimed at one of the applicable mileage rates determined by the Ministry of Finance and the Public Service.

7.11.2 Travelling Allowance

- i. Eligibility
Where the functions of a post include travel as an essential requirement, the holder of the post may, subject to the applicable provisions, be eligible for either one or a combination of travelling allowances.

ii. Upkeep Allowance

When the functions of a post make it essential for the holder to possess his/her own means of transport, an allowance for its upkeep may be paid. In addition, he/she will be paid for the actual distance (kilometers) at the rate prescribed.

iii. Commuted Allowance

In cases where it may be expedient and desirable that the employee possesses his/her own means of transport, he/she may be granted a contribution toward the upkeep and running expenses in the form of a commuted travelling allowance. In addition, he/she will be paid the actual distance (kilometers) for travel outside a radius of ten (10) kilometers from his/her place of work.

iv. Allowance In-lieu

An employee holding a post to which a motorcar upkeep or commuted allowance is attached but has no motorcar may be eligible for an allowance at the prescribed rate. An officer in receipt of this allowance will not be reimbursed of taxi fares or bus fares.

v. Casual Allowance

When an employee to whom neither upkeep allowance nor a commuted allowance has been granted uses his own means of transport while travelling in the performance of duties, he/she will be paid fully for the actual distance (kilometers) at the rate prescribed.

vi. Incidental Allowance

An employee who is not in receipt of travelling allowance and who uses the service of a taxi in the performance of his/her duties may be refunded expenses incurred, provided the rates are fair.

7.11.3 Alternate Travelling Allowance

- i. The Chief Executive Officer may approve the reimbursement of the cost of hiring alternate transportation for employees who are eligible for upkeep or a commuted allowance and whose personal motor vehicle is put of service.

- ii. The period of entitlement will begin after five (5) working days of the loss of use of the personal vehicle and the maximum period of the allowance shall not exceed twenty-five (25) working days.
- iii. In exceptional circumstances the CEO may authorise the allowance for a further period, not exceeding an additional twenty-five (25) working days.

7.11.4 Fully Maintained Motor Vehicle

Certain categories of employees are entitled to fully maintained motor vehicles as determined by the motor vehicle policy: -

- i. An employee may elect to operate his/her own vehicle and will be eligible for the prescribed allowance;
- ii. An employee may elect to operate a partially maintained vehicle and will be eligible for a percentage of the allowance prescribed;
- iii. Employees to whom Government Vehicles are assigned on a full-time basis should not be paid a travelling allowance.

7.11.5 Motor Vehicle Purchase Advance

Employees who are eligible for full upkeep or a commuted allowance may, subject to the conditions specified in the Agency's Loan Policy, be considered for a loan from the Agency to assist with the acquisition of a motor vehicle.

7.12 Payment of Travelling Claims

7.12.1 Submission of Claims

- i. Travelling claims should normally be submitted monthly for payment, but may be accumulated for a period not exceeding three (3) months.
- ii. The specific approval of the CEO will be required for any claim exceeding three (3) months;
- iii. The employee will be required to state the reasons for the late submission of the claims in excess of three (3) months.

7.12.2 Assessment of Claims

- i. Supervisors should ensure that official travelling by officers is restricted to the minimum consistent with the efficient discharge of their duties. When determining itinerary and mode of conveyance, it should be borne in mind that the governing principle is the need for economy of public funds, taking into

account transportation expenses, subsistence allowances and saving of time.

- ii. Travelling allowance is not paid between the employee's home and his/her place of business except as provided in subsection (iii) below.
- iii. Where an employee is required to occupy quarters provided by the Agency at a distance in excess of ten (10) kilometres from his/her office or place of business, he/she may be paid travelling expenses at the prescribed rate for the mileage travelled in excess of ten (10) kilometres in respect of his/her journey to attend office and to return home each day. Only expenses incurred on one such round trip daily will be reimbursed. (this means that in case of an employee whose official residence is located nineteen (19) kilometres away from his/her office, he/she would be eligible for reimbursement of travelling expenses for eighteen (18) kilometres a day in respect of those days on which he/she attends office). Subsistence allowance will not be paid to an employee who qualifies for the benefits under this subsection in respect of his attendance at office.

7.12.3 Claims Involving Others

- i. Where it is necessary for more than one employee to proceed to any point on a particular duty, the employees shall travel in one car, provided the arrangement is agreeable to all parties and in such case the vehicle to be used will, whenever possible, be one for which an upkeep allowance is paid.
- ii. Where an employee conveys in his/her own motor vehicle other persons who would otherwise have to be transported at the Agency's expense he/she will be paid, in addition to any other transport allowance, a rate per kilometre per person at the prescribed rate.
- iii. When it is necessary for more than one Branch/Division of the Agency to hire transportation for the purpose of travelling on duty from and to the same place on the same date, those employees should arrange to travel by the same conveyance and payment for motor vehicle hire will not be made for separate conveyance unless it can be clearly shown that travelling separately was justifiable in view of special circumstances.
- iv. Staff using cars and claiming mileage allowance are responsible for ensuring that their vehicles are in a safe and roadworthy condition.

7.13 Accommodation While Travelling On Duty

Officers travelling on duty should try to obtain accommodation as close as possible, in the area to which they have travelled.

7.14 Continuation of Allowances

7.14.1 Officers Removed from Travelling Duties

- i. When an employee who is in receipt of motor vehicle upkeep/commuted allowance is transferred permanently to a post where such allowance is not payable, he/she will continue to receive the full allowances for a period not exceeding three (3) months.
- ii. When an employee in receipt of an upkeep/commuted allowance is seconded or appointed to act in a post to which a lower or no travelling allowance is attached, he/she may be paid the full allowance attached to his/her substantive post, during the period of his/her secondment or acting appointment, subject to review of the position at the expiration of six (6) months.

7.14.2 Allowances during Leave

- i. An employee who is acting for a continuous period of at least one (1) year in a position which is **not vacant** shall be entitled to continue receiving an acting allowance during absence on vacation leave of up to ten (10) working days.
- ii. Employees who are on acting appointments will continue to be eligible to receive an acting allowance during periods of absence on medical grounds up to twenty (20) working days. The acting allowance will cease if the period of absence exceeds twenty (20) working days.
- iii. An upkeep/commuted allowance shall be payable during all periods of sick, departmental, vacation, pre-retirement, maternity and approved training courses including full pay study leave taken locally.
- iv. The provisions of this Policy shall not apply in cases where an employee is granted leave prior to resignation or separation from the Agency in any circumstances or prior to permanent transfer out of Jamaica, except as specified in sub-section (i) above.

- v. The allowance will also not be payable during the period of pre-retirement leave where the employee has been employed during such leave by an Agency financed from public funds on terms which include the payment of travelling allowance.
- vi. If the travelling allowance attached to the substantive office from which he/she is retiring is higher than that payable in relation to the person's re-employment, then the higher rate of allowance may be paid up to the date of the expiration of pre-retirement leave. This payment shall be in lieu of the allowance payable in respect of the re-employment position. The allowance in relation to his/her re-employment will become payable when the person's retirement becomes effective.
- vii. Where the study is undertaken overseas, the allowance will be paid only for the period of vacation leave utilized in connection with the study.
- viii. Where an officer attains the maximum vacation leave accumable and is paid salary in lieu of vacation leave, the travelling allowance will be paid for the entire period in respect of which salary in lieu of leave is paid.

7.15 Subsistence Allowance

7.15.1 Eligibility

- i. When travelling on official duty, employees are eligible to be paid a subsistence allowance at the appropriate rate prescribed from time to time.
- ii. To be eligible, the employee must have travelled a distance which exceeds eighteen (18) kilometres from his/her official place of work and must have been absent for a period of at least six (6) hours.

7.15.2 Calculation of (Subsistence) Allowance

- i. The subsistence allowance will be calculated on the basis of the 24-hour day and will be pro-rated for the number of hours of absence.
- ii. Employees, who overnight, will be eligible for a full day's allowance, irrespective of the number of hours of absence.

- iii. If the employee travels on official duty for a period which exceeds twenty-four (24) hours, the calculation will be 1/24th of the daily rate for each completed hour from the beginning to end of the tour.

7.16 Reimbursement for Actual Expenses

The Agency may reimburse employees actual expenses in lieu of subsistence on the presentation of bona fide vouchers reflecting reasonable rates, where the actual expenditure exceeds the current rates of subsistence.

7.17 Chauffeur's Allowance

- i. Travelling officers shall be eligible to make a claim for chauffeur's allowance at the prescribed rate where the officer is:
 - a. unable to drive due to a disability; or
 - b. unable to drive due to medical reasons
- ii. Prior approval must be granted by the CEO for the engagement of a chauffeur by a travelling officer. The request for payment of a chauffeur's allowance must be supported by a medical certificate attesting to the disability or medical condition of the travelling officer.
- iii. The request for chauffeur's allowance must be submitted to the Ministry of Finance and Planning's Public Service Establishment Division for approval before any payment is made.

7.18 Transfer Allowance

7.18.1 Temporary Transfer

- i. Employees who are transferred from their substantive station will be eligible for subsistence allowance in order to ensure that they are not rendered out of pocket by reason of the deployment.
- ii. The eligibility for, and the duration of such payments may be authorized by the CEO and will be reviewed continually.
- iii. In conducting such reviews, consideration shall be given to whether the public interest would be best served by continuation of the assignment on a temporary basis taking into account factors such as:

- a. The circumstances which make the continuation of the assignment necessary.
- b. its likely duration;
- c. the relative costs involved in the payment of the subsistence allowance as against other appropriate alternative arrangements.

7.18.2 Basis of Payments

- i. In the case of an employee who has to maintain an established home at his substantive station, the allowance may be paid for a period of twenty (20) days at the rate prescribed from time to time. The employee will be regarded as maintaining an established home if he/she can show that he/she must necessarily continue to meet reasonable expenses over and above rental relating to a house previously occupied by him/her at his/her substantive station which has not been let or sublet during his/her absence. After the expiration of twenty (20) days the allowance will be reduced to a rate not exceeding 75% of the rates prescribed.
- ii. In the case of an employee who has no established home but lives in lodgings in his/her substantive area, subsistence allowance at the rate prescribed from time to time may be paid for the first seven (7) days of the temporary assignment. Thereafter, only such reasonable payments will be made as may be required to reserve the officer's lodgings at his/her substantive station and vouchers should be produced in support of any such claim.

7.18.3 Visiting Allowances for Extended or Permanent transfer

- i. Employees on temporary or permanent transfer or on prolonged tours of duty involving separation from their families, will be reimbursed travelling expenses (at rates approved for travelling on duty) paid either in respect of a journey to the employees' normal residence for a weekend visit, or for the spouses to visit employees at their location away from home.
- ii. Family visits by, or with employees should be so arranged as not to prevent employees from carrying out their official duties and to ensure on-going service to the public.

- iii. Reimbursement in respect of journeys made by an employee's spouse should be limited to the actual expenses incurred on the following basis:
 - a. in the case of the spouse of a travelling officer a sum not exceeding the amount which would have been payable had the employee himself/herself paid the visit, calculated on the basis of the distance covered for the purpose of the journey both ways, and the rate applicable to the employee himself/herself for travelling on official duty;
 - b. In the case of the spouse of an employee who has not his/her own means of transport, a sum not exceeding the cost of travel by means as economical as possible and when feasible by public transport.
- iv. Reimbursement of expenses may be claimed in respect of not more than twelve (12) visits in any one (1) year by either spouse; and not more than one (1) in any one (1) month.
- v. In the case of permanent transfers, the reimbursement of expenses will not be allowed for a period of more than six (6) months.
- vi. The CEO will certify that he/she is satisfied that the employee has made every effort and has been unsuccessful in obtaining at reasonable cost, accommodation for his/her family at the station to which he/she has been transferred.
- vii. The subsistence allowance paid to employees on temporary or on prolonged tours of duty should continue while they are on visit to their families.

7.18.4 Allowances for Assignment Abroad

Where an employee is required to proceed abroad on an assignment for a period exceeding three (3) months, there shall be paid the travelling expenses in respect of a return journey undertaken by the employee's spouse to visit him/her abroad for a period of not less than five (5) days.

7.19 Removal Expense Allowances

7.19.1 Removal Expenses

When an employee is transferred from one station to another for a period in excess of six (6) months, the following expenditure in connection with his removal will be met from public funds:

- i. travelling expenses in accordance with this Policy as if the employee were travelling on duty, for the employee and his/her legal dependents living within the household;
- ii. subsistence allowance in accordance with this Policy for the employee himself/herself only in respect of the period reasonably required to performed the journey;
- iii. cost of transporting his/her baggage, including household furniture, not exceeding 3.00 tonnes (3,000 kg) lorry loads. Any additional baggage will be the responsibility of the employee.

7.19.2 Eligible Period for Family-Related Expenses

- i. If an employee's family does not accompany him/her at the time of his/her transfer, the expenses for removal subsequently will only be allowed if the family follows within six (6) months of the date of transfer.
- ii. The CEO may approve an extension if they are satisfied that special reasons warrant an exception.
- iii. The maximum baggage specified (3,000 kg) still apply for both removals.

7.19.3 Reimbursement for Damage to Baggage

- i. If damage occurs during transit, the employee will be reimbursed reasonable costs following inspection and report by the employee's supervisor or manager.
- ii. Where the removal and transportation is arranged by the employee through a private or commercial contract, the conditions for reimbursement for any damage must be provided for in the contract, and failing that the employee will bear full responsibility.

7.19.4 Advance against Allowances

The conditions on which employees travelling on duty locally or overseas may be advanced such sums as may be considered necessary to meet reimbursable expenses, are specified in the Financial Instructions (FAA Act).

7.20 Food for Overtime

Reasonable expenses for food and transportation related to overtime worked will be reimbursed to employees subject to prior approval given by the

respective Manager. Such expenses may only be claimed where staff works a minimum of two (2) hours, after normal working hours during the week and five (5) hours on weekends.

7.21 Accommodation/Other Expenses

Where the employee may incur significant expenses to undertake approved Agency business e.g., hotel and overseas travel costs, the Manager should write in advance to the Finance Branch to arrange for an invoice for those expenses to be sent direct to the Agency.

7.22 Reimbursement of Claims

All claims for reimbursement should be made on an expense claim form, accompanied by valid bills and receipts, signed by a Manager and forwarded to the Finance & Accounts Manager. Reimbursements for expenses will be made to employees either as a cheque or in cash depending on the amount to be reimbursed.

7.23 Salary Advances

- i. In cases of employee financial hardship, the Agency may make available to employees an advance up to the equivalent of no more than seventy-five percent (75%) of one month's net salary. This will be deducted from the next due salary or over an agreed period not exceeding three months.
- ii. Employees should submit a request on the prescribed form to the Human Resources Manager who will state the employee's vacation leave balance. Salary advances are not an automatic entitlement and will also be subject to the prior approval of the Director of Corporate Management. Available vacation leave balances will be taken into consideration in the processing of salary advances. If the salary advance is granted, employees will not be allowed to proceed on the number of vacation days which has been used to secure the advance until the advance has been recovered.
- iii. Where employees leave the Agency's service before the advance is repaid the unpaid portion will be deducted from the vacation leave which was frozen.
- iv. Employees may be eligible for three (3) salary advances in any financial year.

7.24 Loans

- i. The main loans being offered by the Agency are the motor vehicle loan and the salary advance loan which may be approved for the purposes outlined in the respective Loan Policies.
- ii. These loans to staff will be made in accordance with the rules of the particular loan scheme and are administered by the Loans Committee
- iii. Application forms and the Loans Application Policy are available in the HR Folder on SharePoint.
- iv. Applications for the loans must be submitted to the Loans Committee through the Executive Secretary assigned to the Director, Corporate Management Division.

8 BENEFITS AND PENSION

8.1 Policy Statement

It is the Agency's policy to maintain effective benefits and pension schemes to attract and retain qualified staff. The benefits and pension schemes form part of the overall compensation plan for staff.

8.2 Objective

The objective of this policy is to attract and motivate staff through a comprehensive benefit and pension package that is flexible and responsive to the needs of the Agency.

Procedures

8.3 Health Insurance

- i. The Agency will facilitate enrolment on a group health insurance scheme for all employees who are eligible to join the scheme. The scheme will require contributions from both employees and the Agency. Employees who join the scheme will be given a health insurance card to produce as proof of coverage.
- ii. For details of the scheme's provisions employees should refer to the card and the insurance company's literature, which will be kept by the Human Resources Manager.
- iii. Membership of the scheme and cover ceases one (1) month after to the employee leaving the Agency.
- iv. The scheme, which currently applies, is the Government Employees Administrative Services Only (GEASO) scheme for public officers employed in Government departments.

8.4 Group Life Insurance

- i. The Agency will operate a group life insurance scheme for all permanent and contract employees (whose positions are on the Agency's establishment) who will be eligible to join the scheme. These employees will be eligible for life insurance coverage of up to three (3) times their annual basic salary with an additional accidental death and dismemberment (AD&D) policy of three (3) times the annual basic salary.

- ii. The non-medical limit may be revised from time to time by the insurance providers (this amount may be ascertained from the Human Resources Manager).
- iii. All premiums for this scheme will be paid by the Agency.

8.5 Pension

- i. All permanent employees save and except the CEO, Directors, Senior Managers and Managers on fixed term contracts, with a clause for the payment of gratuity, will be required to participate in a pension scheme. Details of the schemes will be made available to new employees by the Human Resource Manager.
- ii. The schemes which currently apply are:
 - a. the Central Government Pension Scheme for employees who were transferred from the Central Government;
 - b. the Natural Resources Conservation Authority (NRCA) Pension Scheme administered by Sagicor, Life Jamaica (this is a closed scheme) and;
 - c. the Executive Agencies (EA) Pension Scheme administered by National Commercial Bank Insurance Company.
- iii. New employees, having successfully completed the required probationary period, will be enrolled on the Executive Agencies Pension Scheme.

9. LEAVE ENTITLEMENT

9.1 Policy Statement

It is the Agency's policy to provide for agreed levels of leave as part of its overall compensation package.

9.2 Objectives

The objectives of this policy are to:

- i. ensure that employees understand their leave entitlements;
- ii. provide leave entitlement in line with statutory provisions for sickness, maternity and other special reasons to ensure that employees maintain their well being and motivation necessary for effective performance while at work.

Procedures

9.3 Determination and Calculation

The employees' employment date will be used for the purpose of calculating all leave entitlements. All type of leave for all employees shall be determined and calculated on the basis of working days.

9.4 Administration

- i. The Agency administers the granting of leave in a manner which balances employee well-being with the provision of quality service to the public.
- ii. An employee must apply for leave of absence on the prescribed form.
- iii. Employees are not entitled to earn and accumulate vacation leave and to be paid salary in lieu of vacation leave in relation to the period during which they were on suspension and interdiction.
- iv. No employee should be granted vacation leave before he/she has completed twelve (12) consecutive months of service from the date of employment except on the grounds of urgent private affairs or ill-health.

- v. Leave cannot be earned while on vacation, sick or any other leave of absence in excess of fourteen (14) days
- vi. Employees will only be allowed to go on leave earned at the date of proceeding on the specified leave.
- vii. Leave earned in one contract period will not be carried over into a new contract period.
- viii. The date of employment refers to the date of hiring or retaining the services of an employee. That is, the employee's first day on the job with the Agency. The anniversary date of employment therefore refers to the yearly recurrence of the date on which the employee was first employed or the effective start date of the current employment contract.
- ix. Employees who intend to proceed overseas (while on leave or on weekends) must request permission from the Human Resources Manager. Failure to request permission may result in immediate dismissal with effect from the date the employee proceeded overseas.
- x. Supervisors are responsible to ensure that an appropriate leave form covers all absences. Where applicable, attendance registers should be scrutinized regularly to ensure that a leave form is submitted for every absence. Outstanding leave forms should be followed up immediately. Leave reports should be properly reviewed and scrutinized and any deviations or irregularities rectified immediately.

9.5 Vacation Leave

9.5.1 Rate of Leave

- i. Permanent employees will be eligible for twenty (20) days paid vacation leave per annum.
- ii. Temporary employees will be eligible for ten (10) days paid vacation leave per annum.
- iii. Contract employees who are attached to positions on the established structure will be eligible for twenty (20) days paid vacation leave per annum. All other contract employees will be eligible for leave in keeping with policies issued by the appropriate authority.
- iv. Kindly note, vacation leave is continuously earned (pro-rated) from the first day of employment.

9.5.2 Grant of Vacation Leave

While employees are entitled to vacation leave, the granting of such leave is at the discretion of the manager/supervisor, subject to the exigencies of the service.

9.5.3 Directive to Proceed on Leave

The CEO may direct an employee to take vacation leave at any time when the employee has accumulated the maximum vacation leave allowed.

9.5.4 Application for Vacation Leave

Employees wishing to take vacation leave must make a formal application by completing the prescribed form for that purpose, at least one (1) month before the date on which the leave is to begin.

Please note: employees may not proceed on leave without receiving a written advice from the Human Resource Branch.

9.5.5 Leave Period

The period of leave begins on the first working day following that on which an employee has handed over his /her duties, until the working day immediately preceding that which he/she resumes duties.

9.5.6 Extension of Leave

An employee on vacation leave who wishes to have his/her leave extended must apply in writing in sufficient time for a reply to be received before the current period of leave expires.

9.5.7 Accumulation of Leave

- i. The Agency encourages and facilitates employees to take vacation leave on a regular basis, as soon as possible in the year after it has been earned.
- ii. ***No employee will be allowed to accumulate leave beyond the leave entitlement for two (2) years.*** Once the employee has reached this maximum the employee will stop earning vacation leave until he/she has proceeded on leave and reduce this maximum balance.
- iii. Only in exceptional cases will an employee be allowed to cancel pre-arranged leave.
- iv. Employees who leave the Agency will be paid in lieu of any unused vacation leave entitlement, calculated up to the last day of work. In line with this, the Agency will deduct any amounts due in respect of leave taken over and above the pro rata entitlement from any payments due to the employee.
- v. In the event of the death of an employee, unless otherwise stated, his/her estate will be paid the amount the employee was entitled to.

9.5.8 Recalled Leave

- i. Any leave granted may be cancelled based on the exigencies of the service.
- ii. Where an employee's leave is cancelled, the remaining portion is considered 'recalled leave' and is treated separately.
- iii. Recalled Leave shall not be counted in the calculation of the maximum leave the employee may accumulate and may be taken at the employee's convenience, subject to the exigencies of the service or it may be included in the pre-retirement leave to which the employee may be entitled.

9.5.9 Accessibility While on Leave Abroad

- i. Employees who hold positions that are critical to the effective operations of the Agency must inform the Chief Executive Officer of their intention to travel overseas while on leave and must make arrangements to be accessible at all times.
- ii. The Chief Executive Officer will advise those employees who fall within the categories above.

9.5.10 Resumption of Duty

- i. Employees are required to report, in writing, their resumption of duty, through their supervisors, to the Human Resources Manager following the expiration of vacation leave, no-pay leave and any other extended leave of absence (five (5) working days and over)
- ii. If an employee fails to resume duty following the expiration of any period of leave, steps should be taken immediately by the Human Resource Manager to ensure that the employee is not over-paid.
- iii. An employee who is absent on approved leave, may not voluntarily resume duty before the full period of such leave has expired, unless he/she receives permission to do so beforehand after his/her Branch Manager has submitted an application in this regard to the Human Resources Manager.

9.6 **Over-granting of vacation leave**

- i. An employee may not be granted vacation leave with full pay in excess of that which stands to his/her credit. If, due to a bona fide error, an employee has been granted vacation leave with full pay in excess of that which stood to his/her credit at that time, such over-grant must be deducted from vacation leave that subsequently accrues to him/her.

- ii. Should an employee who has been over-granted vacation leave with full pay, leave the employ of the Agency before sufficient vacation leave has been accrued to him/her for the purpose of deduction, that portion of over-grant which exceeds his/her day of service, is regarded as an overpayment of salary which must be recovered from him/her.

9.7 Payment for Leave

9.7.1 Salary in-lieu -of -leave

The Agency does not encourage pay in lieu of vacation leave. The Agency may however make payment for unused vacation leave in the following cases:

- a) When an employee is being promoted to another job level with different terms of agreement e.g. moving from a pensionable post to a contract post
- b) At the expiration of an employment contract

9.7.2 Leave on Secondment

- i. Where an employee has been seconded to another Agency or to a project the vacation leave already earned by the employee with NEPA will be frozen.
- ii. If the employee is released from the Agency to take up a position in the Organisation she/he was seconded to, then the employee will be paid by NEPA for the vacation leave for which he/she was eligible at the time of his/her secondment. Payment will be at the rate of salary which was payable at the time of his/her secondment to the other organization.

9.7.3 Leave Prior to Dismissal

- i. An employee who is being dismissed from the Agency shall be paid for all the accumulated vacation leave to which he/she is entitled immediately prior to his/her dismissal.
- ii. Payments shall be made at the rates prevailing at the date of dismissal.

9.7.4 Leave Prior to Resignation

- i. An employee who has resigned from the Agency shall be paid for all the accumulated vacation leave and any recalled leave to which he/she is entitled immediately prior to his/her resignation.

- ii. Payments shall be made at the rates prevailing at the date of resignation.

9.8 Public Holidays

The Agency will observe all declared public holidays in Jamaica. These presently include:

New Year's Day	Emancipation Day
Ash Wednesday	Independence Day
Good Friday	National Heroes Day
Easter Monday	Christmas Day
Labour Day	Boxing Day

9.9 Sick Leave

- i. All employees in the Agency will be eligible for up to ten (10) paid days in each employment year, to cover short periods of absences due to ill-health or incapacity. Sick leave will be pro-rated in the first year of employment. Thereafter, the full entitlement will become available as of the beginning of the anniversary date of employment.
- ii. Employees are reminded that this provision is to compensate employees while they are sick. It is not an extension to the provisions for vacation leave. Managers and Supervisors will monitor employee sick leave. Any employee who abuses this provision is liable to disciplinary action in accordance with the formal and informal disciplinary procedures.
- iii. Employees who are incapacitated due to sickness should ensure that their Manager, or failing that the Human Resource Manager, is notified as early as possible and at least within two (2) hours of the normal starting time on the first day of absence and any subsequent day thereafter if a medical certificate was not submitted. A sick leave application must be completed and submitted to the Human Resources Branch on the first day the employee resumes duty.
- iv. Failure to comply with this rule shall result in the refusal of paid sick-leave and the day (s) granted as casual leave. If the employee does not have casual leave the day will be granted as vacation leave.
- v. Should an employee take ill and leave work at any stage during a working day, he/she shall be compensated in full for that day. No sick-leave application form is required in this regard.

- vi. An application for sick-leave, supported by a medical certificate requested prior to the commencement of approved vacation leave, may be granted on condition that such approved vacation leave may be reconsidered at the request of the employee concerned.

9.10 Medical Certificate

- i. If an employee is ill and the illness continues for more than three (3) consecutive calendar days a medical certificate must be obtained from a registered medical practitioner and presented to the immediate Supervisor for submission to the Human Resources Manager. Employees who fail to notify on the first day of absence, or to submit a medical certificate if required, may not be paid for the period of absence concerned and disciplinary action may be initiated.
- ii. The medical certificate should be submitted within five (5) working days from the first day of absence and should cover the entire period of absence.

9.11 Accumulation of Sick Leave

- i. Employees may carry forward any sick leave not taken in one year into subsequent years up to the maximum entitlement/eligibility for two (2) years.
- ii. Any sick leave accumulated may be used during periods of prolonged illness, on the basis of a medical certificate from a duly registered medical practitioner, once the sick/casual leave entitlement for that current year has been exhausted.

9.12 Leave for Prolonged Illness

- i. Where employees have used up all their sick leave, for the current year, any available casual leave and any accumulated sick and casual leave may be used so that payment continues.
- ii. If the current sick and casual leave and the accumulated sick and casual leaves are insufficient to cover the amount of leave required, the employee will be required to utilize vacation leave, not exceeding fifty percent (50%) of the vacation leave entitlement on the date of the onset of the illness.
- iii. Paid sick leave may run consecutively with vacation leave or vice versa on the production of satisfactory medical evidence, however, if an employee falls ill during his/her vacation leave, the sick period will be included as part of the scheduled vacation leave and no entitlement to additional payment for sickness or to additional holiday entitlement in

lieu of the time spent sick will arise. This is the same as when sickness occurs on weekends or on public holidays - no additional paid time off is given.

- iv. Where an employee falls ill immediately prior to the start of his or her vacation leave, the vacation leave may be postponed at the discretion of the Human Resources Manager and Division Head, and the normal procedure for sick leave will apply.

9.13 Special Sick Leave

- i. Should the illness of an employee necessitate a continuous absence such that all current and accumulated sick leave and casual leave plus fifty percent (50%) of vacation leave have been exhausted, the Chief Executive Officer may grant the employee special sick leave up to sixty-five (65) working days on the advice of the appropriate medical authority.
- ii. In cases of grave illness or periods of sickness involving hospitalisation or convalescence arising from hospitalisation, discretion will be exercised, by the CEO, in consultation with the Human Resources Manager/Director, in the payment of salaries to full time employees subject to a medical certificate being provided and verified by NEPA.
- iii. In such cases of extended sickness, the Division Head or the employee's immediate supervisor and the Human Resources Manager should maintain contact with these employees at regular intervals.

9.14 Medical Boards

- i. An employee may, at any time, be required by the Chief Executive Officer (CEO) to submit to an examination by a Medical Board appointed by the Chief Medical Officer, if it appears to the CEO that the employee's state of health warrants such an examination.
- ii. If an employee has been absent from duty on the grounds of ill-health and the total period of continuous absence exceeds sixty five (65) working days, then the question of the employee's fitness for continued employment shall be reviewed by the CEO, who should request the Chief Medical Officer to consider the appointment of a Medical Board to examine the employee.
- iii. The Chief Medical Officer shall, unless he/she is satisfied that a Medical Board is unnecessary forthwith, appoint the Board.

- iv. The Medical Board should be made up of at least two (2) registered medical practitioners to be selected from a panel.
- v. When asking that a Medical Board be convened to examine an employee, the Chief Executive Officer should inform the Chief Medical Officer of the reason(s) which prompted the request.
- vi. In the case of disability, its nature, when and how incurred, and all relevant circumstances, should be stated.
- vii. In all cases where the appointment of a Medical Board is being requested, the CEO should furnish a report indicating the amount of sick leave taken by the employee and the effect of the illness on performance. Medical Certificates should be attached, where applicable.
- viii. The CEO will retain the right to terminate employment on medical grounds subject to this professional opinion as to continued fitness for employment. However, the CEO will review transfer to another job in the Agency, if it is available and if the employee may be more suited to that. Employees terminated on the basis of medical grounds will be entitled to any payments due including pension contribution, if any.
- ix. The Agency reserves the right to validate any medical certificate submitted in respect of sickness and to request an employee to have a medical examination conducted by a registered medical practitioner appointed by the Agency to provide an objective professional second opinion.
- x. All sick leave applications with relevant documentation must be sent to the Human Resource Manager who will maintain employee attendance records and use these for payroll purposes.

9.15 Leave in respect of injury in the discharge of duty

- i. The Chief Executive Officer shall consider employees who are injured in the discharge of their duties, for the grant of leave of absence on full salary without affecting their normal leave entitlement.
- ii. Employees who are injured in the discharge of their duties are required to as soon as possible after the accident/incident, prepare a report detailing the circumstances which led to the injury.
- iii. The Manager of the employee must review this report and forward same to the HR Branch. The Manager, in his/her submission should attest to the assignment of the duties under reference. Where possible,

the Manager must secure and submit an eyewitness report of the incident.

9.16 Illness while on leave abroad

- i. An employee who becomes ill while on leave abroad and remains ill beyond the period of leave granted shall immediately make a report to the Human Resources Branch and the nearest Overseas Mission of the Government of Jamaica, in the country in which he/she is spending his/her leave.
- ii. As far as practical he/she shall send, at his/her own expense, periodic reports from his/her medical practitioner while he/she remains under medical care.

9.17 Maternity Leave

Female employees will be entitled to maternity leave and maternity leave payments in line with statutory provisions. The Agency's policy and procedure for maternity leave is set out below:

- i. Employees who have been continuously employed by the Agency for fifty-two (52) weeks from the date when maternity leave is to begin will be eligible for maternity leave upon presentation of appropriate medical certification.
- ii. The grant of maternity leave shall be based on the following schedule:
 - a. Special maternity leave on full salary for a period not exceeding **forty (40) working days**.
 - b. All the vacation leave for which she may be entitled
 - c. Leave without pay for an additional period not exceeding **sixty-five (65) working days**.
- iii. The CEO may, in particular cases, authorize the grant of leave, without pay, for maternity purposes for periods in excess of sixty-five (65) working days.
- iv. Sick leave may be granted to run consecutively with leave granted for maternity purposes, on the presentation of satisfactory medical evidence that the illness does not result directly, indirectly or specifically from the pregnancy.
- v. **Each employee is limited to a total of three paid maternity leave periods during the course of employment with the Agency.**
- vi. Applications for maternity leave shall be made in writing to the Human Resource Manager at least three (3) months in advance of the expected date of confinement and must indicate the date on which the

leave shall begin. Employees should attach to the application a certificate from a registered medical practitioner confirming the details of pregnancy and the expected date of confinement.

9.18 Compassionate Leave

Compassionate leave, of a maximum six (6) days per employment year, may be granted to an employee.

- i. This will allow employees to attend to emergencies involving their immediate family including death and serious illness or injury. Immediate family, for the purpose of this policy, includes own parents, parents-in-law, grandparents, grandchildren, siblings, children, spouse and any other close family member subject to the recommendation of the supervisor and the approval of the Human Resources Manager.
- ii. Compassionate leave may also be granted to allow:
 - a) male employees to proceed on paid leave of absence up to six (6) working days, on the birth of their child, once per annual leave cycle, up to a maximum of three (3) occasions during their employment with NEPA, and;
 - b) employees to deal with serious personal emergencies e.g., house burglary, fire, flood and other natural disasters.
- iii. Employees must obtain the Human Resources Manager's approval to take compassionate leave prior to it being taken, except in cases of genuine emergency when the employee should take all reasonable steps to consult with his/her supervisor or the Human Resources Manager.
- iv. All requests for compassionate leave must be accompanied by documentary proof, where possible, supporting the reason for the request and in the case of death this should include proof of relationship.
- v. The copies of employees' compassionate leave and all supporting documentary proof will be kept on individual personnel records by the Human Resources Manager.

9.19 Casual Leave

- i. Casual leave, of a maximum of five (5) days per employment year, may be granted to permanent employees. Temporary employees are eligible for three (3) days casual leave per employment year. This leave may be granted for short periods of absences to attend to personal or family matters.
- ii. Employees will not be able to take more than three (3) consecutive days casual leave at any one time and this shall not run consecutively with any other leave granted by the Agency.

- iii. Written applications for casual leave must be made at least two (2) days in advance of the time required and employees must obtain their Manager's or Supervisor's approval for casual leave prior to it being taken. This requirement may be waived in cases of genuine emergency in which case the employee should take all reasonable steps to consult with the Manager or Supervisor. Approval of leave must be forwarded to the Human Resources Manager.
- iv. Casual leave is not intended to be used for vacation purposes or in lieu of vacation leave.
- v. Employees may carry forward any casual leave not taken in one year into subsequent years up to a maximum accumulation of the casual leave entitlement for two (2) years.
- vi. Any casual leave accumulated may only be used during periods of prolonged illnesses, on the basis of medical certificate from a duly registered medical practitioner, once the sick/casual leave entitlement/eligibility for the current year has been exhausted.

9.20 Special Leave

- i. In line with statutory provisions and best practices employees may be granted special leave with pay to:
 - a. attend Court to act as a witness before the Court or a Government body having the power to issue summons
 - b. to attend court for jury duty;
 - c. be absent from work for up to three (3) hours on a polling day to vote in a general or local government election where employees commence work before 10:00am and conclude after 2.00pm, and;
 - d. fulfil Jamaica Defence Force's Reserve or the Jamaica Combined Cadet Force's training requirements
- ii. In addition, employees who are entitled to participate in recognised activities deemed to be national service or to represent Jamaica at national and international events may be granted paid leave with the prior approval of the CEO.
- iii. The Agency, in recognising the right of staff representation by a representative body, trade union or staff association, will also grant paid leave to staff representatives to attend accredited trade union courses/conferences and official meetings subject to staffing arrangements and at the prior discretion of the CEO.
- iv. **Written approval must be given prior to employees taking special leave.**

9.21 Study Leave

The Chief Executive Officer shall supervise the selection of persons for the grant of study leave and for the award of scholarships for special training for the Agency.

- i. Permanent employees, other than those on contracts, may be granted leave up to a maximum period of two (2) years at full pay i.e. basic pay plus travelling allowance (if the course is being done locally) to pursue courses of study which are:
 1. Mandated by the Agency : programme of study initiated by the Agency (other Government department) and therefore deemed to be in the national interest. For example, government scholarships and awards to fill critical skill shortage areas, courses to meet future strategic needs
 2. Initiated by the employees to improve their qualifications and skills in areas directly related to current functions or relevant to the work of the agency.
- ii. Study leave with full pay may be granted if no replacement for the employee is needed. If a replacement is needed, study leave with full pay may only be granted subject to the availability of funding. The Branch Manager/Director in consultation with the Manager, Finance & Accounts Branch will determine if the source of funds is available to accommodate a replacement.

9.21.1 Study Leave without Pay

Study leave without pay may be granted to employees under the following circumstances:

- a) Where funds are not available and the course of study is deemed relevant to the work of the Agency
- b) Where the quota of paid study leave has already been exhausted
- c) Employees wishing to pursue courses of study for their own personal interest or growth and which course(s) is not directly related to the work of the Agency but may be applicable to other Ministries/ Departments in the Public Sector.

The Agency will retain the position of the employee on no pay study leave until the completion of the course of study.

9.21.2 Applying for study leave

All employees who wish to proceed on study leave must complete an application form and submit the following for consideration:

- a) application for study leave by the employee and approved by Manager/Director,
- b) letter of acceptance from the academic institution indicating the intended course of study,
- c) indication from the Manager/Director whether a replacement will be needed.

This information is to be submitted to the Human Resource Manager, through the Branch Manager or Director.

9.21.3 Selection for study leave

Selection for study leave with full pay will be based on the following considerations:

- a) Employees must be permanently employed and would have been in the employ of the Agency for a minimum period of two (2) years at the time of making the application
- b) The course must be relevant to the business of the Agency
- c) Employee's performance must be satisfactory (75% and over in the annual appraisal)
- d) The number of employees in the Agency currently on study leave
- e) Financial considerations
- f) Priority areas for the Agency as determined by the Executive Management team

All applications for study leave will be reviewed by the Human Resource Executive Committee for final approval.

9.21.4 Study Leave period

- i. In the first instance, study leave shall be granted for a maximum period of one (1) year.
- ii. For those persons on study leave greater than one (1) year The Agency will require progress reports from the Institution of learning, at the end of the first year, as support for approving the continuing of study leave into the second year.
- iii. If the course of study has to go beyond the prescribed period of two years, an extension, at half pay, may be granted by the Agency in special circumstances e.g. illness during the course of study, or other reasons, which the Agency considers merit the extension. Failure to obtain the extension from the Agency will necessitate the employee returning to work immediately.

9.21.5 Number of employees selected annually:

- i. The Agency will grant study leave with full pay up to a maximum of three (3) employees per annum, subject to the availability of funding.

- ii. An employee, who fails to obtain study leave with pay, may be granted leave of absence without salary in addition to vacation for which the employee is eligible, for the purpose of undertaking a course of study.

9.21.6 Earning Vacation leave while on Study Leave

Employees on study leave will not earn any vacation leave during the period of study. Vacation leave that is available may be used as part of the study leave with pay period. This will reduce the period of bonding that the employee would be expected to serve.

9.22 Recreational Leave

- i. Officers who have been granted study leave and who have had to forfeit vacation leave and/or salary may be granted a period of absence on full pay at the expiration of the approved period of study leave.
- ii. The period of leave granted for this purpose shall in no instance be in excess of fifteen (15) working days.
- iii. Any leave granted for these purposes must be taken immediately following the expiration of the approved period of study leave, before resumption of duties and cannot be accumulated.

On completion of this period of leave, the employee is required to immediately report for work.

9.23 Requirements of employees who are granted paid study leave

All employees who are granted paid study leave:

- a) Prior to proceeding on study leave, will be required to sign a bond agreement to the Agency (see bonding policy in the Training and Development Policy).
- b) Must submit to the Human Resources Manager, original copies of examination results at the end of each semester or academic year (whichever is relevant) and certificates received on completion of the course;
- c) Must submit a timetable for the next semester where applicable;
- d) Must communicate with the Human Resources Manager to ascertain whether he/she is required to resume duties during the period of summer vacation; and
- e) Must resume duties immediately on completion of the course of study

9.24 Day release

Employees may be granted a combination of day releases during the academic year and full time study leave during the summer period to attend any approved tertiary institution. This will only be considered where evening classes are not available for the particular course. The following considerations will apply:

- i. The employee will cease to earn vacation leave at the commencement of the course until its completion.
- ii. The employee is expected to attend classes 1 or 2 days a week and where necessary on full time for 2 to 4 weeks during the summer period if required by the institution.
- iii. The day(s) and full time period utilised for the course will be charged to his/her vacation leave. After the vacation has been exhausted, the officer will enter into a period of study leave which may be granted on full salary for a total period of up to 180 days, to be utilised as at (ii)
- iv. On completion of the course the employee will be credited with vacation leave for the number of days on which he/she was not in attendance at classes, subject to the provision that vacation leave will not exceed the maximum prescribed.
- v. Employees granted study leave as above will be entitled to recreational leave.
- vi. Employees granted study leave as at 9.21 (i) 2 and 9.21.1 to run consecutively with the day release should be credited with the vacation leave earned at (IV) prior to the commencement of the full time study leave.

9.25 Part- time Study Courses

Employees may be granted time-off by the CEO to pursue courses of study at approved institutions on a part-time basis during established working hours

9.26 No-Pay Leave

- i. Permanent and Contract employees may qualify for “no pay” leave of absence at the discretion of the CEO in consultation with the Division Head and the Human Resource Manager for a maximum of one hundred and eighty (180) calendar days in any one calendar year on the grounds of urgent private affairs and with the provision that the employee concerned will first take all accumulated vacation leave which may have accrued to him/her before leave without pay is taken.

- ii. Temporary employees who have worked for a minimum period of six (6) months may qualify for “no pay” leave of absence at the discretion of the CEO in consultation with the Division Head and the Human Resource Manager for a maximum of ninety (90) calendar days in any one calendar year on the grounds of urgent private affairs.
- iii. A written application stating the special circumstances for the request, with validating document/s attached, should be made to the Human Resource Manager, through the respective Supervisor and Director. The Human Resource Manager will submit the necessary documentation and recommendation to the CEO.
- iv. The CEO shall approve or decline the request for no pay leave of absence.
- v. Where an employee applies for no-pay leave beyond one hundred and eighty (180) or ninety (90) days, while on leave and it is not supported, the CEO should request the employee to resume duties within a specified time, failing which the employee will be considered to be absent without permission and subject to dismissal.

9.27 Compensatory Days

- i. As part of achieving its mandate, the Agency will require its staff specifically assigned to undertake particular activity(ies) viz: *bird shooting monitoring; public education presentations / expositions; community and/or species surveys; capture and relocation of animals, public consultations, attendance at retreats, conferences (w/end) etc* and those who volunteer to participate in the said activity(ies) to work on selected weekends /public holidays to ensure that the activities are successfully carried out.
- ii. Where this personal time is forfeited for the benefit of the Agency, NEPA will ensure that the staff member is compensated by being given back the days worked in equal parts to the day/time worked i.e. if the employee works for eight (8) hours, that employee will be given back a day and/or fractions thereof as may be required.
- iii. The Manager/Director must give approval for the employee to be included in this activity and a record of the amount of days must be completed and submitted to the HRD Branch.
- iv. No more than two (2) compensatory days may be applied for and taken within any single week. The Agency will not consider compensatory day(s) as eligible for payment in lieu of leave.

- v. Compensatory day(s) may not be used in conjunction with casual leave and or vacation leave.

9.28 Rules governing the access of the compensatory day(s):

9.28.1 Application Process:

- i. The Manager and employee must ensure that the day is applied for and taken soon after the event has taken place preferably within the week following the event or not later than one (1) month after the event.
- ii. **N.B. In some events the time within which the 'compensatory day(s)' may be taken may be extended BUT this will require the specific permission of the HR Branch prior to the expiration of the ordinary period. All compensatory days must be taken before the end of December in the year that the compensatory days have been earned.** Failure to take the days earned within the stipulated period will mean that the employee has forfeited this facility.
- iii. The respective Manager must be advised that the employee will be applying for the compensatory day(s) prior to the application.
- iv. The employee must apply for the day to be taken, on the forms prescribed for leave application, in the usual procedure for leave application before proceeding on this day.

9.28.2 Compensatory day after Overseas Travel:

Compensatory day(s) will not apply to overseas training assignments and shall only be applied to overseas travel when two (2) or more time zones have been crossed in transit.

9.28.3 Compensatory day for voluntary activities:

- i. Volunteers for activities outside the work programme of their respective branches or divisions must obtain the written prior approval of their Manager/ Director. In such instances compensatory days must be undertaken in a manner that it does not adversely impact the work plan of the Branch/Division.
- ii. In the case of volunteers, a maximum of eight (8) compensatory days can be obtained in a calendar year.

10. PERFORMANCE MANAGEMENT

10.1 Policy Statement

It is the policy of the NEPA to encourage regular dialogue between staff and their Managers to provide meaningful feedback on performance and to encourage superior performance that is aligned to corporate objectives. In keeping with the Agency's mission for maintaining a highly motivated staff performing at the highest standard, the Agency has developed a policy to operate a performance based reward scheme to recognise and reward employees for exceptional performance.

10.2 Objectives

The objectives of this policy are to:

- i. communicate to employees what is valued by the organisation to ensure commitment to organisational goals;
- ii. motivate and guide employees toward greater self-development and improved performance by discussing in a positive, constructive manner, significant strengths and areas needing improvement;
- iii. provide a means for evaluating employee suitability for continuation of employment beyond the probationary period and for job transfer and/or promotions so as to make the best possible use of each employee's ability, skills, knowledge and ambitions, and;
- iv. provide a record of employee's progress.

Procedures

10.3 Administration

The management of employees' performance is vested in all employees within the Agency and each employee has a role to play in the achievement of the Agency's mandate. However, the Human Resource Management and Development Branch spearheads this critical activity. It involves employees at all levels.

All employees are mandated to complete a performance appraisal when it becomes due as part of the Performance Management System of the Agency.

10.4 Work Planning

- i. Before the start of each new financial year, and as an adjunct to the corporate, business planning and budgeting process, NEPA will ensure that each employee has an agreed work-plan for the ensuing year.
- ii. This work-plan will confirm the main purpose of the particular job, key overall objectives or outputs to be met and major tasks necessary to support them. The work-plan will also include performance targets against key indicators

for each of the key overall objectives or outputs and a plan for the employee to have access to the required resources (financial, logistical, developmental and organisational) in order to meet the targets that are set. The employee work-plan will be derived from the Branch/Divisional operational plan.

- iii. The work planning process will start during the preparation of the corporate and business plans and will be an integral part of that process. The CEO, Directors, Senior Managers and Managers will develop corporate and business plans. The strategic objectives, key outputs and targets from these overall plans will be translated into the same for each division. Each Division Head will then translate his or her strategic objectives, key outputs and targets into the same for the Senior Managers and Managers and Supervisors that they supervise using the same team based approach. Supervisors will then repeat this process for their reportees.
- iv. Directors, Senior Managers & Managers will analyse the operational plans and review forms with the CEO and determine if the successful sum efforts of the individual staff will lead to the overall achievement of NEPA's targets, as well as to maintain overall consistency across all divisions. This analysis will also include a consideration of the costs of the resources that have been identified to ensure that they are within NEPA's planned capacity to pay. Where the analysis reveals problems then the work planning and review forms and perhaps the Agency's overall corporate and business plans will be adjusted to ensure harmony.
- v. Work plan and review forms will then be finalised and signed by both appraiser and appraisee. Signed copies of the work plan will be sent by the Supervisors to the Human Resources Branch for filing.

10.5 Procedures for evaluating the Agency's Key Performance Indicators (KPIs)

10.5.1 Determining the Key Performance Indicators

- i. The KPIs are discussed and agreed on at the Divisional and Branch levels (during the Agency's Strategic/Corporate Planning process) prior to the start of the financial year.
- ii. The KPIs are therefore developed as outputs of the Operational Plans for the year.
- iii. Once the approved budget has been received from the Ministry of Finance, the KPIs are amended /modified to reflect the new allocations.

KPIs are evaluated on the following:

- a. KPIs achieved/not achieved
- b. number or percent of output achieved for each KPI by the end of the financial year
- c. budgetary issues/ other constraints that may impact on the non-achievement of the KPI's planned outputs versus actual achievements
- iv. Following the end of the financial year, a KPI Report is prepared detailing the achievement /non-achievement of all KPIs, together with comments/reasons for any variances.
- v. The KPIs are audited and certified by the Chief Internal Auditor (CIA)/the Portfolio Ministry (in the absence of the CIA), after the end of the financial year and before the commencement of the processing of incentive payments.

10.5.2 Calculating the Agency's percentage score

- i. The number of KPIs that have been achieved at the required percentage or above the required percentage is divided by the total number of KPIs for the year (including those below the required percentage), and multiplied by one hundred (100).
- ii. Where the percentage score achieved by the Agency is equal to or greater than the Ministry of Finance's stipulated percentage, a certificate verifying the Agency's successful achievement is prepared and sent by the Internal Audit Unit to the Executive Agencies Monitoring Unit of the Ministry of Finance and Planning, to secure approval for the payment of an incentive, subject to the availability of funds.

10.6 Performance Review

- i. Managers should review the performance of their employees on a continuous basis as part of the day-to-day management process of coaching and guiding employees in their development to achieve superior performance.
- ii. Formal performance appraisals should be carried out on an annual basis, and should be completed within two months of the last day of the month following the end of the Agency's financial year (June). Interim reviews will also be done on a semi-annual basis. Additionally, a formal written review should be carried out at the end of any probationary period and at agreed times after an employee's transfer or promotion to a new position. Appraisals will be done against the objectives and targets set out in each individual's agreed work plan and review form.

- iii. At least one (1) month before the annual review is due the Human Resources Manager will remind supervisors of the process and distribute the appropriate work plan and forms for the next planning period. Training and guidance will be offered to Managers and employees on the performance management process.
- iv. The appraisal review should take the form of a two-way discussion involving both the Supervisor and the employee.
- v. Employees will be asked to document their comments on the performance review and both the Manager and employee will be required to sign the appraisal review document.
- vi. As part of the review process individual targets that are specific, measurable, achievable, realistic and time-bound will be set for the ensuing period. Employees should be involved in setting and agreeing targets that should relate to the achievement of the Agency's targets and objectives. This process is explained in the section above.
- vii. In cases where team targets are set the portion to be done by each person should be reflected in the individual's work plan as performance objectives to reinforce the role of all members of the team.

10.7 Self Appraisal

- i. As part of the performance review process, each employee will do a self-appraisal of his/her performance prior to the appraisal interview. The areas of self-appraisal will conform with the work plan and competencies required for the job as outlined in the job description and may also include competencies for posts which the employee aspires to attain.
- ii. The self-appraisal will act as a reference for the employee during the appraisal discussion.

10.8 Competency Profile

- i. As part of the performance review document a competency profile detailing the professional and technical competencies for each position will be defined by the Division Head and the Human Resources Manager.
- ii. The competency profile will act as a guide to Managers in the performance review process by highlighting areas for employee development.
- iii. Career discussions should be recorded as part of the performance review and in a personal development plan for future reference. Managers are

responsible for ensuring that resources exist to implement the personal development plans.

10.9 Personal Development Plan

- i. As part of the performance review process, Managers will be required to have career discussions with their staff and assist them with preparing a personal development plan for the ensuing year. Realistic career aspirations should be discussed and the potential of the employee explored within the context of the Agency's needs. Where appropriate, external career options may also be discussed as part of this meeting.
- ii. Career discussions should consider lateral movements as well as upward movements. Managers should take care not to promise or guarantee employees transfers or promotions.

10.10 Performance Related Pay

- i. The performance review will be used as one of the key indicators to determine employees who have achieved outstanding and exceptional performance.
- ii. Performance rewards for outstanding and exceptional performance will be in accordance with the policies dealing with compensation, benefits and rewards.

10.11 Unsatisfactory Performance

- i. Employees who receives two (2) successive unsatisfactory ratings (below 75%) will be closely monitored in the ensuing periods and will be given the requisite assistance needed by their supervisors to facilitate an improvement in their performance. A quarterly appraisal of these persons will be required.
- ii. If the employee fails to improve his/her performance by the end of the next year under review he/she may be subject to disciplinary action in keeping with the Human Resources Policies and Procedures.

10.12 Roles and Responsibilities in the Performance Management Process

10.12.1 Human Resources Manager

- a) Ensures knowledge of the system
- b) Facilitates the exercise of Managers' responsibilities
- c) Acts as a resource person to both Appraisers and Appraisees
- d) Organises orientation sessions
- e) Ensures that records are kept
- f) Monitors and reviews the appraisal system
- g) Receives appraisees' complaints and offers guidance and counselling

10.12.2 Supervisor

- a) Ensures knowledge of the operating environment
- b) Ensures knowledge of mandate, mission and values of the Agency
- c) Ensures work is defined and organised to achieve stated goals and objectives
- d) Ensures appraisee has up-to-date job description showing scope of responsibilities and specific duties
- e) Provides effective leadership, gives clear consistent direction, and provides the necessary resources and the relevant tools to get the job done
- f) Provides/facilitates opportunities for training and development to enhance performance
- g) Prepares and presents for discussion, performance expectations and performance assessment criteria.
- h) Conducts assessment based on the performance assessment criteria and completes Performance Appraisal
- i) Completes and signs the Performance Appraisals

10.12.3 Appraises

- a) Maintain/improve knowledge, skill, etc.
- b) Maintain awareness of operating environment
- c) Maintain knowledge of mandate, mission, values, etc
- d) Know and understand scope of responsibilities and duties to be performed
- e) Know and agree to performance expectations and performance assessment criteria
- f) Discuss performance assessment with Appraiser
- g) Know and understand consequence for consistent unsatisfactory performance
- h) Complete and sign the Performance Appraisal

10.12.4 Reviewing Officers

- a) Ensure equitable treatment
- b) Resolve any disagreement, which may result from the assessment process
- c) Sign the Performance Appraisals

10.13 Recourse and Redress

- i. If an employee disagrees with the Supervisor's assessment and the Reviewing Officer is unable to resolve the differences, the Appraiser or the Appraisee may seek the intervention of the Human Resources Manager
- ii. Where the Reviewer advises the Human Resources Manager that he/she is unable to resolve the differences between the Appraiser and the Appraisee, the Human Resources Manager will convene the Arbitration panel to adjudicate on the matter.

10.14 Arbitration

Arbitration is an adjudicative dispute resolution procedure in which a neutral decision maker issues an Award. Both Appraiser and Appraisee will present the case before a panel of three (3) Arbitrators, who will make a judgment based on the case presented.

- i. An Internal Arbitration Committee (IAC) will be established by the CEO, to deal with matters regarding to individual assessments that are not resolved at the review stage.
- ii. Recommendations for the IAC must be made by the Reviewer through the Human Resources Manager.
- iii. The matter must be referred in the form of a report to the Internal Arbitration Committee that must make a ruling
- iv. The report to the IAC should include and detail:
 - a) the current assessment
 - b) the specific areas for arbitration
 - c) comments from the Reviewer
- v. The Internal Arbitration Committee will consist of the incumbents in the following positions:
 - a) The Human Resources Manager
 - b) The Chief Internal Auditor
 - c) The Manager, Legal Services

The Staff Representative will attend, where necessary. If the dispute involves any of the abovementioned persons, any Director not involved in the dispute will be asked to sit on the Committee.

The ruling of the IAC will be final.

10.15 Roles of the Arbitrators

- i. The Arbitrators should ensure that all Parties understand the Arbitration process, the Arbitrator's role in that process, and the relationship of the Parties to the Arbitrator.
- ii. An Arbitrator should keep confidential all matters relating to the Arbitration proceedings and decisions.
- iii. An Arbitrator should not discuss a case with persons not involved directly in the Arbitration unless the identity of the Parties and details of the case are sufficiently obscured to eliminate any realistic probability of identification.
- iv. An Arbitrator may discuss a case with another member of the Arbitration panel hearing that case, whether or not all panel members are present.
- v. An Arbitrator should not inform anyone of the decision before it is given to all Parties.
- vi. An Arbitrator should remain impartial throughout the course of the Arbitration. Impartiality means freedom from favoritism either by word or action. The Arbitrator should be aware of and avoid the potential for bias based on the Parties' backgrounds, personal attributes or conduct during the Arbitration, or based on the Arbitrator's pre-existing knowledge of or opinion about the merits of the dispute being arbitrated. An Arbitrator should not permit any social or professional relationship with a Party, to affect his or her decision-making. If an Arbitrator becomes incapable of maintaining impartiality, the Arbitrator should withdraw from the proceedings.
- vii. An Arbitrator should perform his/her duties diligently and conclude the case as promptly as the circumstances reasonably permit. An Arbitrator should be courteous to the Parties, to their representatives and to the witnesses, and should encourage similar conduct by all participants in the proceedings. An Arbitrator should make all reasonable efforts to prevent the Parties, their representatives or other participants from engaging in delaying tactics, harassing of Parties or other participants, abusing or disrupting of the Arbitration process.
- viii. An Arbitrator should not discuss a case with any Party in the absence of the other Party, except that if a Party (ies) fails to appear at a hearing after having been given due notice, the Arbitrator may discuss the case with any Party who is present; and (2) whenever an Arbitrator communicates in writing with one Party, the Arbitrator should, at the same time, send a copy of the communication to the other Party (ies). Whenever an Arbitrator receives a written communication concerning the case from one Party that has not already been sent to the other Party, the Arbitrator should do so.

- ix. The Arbitrators should, after careful deliberation and exercise of independent judgment, promptly decide on all matters submitted for determination and issue an award. The Arbitrators' award should not be influenced by fear or criticism or by any interest in potential future case referrals by any of the Parties, nor should the Arbitrators issue an award that reflects a compromised position in order to achieve such acceptability. The Arbitrators should not delegate the duty to decide to any other person (s).

11. HEALTH, SAFETY and WELFARE

11.1 Policy Statement

It is the Agency's policy to provide and maintain a safe and healthy environment for staff and visitors and to maintain staff welfare.

11.2 Objectives

The objectives of this policy are to:

- i. ensure that a safe and healthy work environment exists at NEPA ;
- ii. minimise or eliminate accidents and establish new practices to be followed where accidents occur so that they do not re-occur, and;
- iii. educate all staff about all matters relating to health, safety and welfare at work and reinforce employees' roles and responsibilities in this respect.

Procedures

11.3 Safety

- i. The Human Resources Manager shall ensure that all staff and new employees are familiar with the health and safety requirements of the NEPA and their particular work location.
- ii. Employees will ensure that safety regulations as contained in the Disaster Preparedness Manual are obeyed and where necessary, NEPA will ensure that specific clothing, equipment or tools are provided for the specific job.
- iii. All employees must advise their manager or the Facilities Management & Operations Manager immediately if they witness unsafe working practices or unacceptable health hazards.
- iv. The Human Resources Manager will conduct regular audits of the health and safety policies and procedures, update and distribute revised policies and procedures and train the appropriate personnel in line with health, safety and welfare requirements.

11.4 Accidents

- i. If an accident occurs it is the responsibility of all staff to help any persons that may be injured or hurt and to remove or minimise the source of the danger if possible, in whatever way they can.
- ii. At each office location, selected employee will be trained in first aid at the expense of the Agency to deal with minor incidents as they arise. A first aid kit will be kept at each office location for the use by the trained personnel. A log will be kept of all incidents and first aid administered.

- iii. Accidents or incidents that appear to require treatment or intervention by external professionals including doctors, hospitals, building security, the police, fire brigade or other emergency services will also be referred promptly to the Human Resources Manager or any other supervisor, manager or executive who may be available. The Human Resources Manager will keep records of all such incidents.
- iv. Employees involved in any accident and/or near accidents which occur on the Agency's premises or while carrying out the Agency's business must report same in writing to the Human Resources Manager and/or Facilities Management & Operations Manager. All reports should be submitted as soon as possible but no later than twenty-four (24) hours after the accident or incident.
- v. The Human Resources Manager will log all accidents and incidents. The Human Resources Manager shall quickly complete a thorough investigation of the accident or incident and shall make a report to the CEO. The CEO will determine what if any changes need to be made to either work processes or the physical premises, as applicable.
- vi. Employees, who become ill while at work and require medical attention, unless otherwise stated, will be taken to the nearest public medical facility.

11.5 Injury on the job

Employees who sustain any injury in the course of their official duties shall be eligible to receive medical treatment in any Public Health facility at public expense.

11.6 Maintenance of buildings and facilities

- i. The NEPA will comply with Occupational Health & Safety regulations as contained in the Disaster Preparedness Manual of the Agency in maintaining its buildings and facilities.
- ii. The Human Resources Manager or designate will develop, organise, co-ordinate and administer ongoing safety training, which will involve the development and dissemination of the Agency's safety manual and procedures.
- iii. The Human Resources Manager or designate will provide and organise regular safety drills and checks considered necessary for the protection of its employees, customers and working environment.

- iv. The Human Resources Manager will instruct the correction and prevention of all safety and environmental hazards, as far as is reasonably practicable.

11.7 Security

- i. All employees will be issued with authorised identification cards. The cards should be prominently displayed on employees at all times while conducting the Agency's business. Upon termination of employment, identification cards must be returned to Human Resources Manager.
- ii. All visitors will be required to report to the receptionist to log their presence. Visitors will be given a visitor's pass and accompanied by a member of staff in areas beyond public access. During normal working hours, visitors will only be accommodated for official Agency business; i.e. employees are encouraged not to have personal visitors during this period.
- iii. Employees in possession of company property are responsible for its proper care and security. Any damage or loss must be reported to the Facilities Management and Operations Manager at once and an incident form completed.
- iv. All staff are expected to exercise reasonable care over personal property brought onto the premises. Where possible, approval should be provided by the employee's manager prior to personal property being brought unto the premises. Said approval should be communicated to the Agency's Security Personnel. All personal property should be logged with the Agency's Security personnel before being brought unto the premises. Losses will only be compensated in the event of fire or other natural disaster and where insurance cover exists.
- v. Keys and access to restricted areas will be limited to named members of staff who must take proper care to keep them secure. Lost or misplaced keys should be reported to the Facilities Management and Operations Manager immediately.
- vi. The Agency will provide a security plan, which includes action to be taken in the event of threats such as bomb, arson, organised assault or demonstration. This will be communicated to all employees.

11.8 Disaster Preparedness

- i. In the case or threat of natural disasters the Agency will undertake to follow all official disaster preparedness guidelines (see Disaster Preparedness Manual). Additionally, the Agency will adopt a number of standard procedures to protect its staff, customers and business and ensure that services are restored as soon as possible once it is safe to do so. The Human Resources Manager will facilitate the development and updating of these procedures.

- ii. Access to information, property and documents stored at the Agency's buildings should be secured and alternative storage provided where appropriate.
- iii. Back-up storage of electronically held information, duplicates, blank forms, operations policy manuals and other key documents should be secured at a remote location where possible.
- iv. Critical functions should be identified and alternative processes developed to resume a minimal service in the shortest possible time. Named employees should be identified to be responsible for each aspect of the process.
- v. All responsible employees should be trained and conversant with the assigned disaster preparedness procedures. Alternate employees should be identified and also trained to provide contingency deployment.
- vi. When full restoration of activities is in place, the Internal Auditor/Facilities Management and Operations Manager should conduct a comprehensive review on the impact on operations and compliance to procedures outlined.

11.9 Occupational Safety and Health (OSH)

OSH refers to the Maintenance of a working environment which is conducive to the health and safety of all employees and visitors to the Agency and takes into account the possible risks within the work environment to which employees and visitors may be exposed either indirectly or directly. Some of these include:

- a) Chemicals and other hazardous substances – the use and proper handling
- b) Poor air quality and circulation
- c) Poor ergonomics
- d) Improper lighting
- e) Unsafe practices and procedures

11.10 Responsibilities

In accordance with the relevant Section of the *Draft Occupational Safety and Health Act 1995, 2003*, the Responsible officers and their areas of responsibilities are hereunder listed:

- i. The Chief Executive Officer/Government Town Planner has overarching responsibility for the OSH in the Agency
- ii. The OSH committee has the responsibility for the implementation of the OSH policy and adherence to the legal and technical requirement of the legislation
- iii. The senior management team of the Agency shall ensure the operations and efficient running of the OSH committee by:
 - a) Periodic consultation with the OSH committee to ensure the implementation of agreed strategies

- b) Ensuring that supervisor and other recommended employees are certified as competent persons under the OSH Act and are properly equipped to recognize and handle any potential or actual threat to the safety of the staff and visitors to NEPA's facilities.
- c) Instituting sanctions on employees who refuse to comply with any OSG guideline
- d) Ensure that the staff are provided with the requisite equipment, materials, protective gears and devices required for safety, good health and protection of the workers
- e) Ensuring the proper maintenance of such equipment and protective devices
- f) Providing a workplace that is structurally safe
- g) Ensuring that reasonable effort is made to prevent exposure of employees to health and safety hazards.
- h) Ensuring that appropriate signs (directional, emergency etc) are strategically placed throughout the Agency.
- i) Providing such training in health and safety procedures as may be required to employees, members of the joint committee, OSH representatives and supervisors.
- j) Ensuring that suppliers and contractors demonstrate the requisite safety and health consideration in the type of products and equipment that they supply to/and or use on the Agency's premises or assets.
- k) Ensuring the maintenance of records as may be prescribed for the storage, handling and disposal of chemical, cleaning agents and reagents.
- l) Preparing in consultation with the OSH committee an inventory of all hazardous chemicals and physical agents at the workplace and the likely impact on employees and the environment in particular:
 - i) toxicity and health effects in relations to all parts of the body;
 - ii) chemical or physical characteristics of the chemicals;
 - iii) corrosive or irritant properties;
 - iv) carcinogenic effects
 - v) teratogenic effects
 - vi) effects on the reproductive system.

11.11 OSH Committee

- i. A joint OSH Safety Committee shall be established consistent with the provisions of the OSH legislation.
- ii. A list containing the names and locations of the members of the Committee will be circulated to all NEPA members of staff and conspicuously posted at all NEPA locations.
- iii. The Committee shall take reasonable and practical steps to safeguard the health, safety and welfare of the workers. These steps shall be in keeping with the provisions of the Occupational Safety and Health Act, as well as other

complementary measures not specified in the Act. Accordingly the role of the OSH Committee shall be to:

- a) Monitor the OSH performance of NEPA as stipulated by legislation and in keeping with NEPA OSH strategy;
 - b) Identify any situation which may be a source of danger or a hazard to workers and visitors
 - c) Make recommendation to the Agency and workers for the improvement of the safety and health of the workers;
- iv. Make recommendation to the Agency and workers regarding the establishment, maintenance and monitoring of programmes, measures and procedures relating to the safety and health of workers;
- v. Obtain information from the Agency regarding:
- a) the identification of materials, processes or equipment at the workplace which constitute actual or potential hazards;
 - b) the safety and health practices, experiences and standards in similar or other enterprises;
 - c) the carrying out of tests on equipment, machinery, chemicals, or physical biological agents at the workplace for the purpose of OSH;
 - d) the carrying out of inspections at the workplace at such time as may be prescribed.
- vi. Overseeing the operation of persons with responsibility for reviewing, monitoring, reporting and implementing OSH initiatives at the workplace.
- vii. Enforcing compliance with the Occupational Safety and Health Act and other related policies and procedures for the safety, health and protection of its workers;
- viii. Taking action on reports of all near misses, personal injuries and property damage involving workers at the workplace and ensuring that appropriate measures are put in place to prevent re-occurrence;
- ix. Provide information to the general staff on OSH and related matters.

11.12 The OSH Management System

- i. It shall be the responsibility of the Chief Executive Officer or the competent officer to whom the responsibility is delegated to co-ordinate the inputs and responsibility of all stakeholders in ensuring an effective OSH management system throughout the organization.
- ii. The Agency shall make arrangements for employees and their OSH representatives to have the time and resources to participate actively in the

process of organizing, planning and implementing standards and procedures, evaluation and action for improving the OSH management system.

- iii. As a matter of policy, the Agency shall ensure that managers and supervisors are fully aware that they have a responsibility and will be held accountable for organizing OSH management activities, inclusive of policy implementation and compliance, preventative and corrective action, internal communication, documentation, storage of reports and records at their branch level and by extension throughout the organization.
- iv. Managers and supervisors will ensure that communication procedures are in place for receiving, documenting and responding appropriately to internal and external communication related to OSH. This includes ensuring that the concerns, ideas, and inputs of employees and their representatives on OSH matters are received, considered and responded to.

11.12.1 Managers and Supervisors shall be responsible for:

- i. Working with the OSH Committee to achieve the following:
- ii. The effective implementation of the Occupational Safety and Health policy rules and regulations;
- iii. Ensuring that liaison between management and those accountable for OSH tasks in the Agency is maintained in accordance with agreed standards;
- iv. All significant risks associated with hazards in their operations are identified, controlled, recorded and reviewed in consultation with employees
- v. Ensuring that employees under their supervision are properly trained in the management of Occupational Safety and health at the workplace.
- vi. Ensuring that disaster preparedness procedures are relevant and up to date at all times.

11.12.2 Employees shall be responsible for:

- i. Adhering to Occupational Safety and health rules, policies, procedures and programmes and taking reasonable care of themselves and others at the workplace;
- ii. Ensuring that they do not endanger the health, safety and physical well-being of other persons at or in the environs of the workplace;

- iii. Cooperating with the Agency by ensuring that protective devices, equipment or clothing required for use as specified by the Agency and/or the OSH Act and other legislation are used or worn.
 - iv. Consulting and cooperating with the OSH Committee or the OSH Representative on any safety and health matter, as necessary.
 - v. Reporting to their supervisor or OSH Representative any unsafe conditions observed and, if not remedied to their satisfaction, to their manager. *(N.B. the situation may be taken to the highest level in the organization, and if not remedied it may be taken to the Ministry of Labour and Social Security OSH Department).*
 - vi. Obtaining First Aid assistance or seeking medical attention in the event of injury on the job.
 - vii. Reporting to their supervisor, the occurrence of any accident/incident.
 - viii. Assisting disabled persons and visitors in the event of an emergency evacuation.
- 11.12.3 Floor Wardens shall be responsible for:
- i. Monitoring all aisles, corridors and exit doors on an on-going basis to ensure that they are free from obstructions
 - ii. Ensuring that all new employees on the floor assigned are aware of the Agency's Disaster Management Plan.
 - iii. Disseminating relevant Disaster Management/Preparedness brochures, papers etc. to staff on the floor/branch assigned.
 - iv. Assisting in planning and conducting emergency evacuation drills.
 - v. Assuming control of fire emergency evacuation in the assigned designated areas.
 - vi. Conducting headcount in assembly areas after an evacuation.
 - vii. Assisting in the training of staff in Disaster Preparedness at the workplace.
 - viii. Reporting any potential risk to OSH Committee or respective supervisor.

11.13 Welfare

Recognising the importance of caring for the Agency's most valuable assets – the employees, who spend a significant portion of their time in the Agency on any given day, NEPA will seek to provide welfare programmes which aim at meeting the needs of employees. These programmes may include but will not be limited to:

- a) a Corporate Wellness Programme which will seek to organise activities aimed at sensitising employees on the benefits of developing and maintaining a healthy lifestyle.
- b) a Sports and Social Club which will be responsible for organising sports and social events which include but are not limited to birthday socials, Christmas events, sports competitions
- c) regular presentations on topics such as financial and estate management

11.14 Employee Counselling and Employee Assistance Programme

- i. Employees with personal challenges may approach the Human Resources Manager who may be able to provide basic counselling to determine the nature of the problems and help staff identify possible solutions. All counselling will be done in confidence but where employee problems impact on the performance of the individual or compromise the safety of a member of staff or other employees the Human Resources Manager may request the member of staff to seek further assistance from relevant external professionals.
- ii. An employee may also be referred for counselling by his/her Supervisor or Manager where the performance of the employee is being adversely affected.
- iii. If the appropriate counselling/assistance is not successful, and the employee's performance continues to fall below standard, the employee may be terminated.

11.15 Smoking

The Agency operates a no smoking policy. No smoking signs will be prominently displayed and employees and visitors will not be permitted to smoke while in public areas within the buildings.

12. COMMUNICATION

12.1 Policy Statement

- i. It is the Agency's policy to communicate regularly with staff using a range of communication media and encouraging open and meaningful dialogue between staff, management and external bodies, including customers and the general public.
- ii. Effective communication is essential to the efficient operation of the Agency. Communication plays a very important role in motivating employees, therefore, every effort will be made to foster mutual understanding, confidence and co-operation throughout the Agency based strongly on satisfactory communication between staff at all levels.

12.2 Objectives

The objectives of this policy are to:

- i. institute a range of communication channels and media to encourage regular and meaningful communications in order that customers and clients are better informed about the work of NEPA. This effort should aid the work of the staff;
- ii. raise staff morale and the quality of customer service within an environment where employees are free to express their ideas, suggestions and opinions constructively, without prejudice; and
- iii. reinforce communications as a daily management activity to maintain harmonious relations with staff.

Procedures

12.3 Daily communication activities

- i. The Agency places a responsibility on all Managers and their staff to engage in regular meaningful communication on a day-to-day basis to discuss issues and problems of common interest for the purpose of developing, maintaining and improving the overall performance of the Agency.
- ii. Managers and Supervisors are encouraged to adopt an open communication style to allow staff to feel free to express their ideas, suggestions and opinions constructively, without prejudice.
- iii. The Performance Management System which is used to discuss individual performance should form part of the daily communication such that performance issues will be addressed as they arise and are not accumulated for the annual performance appraisal discussion.

12.4 Staff Meetings

- i. Recognising the need for group face-to-face discussions with staff, the Agency will encourage regular staff meetings as a vital means of internal communication. In particular, three types of staff meetings will be promoted:
 - a. general meetings;
 - b. divisional meetings; and
 - c. branch meetings.
- ii. General meetings involving all staff will usually be held twice a year to update staff on the general performance of the Agency, any major initiatives and other issues of interest which may have arisen during the period or be planned for the ensuing period. Additionally, recognition awards and commendations may be given at this forum.
- iii. Directors should usually hold quarterly divisional meetings with their staff to communicate policies and procedures, issues relating to performance and key changes in the period.
- iv. Managers/Supervisors should hold monthly Branch meetings with their staff, where possible, to discuss the more detailed work and performance issues with staff and provide them with a forum for each team member to contribute to the meeting.

12.5 Agency Newsletters

- i. The Agency will produce a monthly and/or quarterly staff newsletter as an additional medium to update staff on Agency matters.
- ii. In addition, Branches may produce newsletters through which information pertaining to that Branch can be circulated to all members of staff.
- iii. As the need arises the Agency may publish a supplemental newsletter for customers and other key stakeholders to update them on the issues facing the Agency, the performance achieved for the period and planned initiatives. This may be linked to coincide with special communication campaigns and initiatives, which may involve the use of external expertise.

12.6 Circulars, Notices and Notice boards

- i. The Agency will provide notice boards for both official and personal purposes in strategic locations.
- ii. All items for the notice boards must be approved by the Human Resources and/or the Public Education & Corporate Communication Branch Managers.

- iii. The staff notice board is provided by the Agency to communicate to all staff general issues and notices. Examples of such notices may include announcement of new employees, promotions, transfers, resignations or separations, job vacancies, staff sport and recreational programmes, information on safety, staff association/union matters and policy /organisational changes.
- iv. Notices should stipulate an expiry date at which time the notice can be removed.
- v. Employees should not alter or deface notices placed on the boards. Such acts may result in disciplinary action.
- vi. The intranet should be used (as much as possible), for posting all notices.
- vii. The Human Resources Manager will circulate Circulars from the relevant ministries when they become available to the Agency.

12.7 E-mail

- i. All items of communication within the Agency, including internal and external e-mails, are for business purposes and should be drafted carefully taking into account such issues as company representation, harassment and defamation of character and ensuring that copyright and licensing laws are not breached.
- ii. E-mail facilities are not to be used for personal purposes excessively and employees should avoid the distribution of chain letters, inappropriate humour, explicit language or offensive images.
- iii. The e-mail is not a secure system and does not guarantee privacy and confidentiality of messages sent. The content of e-mail messages can be easily copied, forwarded or archived. Confidential information is, therefore, not recommended to be sent by e-mail.
- iv. Employees who abuse the e-mail facilities will be subject to disciplinary action in accordance with the Agency's disciplinary procedures.

12.8 Staff Suggestion Scheme

- i. A staff suggestion scheme will be operated to generate and encourage new ideas for business improvement. Suggestion boxes will be placed in strategic areas accessible to staff where they can place their suggestions.

- ii. Staff may write their name, job title and telephone number on the reverse of their suggestion so that they may be credited with the idea. Each month the Manager responsible for communications will review all suggestions and discuss these with other Managers to determine feasibility. Employees whose suggestions are taken up will receive a commendation, which will be placed on their personal files and where the suggestion results in a significant saving, a small gift may be given to the employee. The Chief Executive Officer will determine the value and nature of the gift.
- iii. If staff do not wish to be recognised, suggestions may be placed in the envelope without any identity. However, employees should refrain from misuse of the scheme or using it as an alternative to discussing problems or personal grievances with their Managers. Grievances should be raised in accordance with the grievance policy and procedures.

12.9 Special Communication Exercises

- i. Special communication exercises will include those exercises, either internal or external that are one-off, irregular, sensitive, of a large volume or high profile. For such exercises external expertise may be engaged. Approval to use external expertise must receive prior approval of the CEO based on a written cost benefit analysis justification submitted by the requesting Manager.
- ii. As a regular special communication exercise, customer and staff surveys will be undertaken to elicit attitudes and views on how staff and customers perceive the Agency and its performance.
- iii. Special communication exercises will also include various public education and information campaigns involving the production of brochures and literature, the conduct of road shows and exhibitions and special media presentations.

12.10 External Communication

- i. External communications for widespread circulation or media coverage must be approved and signed off by the CEO prior to release.
- ii. All requests for media interviews must come through the Public Education & Corporate Communication Manager. Branch Managers will be responsible for appointing an Officer to speak to the media whenever required.
- iii. Where media coverage is involved the services of external expertise may be utilised.

- iv. With regards to confidential information, the business ethics policy will apply.

12.11 Personal Communication using telephone, mail and faxes

- i. The use of telephones for personal calls should be avoided, except in emergency cases. Similarly the receipt of personal calls is discouraged, except in emergency cases. In all cases personal telephone calls should be kept brief.
- ii. The unauthorised use of the telephone to make long distance calls and excessive use of the telephone may result in disciplinary action being taken and staff will be charged for such calls.
- iii. Employees are not permitted to send or receive personal faxes or letters or packages through the Agency's mail facilities. Where this is unavoidable, prior permission must be received from the Human Resources Manager and any personal mail should be so marked on the envelope by the sender.

12.12 Access to Information Act

- i. Under the Access to Information Act (ATIA) the public has a right to request information from the Agency. The Agency is **obligated** to provide the information requested as long as the information or parts of the information are not exempted from being disclosed under the Access to Information Act.
- ii. Requests under the ATIA will be forwarded to the Public Education & Corporate Communication Branch for processing. Please see ATI Procedures Manual available in the Public Education & Corporate Communication Branch.

13. EMPLOYER – EMPLOYEE RELATIONS

13.1 Policy Statement

It is the Agency's policy to maintain harmonious relations with its staff and take account of employee views relating to their terms and conditions of employment, including consultation with an approved staff representative body.

13.2 Objectives

The objectives of this policy are to:

- i. outline the Agency's commitment to maintain harmonious relations with its employees through consultation with a staff representative body, union or association, and by means of direct communication with staff, and;
- ii. provide a mechanism for dealing with issues relating to a group or groups of staff.

Procedures

13.3 Employee Representation

- i. The Agency recognises the right of all employees to seek representation from a representative body or union and to this end will maintain a consultative working relationship with recognised unions, representative bodies or staff associations elected by staff.
- ii. The Agency will also observe the rights of those employees who choose not to be represented by a separate body, union or association and will therefore maintain regular direct constructive communication with those employees.
- iii. Time-off for related training and official meetings (to facilitate staff representative activities), shall be granted in line with the leave policy subject to the staffing requirements of the Agency and at the discretion of the CEO

13.4 Resolving Disagreements

- i. The Agency will endeavour to settle any disagreements fairly and in accordance with its policies and procedures. Individual grievances should be raised in accordance with the grievance procedure and collective grievances should be raised through the collective grievance procedure.
- ii. Employees who participate in industrial action including strikes and lockouts will not be paid for any day during which they are engaged in such action and may face disciplinary action leading to possible dismissal in accordance with the disciplinary policy and procedure.

- iii. Once a settlement has been reached or a ruling passed by the courts or arbitration body committing employees to return to work, any further industrial action will be considered gross misconduct and all employees involved may be dismissed.

13.5 Roles and Responsibilities

13.5.1 The Employer

The Chief Executive Officer in his/her capacity as an Agent of the employer will:

- i. Recognise the rights of Trade Unions and Staff Associations to represent their members and to advocate on their behalf;
- ii. Respect the rights of employees to belong to Staff Associations and Trade Unions and take part in the activities of these bodies;
- iii. Ensure that effective relations and adequate procedures are maintained with employees and their representatives for communication and consultation and for the settlement of disputes and grievances;
- iv. Ensure that the established procedures are known, understood and implemented by all members of the Management and Supervisory team;
- v. Ensure that all Supervisory staff have clearly defined responsibilities in the organisational structure, are in charge of manageable work groups, understand their responsibilities and have the necessary qualities and industrial relations training and exposure to do the job;
- vi. Ensure that Supervisors are cognisant of management policies as they affect their individual work groups and that they maintain an effective link between Management and members of their work groups;
- vii. Adopt policies and practices for the social and educational improvement of employees, in addition, to discharging obligations in respect of the terms and conditions of employment;
- viii. Keep in focus the public interest at all times.

13.5.2 The Employee

Each employee is expected to:

- i. Know, understand and familiarise himself/herself with the terms and conditions of his/her employment;

- ii. Perform his/her duties to the best of his/her abilities with due regard to the performance and behaviour expectations established by the Agency;
- iii. Ensure that his/her actions and behaviour do not prejudice the health, safety or well-being of clients, customers or fellow employees;
- iv. Exercise his/her right to belong or not to belong to a staff association or trade union, to support it financially and to vest in it the necessary authority to represent his/her interests;
- v. Know, understand and abide by the established procedures for dealing with disputes and grievances;
- vi. Keep in focus the public interest at all times.

13.5.3 The Employee Representative

Staff Associations and Trade Unions representing employee interest will:

- i. Represent the interest of their members judiciously;
- ii. Maintain (jointly with Management and other Trade Unions) effective arrangements at all levels for consultation and communication and for settling grievances and disputes;
- iii. Take all reasonable steps to ensure that their officials and members observe all arrangements;
- iv. Provide for the training of delegates in the scope of their powers and duties and the day-to-day operation of the union;
- v. Provide adequate educational opportunities for the advancement of their members;
- vi. Be properly staffed to serve the needs of its members, and allow for effective lines of communication between such staff and the rank and file membership;
- vii. Encourage members to take part in its activities;
- viii. Make information pertaining to the rules and policies of the unions available;
- ix. Provide adequate advisory services for their members and assist them to understand the terms and conditions of their employment;
- x. Identify trends in Industrial Relations to help their members to anticipate and keep abreast of change;
- xi. Keep in focus the public interest at all times.

14. GRIEVANCE PROCEDURES

14.1 Policy Statement

It is the Agency's policy to deal with grievances as they arise in a fair and consistent manner in order to foster good employee relations and to ensure that employee grievances are settled as near as possible to the point of origin.

14.2 Objectives

The objectives of this policy are to:

- i. establish a speedy internal process whereby employees who feel aggrieved can raise their concerns and gain a resolution to problems;
- ii. maintain harmonious relationships between Management and Staff encouraging communication between staff to resolve and reconcile work-related problems, and;
- iii. provide employees with an easily accessible procedure for expressing dissatisfaction.

Procedures

14.3 Individual Grievances

The Agency will treat all employees who wish to raise an individual work related grievance fairly and without prejudice. Any employee presenting a grievance must be directly concerned with the cause thereof and must present his or her grievance or complaint in accordance with the following procedure:

Stage 1

- i. The employee shall first raise the grievance/complaint with his/her immediate supervisor (which may be presented in writing). The supervisor shall seek to resolve the matter promptly.
- ii. If the employee accepts the solution then an agreement is prepared and signed by all parties.
- iii. If the employee is dissatisfied with the outcome and the matter remains unresolved then he/she has the right to present the grievance in writing at the next stage within five (5) working days.

N.B. Where the matter has serious implications for life, property or the operations of the organisation; the supervisor should contact the Human Resource Manager

Stage 2

- i. At this stage, the grievance shall be presented in writing to the Head of the Division within the prescribed time; a meeting should be convened with the employee and the Manager of the Human Resources Branch advised.
- ii. The employee has the right to be accompanied by an employee representative.
- iii. If the employee accepts the solution then an agreement is prepared

and signed by all parties.

- iv. If the matter remains unresolved, the employee has the right to present the grievance, in writing, at the next stage within five (5) working days.

Stage 3

- i. At this stage, a meeting should be convened with the employee once the matter has been presented in writing to the Head of the Human Resource Management & Development Branch (HRM&D) within the prescribed time. The Human Resources Manager shall seek to resolve the matter within ten (10) working days.
- ii. The employee has the right to be accompanied by an employee/union representative.
- iii. If the employee accepts the solution then an agreement is prepared and signed by all parties.
- iv. If the matter is unresolved then the employee has the right to present the grievance at the next stage within five (5) working days.

Stage 4

- i. If an acceptable solution has not been proffered at the preceding stage, the matter is submitted by either party, to the Chief Executive Officer and shall be disposed of within fifteen (15) working days.
- ii. The Chief Executive Officer shall be presented with all documents relating to the grievance for review and shall convene a meeting with the employee and relevant persons should the need arise.
- iii. The employee has the right to be accompanied by an employee/union representative.
- iv. If the employee accepts the solution then an agreement is prepared and signed by all parties.
- v. If the employee is dissatisfied with the response then he/she has the right to report the grievance to the Ministry of Finance and Planning within ten (10) working days.

Stage 5

- i. The Ministry of Finance and Planning - Industrial Relations Unit will conduct a review of the matter in consultation with the Agency.
- ii. If the Ministry of Finance and Planning is unable to resolve the matter within three (3) months, it shall be referred to the Ministry of Labour and Social Security as a dispute.

Stage 6

- i. The Ministry of Labour will seek to resolve the matter in discussion with the parties.
- ii. If there is a failure to achieve an agreement at this stage, the matter may be referred to the Minister of Labour and Social Security for his determination.

14.4 Collective Grievances

This procedure is designed to operate when a group of employees wishes to raise a common grievance with the Agency, whether or not a recognised Staff Association or Trade Union represents the group.

- i. Both the Agency and its employees undertake to continue to work normally during the operation of this procedure. Normal work (on the part of the employees) means, the continuing performance of duties to the standards that applied before the grievance was raised, and on the part of the Agency; the continuing provision of the terms and conditions of employment that applied before the grievance was raised. Any disruption by any sort of industrial action, such as sickouts, go-slows, work-to-rule, strike or lockout, will not constitute normal work.
- ii. In the event of a collective grievance the employees should first decide on a spokesperson to deal with the Agency. This spokesperson may be a representative of a Staff Association or Trade Union, and who at the final stage of this procedure, must also be a full time employee of the Agency. The spokesperson shall not be liable to any sort of disciplinary action arising entirely from his or her legitimate efforts at representation. Legitimate efforts exclude normal misconduct or poor performance as set out in these policies and procedures. In addition, any attempt to incite staff or conspire to disrupt normal work pending the operation of this procedure, by Managers or Staff, shall constitute a disciplinary offence and will be dealt with under the disciplinary procedures.

Stage 1

- i. The group's representative shall present the grievance in writing to the Human Resources Manager who shall convene a meeting within (5) working days of the receipt of the written grievance.
- ii. The Human Resources Manager shall invite to the meeting the group's representative, a delegation from the employees affected and any other officer who could materially assist in resolving the grievance.
- iii. Where an agreement has been reached, the Human Resources Manager shall provide a written report, which should include signatures of the relevant officers.

- iv. Where there is failure to arrive at an agreement, the Human Resources Manager shall provide a written report and submit the grievance to the Chief Executive Officer within ten (10) working days.

Stage 2

- i. Where the grievance remains unresolved, the Chief Executive Officer shall schedule a meeting within fifteen (15) working days.
- ii. The employees may choose to involve a fulltime officer of their staff association or trade union at this stage.
- iii. Where an agreement has been reached, the Chief Executive Officer shall provide a written report, which should include signatures of the relevant officers.
- iv. If the employees are dissatisfied with the response then the grievance is to be reported to Ministry of Finance and Planning within ten (10) working days.

Stage 3

- i. The Ministry of Finance and Planning - Industrial Relations Unit will conduct a review of the matter in consultation with the Agency.
- ii. If the Ministry of Finance and Planning is unable to resolve the matter within three (3) months, it shall be referred to the Ministry of Labour and Social Security as a dispute.

Stage 4

- i. The Ministry of Labour will seek to resolve the matter in discussion with the parties.
- ii. If there is a failure to achieve an agreement at the preceding stage, the matter may be referred to the Minister of Labour and Social Security for his determination.

15 CODE OF CONDUCT

15.1 Policy Statement

It is the Agency's policy to request and ensure that all staff maintain the highest standards of work ethics, conduct and performance in the interest of its customers, clients, staff and external public and private bodies with which the Agency interfaces.

15.2 Objectives

The objectives of this policy are to:

- i. ensure proper conduct of employees when in contact with NEPA's business associates/clients and fellow employees; and
- ii. establish standards of conduct to ensure that the organisation projects a reputable professional image.

Procedures

15.3 Behaviour Expectations

15.3.1 Absence from Duty

- i. Employees who are absent from duty due to illness or other emergencies must make contact with their immediate Supervisor and/or the Human Resources Branch within the first two (2) hours of the work day, but no later than the end of the first day of absence.
- ii. Employees who are absent from duty for other reasons should have pre-arrangements that are duly authorised.
- iii. The Chief Executive Officer is required to notify his/her respective Minister of any absence from duty.

15.3.2 Standards of Behaviour

Employees are expected to demonstrate the highest level of professional conduct and personal integrity in the performance of their duties and in serving both the internal and external customers.

Service Standards

- i. Employees are expected to treat everyone, including other public officers, clients and members of the general public with courtesy, respect, fairness and objectivity;
- ii. Employees should display a positive attitude and be pro-active in the exercise of their duties, seeking to understand and satisfy the needs of the clients, volunteering information and service as appropriate;
- iii. Employees shall not confer any special benefit and/or give preferential treatment to anyone on the basis of any special relationship;

- iv. Requests for services must be dealt with in a manner which is timely, accurate and complete;
- v. The standards established in the Citizen's Charter must be adhered to.

15.3.3 Core Values

The Agency has embodied the following Core Values and expects all employees to observe them in the daily execution of their duties:

- i. **Integrity:** we earn our reputation by adhering to the highest ethical standards, conduct and moral principles and at all time act in ways to preserve our integrity.
- ii. **Accountability:** We hold ourselves accountable to the public, accept responsibility for the decisions and actions that we take and will submit ourselves to the scrutiny that attends our decisions and actions.
- iii. **Justice & Fair-play:** In valuing the diversity of human nature and circumstances, we apply the principles of justice and fair-play in all our dealings within and outside the Agency to ensure that equity always prevails.
- iv. **Customer Service:** We acknowledge our role as a provider of service and will always strive to satisfy and exceed our customers' expectations.
- v. **Teamwork:** We foster collaboration and teamwork among staff while maintaining individual accountability.
- vi. **Health & Safety:** We strive to create and maintain a safe and healthy work environment.
- vii. **Empowerment:** we aim to create a learning organisation where all our employees are empowered to achieve excellence and high levels of performance are recognised and rewarded.
- viii. **Respect:** We treat our team members, clients and partners with mutual respect and sensitivity, recognising the importance of diversity.

15.3.4 Conduct and appearance

- i. Proper conduct, appropriate business attire and good grooming are required of all employees to project a high standard of professionalism and maintain a positive image of the Agency. The following examples of poor conduct at work are considered unacceptable and any breaches will lead to disciplinary action in accordance with the disciplinary procedure:
 - a. illegal possession or misuse of firearm, illegal drugs, weapons or explosives;
 - b. excessive absence, tardiness or lateness;

- c. insubordination (failure to obey a reasonable order of a supervisor);
- d. fighting or other physical disturbance;
- e. any act of sabotage or theft of Agency property or that of another employee;
- f. use of obscene or threatening language, and; excessive noise of any form, which creates a disturbance to others.
- g. careless abuse or theft of Agency property;
- h. larceny or theft from others- colleagues, clients or customers

N.B. These examples are not exhaustive and are given for the purposes of illustration.

- ii. NEPA reserves the right to take disciplinary action in accordance with its disciplinary procedures against any employee for any act of misconduct or failure to meet performance standards as set out from time to time (in this Manual or elsewhere) or as generally accepted.

15.3.5 Dress Code

- i. Employees must be neat and tidy in appearance at all times. Where employees are provided with uniforms, these should be worn at all times during normal working hours and if not employees will be required to give valid reasons for not wearing uniforms. Otherwise, employees should dress in attire appropriate to their duties, that is, persons stationed in the offices are required to wear appropriate business and office attire while avoiding casual wear clothing and shoes. Though employees on field assignments are not required to wear business or office attire, while in the field, they are required to maintain a neat and tidy appearance. In particular, the following guidelines should be observed by all employees:
 - a. garments worn should be modest and decent;
 - b. obscene or suggestive printed designs, track-suits, transparent or tight fitting clothes should not be worn;
 - c. hair should be clean and well groomed;
 - d. hats or other headgear should only be worn where specified as part of a uniform or religion;
 - e. nails should be kept at a reasonable length; and
 - f. excessive or extravagant makeup, jewellery and other adornments should be avoided.

Unsuitable office attire:

- a. T-shirts
- b. Blouses and shirts with cut-in-arm holes and low necklines
- c. Casual or sports type garments/footwear

- d. Jeans, irrespective of colour
- e. Knickers
- f. Slippers/Clogs
- g. Sneakers/Canvas shoes (irrespective of colour); and
- h. Garments that reveal underwear

- ii Extremes in dress should be brought to the attention of the offending employee immediately and corrective action taken.

This action may include the employees being sent home to change and return to work in suitable office attire, at their own expense. If the employee fails to return to work, the day will be deducted from available leave and disciplinary action may be taken if necessary.

15.3.6 Display and decorations

- i. Any item of display or decoration should be presented in a manner which is tidy and in good taste;
- ii. Employees should take care to avoid displaying items which may be offensive to good taste and public morals or which may reflect bias or discrimination on the grounds of race, religion, gender, political affiliations.

15.3.7 Political involvement

- i. Employees are not allowed to engage in political activity on behalf of any political party or group.
- ii. Employees are not permitted to give broadcast talks or to engage in any public discussion of a political nature without prior permission from the CEO.
- iii. In the exercise of official duties, employees may be required to provide factual information to explain or clarify government policy with the approval of the CEO.

15.3.8 Substance abuse

- i. Employees are forbidden to use alcohol, intoxicants, or any illegal substance at the work place;
- ii. Employees are also prohibited to arrive at work under the influence of any substance noted above.
- iii. **Breach of this policy will amount to gross misconduct and may result in immediate dismissal without warning.**

15.3.9 Involvement in other business/employment

- i. Each employee is required to disclose to the Human Resources Manager any particulars of direct or indirect interests in any organisation which are likely to lead to conflict of interest with his/her assigned duties while in the Agency's employment. This includes details of any investment or shareholding, which he/she possesses in a company and other direct or indirect interest in any other company.
- ii. Where this involvement may present a conflict of interest with an employee's work duties and responsibilities, the employee will be required to divest such interest, or to arrange for its placement in trust. Failure to do so will result in dismissal in accordance with the disciplinary procedure.
- iii. Employees are not permitted to engage in any private or commercial work for payment or reward or other business activity where there is a potential conflict of interest with either the work of the Agency or the job of the individual concerned.
- iv. Where employees are in any doubt about whether interests or other employment should be disclosed, this should be raised with the Human Resource Manager in confidence who will advise the employee as appropriate.

15.3.10 Family relationships

- i. Employees should disclose in advance to the CEO any transactions that may be undertaken with a relative or with a firm in which a relative has an interest that may appear to be in conflict with the interests of the Agency, its clients and customers. Where possible routine transactions should be conducted by staff members who are unrelated to customers or clients.
- ii. Employees who are related to customers or clients should disclose the nature of this relationship to the Human Resource Manager and/or divisional Director to ensure that internal business processing requirements and reporting and authority relationships are not compromised.

15.3.11 Engagement in Work for Statutory Bodies and Public Companies

- i. Employees may engage in work for Statutory Bodies and Government-owned Companies only with the written permission of the CEO;
- ii. The Agency shall seek to recover the reasonable costs associated with the task, including honorarium which may be paid to the employee executing the task.

15.3.12 Exercise of Managerial Authority

- i. Managers/Supervisors are expected to exercise their authority fairly, and even-handedly;
- ii. The exercise of authority must be to achieve the goals of the Agency consistent with the committed resources;
- iii. The exercise of authority should be consistent with sound human resource management practices;
- iv. Managers who are found to be abusive or vindictive in the exercise of authority shall be subject to disciplinary measures.

15.4 **Business Gifts/Exchanges**

- i. Employees are forbidden to solicit or accept gifts or gratuities of more than a nominal value from estates, beneficiaries, customers, clients or their representatives. Employees are advised to act with prudence and if in doubt to seek the advice and approval of the CEO.
- ii. Where the refusal of such offers may offend international or cultural sensitivities, the matter should be reported immediately to the CEO and the object transferred to the Agency.
- iii. Employees may in no circumstances whatsoever solicit for or accept any cash (including cheques or other negotiable papers) of any amount from customers, clients or their representatives. **Breach of this policy will amount to gross misconduct and may result in immediate dismissal without warning.**
- iv. No employee is permitted to accept a gift as payment for a service provided by the employee in the course of business.

15.5 **Employees and the Media**

- i. The CEO will ensure that mechanisms and procedures are in place to facilitate transparency and access to information consistent with Government policy
- ii. The CEO will appoint designated spokesperson(s) within the Agency to respond to public enquiries and requests for information.
- iii. Any material, statement, documentation or other forms of communication for publication in any media must be approved by the CEO.
- iv. Where an employee is called upon to respond to the media or participate in interviews on public policy, care must be exercised to provide only factual information for explanation and clarification.
- v. Subject to the provision of the Access to Information Act, employees must obtain written approval and clearance from the appropriate authority to make public or communicate with the media or to any private individual, organisation or entity any documents, paper or information, not in the public domain which may come in the employee's possession in an official or unofficial capacity

15.6 Confidentiality

- i. All employees are required to abide by the Agency's confidentiality requirements as set out in this Manual.
- ii. Employees are not permitted to disclose confidential information to anyone (including but not limited to the press or media) without first obtaining the written approval of the CEO. This obligation continues to apply after the termination of employment except for information required to be disclosed by law.
- iii. Confidential information includes, but is not limited to the affairs of customers and clients, information concerning the finances of the Agency, information regarding staff (and of salaries and any other personal information in particular), details of any claims involving the Agency and information relating to the Agency's policies and/or working practices.
- iv. Employees are not encouraged to receive personal visitors at work. No personal visitors may enter any area of the office where information may be seen that relates to customers or clients of the Agency, or to the management and business of the Agency
- v. All confidential information, both paper copy and computerised, should be secured to prevent unauthorised access or observation.
- vi. Employees who are required to produce into evidence, in any court of law, any official document of a confidential nature, shall inform the CEO who will inform the Minister of the nature of the document. Other Ministries, Departments/Agencies that may be involved and/or affected shall be consulted. The advice of the Attorney General should be obtained prior to any such disclosure.

15.7 Sexual Harassment

The Agency is opposed to sexual harassment at the workplace. Sexual harassment is defined as unwanted sexual advances, requests for sexual favours and other verbal or physical contact of a sexual nature, when acceptance of such conduct is made a condition of employment, or when such conduct unreasonably interferes with an individual's work and/or creates a hostile or offensive work environment.

15.8 Types of Sexual harassment

Most sexual harassment falls in two (2) categories

1. Verbal/non verbal
2. Physical

15.8.1 Verbal/non-verbal harassment

Verbal/non-verbal harassment may include but is not limited to:

- a) Sexual innuendos and comments about clothing, body or sexual activities
- b) Suggestive or insulting sounds
- c) Humour/jokes about sex which denigrate women or men

- d) Sexual propositions
- e) Implied or overt threats relating to job security
- f) Obscene gesture

15.8.2 Physical Harassment

- a) Patting, pinching or any other inappropriate touching or feeling
- b) Deliberate brushing against the body
- c) Attempted or actual kissing or fondling
- d) Coerced sexual intercourse
- e) Assault

15.9 Discouraging Sexual Harassment

The Management of the Agency will ensure, as far as possible, that no acts of sexual harassment are perpetuated against its employees and encourages all employees to observe the following as a precaution to prevent the onset of any unwarranted sexual advances:

- a) When meeting with members of the opposite sex, leave doors open
- b) Avoid any type of flirtatious behaviour with others
- c) Dress neutrally in accordance with dress codes
- d) Do not participate in sexually suggestive conversations or tell jokes of a sexual nature
- e) Do not display or distribute sexually suggestive articles or posters
- f) Advise others in your area of their responsibility to avoid sexual harassment incidents
- g) Advise new employees on the sexual harassment policy
- h) Advise Management where acts of sexual harassment have been committed

The Management of the Agency will treat all complaints about sexual harassment seriously. Complaints will be investigated and where charges are substantiated, action will be taken against the offenders.

15.9.1 Sanctions against Sexual Harassment

Directors, Managers and Supervisors have a responsibility to discourage sexual harassment. Reports or complaints of sexual harassment should be given serious attention and offenders should be sanctioned as indicated in the disciplinary code.

15.10 Legal Advice

15.10.1 The advice of the Attorney General will be sought where:

- i. In the execution of official duties and responsibilities, an employee is in doubt of the legal implications of any matter; or
- ii. The interests of the Government may be compromised or jeopardized; or
- iii. There are indications that legal proceedings may need to be instituted against anyone; or
- iv. Other legal services are not readily available to the Agency

15.10.2 Submissions to the Attorney General should include:

- i. The points on which the advice is required;
- ii. The precise statements of the relevant facts;
- iii. The appropriate cross references to any attachments

15.11 Legal Proceedings against Public Officers

- i. The Agency, further to the advice of the Attorney General, shall defend public employees against whom proceedings are threatened or brought in respect of acts done or liabilities incurred in the exercise of their duties.
- ii. In instances where proceedings are threatened or brought the facts shall be reported to the Attorney General. Subject to paragraph (v) below, the Officer against whom the proceedings have been threatened or brought shall incur no legal or other expenses. No other action shall be taken in connection with any proceedings until the advice of the Attorney General has been obtained.
- iii. Where the Government defends proceedings against a public Officer and the Attorney General decides to settle, the cost shall be indicated to the Financial Secretary and also the amount if any, which the Government shall contribute towards such a settlement;
- iv. Upon receipt of the decision, the Attorney General shall advise the public employee of the amount which he will be asked to contribute towards such settlement. His/her written agreement shall be obtained for the Attorney General to settle the proceedings.
- v. If the public employee does not agree to contribute the amount decided upon, the Government may refuse to contribute to legal assistance for him/her.

15.12 Legal Proceedings Against The Agency Caused By The Actions Of Employees

Where, legal proceedings are successfully brought against the Agency or another public Officer as a result of the act of an employee and the Agency deems it desirable to settle such proceedings out of court, disciplinary action may be instituted against the employee. In such instance, the employee shall have the right to own counsel.

15.13 Legal Proceedings By Public Officers

Employees may not institute civil proceedings in any court in connection with matters arising out of the performance/ discharge of their public duties or against a CEO or any other public Officer for anything done in the performance of his/her duties, without the permission of the appropriate Services Commission.

15.14 Copyright Policy

15.14.1 Ownership

1. The right of ownership is vested in the Agency for any work, documents or reports where:
 - a) The work is produced within the scope of employment, using facilities, personnel and resources of the Agency; or
 - b) The work results from a contractual arrangement between the Agency and a Contractor, in which the ownership is not specified;
2. The right of ownership is vested in employees for any work created at their own initiative, outside the scope of employment not using facilities, personnel or other resources of the Agency.

15.14.2 Use

Employees are required to take the following steps in the use of works of others in whom copyright is vested:

- a) Seek permission, where necessary
- b) Credit the source(s) with the appropriate reference

15.14.3 Royalties

- I. The use of works, which are subject to copyright, may require the payment of royalties to the author or to the authority in which the copyright is vested
- II. Where there is any doubt as to whether copyright exists in a work or who is entitled to it, the advice of the Attorney General should be sought.

16. DISCIPLINARY PROCEDURES

16.1 Policy Statement

It is the Agency's policy to correct performance and resolve problems as they arise in a fair and consistent manner.

16.2 Objectives

The objectives of this policy are to:

- i. establish a fair process to deal with individual breaches of discipline or poor performance, and
- ii. motivate employees toward maintaining agreed standards of behaviour and performance.

Procedures

16.3 Breaches of Discipline

A breach of discipline or an infraction may be deemed to have occurred if an employee violates any of the behaviour expectations established in the chapter on Code of Conduct. The primary purpose of this procedure is to ensure that employees are helped to correct poor behaviour or performance and to become valuable members of the Agency. Where this proves impossible then the secondary purpose of this procedure is to ensure that employees who are not performing satisfactorily do not remain in the Agency's employ.

- i. A disciplinary matter occurs where an employee's conduct or performance falls short of expected standards. Guidance on standards of conduct and performance are set out or referred to in these policies and procedures. The standards of conduct and performance identified are not exhaustive therefore; an employee may not avoid disciplinary action merely because the standard of conduct or performance is not written down or referred to in these policies and procedures. In these instances, employees may be guided by Agency policies and procedures as well as business, professional and social standards.
- ii. Misconduct includes contravention of these policies and procedures or contravention of instructions given by or on behalf of Supervisors, Managers or the CEO which are within the policies. Some provisions of these policies and procedures make specific reference to employees being liable to disciplinary action if the provisions of such a policy or procedure is breached or not adhered to. Such specific references do not imply that the breach or non-adherence to a policy or procedure that does not contain such a specific reference will not result in liability to disciplinary action. Any breach of policy or procedure may render an employee liable for disciplinary action.
- iii. Where an employee commits a breach of discipline or is performing below the standard required for a particular post, the Agency will take disciplinary action based on the seriousness of the misconduct or poor performance. For

gross misconduct or gross negligence the employee will be dismissed without warning. For misconduct or poor performance the employee may be dismissed after a warning or warnings, the number of warnings being dependent upon the seriousness of the particular events.

16.4 Gross Misconduct or Gross Negligence

- i. In cases of gross misconduct or gross negligence employees will be dismissed without warning or pay in lieu of notice. In certain circumstances the individual may also lose rights to all or part of any pension (for those employees on the government's non-contributory pension scheme) or associated payments.
- ii. Sometimes there is confusion over what constitutes gross misconduct or gross negligence, and while it is not possible to define each and every situation that would fall into this category, it is possible to describe levels of conduct and performance that would.

16.4.1 Gross misconduct would include, but not be limited to:

- i. Being at work while under the influence of alcohol or under the influence of any illicit drugs or drugs not prescribed for that individual by a recognised medical practitioner. Gross misconduct also includes:
- ii. the use, possession, sale, transfer, or storage of an illicit drug or drug paraphernalia by an employee while in the course of employment, on the Agency's premises, or in an Agency vehicle;
- iii. theft;
- iv. fraud;
- v. deliberate falsification of reports or records including, but not limited to employment applications, payroll documents, attendance register, financial reports, etc;
- vi. assault or threat of assault or violence;
- vii. extremely abusive behaviour at work;
- viii. rioting or inciting employees to disorder.
- ix. sexual activity/ immorality on the Agency's premises.
- x. sabotage or damage of Agency equipment or property, or property of others;
- xi. flagrant disregard for the safety and welfare of others which could or does result in injury or worse;
- xii. wilfully refusing to obey a lawful instruction from a Supervisor;
- xiii. disgraceful or improper conduct while acting in an official capacity;
- xiv. divulging confidential or secret information concerning Agency business or any other matters of which an employee has knowledge;

- xv. soliciting or accepting a reward, gratuity or gift in connection with the discharge of duties;
- xvi. producing false testimonials and qualifications to seek appointment or promotion;
- xvii. absence without leave for more than five (5) consecutive working days;
- xviii. gambling, or participating in gambling as a spectator, during work hours or on the Agency's premises;
- xix. unauthorized removal of the Agency's property
- xx. using offensive language such as swearing or loud boisterous talk, causing disturbance to others;
- xxi. inefficient work performance ;
- xxii. sexual harassment, and:
- xxiii. the committing of any serious criminal offence.

16.4.2 Gross negligence would include, but not be limited to:

Acting in a manner that

- i. seriously threatens the safety or welfare of others;
- ii. causes serious and extensive damage to Agency property or equipment;
- iii. brings the Agency or associated Government entity into disrepute, or;
- iv. results in the divulgence of confidential or secret information to unauthorised persons.

While this policy attempts to give guidance on gross misconduct and gross negligence, the final interpretation will rest with the CEO under the disciplinary procedure.

16.5 Misconduct

Misconduct relates to violations of the Agency's rules and policies, which are unacceptable if repeated, but for which the employee will not normally be dismissed for the first offence.

16.5.1 Poor Performance

- i. Poor performance would include but not be limited to the following:
 - a. job performance that falls well below the expected standards for the particular job for reasons including neglect, laziness and incompetence;
 - b. failure to follow work instructions and the Agency's policies and procedures, and;
 - c. poor time keeping and attendance.

While this policy attempts to give guidance on misconduct and poor performance, the final interpretation will rest with the CEO under the disciplinary procedure.

16.5.2 Penalty for Giving False Information

Any person who in connection with any application for employment or promotion in the Agency or with any matter upon which it is the duty of the Agency to make any recommendation or upon which it is the duty of the Chief Executive Officer or any authorized officer to make the decision, wilfully gives to the Chief Executive Officer or to an authorised officer any information which he/she knows to be false by reason of the omission of any material particular, shall be guilty of an offence, and upon summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding one thousand dollars or to the imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

16.6 General Principles

Any officer who without reasonable cause fails to appear before the Chief Executive Officer when required to do so, or who fails to comply with any request properly made by the Chief Executive Officer, shall be guilty of a breach of discipline and the Chief Executive Officer may, where appropriate, institute disciplinary proceedings against him/her

- i. Where an infraction is deemed to have occurred and it is felt that disciplinary measures may be necessary, the established procedures at 16.7 below will be carried out.
- ii. These procedures will ensure that the rights of all parties are protected and nothing is done to prejudice the outcome
- iii. There shall be no arbitrary judgment about the likely outcome of any proceedings
- iv. Any disciplinary procedure should adhere to the following criteria:
 - a) Be consistent with the conditions of employment
 - b) Begin with a thorough investigation;
 - c) Follow due process;
 - d) Guarantee all parties the right to be heard and the right to representation;
 - e) Guarantee the rights of appeal;
 - f) Be conducted as quickly as possible

- v. It is the responsibility of all employees to notify Supervisors or Managers of all cases in which they are aware that misconduct by another employee may have taken place.
- vi. Managers, Directors and the CEO may initiate disciplinary action irrespective of a disciplinary issue being notified to him or her by the Supervisor who may not be aware that a disciplinary issue exists.
- vii. Records will be kept of all disciplinary procedures, action taken and warnings given. Employees who have been or who are still subject to disciplinary hearings or disciplinary action under this procedure shall be entitled to free copies of or allowed access to any documentary evidence relied upon.

16.7 Informal Process of Disciplinary Procedure

- i. The informal process involves a Supervisor or Manager meeting with the employee in an effort to eliminate possible misunderstandings by exploring the reasons for the breach of behaviour or performance and to explain what constitutes appropriate standards of conduct and performance and the implications of continued misconduct or poor performance. No record of an informal warning will be kept on an employee's personal file.
- ii. This informal process shall only be used by Supervisors and Managers to deal with the first and minor cases of misconduct or poor performance. Further cases of the same or a similar nature, or more serious cases, shall be dealt with under the formal process.
- iii. The counselling discussion should not be allowed to turn into a formal disciplinary hearing; however, if Supervisors and Managers recognise that the breach of discipline may be of a more serious nature than they had first thought, then they must adjourn the discussion and inform the employee that the matter will be pursued under the formal disciplinary process. The Supervisor or Manager should make a note of such a discussion for possible reference at a later stage.

16.7.1 Formal Process of Disciplinary Procedure

When a disciplinary matter arises, the Supervisor of the employee concerned should:

- i. Establish the facts before recollections fade, taking into account and recording the statements of any available witnesses and noting and collecting any documentary evidence.
- ii. Advise the Human Resource Manager who will arrange a disciplinary hearing as soon as reasonably practicable. Normally this would be in the same week in which the disciplinary matter arises but not before all of the relevant evidence is available for discussion and consideration.

16.7.2 Stages in the Disciplinary Process

The disciplinary process may take two or three stages

- 1) Preliminary investigations;
- 2) Disciplinary proceedings with/without a view to dismissal; and
- 3) Appeal

16.7.2.1 Preliminary Investigations

Once there is an allegation of misconduct, certain procedures must be adhered to so as to determine what happened and the party/parties involved. At this stage, complaints are to be investigated through the identification of witness (es) and the collection of statements.

Incident -Incident occurred whether misconduct or otherwise.

- i. The Supervisor of the employee concerned should establish the facts before recollections fade and noting and collecting any documentary evidence.
- ii. Where an infraction is deemed to be serious enough to warrant formal documentation, care should be exercised to capture all the relevant details from all who may have been involved, including any witnesses.
- iii. The Supervisor should report the incident to the Human Resource Branch (HR).
- iv. A competent officer in the Human Resources Branch/an Investigator (person designated to conduct investigation) should identify witness (es) and collect statements. The investigator should interview the witness (es) and allow the witness to speak freely.
- v. As part of the preliminary investigations, it may be useful to meet with the employee against whom the allegations(s) have been made to ascertain the basis for the allegation. The employee would have to agree to this meeting and should be given the opportunity to have a representative.

16.7.2.2 Examination and Preparation of Report

The information obtained from the investigation and disciplinary meeting is to be used to prepare a comprehensive report for submission to the CEO. The report must be supported by statements, a copy of the rules/procedures allegedly breached and other evidential material.

This is to be followed by the following actions:

- A determination of the most appropriate action by HR.
- The preparation of the submission for the Committee/Commission.

16.7.2.3 Disciplinary Proceedings with or not with a view to dismissal

All disciplinary proceedings have two (2) basic components

- 1) Preparation of a written statement of the allegations; that is, a Statement of Charges. This must be done even if the allegation is considered to be minor
- 2) Conducting the hearing to determine the facts. If the allegation is not deemed serious, an oral enquiry is not required

Upon approval by the CEO of action to be taken, the Human Resource Manager writes a letter to the officer instituting Disciplinary Proceedings. If there is to be no action, this is to be stated.

If it is with a view to dismissal then the Human Resource Manager should indicate whether officer should be interdicted and on what portion of salary as determined by the CEO.

Interdiction

1. Where
 - a) Disciplinary proceedings; or
 - b) Criminal proceedings,have been or are about to be instituted against an officer, and where the CEO is of the opinion that the public interest requires that that officer should cease to perform the functions of his office, the CEO may recommend his interdiction from the performance of these functions.
2. An officer so interdicted shall, subject to the provisions of Public Service Regulation 36 and paragraph (3) hereof, be permitted to receive such proportion of the salary of his office as the CEO shall decide.
3. The proportion of salary referred to in paragraph (2) shall be related to the nature and circumstances of the charge against the officer, so, however, that:
 - a) Subject to sub-paragraphs (b) and (c), the proportion shall not be less than one-half ($\frac{1}{2}$);
 - b) Subject to sub-paragraph (c), where the charge involves an allegation of defalcation, fraud or misappropriation of public funds or public property, the proportion shall not be less than one-quarter ($\frac{1}{4}$); and
 - b) Where special circumstances exist which in the opinion of the CEO justify such action, then the CEO may decide that salary be paid at a proportion less than one-quarter ($\frac{1}{4}$) or entirely withheld.

4. Where disciplinary proceedings against an officer under interdiction from duty result in his exculpation; he shall be entitled to the full amount of the salary which he would have received had he not been interdicted, but where the proceedings result in any punishment other than dismissal the officer shall be allowed such salary as the CEO may decide in the circumstances.
5. An officer who is under interdiction from duty –
 - a) Shall give to the CEO an address at which he can be found; and
 - b) Shall not leave this Island without the prior permission of the CEO.
6. Without prejudice to any other form of service, a document required to be served pursuant to these Regulations on an officer under interdiction from duty shall be deemed to be properly served if sent in a prepaid registered letter properly addressed and posted to the address given by the officer in accordance with paragraph (5).

A temporary employee is not to be interdicted.

16.7.2.4 Plea of the Officer/Appointment of a Committee of Enquiry

- i. If the employee pleads not guilty to an alleged charge, a Committee of Enquiry must be appointed by the CEO to investigate the matter (If the Charge is with a view to dismissal).
- ii. A minimum of three (3) persons are to be appointed to the Committee of Enquiry. The Chairman must have legal qualifications.
- iii. If the employee pleads guilty then an enquiry may not be necessary unless in the opinion of the CEO such enquiry is likely to find such circumstances as may modify the view taken of and the punishment to be imposed for the offence.

16.8 Proceeding for Misconduct not warranting dismissal

As stipulated in Regulation 42, Public Service Regulation, page 96

1. Where

- a) It is represented that an officer has been guilty of misconduct; and
- b) The appropriate authorized officer is of the opinion that the misconduct alleged is not so serious as to warrant proceedings under Regulation 43 with a view to dismissal,

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

2. If the CEO is of opinion that the allegation is proved, he/she may inflict such punishment upon the officer other than dismissal as may seem just.
3. Unless the CEO is of the opinion that there are circumstances which render the following offences more serious, these offences shall be regarded as not so serious as to warrant proceedings with a view to dismissal –
 - a) Absence from duty during working hours without permission of the relevant senior officer;
 - b) Absence from duty without permission except in cases where by reason of illness or other unavoidable circumstance permission cannot be obtained prior to such absence;
 - c) Habitual or frequent unpunctuality;
 - d) Failure to sign the attendance register;
 - e) Being a party to the signing of the register by another person on his behalf;
 - f) Signing the attendance register for or on behalf of another officer;
 - g) Being idle, disorderly, indisciplined or behaving in an improper manner while on duty;
 - h) Careless handling of any article or equipment the property of the Agency
 - i) Inefficient performance of duties;
 - j) Committing any act prejudicial to good order and discipline.

If the allegation is proved, one of the following sanctions outlined under Public Service Regulations 37 is to be applied **except** for dismissal or reduction in rank:

- a. Dismissal
- b. Reduction in rank
- c. Deferment or withholding of increment
- d. Suspension from duty without pay for a period not exceeding three (3) months
- e. A fine
- f. Reprimand

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 at the time the penalty is imposed

16.9 Dismissal

The CEO is authorised under this procedure, if a case is proven, to dismiss an employee with or without notice at his/her discretion.

Proceedings for Dismissal

- i. Where the matter warrants dismissal, a report with the allegations(s) and supporting statements/documentary evidence must be submitted to the officer so designated by the CEO, normally the Human Resources Manager. On the instructions of the CEO, the designated officer will:

1. **Issue the Charges**: The charges are to be submitted to the employee in writing with instructions for a response within a given time (14) days and for the employee to outline the grounds on which he/she is relying to absolve him/herself.
2. **Examine Employee's reply**: After the expiration of the given time, the matter is resubmitted to the head of the Disciplinary Committee. If the employee's reply absolves him/her of the charges, the matter is dismissed.

Where an officer charged under Public Service Regulation 43 admits in writing the facts giving rise to the charges, it shall not be necessary to hold an enquiry or investigation under this regulation unless in the opinion of the Chief Executive Officer 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.

3. **Appoint Committee of Enquiry**: If the employee failed to respond within the given time or if the response does not absolve him/her, a Committee of not less than three (3) persons, chaired by a person with legal qualification, must be convened.
4. **Schedule the Enquiry**: The enquiry is mainly a private affair and only the following persons should be present in the room during the enquiry:
 - The employee(s) charged
 - The individual who is giving evidence
 - Representatives of the employee(s) (e.g. lawyers, representative from trade union or staff association)
 - The relevant investigating body
 - The Agency's personnel involved in the disciplinary process
 - The steno writer or substitute and
 - Keeper of the records

The witnesses should be placed to sit outside of the room until called to give evidence in the enquiry.

The Enquiry should be held at a time convenient for the members of the Enquiry, the employee's representative and witnesses.

In preparing for the Enquiry, copies of the relevant statements and supporting documents must be submitted to the committee members and the employee. The employee is to be advised that he/she may be represented at the hearing and that he/she can invite witnesses of his/her own.

5. **Conduct the Enquiry**: At the Enquiry, the Agency is to call the witnesses in support of the charges. The employee is to be allowed to cross examine the witnesses. At the end of the evidence in support of the charges, the employee is allowed to give evidence in his/her defence and call witnesses.

If during the course of the enquiry further grounds of dismissal are disclosed, and the CEO thinks it fit to proceed against the employee upon such grounds, the CEO shall cause the employee 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;

If having heard the evidence in support of the charges the Committee is of the opinion that that evidence is insufficient it may report accordingly to the CEO without calling upon the officer for his defence.

16.10 Outcome of the Enquiry

- i. The Committee shall furnish to the CEO, a written report of its findings together with a copy of the evidence and all material documents relating to the case; if the CEO is of opinion that the report should be amplified in any respect or that further enquiry is desirable, it may refer any matter back to the Committee for further enquiry or report accordingly;
- ii. If the CEO is of opinion that the officer should be dismissed the CEO shall make that decision accordingly;
- iii. If the CEO is of opinion that the officer deserves some punishment other than dismissal, he/she shall decide what other penalty should be imposed
- iv. If the CEO is of opinion that the officer does not deserve to be dismissed by reason of the charges alleged, but that the proceedings disclosed other grounds for removing him from the service in the public interest he/she may make that order accordingly, without recourse to the procedure prescribed by the Public Services Regulations 26.

- v. If no case was established, the employee should be notified in writing accordingly. If the employee was on interdiction, he/she must be advised to report for duty immediately and be paid the portion of the salary withheld and the normal pay restored.
- vi. If the case is proven, the CEO determines the penalty taking into account the recommendation of the Committee of Enquiry, advise the employee of the penalty and his/her right to appeal to the Local Privy Council.

16.11 Criminal Investigations

- i. Criminal or civil proceedings can be initiated against employees at any time irrespective of any disciplinary procedure.
- ii. Where a Supervisor, Manager or Director has reason to believe that a disciplinary matter might also be a criminal matter the issue must be brought to the attention of the CEO without delay. The CEO will, after consultation with the proper authorities, notify the Police if it appears that an offence has been committed. Any action taken by the Police or the result of any court case shall not remove the right of the CEO to take disciplinary action against an employee under this procedure as a management matter, however, if an employee is convicted in any court of a criminal charge, the CEO may consider the relevant proceedings of the court under this disciplinary procedure. An employee acquitted in any court of a criminal charge shall not be dismissed or otherwise be punished in respect of any charge of which he or she has been acquitted, but the CEO may still take disciplinary action against the employee under this procedure as a management matter. This can include dismissal.

16.12 Disciplinary Proceedings While Criminal Proceedings Pending

- i. The Chief Executive Officer shall deal with disciplinary proceedings against employees in the light of reports from the Human Resources Manager and Heads of Divisions, or otherwise.
- ii. Subject to paragraph iii, where the Chief Executive Officer is of the opinion that disciplinary proceedings ought to be instituted against an employee, the Chief Executive Officer shall institute such proceedings.
- iii. Where an offence against any enactment appears to have been committed by an employee the CEO, before making a decision under paragraph ii, shall obtain the advice of the Director of Public Prosecutions as to whether criminal proceedings ought to be instituted against the officer concerned; and if the Director of Public Prosecutions advises that criminal proceedings ought to be so instituted the CEO shall not initiate disciplinary proceedings

before the determination of the criminal proceedings so instituted and the time allowed for an appeal from judgement has expired.

- iv. Where an employee after conviction has appealed, proceedings for his/her dismissal shall not be taken until after the withdrawal or determination of the appeal.

16.13 Right of Representation

Employees may be represented during the operation of the disciplinary procedure; however, while employees have the same rights as other people to take legal action, no such action shall be initiated in relation to the operation of internal procedures save, where it results, in dismissal. During the operation of the disciplinary procedure employees can be represented by parties who are themselves employees or bona fide Staff/Union Representatives.

16.14 Employee Convicted of a Criminal Charge

- i. If an employee is convicted in any court of a criminal charge, the Chief Executive Officer may consider the relevant proceedings of that court, and if the Chief Executive Officer is of the opinion that the employee ought to be dismissed or subjected to a lesser punishment in respect of the offence of which he has been convicted the Chief Executive Officer may dismiss the employee or institute other punishment of the employee without the institution of any disciplinary proceedings under these Regulations.
- ii. An employee 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 Chief Executive Officer.

16.15 Right of Appeal

- i. An employee who is dissatisfied with the outcome of a decision from a disciplinary procedure may appeal to the Local Privy Council.
- ii. The appeal must be submitted, in writing, within fourteen (14) days of being advised on the disciplinary action to the Governor-General, stating the grounds for the appeal.
- iii. The employee him/herself may appeal or he/she may use his/her representative to prepare the appeal to the Privy Council. He/she has a right to obtain the verbatim notes for the preparation of his/her appeal
- iv. The dismissal decision will stand pending such an appeal hearing.

17. SEPARATION

17.1 Policy Statement

It is the Agency's policy to manage the separation process (including dismissals arising from the implementation of disciplinary procedure measures) in a consistent and equitable manner.

17.2 Objectives

The objectives of this policy are to:

- i. ensure fairness and consistency in the separation of employees; and
- ii. to ensure compliance with statutory requirements for provisions covering separation of employment.

Procedures

17.3 Voluntary Separation

This includes:

- i. Resignation
- ii. Early Retirement
- iii. Disability Retirement

17.3.1 Resignation

- i. Employees may decide to leave the Agency on a voluntary basis and tender their resignation. In such cases, notices should be in keeping with the terms of their employment.
- ii. All permanent employees are required to give a minimum of four (4) weeks written notice to allow the Agency adequate time to process all necessary paperwork and payments due to the employee and to allow sufficient time to reorganise staffing arrangements. Employees who are on probation may separate from the Agency without giving any written notice.
- iii. All temporary employees who have been employed for less than six (6) months are required to give a minimum of one (1) week's written notice. Temporary employees who have been employed for over six (6) months are required to give two (2) weeks written notice.
- iv. Directors, Senior Managers, Managers, and all other employees on fixed term contracts are required to give notice in keeping with the terms of their employment outlined in their employment contracts.
- v. The Agency reserves the right to request immediate cessation of employment prior to the effective date of resignation.

17.3.2 Early Retirement

Early retirement will be facilitated based on the provisions of the respective pension scheme on which the employee is enrolled. Having reached the respective early retirement age as outlined in the specific pension plan, an employee may apply in writing to the Human Resources Manager for the approval of the Human Resource Executive Committee for early retirement. This employee, in keeping with the provisions of the respective pension plan on which she/he is enrolled, may be able to receive an early retirement pension.

17.3.3 Disability Retirement

An employee who is permanently physically or mentally incapacitated may request retirement on the grounds of ill health. This request must be accompanied by a letter from a certified medical practitioner who will verify the employees' permanent inability to continue working. This employee, in keeping with the provisions of the respective pension plan on which she/he is enrolled, may be able to receive a disability pension.

17.3.4 Exit Interview

The Human Resources Manager will conduct an exit interview for all employees who are voluntarily separating from the Agency to determine the reasons for the employee's decision and to identify any problems or trends that require management attention.

17.4 Involuntary Separation

Separation for cause:

The Agency may take steps towards separation because of the following reasons; however, due process must be followed in all cases:

- i. Going overseas without permission
- ii. Absence without permission
- iii. Misconduct
- iv. Poor performance
- v. Conviction of a criminal offence

17.4.1 Going Overseas Without Permission

An employee may be summarily dismissed for being absent from the island without permission

17.4.2 Absence without Permission

An employee may be dismissed if he/she is proven to be absent from duty without permission for five (5) consecutive working days from the first day of absence. Supervisors are however encouraged to try to make contact with employees on the first day of any absence. Unsuccessful attempts to make contact with the employee should be reported immediately to the Human Resource Branch so that additional attempts can be made to contact the employee.

17.4.3 Misconduct

The services of an employee may be terminated for misconduct if, following due process, he/she is found to have contravened any of the stated provisions of the established code of conduct.

17.4.4 Poor Performance

- i. Permanent and temporary employees may have their services terminated if their performance on the job is assessed over two (2) consecutive years and the final score on the performance appraisal is less than seventy-five percent (75%).
- ii. Employees on fixed termed contracts may have their services terminated for poor performance in keeping with the terms and conditions of the contract.

17.4.5 Conviction for Criminal Offence

An employee who has been convicted of a criminal offence may have his/her services terminated

17.5 Separation because of Retirement

Employees may be retired from the Agency once they have reached the specified retirement age, due to ill-health or in cases of reorganisation or abolition of post.

17.5.1 Mandatory Age

- i. The retirement age for all employees is based on the pension plan on which the employee is enrolled.
- ii. On reaching that retirement age employees on the NRCA and EA pension schemes will normally retire with effect from the first working day of the following month. For employees on the Government Pension Scheme they will go on preretirement leave which will end on their sixtieth (60th) birthday.

- iii. The Human Resources Manager will identify all employees who are approaching retirement age, at least twelve months in advance of that date, to communicate all benefits and entitlements and arrange for pre-retirement counselling. The Human Resources Manager will require the employee to furnish a properly certified copy of his/her birth certificate to verify their age.
- iv. Employees may be permitted by the CEO to remain in the Agency after their respective retirement age subject to the exigencies of the Agency. In these instances the employee will be issued with a letter of temporary employment.

17.5.2 Retirement on Medical Grounds

- i. An employee's services may be terminated on medical grounds where a particular medical condition renders him/her incapable of performing his/her duties for the foreseeable future. The CEO will make the decision to terminate an employee's service on such grounds based on medical opinion.
- ii. The decision to retire the employee will be on the basis of a medical report from a Medical Board. The report should certify clearly that the employee is incapable of discharging the duties of his/her office efficiently by reason of an infirmity of mind or body and that the infirmity is likely to be permanent.
- iii. All retiring employees will be paid their full salary up to the effective date of their retirement and any additional payments due including pay for any unused portion of vacation leave entitlement. The pension scheme of which the employee is a member will determine the commencement day of the pension payment.

17.5.3 Premature Retirement

Employees on Central Government Pension Scheme

- i. An employee enrolled on the Central Government Pension Scheme who has reached the minimum age of fifty (50) years may apply in writing to the Governor General for early retirement. He/she must have at least ten (10) years of service in order to qualify for a pension.
- ii. An employee who has reached the age of fifty (50) years may be called upon by the CEO to retire.

- iii. The reasons for such decision must be disclosed to the employee and a recommendation made to the appropriate Service Commission.
- iv. The employee shall be afforded the opportunity to make representation in writing to the Commission.
- v. The Services Commission shall advise the Governor General whether the recommendation should be approved.
- vi. Employees on the Natural Resources Conservation Authority (NRCA) and the Executive Agencies Pension Scheme
- vii. Employees enrolled on the NRCA and the Executive Agencies pension schemes may retire early subject to the plan rules of the respective Pension Schemes.

17.6 Separation because of Reorganisation

- i. If the Agency undertakes changes for the purpose of facilitating improvements leading to increased efficiency, effectiveness and economy, employees whose positions are affected by such changes may be retired on the grounds of reorganisation.
- ii. Where employees may be separated because of reorganization, the Agency will apply consistent and fair selection procedures in order to determine those staff that are to be separated. These procedures will be fully in line with the normal selection procedures which are designed to maintain the best and the most suitable staff within the Agency.
- iii. Where possible, the Human Resources Manager will arrange counselling for the affected employees.

17.7 Separation because of Abolition of Post

Where the function, or a set of duties are deemed to be no longer necessary, the position to which the function or duties are attached may be abolished from the Agency. In such a case, the incumbent or holder of the position may be retired on the grounds of abolition of post. Where possible, the Human Resource Manager will arrange counselling for the affected employees prior to separation.

17.8 Death of an Employee

- i. The Human Resources Manager should be notified immediately in the event of the death of an employee. The Human Resources Manager will then inform the CEO.
- ii. The Human Resources Manager will contact the family of the former employee and offer condolences and any other necessary assistance.
- iii. Where an employee dies, the employee's nominated beneficiary (ies) will be paid any benefits due. Where no such person has been nominated payment will be made to the estate.

17.9 Termination of Temporary Employment

An employee who is serving in a temporary capacity may have his/her employment terminated at any time in accordance with the terms and conditions of the employment.

17.10 Termination during Probation

An employee may have his/her services terminated at any time during the probationary period.

17.11 Completion of Performance Appraisals before Separation

An employee who is separating from the Agency should complete and sign his/her performance appraisal form before the last day at work. This appraisal will assess duties carried out by the employee over the operational period that the employee worked.

17.12 Retroactive Payments

Employees who leave the Agency before wage negotiations are concluded will be entitled to retroactive payments when a settlement is arrived at. They are therefore encouraged to ensure that the Agency has a current address and/or telephone number to contact them if it becomes necessary to inform them of any outstanding payments to which they are entitled.

17.13 Leave Prior to Dismissal

- i. An employee who is being dismissed from the Agency shall be paid for all the accumulated vacation leave to which he/she is entitled to immediately prior to his/her dismissal.

- ii. Payments shall be made at the rates prevailing at the date of dismissal.

17.14 Leave Prior to Resignation

- i. An employee who has resigned from the Agency shall be paid for all the accumulated vacation leave and any recalled leave to which he/she is entitled to immediately prior to his/her dismissal.
- ii. Payments shall be made at the rates prevailing at the date of resignation.

17.15 Cessation of Benefits

Group life insurance and pension benefits will cease to be **effective from the date of separation. Health benefits will normally cease one (1) month after the effective date of separation.**

17.16 Payments Due on Separation

- i. All payments due to the employee will be paid on the normal pay day in the month of separation.
- ii. This payment shall include full payment of remuneration earned up to the date of separation, payment in lieu of vacation leave earned up to the date of separation.
- iii. Any indebtedness to the Agency will be recovered from any payment due on separation.

17.17 Handing Over of Agency's Property on Separation

- i. Employees are required to return all property of the Agency, that they were issued, before the last day of employment. Property includes but is not limited to cameras, laptops, thumb drives, identification cards and badges. They are also required to hand over and/or facilitate access to all NEPA documents/Records, both electronic and hard copies that were in their custody. Supervisors are required to ensure that these are handed over.
- ii. The Agency reserves the right to deduct any monies due to it from final payments to the employee. Where such debts are greater than payments owed the employee will be required to repay all debts before his/her last working day.

- iii. The Human Resources Manager and the respective Managers who issued the Agency's properties to the employees will be responsible for ensuring that employees return all Agency property on the last day of employment to the appropriate person(s). Managers are therefore required to advise the Human Resources Manager, in writing, of all items that are being assigned to employees. Property includes cameras, thumb drives, identification cards and badges.

17.17.1 Staff Exit Procedures

General Comments:

- i. These Exit Procedures are developed to guide the formal separation of staff from the organization for various reasons such as retirement, resignation, end of contract, secondment, transfer or termination for any cause.
- ii. Employees are required to give notice in writing of their separation from the organization to the Chief Executive Officer through their Supervisor and the Human Resource Manager, in keeping with the terms and conditions set out in their letters of employment or contract.
- iii. The procedures are meant to support and supplement the policies of the NEPA Human Resource Handbook, Information Technology Policy, the Staff Orders for the Public Service and any other related GOJ policy and guideline.

Procedures:

1. The Human Resource Management & Development ((HRM& D) Branch shall inform, via "**Notice of Separation**", the relevant personnel at least ten (10) working days prior to the last working date of the member of staff who is to be separated (this is subject to the notice given by the employee).
 - 1.1. The time period for notice of persons who have been terminated with immediate effect will be within three (3) working days.
2. Each Branch or Divisional Head or the officer so appointed will retrieve the property of the organization for which they have responsibility or cancel privileges which were assigned to the staff to be separated.
3. A standard **Exit Clearance Form** shall be completed and signed by all relevant persons.

- i. The completed Exit Clearance Form shall be returned to the Manager, HRMD at least five (5) working days before the last working day of the employee.
 - ii. The time period for return of the completed Exit Clearance Form for persons who have been terminated with immediate effect will be on the last working day of the employee.
 - iii. A copy of the signed Exit Clearance Form will be given to the separated employee.
- 4. The HRMD Manager shall receive written clearance via the Exit Clearance Form from pertinent Managers prior to making recommendation to the Chief Executive Officer (CEO) for final payment to staff being separated.
- 5. On receiving the completed Exit Clearance Form, the Manager, HRM&D shall recommend to the CEO for final payment to be made to the staff.**
- 6. The CEO will approve Final Payment to be made to the staff and route to Manager, Finance & Accounts (F&A).
- 7. Final payment to be made to the staff by the F&A Branch shall be on the regular pay day or on the last working day in the case of termination; subject to the retrieval of all the Agency's assets and completion of all administrative matters.
- 8. Checklists:
- 1. Checklist of pertinent Division/Branch/Unit Heads to be advised**
 - i. Divisional Director
 - ii. Branch Manager
 - iii. Finance Manager
 - iv. Chief Internal Auditor
 - v. Director Corporate Management
 - vi. Facilities Management & Operations Manager
 - vii. Manager IT
 - viii. Senior Librarian
 - ix. Officer-in-Charge of Mailing List
 - x. Registrar
 - xi. Telephone Operators
 - xii. Manager; in- Charge of Security
- 2. Checklist of Division/Branch/Unit Heads to give clearance via Exit Clearance Form**
 - i. Facilities Management & Operations Manager
 - ii. Manager IT
 - iii. Senior Librarian
 - iv. Chief Internal Auditor
 - v. Manager, HRM&D
 - vi. Registrar

3. Checklist of items to be received/handed over prior to final payment:

- i. Keys
- ii. Books & Documents
- iii. Files
- iv. Equipment, **e.g.** Laptop, Computer, GPS, Camera, Diving Gears etc.
- v. Motor Vehicle and keys
- vi. Mobile Telephone
- vii. Identification Card
- viii. Other...

4. Checklist* of activities to be done prior to final payment:

- i. Hand over all Agency items, materials and equipment
- ii. Performance Appraisal(s) for all supervised staff completed and signed
- iii. Performance Appraisal for staff completed and signed as Reviewing Officer
- iv. Computation of payments that may be due to the employee
- v. Computation of monies that may be owed by the employee
- vi. Computation of the Final Payment due to the employee
- vii. Other.....

*This list is not exhaustive. Any item not listed but is the property of the organization shall be returned to the appropriate division/branch head in good working order in keeping with the procedures outlined.

Appendices

1. DISCIPLINARY CODE

The disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed but rather the nature and circumstances of each individual case should be taken into consideration, prior to making a decision. The types of offence and disciplinary measures listed below are not exhaustive therefore; an employee may not avoid disciplinary action merely because the offence is not written in the list below.

Types of Offence	Disciplinary measure				
	First	Second	Third	Fourth	Fifth
1. Absent without reasonable excuse and permission	Verbal Reprimand	Written Warning	Suspension 3 days	Suspension 7 days	Suspension 30 days
2. Absent without leave for five consecutive working days	Liable for Dismissal				
3. Failure to perform one's job	Reprimand	Suspension 2 days	Suspension 5 days	Suspension 7 days	Suspension 30 days
4. Leaving work station/job site or normal place of work without permission	Verbal Reprimand	Written Warning			
5. Culpable lateness, and early quitting or lateness without permission	Verbal Reprimand	Written Warning	Suspension 3 days	Suspension 7 days	Liable for Dismissal
6. Coming to work under the influence of liquor and/or drugs	Sent home	Suspension 7 days	Liable for Dismissal		
7. Drinking liquor on the job	Liable for Dismissal				
8. Causing damage to Agency's property					
a) Intentionally	Liable for Dismissal				
b) Negligence					
i) minor	Written Warning	Suspension 3 days	Suspension 7 days	Liable for Dismissal	
ii) major	Liable for Dismissal				
9. Insubordination. Willfully refusing to obey reasonable and lawful instruction from a Manger/Senior Manager/ Director/CEO	Liable for Dismissal				
10. Being the aggressor in a fight on the Agency's premises	Suspension 5 days	Liable for Dismissal			

Types of Offence	Disciplinary measure				
	First	Second	Third	Fourth	Fifth
11. Using the Agency's equipment or machinery without permission	Written Warning	Suspension 7 day	Liable for Dismissal		
12. Sleeping on the job	Written Warning	Suspension 2 days	Suspension 5 days	Liable for Dismissal	
13. Loafing on the job	Written Warning	Suspension 3 days	Suspension 7 days	Liable for Dismissal	
14. Rioting or inciting employees to disorder	Liable for Dismissal				
15. Theft	Dismissal				
16. Unauthorized removal of the Agency's property without permission	Liable for Dismissal				
17. Sexual activity /immorality on the Agency's premises, including molestation of female/male employees	Liable for Dismissal				
18. Gambling on the Agency's premises during or off working hours	Liable for Dismissal				
19. Deliberate falsification of report and/or documents	Liable for Dismissal				
20. Behaving in a manner likely to cause injury to persons or damage to the Agency's property	Written Warning	Suspension 2 days	Suspension 5 days	Liable for Dismissal	
21. Unauthorized possession of gun or other lethal weapons on the Agency's premises	Liable for Dismissal				
22. In possession of narcotics or other illegal drugs on the Agency's premises	Liable for Dismissal				
23. Intentional slowing down of work	Written Warning	Suspension 3 days	Suspension 5 days	Liable for Dismissal	
24. Failure to carry out Supervisor's or Manager's/Director's instruction	Written Warning	Suspension 3 days	Suspension 5 days	Liable for Dismissal	
25. Soliciting, or accepting a free reward, gratuity or gift in connection with the discharge of duties	Liable for Dismissal				

Types of Offence	Disciplinary measure				
	First	Second	Third	Fourth	Fifth
26. Refusing to co-operate with the Security Guards in the performance of their duties	Written Warning	Suspension 3 days	Suspension 7 days	Liable for Dismissal	
27. Operating or using machines or equipment to which worker is not assigned	Suspension 5 days	Liable for Dismissal			
28. Disgraceful or improper conduct while acting in an official capacity	Liable for dismissal				
29. Sexual harassment	Liable for Dismissal				
30. Commission of any serious criminal offence	Liable for Dismissal				
31. Discloses or uses otherwise than in execution of his/her duties, information acquired in the course thereof, without prior consent of the Agency	Liable for Dismissal				
32. Dishonest clocking-in and/or incorrect stating of information in attendance registers	Written Warning	Suspension 3 days	Suspension 7 days	Liable for Dismissal	
33. Engages in other jobs outside the Agency without first requesting and receiving the Agency's permission or contravenes any condition upon which such permission was granted.	Written warning	Liable for dismissal			
34. Unauthorized use of agency vehicles or driving a agency vehicle without a valid drivers' license.	Liable for Dismissal				
35. Permitting and unauthorized driver to drive an Agency vehicle	Serious written warning	Final written warning	Liable for Dismissal		

2. Glossary of Human Resource Terms	
A	
Abandonment of Position	Is termination of an individual's employment where the individual has failed to report for duty for a period of one week.
Absent Without Approved Leave	Means an employee's unauthorized absence from the workplace during scheduled hours of work.
Acting	The temporary assignment of an employee to another position at a higher level.
Acting Allowance	The payment of an allowance for carrying out duties and responsibilities of a higher post.
Anecdotal	Information that is based on observations or indications of individual actions instead of any organized process.
Assessment Center	A testing of candidates being considered for employment or promotion. The candidates are rated by a team of experienced evaluators using standardized activities, such as presentations, group exercises and other simulations to predict the candidate's future job performance.
Attendance Policy	An employer's written standards regarding the requirement for employees to be on time and present at work during regularly scheduled work periods.
Attitude Survey	A tool used to solicit and assess employee opinions, feelings, perceptions and expectations regarding a variety of managerial and organizational issues.
Attrition	A term used to describe voluntary and involuntary terminations, deaths and employee retirements that result in a reduction to the employer's physical workforce.
B	
Breach of Contract	Occurring when an individual who is a party to a contract or agreement does not uphold or violates the terms of the contract.
C	
Career Counselling	Guiding individuals through the career planning and career decision-making process by helping them to make informed decisions regarding educational and occupational choices, as well as providing resources needed to further developing job search and placement skills.
Career Development	The process by which individuals establish their current and future career objectives and assess their existing skills, knowledge or experience levels and implement an appropriate course of action to attain their desired career objectives.
Career Path	The progression of jobs in an organization's specific occupational fields ranked from lowest to highest in the hierarchal structure.
Career Planning	The process of establishing career objectives and determining appropriate educational and developmental programs to further develop the skills required to achieve short- or long-term career objectives.
Centralization	The process of consolidating all decision-making authority under one central group or location.
Change Agent	A term used to define an individual or group of individuals who directly or indirectly cause or accelerate social, cultural, or behavioral change.

Change Management	The systematic approach and application of knowledge, tools and resources to deal with change. Change management means defining and adopting corporate strategies, structures, procedures and technologies to deal with changes in external conditions and the business environment.
Coaching	1) A training method in which a more experienced or skilled individual provides an employee with advice and guidance intended to help him or her develop skills, improve performance and enhance the quality of his or her career. 2) Providing guidance on operational matters on the job.
Compensation	Compensation includes any salary, wages and all benefits to which employees are entitled as a result of their employment.
Competencies	The knowledge, skills and abilities required to perform a specific task or function.
Compressed Workweek	An alternative scheduling method that allows employees to work a standard workweek over less than a five-day period in one week or a 10-day period in two weeks.
Condition of Employment	An organization's policies and work rules that employees are expected to abide by in order to remain continuously employed.
Confidentiality Agreement	A contract restricting an employee from disclosing confidential or proprietary information e.g. Official Secrets Act
Conflict of Interest	Refers to situations when an individual has other competing financial, professional or personal obligations or interests that interfere with his or her ability to adequately perform required duties in a fair and objective manner.
Contract Employee	Employee engaged on a contract for a fixed-term and is attached to a post on the establishment structure.
Contract Employee (Project)	Employee engaged on a contract for a fixed-term and is attached to a project
Core Competencies	The skills, knowledge and abilities which employees must possess in order to successfully perform job functions that are essential to business operations.
Core Work Activities	The tasks or functions within an organization considered essential to the organization's business operations.
Core Workers	The tasks or functions within an organization considered essential to the organization's business operations.
Corporate Culture	The beliefs, values and practices adopted by an organization that directly influence employee conduct and behaviour.
Corporate Image	The way in which an organization is viewed by clients, employees, vendors or the general public.
Corporate Values	The prescribed standards, behaviours, principles or concepts that an organization regards as highly important.
Cross Training	The process of developing a multi skilled workforce by providing employees with training and development opportunities to ensure they have the skills necessary to perform various job functions within an organization.
Cross-Functional Teams	Work teams comprised of individuals who represent the various organizational functions, branches or divisions.
D	
Defined Benefit Plan	A retirement plan that is not an individual account plan and pays participants a fixed periodic benefit or a lump-sum amount, calculated using specific formulas that include such items as age, earnings and length of service.
Defined Contribution Plan	A pension plan that clearly defines the amount of contributions, which is usually a percentage of an employee's salary. The benefits payable at retirement depend on several factors including future investment return

	and annuity rate at retirement.
Development	The acquisition of knowledge, skills, and behaviors that improve an employee's ability to meet changes in job requirements and in client and customer demands.
Disciplinary Action	1) Action taken when an employee's conduct or performance falls short of expected standards. 2) The means of reprimanding employees who fail to abide by the organization's performance standards, policies or rules.
Disciplinary Procedure	The established way of administering discipline.
Dress Code	An organizational policy or rule to be used by employees as a guideline as to what is considered appropriate attire for the workplace.
Duty Travel	Means travelling on authorized Government business.
E	
Employee Assistance Program (EAP)	A work-based intervention program designed to identify and assist employees in resolving personal problems (i.e., marital, financial or emotional problems, family issues, substance/alcohol abuse) that may be adversely affecting the employee's performance.
Employee Handbook	A written or electronic document containing summaries of the employer's policies and benefits designed to familiarize employees with various matters affecting the employment relationship.
Ethics	A philosophy principle concerned with opinions about appropriate and inappropriate moral conduct or behavior by an individual or group.
F	
Flexi-time	1) A written arrangement for an employee to work outside the normal work hours prescribed by the Agency. 2) Variable work hours requiring employees to work a standard number of core hours within a specified period of time, allowing employees greater flexibility in their starting and ending times.
Focus Group	A small group of individuals who are interviewed through structured facilitator-led discussions in order to solicit opinions, thoughts and ideas about a particular subject or topic area.
G	
Grievance	Real or imaginary wrong causing resentment and regarded as grounds for complaint.
Gross misconduct	An action so serious that it calls for the immediate dismissal of an employee. Examples include fighting, drunkenness, harassment of others and theft.
I	
Incentive pay	Additional compensation used to motivate and reward employees for exceeding performance or productivity goals.
Increment	Means the difference between adjacent steps in a pay range
Internship	A partnership between an organization and an educational institution or individual, whereby students are engaged by an employer for a specified period of time into a professional or technical position that correlates with their area of study in order to provide them with hands-on experience and prepare them for the workforce.
J	
Job Analysis	The process of gathering information about the requirements and necessary skills of a job in order to create a job description.
Job Classification	A method of evaluation used for job comparisons, which groups jobs into a prearranged number of grades, each having a class description and a

	specified pay range.
Job Description	A written description of a job which includes information regarding the general nature of the work to be performed, specific responsibilities and duties, and the employee characteristics required to perform the job.
Job Evaluation	Used for compensation planning purposes, it is the process of comparing a job with other jobs in an organization to determine an appropriate pay rate for the job.
Job Grade /Level	The group into which jobs of the same or similar worth are placed for determining appropriate rates of pay.
Job Rotation	The practice of transferring employees for temporary periods of time between varying jobs within an organization. Often used as a training and development method.
Job Shadowing	A temporary, unpaid work experience opportunity where employees learn about a particular job (typically in a field of interest) by walking through the work day as a shadow to an employee.
K	
Key Performance Indicators (KPI)	Key Performance Indicators are quantifiable, specific measures of an organization's performance in a certain area(s) of its business. . The purpose of KPI's is to provide the company with quantifiable measurements of things it has determined are important to the organizational or business long-term goals and critical success factors. Once uncovered and properly analyzed, KPI's can be used to understand and improve organizational performance and overall success. Also referred to as Key success indicators.
Knowledge, Skills and Abilities (KSA's)	The attributes required to perform a job; generally demonstrated through qualifying experience, education or training.
L	
Level/Grade	Position assigned a post indicating its hierarchical place within a particular group.
Lump Sum Payment	A fixed payment which is not typically included in an employee's annual salary. Often times given in lieu of pay increases.
M	
Manpower Planning	The process of assessing an employer's current workforce content and composition in order to anticipate future staffing requirements needed to meet business goals and requirements.
Mentoring	A career development method whereby less experienced employees are matched with more experienced colleagues for guidance either through formal or informal programs.
N	
Negotiation	Bargaining between two or more parties with the goal of reaching consensus or resolving a problem
O	
Organizational Development	Continuous review of the organizational structure to ensure maximum performance
On-The-Job Training	Training provided to employees by managers and supervisors; conducted at the actual worksite utilizing demonstration and actual performance of job tasks to be accomplished.
Organizational Structure	The design of an organization that identifies the organization's hierarchal reporting and authority relationships.
Orientation	The introduction of employees to their jobs, co-workers and the organization by providing them with information regarding such items as policies, procedures, company history, goals, culture and work rules.
Overtime	It is the term used to define work that is performed in excess of 40 hours

	per week.
P	
Pension Plan	An employer benefit plan funded through insurance, a trust, general assets or other separately maintained funds designed to provide employees with a monthly income benefit upon retirement.
Pensionable Service	The service on which pension benefits are based when employment ends.
Performance Appraisal	A periodic review and evaluation of an individual's job performance.
Performance Management	The process of maintaining or improving employee job performance through the use of performance assessment tools, coaching and counseling as well as providing continuous feedback.
Performance Review	The process through which an organization gets information on how well an employee is executing his or her functions.
Permanent Employee	An employee who is attached to a pensionable post for an indefinite period of time.
Policy	1) Strategic guidelines for the effective and efficient running of the NEPA. 2) A written statement that reflects the employer's standards and objectives relating to various employee activities and employment-related matters.
Policy/Procedures Manual	A detailed written document designed to assist managers and supervisors in carrying out their day-to-day responsibilities by acquainting them with all of the organization's policies and the procedures required to implement those policies.
Probationary Period	A specified period of time (3 months) where a newly hired employee's job performance is evaluated. Primarily used by supervisors to closely observe an employee's work, help the employee adjust to the position and reject any employee whose performance does not meet required standards.
Procedure	The established form of conducting business.
Promotion	Advances into positions with greater compensation, challenge, more responsibility and more authority than the employee's previous job. All promotions will be done by competition.
R	
Reassignment	Transferring individuals to alternative positions where their talents or skills may be best utilized to their own or the organization's benefit or where they are better able to perform the job in accordance with required standards.
Reclassification	A re-allocation of a position in one class to a different class based on a change in the job duties.
Recruitment	The process of seeking applicants for potential employment.
Redundancy	Eliminating jobs or job categories as they become unnecessary to the functioning of an organization.
Resignation	Leaving a job and work role voluntarily.
Retirement	Leaving a job and work role and making a transition to life without formal employment. The usual retirement age for both men and women is 65 years of age for the EA (Executive Agency) Pensioners and 60 years of age for the GOJ (Government of Jamaica Pensioners).
Return on Investment (ROI)	A ratio of the benefit or profit derived from a specific investment compared to the cost of the investment itself.
S	
Salary	The element of pay or amount of money that is related to the classification/ grade of a post and is payment in consideration of the

	duties, responsibilities and nature of the job.
Salary Scale	The approved maximum and minimum rates at which employees within a particular level can be paid.
Secondment	Temporary assignment of an employee to an outside organization or project.
Senior Management Team	Management body comprising CEO, Directors, Senior Managers and Managers
Separation	Termination of one's position in the Agency due to: retirement, resignation, ill-health, dismissal, reorganization, abolition of posts, or death.
Sexual harassment	Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
Skills inventory	A list of skills or competencies possessed by an individual.
Span of Control	A management principle expressing that a limit exists to the number of people an individual can effectively and successfully manage.
Standard Operating Procedures	A prescribed written procedure outlining how recurring tasks, duties and functions are to be performed organization-wide.
Strategic Planning	The process of identifying an organization's long-term goals and objectives and then determining the best approach for achieving those goals and objectives.
Succession Planning	1) The identification and tracking of high-potential employees capable of filling higher-level positions. 2) The process of identifying long-range needs and cultivating a supply of internal talent to meet those future needs. Used to anticipate the future needs of the organization and assist in finding, assessing and developing the human capital necessary to the strategy of the organization.
Summary Dismissal	The act of dismissing personnel immediately, usually because the person has committed some act of Gross Misconduct.
Suspension	A form of disciplinary action resulting in an employee being sent home without pay for a specified period of time.
T	
Temporary Employee	Employee hired for a finite period and is not pensionable.
Termination	Separation from employment due to a voluntary resignation, layoff, retirement or dismissal.
Termination Date	Normally the last date actually worked by an employee.
Training	A planned effort to facilitate the learning of job related knowledge, skills and behaviour by employees.
Training and development	Providing information and instruction that equips employees to better perform specific tasks or attain a higher level of knowledge.
Training Needs Analysis	A method used to determine what people need to learn and which training programs may be beneficial. The result of the analysis is training needs report identifying training needs and the interventions needed to reduce key performance gaps.
Transfer	Refers to a change of an employee from one position to another position in the same class or a different class with the same salary range. Transfers do not result in an increase in salary.
Turnover Rate	The number of separations during a month, including both voluntary and involuntary terminations. The turnover rate is calculated by taking the number of separations during a month divided by the average number of employees on the payroll multiplied by 100.

U	
Union	Workers who organize a united group, usually related to the kind of work they do, to collectively bargain for better work conditions, pay or benefit increases, etc.
V	
Vesting	An employee's right to receive present or future pension benefits, even if the employee does not remain in the service of the employer.
W	
Wellness Program	Programs, such as on-site or subsidized fitness centers, health screenings, smoking cessation, weight reduction/management, health awareness and education that target keeping employees healthy.
Written Warning	Written documentation given to an employee describing specific disciplinary infractions, such as inappropriate conduct, poor performance or violation of work rules/policies. Such documentation normally includes information regarding past infractions and what action will be taken if employee fails to improve.
Z	
Zero-Based Budgeting	A budgeting system that starts with no authorized funds as a starting point. In a zero-based budget, each activity or program to be funded must be justified every time a new budget is prepared and resources are allocated accordingly.

3. The Public Services Regulation (1961)

THE PUBLIC SERVICE REGULATIONS, 1961	
ARRANGEMENT OF REGULATIONS	
PART I— <i>Preliminary</i>	
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1. Short title.	
2. Interpretation.	
PART II— <i>Public Service Commission</i>	
3. Oath of office of Commission.	
4. Oath of office of Staff.	
5. Functions of Commission.	
6. Duties of Chief Personnel Officer.	
7. Procedure and meetings.	
8. Record of meetings and decisions.	
9. Decisions otherwise than at a meeting.	
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PART III— <i>Appointments, Promotions and Transfers</i>	
14. Recommendations to Governor.	
15. Supervision of training.	
16. Advertisement of vacancies.	
17. Principles of selection for promotion.	
18. Principles of selection for acting appointments.	
19. Procedure for appointments.	
20. Selection Boards.	
21. Confidential reports to assist Commission.	
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PART IV— <i>Probationary Service and Termination of Appointments</i>	
23. Probationary service.	
24. Premature retirement.	
25. Termination of appointment in certain circumstances.	
26. Retirement in the public interest.	
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PART V— <i>Discipline</i>	
A—GENERAL	
28. Functions respecting discipline.	
29. Regulations to govern disciplinary procedure. ✓	
30. Grounds for criminal prosecution.	
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32. Interdiction.	
33. Copies of evidence of enquiries.	
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36. Non-payment of emolument on conviction of a criminal charge.	
37. Disciplinary penalties.	
38. Suspension, deferment and withholding of increments.	
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B—PROCEEDINGS

Regulation

41. Proceedings for misconduct not warranting dismissal of officers whose annual salary exceeding £650.
42. Officers with annual salary of £650 or less.
43. Proceedings for dismissal.
44. Proceedings for disciplinary control of certain non-pensionable staff.
45. Application.

THE FIRST SCHEDULE

1. Form of Oath of Office.
2. Form of Oath of Officer of the Commission.

THE SECOND SCHEDULE—(Regulations 44 and 45)

Dealing with holders of non-pensionable posts the minimum annual salary of which is less than £550, holders of weekly-paid posts and daily-paid and casual employees.

Appointments

1. Authorised officer may make certain appointments.
2. Letter of appointment.
3. Employees to comply with departmental instructions.
4. Confidential reports.

Probationary Service and Termination of Appointments

5. Probationary Service.
6. Termination of employment of employee other than daily-paid or casual employee.
7. Termination of employment of unestablished employee.
8. Termination of employment of daily-paid or casual employee.

Discipline—General

9. Interdiction.
10. Penalties.
11. Power of summary dismissal.
12. Reference to Privy Council.

Employees with Ten Years' Service or over

13. Proceedings in respect of misconduct not warranting dismissal.
14. Proceedings for dismissal.
15. Procedure in respect of misconduct warranting dismissal.
16. Finding of authorised officer.
17. Holding of oral enquiry.

Employees with less than Ten Years' Service

18. Procedure relating to employees with less than ten years' service.

Temporary Employees, Daily-paid Employees and Casual Employees

19. Procedure in relation to temporary, daily-paid and casual employees.

ANNEX

- FORM I —Letter of appointment of an Employee on the Established Staff.
 FORM II —Letter of appointment of an Employee on the Unestablished Staff.
 FORM III—Letter of appointment of a Temporary Employee.
 The Delegation of Functions (Public Service) Order, 1961.

THE JAMAICA (CONSTITUTION) ORDER IN COUNCIL, 1959

THE PUBLIC SERVICE REGULATIONS, 1961

In exercise of the powers conferred upon the Governor by section 81 of the Jamaica (Constitution) Order in Council, 1959, the following Regulations are, after consultation with the Public Service Commission, hereby made:—

PART I

Preliminary

- | | |
|---|---------------------------------------|
| 1. These Regulations may be cited as the Public Service Regulations, 1961, and shall come into operation on the 1st day of June, 1961. | Short title
and com-
mencement. |
| 2. (1) In these Regulations unless the context otherwise requires— | Interpreta-
tion. |
| “authorised officer” means a member of the Commission or an authority or a public officer to whom the functions of the Governor have been delegated pursuant to section 80 of the Order; | |
| “Chairman” means the chairman of the Commission and includes any member presiding at a meeting of the Commission; | |
| “Commission” means the Public Service Commission established by section 75 of the Order; | |
| “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; | |
| “functions” includes powers and duties; | |
| “member” means member of the Commission; | |

"officer" means public officer other than—

- (a) a member of the Commission, the Judicial Service Commission or the Police Service Commission;
- (b) the Attorney General;
- (c) the Auditor General;
- (d) an officer whose appointment is regulated by the Judicial Service Commission or the Police Service Commission;

"Order" means the Jamaica (Constitution) Order in Council, 1959;

"perform" in relation to functions includes exercise;

"regulation" means one of these Regulations.

(2) In these Regulations a reference to the salary of an officer charged shall be construed as a reference to the salary of that officer at the date of the letter preferring charges against him.

Signature 50
15/11/88
Provided salary scale means the maximum rate of basic annual salary payable under the scale for PART II the time being applicable to
Salary grade GS/CKE

Public Service Commission

Oath of
office of
Commission.

3. The Chairman and members shall on appointment take before a Justice of the Peace an oath in Form 1 of the First Schedule to these Regulations.

Oath of
office of
staff.

4. Every person appointed to the staff of the Commission shall on appointment take before a Justice of the Peace an oath in Form 2 of the First Schedule to these Regulations.

Functions
of Com-
mission.

5. Where the Order requires the Governor in the performance of any function to act on the recommendation of the Commission the Governor—

- (a) may where that function has been delegated pursuant to section 80 of the Order; and
- (b) shall in every other case, request the Commission to make its recommendation and it shall be the duty of the Commission to make the recommendation so requested.

Duties of
Chief Per-
sonnel
Officer.

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

- (a) submit, whether in writing or orally, matters for the decision of the Commission;
- (b) attend 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; and
- (e) generally, be responsible for matters relating to the functions of the Commission.

Procedure
and meet-
ings.

7. (1) 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 Commission shall decide.

(2) In the absence of the Chairman from any meeting the members present may elect one of their number to preside at that meeting.

(3) All decisions at a meeting of the Commission shall be by a majority of the votes of the members present and voting:

Provided that where the voting is equal the Chairman shall have a casting vote (as well as an original vote).

8. (1) Minutes of all meetings of the Commission shall be duly recorded and copies of such minutes duly confirmed at a subsequent meeting or by the individual members on circulation thereof shall as soon as practicable thereafter be forwarded to the Governor.

Record of meetings and decisions.

(2) Any member of the Commission present when any decision is made who dissents therefrom may require that his dissent and his reasons for dissenting be recorded in the minutes.

9. Matters may also be decided by the Commission without a meeting upon 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 a meeting.

10. The Commission in considering any matter or question may consult with any such public officer or other person as the Commission may consider proper and desirable and may require any public officer to attend and give evidence before it and to produce any official documents relating to such matter or question.

Consultation with other persons.

11. (1) Any officer who without reasonable cause fails to appear before the Commission when required to do so, or who fails to comply with any request properly made by the Commission, shall be guilty of a breach of discipline and the Commission may, where appropriate, recommend that disciplinary proceedings be instituted against him.

Failure to comply with request of Commission

(2) In this regulation "officer" includes an officer whose appointment is regulated by the Judicial Service Commission or the Police Service Commission.

12. Except with the consent of the Governor signified in writing under the hand of the Chief Personnel Officer, a person shall not in any legal proceedings produce or be permitted to give evidence of the contents or nature of any document, communication or information addressed, made or given—

Privileged information.

(a) to the Commission by or on behalf of the Governor, the Chief Personnel Officer, a Permanent Secretary or the Head of any Government Department for the purpose of enabling the Commission to perform any of its functions; or

(b) by the Commission to the Governor, the Chief Personnel Officer, a Permanent Secretary or the Head of any Government Department in relation to any matter concerning or arising out of the functions of the Commission.

13. Any person who in connection with any application for employment or promotion in the public service or with any matter upon which it is the duty of the Commission to make any recommendation to the Governor or upon which it is the duty of the Commission or of an authorised officer to make any decision, wilfully gives to the Commission or to any member thereof, or to an authorised officer, any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence, and upon summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

Penalty for giving false information to Commission.

PART III

Appointments, Promotions and Transfers

Recom-
mendations
to Governor.

14. (1) The Commission shall make recommendations to the Governor with respect to—

- (a) appointments, promotions and transfers of suitable officers;
- (b) appointments or promotions of officers where the Commission is of the opinion that a candidate should be given direct entry into a salary scale (whether on first appointment to the public service or on promotion where such promotion is not promotion in the ordinary course) at an incremental point higher than the minimum of the salary scale attaching to the office to which he is being appointed or promoted;
- (c) confirmation of individual officers in their appointments and the passing of promotional or efficiency bars.

(2) The Commission shall not (unless so requested by the Governor) make any such recommendation in relation to a function which has been delegated to an authorised officer.

Supervision
of train-
ing.

15. In order to perform its functions under regulation 14, the Commission shall supervise the selection of persons for admission to the public service, for the grant of study leave and for the award of scholarships for special training for the public service.

Advertise-
ment of
vacancies.

16. Where the Commission considers either that there is no suitable candidate already in the public service available for the filling of any vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interest of the public service that the services of a person not already in the service be secured, the Commission shall take such steps (including local advertisement of the existence of such vacancy) as it may think necessary for the filling of such vacancy.

Principles
of selec-
tion for
promotion.

17. (1) From time to time as vacancies occur the Commission shall consider the eligibility of all officers for promotion, and in respect of every such officer shall take into account not only his seniority, experience and educational qualifications but also his merit and ability.

(2) For promotion to a post involving work of a routine nature more weight may be given to seniority than where the work involves greater responsibility and initiative. Merit and ability shall be given more weight progressively as the work involves a higher degree of responsibility and initiative.

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

- (a) his general fitness;
- (b) the position of his name on the Seniority List;
- (c) his basic educational qualifications and any special qualifications;
- (d) any special course of training that he may have undergone (whether at the expense of the Government or otherwise);
- (e) markings and comments made in confidential reports by any Permanent Secretary or other senior officer under whom the officer worked during his service;

- (f) any letters of commendation in respect of any special work done by the officer;
- (g) the duties of which he has had knowledge;
- (h) the duties of the post for which he is a candidate;
- (i) any specific recommendation of the Permanent Secretary or Head of Department for filling the particular post;
- (j) any previous employment of his in the public service or otherwise;
- (k) any special reports for which the Commission may call.

18. (1) The procedure for making a recommendation in relation to an acting appointment as a prelude to a substantive appointment shall be the same as that prescribed in regulation 17 in relation to a promotion. Principles of selection for acting appointments.

(2) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the officer appointed shall—

- (a) as a general rule be the senior officer in the Ministry or Department eligible for such acting appointment;
- (b) assume and discharge the duties and responsibilities of the post to which he is appointed to act.

19. (1) The Commission shall be responsible for the form and manner in which applications are to be made for appointment to public offices within its purview and for the conduct of any examinations for recruitment to such offices, and shall determine whether any candidate has the necessary qualifications for appointment to such offices. Procedure for appointments.

(2) The Commission may interview candidates for appointment and shall consider in respect of each candidate—

- (a) his educational qualifications;
- (b) his general fitness;
- (c) any previous employment of his in the public service or otherwise; and
- (d) any reports for which the Commission may call from persons such as the principal, headmaster or headmistress of a candidate's university, college or school or any referees named by the candidate.

20. (1) The Commission may from time to time appoint one or more than one Selection Board to assist in the selection of candidates for appointment to the public service and the composition of any such Board and the form in which its reports are to be submitted shall be decided by the Commission. Selection Boards.

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

21. In order to assist the Commission in performing its functions Permanent Secretaries and Heads of Departments shall in each year furnish to the Chief Personnel Officer confidential reports in respect of the twelve months immediately preceding— Confidential reports to assist Commission.

- (a) the 1st day of November, upon all officers whose minimum annual salary is or exceeds £1,250;

- (b) the 1st day of January, upon all officers whose minimum annual salary is or exceeds £750 but is less than £1,250;
- (c) the 1st day of March, upon all officers whose minimum annual salary is less than £750.

Transfers.

22. (1) Subject to the provisions of paragraph (2) of this regulation, a transfer not involving a change in the emoluments of an officer or the nomenclature of his post may, where the transfer—

- (a) is within a Ministry or between a Ministry and any Department of that Ministry, be made by the Permanent Secretary;
- (b) is within a department, be made by the Head of that Department or the Permanent Secretary of the Ministry responsible for that Department;
- (c) is between Ministries or between Departments of different Ministries or a Ministry and a Department of another Ministry, be made by the Chief Personnel Officer after consultation with the Permanent Secretaries or Heads of Departments concerned.

(2) Where any officer is, or is to be, transferred under any of the foregoing provisions of this regulation, a Permanent Secretary or Head of Department or the officer concerned (through the Permanent Secretary or Head of Department) may lodge a written objection with the Chief Personnel Officer; and an officer lodging such an objection may transmit a copy thereof direct to the Chief Personnel Officer; and it shall be the duty of the Chief Personnel Officer forthwith to lay the matter before the Commission which may intervene and make a recommendation to the Governor.

PART IV*Probationary Service and Termination of Appointments*

Probationary service.
Cap. 315.

23. (1) On first appointment to the public service or on promotion in the service from a non-pensionable to a pensionable post or from any post listed in the First Schedule to the Provident Fund Law to a pensionable post, an officer will be required to serve a probationary period of three years unless a shorter term is specified in his letter of appointment.

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

(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 being given, be terminated by the Governor acting on the recommendation of the Commission upon one month's notice in writing or payment of one month's salary in lieu thereof.

24. (1) Where it appears to a Permanent Secretary or Head of Department that pursuant to paragraph (2) of section 2 of the Pensions Law an officer in his Ministry or Department who has attained the age of fifty years ought to be called upon to retire from the public service, the Permanent Secretary or Head of Department shall advise the officer accordingly and report the matter together with his reasons therefor for consideration by the Commission, and the Commission shall recommend to the Governor whether or not that officer ought to be called upon to retire.

Premature
retirement.
Cap. 285.

(2) Any such officer shall be afforded an opportunity of submitting to the Commission any representations he may wish to make regarding his proposed retirement.

(3) An officer may at any time after he attains the age of fifty years apply to the Governor for permission to retire pursuant to paragraph (1) of subsection (1) of section 6 of the Pensions Law and shall in his application state the grounds on which it is based.

(4) The Commission shall recommend to the Governor whether or not an application under paragraph (3) of this regulation ought to be granted.

25. (1) Where a post (being one of a number of like posts) has been abolished but one or more than one of such posts remains, the Permanent Secretary or Head of Department shall—

Termination
of
appointment
in certain
circum-
stances.

(a) if the post is one in respect of which the power to appoint has been delegated to such Permanent Secretary or Head of Department, determine which substantive holder of such post shall have his appointment terminated; and

(b) in any other case submit to the Chief Personnel Officer for consideration by the Commission, a report thereon containing his recommendations, with reasons therefor, as to which substantive holder of such post ought to have his appointment terminated; and the Commission shall make such recommendation thereon to the Governor as it may think proper (including if it thinks fit a recommendation that the officer concerned be transferred to another post not lower in status than that which has been abolished).

(2) Paragraph (1) of this regulation shall apply in relation to the termination of appointments for the purpose of facilitating improvement in the organisation of a Ministry or Department in order to effect greater efficiency or economy.

26. (1) Notwithstanding the provisions of regulations 41 to 43 where it is represented to the Commission or the Commission considers it desirable in the public interest that an officer ought to be required to retire from the public service on grounds which cannot suitably be dealt with under any of these Regulations it shall call for a full report from the Head of every Ministry or Department in which the officer has served during the last preceding 10 years.

Retirement
in the pub-
lic interest.

(2) If, after considering such reports 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, it shall recommend to the Governor that the officer be required to retire.

- Pension. 27. Where the appointment of an officer is terminated under regulation 24, 25 or 26 his service shall terminate on such date as the Commission may recommend and the question of his pension shall be dealt with in accordance with the provisions of the Pensions Law.
- Cap. 285.

PART V Discipline

A—GENERAL

Functions respecting discipline. 28. (1) The Commission shall deal with disciplinary proceedings against officers in the light of reports from Permanent Secretaries and Heads of Departments, or otherwise.

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

(3) Where an offence against any Law appears to have been committed by an officer the Commission before making a recommendation 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 recommend the initiation of disciplinary proceedings before the determination of the criminal proceedings so instituted.

Regulations to govern disciplinary procedure. 29. (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.

(2) Any case not covered by these Regulations shall be reported to the Chief Personnel Officer and the Commission may issue instructions as to how the case is to be dealt with; and the case shall be dealt with accordingly.

Grounds for criminal prosecution. 30. Where upon a preliminary investigation or a disciplinary enquiry an offence against any Law appears to have been committed by an officer, the Permanent Secretary of the Ministry (or Head of Department) to which he is attached shall, unless action by the Police has been or is about to be taken, obtain the advice of the Attorney General as to whether criminal proceedings ought to be instituted.

No disciplinary proceedings while criminal proceedings pending. 31. (1) Where criminal proceedings have been instituted in any Court against an officer, proceedings for his dismissal upon any grounds arising out of the criminal charge shall not be taken until after the Court has given judgment and the time allowed for an appeal from the judgment has expired; and where 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 32.

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

(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 may recommend his interdiction from such performance.

(2) An officer so interdicted shall, subject to the provisions of regulation 36, be permitted to receive such proportion of the salary of his office, not being less than three-fourths, as the Commission may recommend to the Governor.

(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 in the circumstances recommend.

(4) An officer who is under interdiction from duty may not leave the Island without the permission of the Governor acting on the recommendation of the Commission.

33. An officer in respect of whom a disciplinary enquiry is to be held shall be entitled without charge to him to receive copies of or to be allowed access to any documentary evidence relied on for the purpose of the enquiry. He shall also be given upon request a copy of the evidence (including copies of documents tendered in evidence) after the enquiry is closed. Copies of evidence of enquiries.

34. An officer acquitted in any Court of a criminal charge shall not be dismissed or otherwise punished in respect of any charge 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. Disciplinary action after acquittal of a criminal charge.

35. If an officer is convicted in any Court of a criminal charge, the Commission may consider the relevant proceedings of that Court, and if the Commission is of the opinion that the officer ought to be dismissed or subjected to some lesser punishment in respect of the offence of which he has been convicted the Commission may thereupon recommend the dismissal or other punishment of the officer without the institution of any disciplinary proceedings under these Regulations. Officer convicted of a criminal charge.

36. 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 emolument on conviction of a criminal charge.

37. (1) The penalties which may be imposed on an officer against whom a disciplinary charge has been established are— Disciplinary penalties.

(a) dismissal;

(b) reduction in rank;

- (c) deferment or withholding of increment;
- (d) a fine;
- (e) reprimand.

(2) 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 at the time the penalty is imposed.

(3) An officer who is absent from the Island without permission shall be liable to summary dismissal.

Suspension,
deferment
and with-
holding of
increments.

38. (1) Subject to the provisions of this regulation an increment shall not be suspended, deferred or withheld except by the Governor acting upon the recommendation of the Commission.

(2) The grant of an increment may be prejudiced by—

- (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 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—

- (a) 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; or
- (b) if he is unable to notify the officer in accordance with sub-paragraph (a) of this paragraph, report the matter to the Chief Personnel Officer for the Commission's recommendation to the Governor as to whether the payment of the increment ought to be made on the date on which it becomes due.

(4) Where a Permanent Secretary or Head of Department has notified an officer in accordance with sub-paragraph (a) of paragraph (3) of this regulation he may suspend for a period not exceeding three months the payment to that officer of the increment to which the notification relates, and shall at the end of the period of suspension—

- (a) grant the increment from the date on which it became due; or
- (b) recommend through the Chief Personnel Officer for the consideration of the Commission that the increment be either deferred or withheld.

(5) In making a recommendation for the suspension, deferment or withholding of an increment the Permanent Secretary or Head of Department shall take into account the gravity of the original misconduct or dereliction of duty if any, and the nature of the officer's subsequent behaviour, or his present degree of efficiency; he shall bear in mind that—

- (a) "suspension" is to be applied when for any reason it is thought desirable to "reserve judgment" and allow for reformation or otherwise;
- (b) "deferment" is a substantial fine; and
- (c) "withholding" is a very serious penalty which deprives the officer of the amount of that increment during each subsequent year of his service until the officer reaches the maximum of his scale.

(6) An increment may be deferred for a period not exceeding six months including any period for which it has been suspended, and shall be payable from the date on which it is restored.

(7) Where an increment has been withheld the Governor, acting on the recommendation of the Commission may at any subsequent incremental date grant to the officer concerned a special increment in addition to his ordinary increment.

39. (1) Where—

- (a) the Commission has recommended that an officer ought to be dismissed or subjected to any other disciplinary penalty; and
- (b) the officer desires to apply by virtue of subsection (3) of section 77 of the Order for a reference to the Privy Council of that recommendation,

Reference to Privy Council.

the application shall be made in writing to the Governor within 14 days of the date on which the officer is informed of the recommendation; and the recommendation shall be referred accordingly.

(2) Only one reference to the Privy Council shall be allowed, unless new and material facts come to light which might have affected the former decision and adequate reasons are given for the non-disclosure of such facts at an earlier date.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this regulation, where the dismissal of an officer has been recommended, the Governor acting on the recommendation of the Commission may suspend the officer from the performance of his functions pending the decision of the Privy Council and the officer shall not be paid any of his emoluments during such period of suspension.

(4) An application by the Governor's Secretary for a reference of his case to the Privy Council made by virtue of subsection (3) of section 77 as applied by subsection (3) of section 79 of the Order shall be made in writing to the Governor within 14 days of the date on which he is informed of the Governor's decision to dismiss him or to impose some other disciplinary penalty; and the case shall be referred accordingly

40. Where an officer has been suspended from duty and a reference of his case to the Privy Council results in his exculpation he shall be entitled to receive the full amount of any salary which he would have received but for his suspension; but if the reference results in any punishment other than dismissal the officer shall be allowed such salary as the Commission or the appropriate authorised officer may, in the circumstances, recommend.

Payment of salary to suspended officer.

B—PROCEEDINGS

41. (1) Where—

- (a) it is represented to the Commission that an officer whose basic annual salary (whether fixed or on a scale) exceeds £650 has been guilty of misconduct; and
- (b) the Commission is of opinion that the misconduct alleged is not so serious as to warrant proceedings under regulation 43 with a view to dismissal;

Proceedings for misconduct not warranting dismissal of officers whose annual salary exceeds £650.

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 opinion that the allegation is proved, it may recommend such punishment other than dismissal as may seem just.

Officers with
annual
salary of
£650 or less.

42. (1) Where—

- (a) it is represented that an officer whose basic annual salary (whether fixed or on a scale) does not exceed £650, has been guilty of misconduct; and
- (b) the appropriate authorised officer is of the opinion that the misconduct alleged is not so serious as to warrant proceedings under regulation 43 with a view to dismissal;

the appropriate authorised officer (or the Commission at the request of the Governor) may cause an investigation to be made into the matter in such manner as he 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 appropriate authorised officer is of opinion that the allegation is proved, he may inflict such punishment upon the officer other than dismissal or reduction in rank as may seem just.

(3) If the Commission is of opinion that the allegation is proved, it may recommend such punishment other than dismissal as may seem just.

Proceed-
ings for
dismissal.

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

(2) The following procedure shall apply to an investigation with a view to the dismissal of an officer whose basic annual salary (whether fixed or on a scale) exceeds £650—

- (a) 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 the officer does not furnish such a statement within the time so specified or if he fails to exculpate himself the Governor shall on the recommendation of the Commission appoint to enquire into the matter a Committee consisting of not less than three persons of whom the Chairman shall be a Judge, Resident Magistrate, or legal officer, or some other person possessing legal qualification; the members of 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;
- (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 permitted to appear before the Committee and defend himself;

- (d) if witnesses are examined by the Committee the officer shall be given an opportunity of being present and 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) 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;
 - (g) if having heard the evidence in support of the charges 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;
 - (h) 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 opinion that the report should be amplified in any respect or that further enquiry is desirable, it may refer any matter back to the Committee for further enquiry or report accordingly;
 - (i) if the Commission is of opinion that the officer should be dismissed the Commission shall recommend to the Governor that an order be made accordingly;
 - (j) if the Commission is of opinion that the officer deserves some punishment other than dismissal, it shall recommend to the Governor what other penalty should be imposed;
 - (k) if the Commission is of opinion that the officer does not deserve to be dismissed by reason of the charges alleged, but that the proceedings disclose other grounds for removing him from the service in the public interest it may recommend to the Governor that an order be made accordingly, without recourse to the procedure prescribed by regulation 26.
- (3) The procedure prescribed by paragraph (2) of this regulation shall apply to an investigation with a view to dismissal of an officer whose basic annual salary (whether fixed or on a scale) does not exceed £650 except that the charges may if the Commission so recommends be investigated by the Permanent Secretary, Head of Department or such other officer or officers as may be appointed by the Governor.
- (4) Where an officer charged under this regulation admits in writing the facts giving rise to the charges, 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.

Proceedings
for disciplin-
ary control
of certain
non-pension-
able staff.

44. The procedure in regard to the disciplinary control of officers holding non-pensionable posts the minimum annual salary of which is less than £550 and of weekly and daily-paid staff and casual employees shall be as specified in the Second Schedule to these Regulations.

Application.

45. (1) Regulations 22, 31, 33, 34, 35, 38 and 40 shall apply to an officer to whom the Second Schedule applies.

(2) Save as is otherwise provided in paragraph (1) of this regulation and the Second Schedule to these Regulations, Parts III, IV and V of these Regulations shall not apply to an officer to whom that Schedule applies.

FIRST SCHEDULE

Form 1

(Regulation 3)

Oath of Office

I, _____ having been
appointed (to act) as ^{chairman} _____ of the Public Service Commission, do
member
swear

_____ that I will freely and with-
solemnly, sincerely and truly declare and affirm
out fear or favour, affection or ill-will give my counsel and advice to the
Governor of Jamaica in connection with all such matters as may be
referred to the Public Service Commission under the Jamaica (Constitu-
tion) Order in Council, 1959, and that I will not directly or indirectly reveal
any such matters to any unauthorised person or otherwise than in the
course of duty.

Sworn

_____ before me this _____ day of _____, 19
Declared

Justice of the Peace

Form 2

(Regulation 4)

Oath of Officer of the Commission

I, _____ having been appointed
(to act) as* _____ to the Public Service Commission,
swear

do _____ that I will faithfully per-
solemnly, sincerely and truly declare and affirm
form my duties in that office in accordance with the provisions of the
Public Service Regulations, 1961, and without partiality, fear, favour,
affection or ill-will, and that I will not directly or indirectly without per-
mission of the Commission reveal to any person otherwise than in the
performance of my functions under the said Regulations any information
which comes to my notice in the course of my duties in respect of any
matter referred to the Commission or to any authority or public officer to
whom the functions of the Governor have been delegated.

Sworn _____ before me this _____ day of _____, 19____
 Declared _____

.....
Justice of the Peace

* Title or rank of officer to be inserted as may be appropriate.

SECOND SCHEDULE (Regulations 44 & 45)

Preliminary

This Schedule applies to the holders of non-pensionable posts the minimum annual salary of which is less than £550, the holders of weekly-paid posts and daily-paid and casual employees. Save as is otherwise herein provided, all such employees shall be subject to the provisions of the Staff Orders and Financial Regulations in so far as they are applicable.

Appointments

1. (1) The appropriate authorised officer is hereby authorised to make appointments of persons temporarily or permanently—

Authorised officer may make certain appointments.

(a) to non-pensionable posts in a Ministry or Department where the minimum annual salary attached to such posts is less than £550;

(b) to weekly-paid posts governed by the Provident Fund Law or otherwise; Cap. 815.

and to employ daily-paid and casual employees in accordance with the provisions of this Schedule.

(2) In making any permanent appointment the Permanent Secretary, Head of Department or Chief Personnel Officer (following the procedure provided by regulation 19) shall select the person in accordance with any conditions for the time being in force in relation to candidates for the particular post.

2. Every employee, other than a daily-paid or casual employee, shall on appointment receive an appropriate letter of appointment in Form I, II or III of the Annex hereto. Letter of appointment.

3. 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 may think it desirable to employ him in the public interest. Employees to comply with departmental instructions.

4. (1) The appropriate authorised officer shall in each year cause to be furnished to him by such senior officer as he may designate confidential reports for the twelve months preceding the 1st day of April upon— Confidential reports.

(a) all non-pensionable officers whose minimum annual salary is less than £550; and

(b) all weekly-paid officers employed on a permanent basis.

(2) Where a confidential report is furnished pursuant to sub-paragraph (1) of this paragraph in relation to any officer whose next promotion is to a pensionable post that report shall be forwarded to the Chief Personnel Officer by the authorised officer.

Probationary Service and Termination of Appointments

Probationary service.

5. Every employee shall on first permanent appointment to the established staff 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 appropriate authorised officer 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 appropriate 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 annual basis, on one month's notice in writing or payment of one month's salary in lieu thereof.

Termination of employment of employee other than daily-paid or casual employee.

6. The appointment of any employee (other than an unestablished employee, a daily-paid or casual employee) may on one month's notice in writing be terminated at any time by the appropriate authorised officer on the ground of abolition of office, or for the purpose of facilitating improvements in the organisation of the Ministry or Department to which such employee is attached.

Termination of employment of unestablished employee.

7. The appointment of an unestablished employee (that is, an employee who holds a post for which separate provision has not been made in the Estimates) may without enquiry or reason given to him be terminated by the appropriate authorised officer—

- (a) at any time within two years of the date of appointment of such employee on two weeks' notice in writing or payment of two weeks' salary in lieu thereof; and
- (b) at any time after two years from the date of appointment on three months' notice in writing or payment of three months' salary in lieu thereof.

Termination of employment of daily-paid or casual employee.

8. The appointment of a daily-paid or casual employee may be terminated at the end of any day.

Discipline—General

Interdiction.

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

- (a) disciplinary proceedings; or
- (b) criminal proceedings,

or where an authorised officer 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 authorised officer 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 three-fourths of his salary, as the authorised officer may decide.

(8) If 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 authorised officer may in the circumstances think appropriate.

10. (1) The penalties which may be imposed where a disciplinary charge has been established are— Penalties.

- (a) dismissal;
- (b) reduction in rank;
- (c) withholding or deferment of increment;
- (d) 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, regard being had in every case in determining the amount of a fine to the economic circumstances of the employee;
- (e) 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.

11. The appropriate authorised officer 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 Jamaica without permission, with effect from the date of his departure from Jamaica;
- (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, with effect from such date;
- (d) where he fails to attend an enquiry into charges against him, with effect from the date of such failure;
- (e) subject to regulation 31 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 authorised officer is satisfied that owing to illness or other reasonable cause the employee was prevented from replying to such charges, or from attending such enquiry.

12. (1) Where—

- (a) an authorised officer has decided that an employee should be subjected to any disciplinary penalty; and
- (b) the employee desires to apply by virtue of subsection (4) of section 80 of the Order for a reference to the Privy Council of that decision;

Reference to Privy Council.

the application shall be made within 14 days of the date on which the employee is informed of the decision; and the decision shall be referred accordingly.

(2) Only one reference to the Privy Council shall be allowed, unless new and material facts come to light which might have affected the former decision and adequate reasons are given for the non-disclosure of such facts at an earlier date.

(8) Notwithstanding the provisions of sub-paragraphs (1) and (2) of this paragraph the authorised officer may suspend the employee from the performance of his functions pending the decision of the Privy Council and the employee shall not be paid any of his emoluments during such period of suspension.

Employees with Ten Years' Service or over

Proceedings
in respect
of miscon-
duct not
warranting
dismissal.

13. (1) If it is represented to the appropriate authorised officer that an employee has been guilty of misconduct and that officer is of opinion that the misconduct alleged is not so serious as to warrant proceedings with a view to dismissal, he may cause an investigation to be made into the matter in such manner as he 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 authorised officer is of opinion that the allegation is proved, he may impose upon the employee such punishment (other than dismissal) as may seem just.

Proceedings
for dis-
missal.

14. (1) An employee (other than a temporary, daily-paid or casual employee) may be dismissed only in accordance with the procedure prescribed by paragraphs 15, 16 and 17 of this Schedule.

(2) The appropriate authorised officer may in lieu of dismissal 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 he may recommend that the employee be removed from office in the public interest, and regulation 27 shall apply accordingly.

Procedure
in respect
of miscon-
duct warrant-
ing dis-
missal.

15. The following procedure shall apply to an investigation with a view to dismissal of an employee (other than a daily-paid or casual employee)—

The authorised officer 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 authorised officer within seven days (or such longer period as the authorised officer 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 authorised officer 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 authorised officer 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.

16. (1) Where an oral enquiry is not held, the authorised officer 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 of authorised officer.

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

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

17. (1) An oral enquiry shall be held by the appropriate authorised officer (not being an officer personally involved in the circumstances leading to the charges) or by another senior officer in his Ministry or department appointed by the appropriate authorised officer for the purpose. 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 authorised officer 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 authorised officer 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 also be questioned. Notes of the proceedings shall be taken down in shorthand.

(6) Where an oral enquiry is held by an officer other than the appropriate authorised officer the officer holding the enquiry shall consider the charges and the written reply and the statements (if any) and the evidence given at the oral enquiry; he shall find as a fact whether or not any of the charges has been established, and shall report his findings to the appropriate authorised officer.

(7) The authorised officer shall consider the findings and shall take action in accordance with the provisions of sub-paragraphs (2) and (3) of paragraph 16 of this Schedule.

Employees with less than Ten Years' Service

Procedure
relating
to employees
with less
than ten
years' ser-
vice.

18. The procedure to be followed in the case of disciplinary proceedings against an employee with less than ten years' service (other than a temporary, daily-paid or casual employee) shall be the same as that prescribed by paragraphs 13 to 17 inclusive of this Schedule save that the appropriate authorised officer shall have the sole right of deciding whether or not an oral enquiry is to be conducted into the charges against the employee.

Temporary Employees, Daily-paid Employees and Casual Employees

Procedure
in relation
to tem-
porary, daily
paid and
casual em-
ployees.

19. The following procedure shall apply only to temporary employees, daily-paid and casual employees—

- (a) the appropriate authorised officer may, after such informal enquiry as he may think fit, forthwith dismiss a temporary employee if he is satisfied that such employee has been guilty of any misconduct;
- (b) the appropriate authorised officer may, without an enquiry being held or without giving any reason, dismiss a temporary employee by giving him two weeks' notice (or such other notice as may be specified in the letter of appointment) or two weeks' salary in lieu of notice;
- (c) every daily-paid or casual employee may be dismissed by the appropriate authorised officer without an enquiry being held and without reason or notice being given.

ANNEX

FORM I

(Paragraph 2)

Letter of Appointment of an Employee on the Established Staff

Sir,

I am directed by the (Permanent Secretary/Head of Department) to inform you that in accordance with powers delegated to him by His Excellency the Governor, he 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 reason being assigned;
- (b) you will be required to pass a medical examination as to your physical fitness conducted by a doctor 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 required to become a contributor to the Provident Fund in accordance with the provisions of the Provident Fund Law;
- (e) you will be subject to the provisions of the Public Service Regulations, 1961, governing the discipline and conditions of service of employees, and, so far as they are applicable, the Staff Orders, 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 (Permanent Secretary/ Head of
Department)

Form II

(Paragraph 2)

Letter of Appointment of an Employee on the Unestablished Staff

Sir,

I am directed by the (Permanent Secretary/Head of Department) to inform you that, in accordance with powers delegated to him by His Excellency the Governor, he has appointed you to the post of _____ on the _____ unestablished staff in the _____ on the following conditions:—

- (a) your appointment takes effect from the _____ day of _____ and will be terminable at any time within two years thereof on two weeks notice in writing and at any time after two years on three months' notice in writing on either side;
- (b) you will be required to pass a medical examination as to your physical fitness conducted by a doctor in the public service;
- (c) your appointment will confer no right to appointment on the established staff of the public service of Jamaica;
- (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 required to become a contributor to the Provident Fund in accordance with the provisions of the Provident Fund Law;
- (f) you will be subject to the provisions of the Public Service Regulations, 1961, governing the discipline and conditions of service of employees and, so far as they are applicable, the Staff Orders from time to time in force;
- (g) 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 (Permanent Secretary/Head of
Department)

Form III

(Paragraph 2)

Letter of Appointment of a Temporary Employee

Sir,

I am directed by the (Permanent Secretary/Head of Department) to inform you that, in accordance with powers delegated to him by His Excellency the Governor, he

has appointed you temporarily to the post of _____ in the _____
on the following conditions:—

- (a) your temporary appointment takes effect from the _____ day of _____ and will be terminable on notice in writing on either side;
- (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 Regulations, 1961, governing the discipline and conditions of service of employees and, so far as they are applicable, the Staff Orders 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 (Permanent Secretary/Head of
Department)

Made as aforesaid at King's House this 1st day of June, 1961.

K. W. BLACKBURNE,
Governor

No. 98

THE JAMAICA (CONSTITUTION) ORDER IN COUNCIL, 1959**THE DELEGATION OF FUNCTIONS (PUBLIC SERVICE) ORDER, 1961**

By His Excellency **SIR KENNETH WILLIAM BLACKBURN**, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Captain-General and Governor-in-Chief in and over Jamaica.

K. W. BLACKBURN,
Governor

In exercise of the powers conferred upon the Governor by section 80 of the Jamaica (Constitution) Order in Council, 1959, the following Order is hereby made on the recommendation of the Public Service Commission:—

1. This Order may be cited as the Delegation of Functions (Public Service) Order, 1961.

2. In this Order "officer" has the meaning ascribed to that word in the Public Service Regulations, 1961.

3. Subject to the provisions of section 80 of the Jamaica (Constitution) Order in Council, 1959, and of the Public Service Regulations, 1961, the powers of the Governor specified in the Schedule to this Order shall be exercisable by the appropriate authorised officer or authority in relation to the respective offices and officers specified in that Schedule.

SCHEDULE

Officer or Office	Powers	Appropriate Authorised Officer or Authority
1. All officers	Suspension of payment of increment.	Permanent Secretary or Head of Department in charge of the Ministry or Department to which the officer is attached.
2. All officers	Transfer.	Permanent Secretary or Head of Department in charge of the Ministry or Department to which the officer is attached or after consultation with the Permanent Secretaries or Heads of Departments concerned, the Chief Personnel Officer.
3. Any officer of a Resident Magistrate's Court.	Powers specified in section 58 of the Judicature (Resident Magistrates) Law.	Resident Magistrate to whom is assigned the Court to which the officer is attached.
4. Any officer of the Supreme Court.	Powers specified in section 20 of the Judicature (Supreme Court) Law.	Supreme Court or a Judge thereof.

Officer or Office	Powers	Appropriate Authorised Officer or Authority
5. Prison officer other than a member of the subordinate staff.	Suspension pending the Governor's decision in accordance with section 10 of the Prisons Law.	Director of Prisons.
6. Member of the subordinate staff of the Prison Department.	Suspension pending the decision of the Director of Prisons in accordance with section 10 of the Prisons Law. Disciplinary control subject to appeal to the Director of Prisons in accordance with section 13 of the Prisons Law, and to the Governor in Privy Council. Disciplinary control.	Superintendent of the Prison in which the officer is employed.
7. Officer whose basic annual salary (whether fixed or on a scale) does not exceed £650, other than an officer to whom the Second Schedule to the Public Service Regulations applies.	Disciplinary control.	Permanent Secretary or Head of Department in charge of the Ministry or Department to which the officer is attached. In the case of an officer employed in a hospital, the Medical Officer in charge of that hospital.
8. Non-pensionable offices the minimum salary of which is less than £550 per annum.	Appointment. Dismissal. Disciplinary control.	Permanent Secretary or Head of Department in charge of the Ministry or Department in which the office exists or, on the request of the Permanent Secretary or Head of Department, the Chief Personnel Officer.
9. Weekly-paid, temporary or casual employees other than the appointment of Telephone Operators.	Appointment. Dismissal. Disciplinary control.	Permanent Secretary or Head of Department in charge of the Ministry or Department in which the officer is or is to be employed or, on the request of the Permanent Secretary or Head of Department, the Chief Personnel Officer.
10. Telephone Operators.	Appointment.	Chief Personnel Officer.
11. Pensionable offices other than those held by Heads of Departments.	Acting appointments under regulation 16(2) of the Public Service Regulations, 1961.	Chief Personnel Officer.

Given under my hand and the Broad Seal of Jamaica at King's House this 1st day of June, in the Year of Our Lord one thousand nine hundred and sixty-one in the Tenth Year of the Reign of Her Majesty Queen Elizabeth II.

K. W. BLACKBURN,
Governor.