



Government of the Republic of Trinidad and Tobago



THE PUBLIC SERVICE COMMISSION  
**Annual Report 2015**



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## Foreword



May I first express the thanks of the Commission to Mr. Frank Abdullah, Mr. Louis Bryan and Professor Kenneth Ramchand who all demitted office in the course of 2015. Their knowledge and experience, coupled with their unswerving commitment to the values and vision of the Public Service Commission (PSC), were of immeasurable assistance in our efforts to realise the goals proposed in the 2014 Annual Report. At the same time, the PSC was pleased to welcome the new member, Mr. Clive Pegus, with his many years of distinguished service in various areas of public life.

The PSC also wishes to thank the Director of Personnel Administration (DPA), Miss Anastasius Creed and the staff of the Service Commissions Department (SCD) for their unstinting support during the period under review. The PSC is fully aware of the critical role the Department plays in facilitating the Commission's agenda and appreciates the fact that this support has been maintained even in the face of constrained resources.

In 2015, the PSC also undertook an initiative to invite Permanent Secretaries to select meetings of the Commission in order to gain an improved understanding of the challenges being experienced by Ministries/Departments, as well as to share information with these senior officers in respect of the challenges being experienced by the PSC in the fulfilment of its mandate. This initiative has proven to be successful and the PSC proposes to continue the practice in 2016. The PSC recognises the value of collaborating more closely with other actors in the public service on matters of common interest.

The Draft of the proposed revised Public Service Regulations was also submitted to the Prime Minister for his consent in December 2015 in accordance

with Section 129 (1) of the Constitution. The Draft Revised Regulations focused particularly on advancing the merit principle as the main criterion in determining appointments and promotion; shortening the length of time matters are currently taking to be processed; and promoting mediation as an alternative method in resolving disputes. The Commission is following up on comments received in response to its draft revised Regulations.

The Assessment Centre Exercise for Deputy Permanent Secretaries was restarted. It is our hope that this process would not be stymied by the unavailability of resources.

Many of the challenges faced by the PSC stemmed from the delay in adapting to new standards when old systems have lost their usefulness. The traditional formula/method used by the PSC in its decisions has been frequently challenged by judicial review applications. Some administrative precedents and practices have been overturned by the court because the interpretation and application of the Regulations have been found wanting or not conducive to the demands of natural justice.

A major challenge in making appointments is the referencing of out-dated/irrelevant job specifications. In addition, an inefficient manual paper system and the inadequate use of technology together lead to the PSC being presented with information that may be dated and inaccurate. Further, the dual entry of HR data by the staff of Ministries/Departments and the SCD as required in the manual system is ineffective, inefficient and otherwise problematic.

Attention must be given to the HR issue created by the parallel system of contract officers who fall

outside the Establishment and what is defined, in the Civil Service Act and Regulations, as the Public Service. In some instances, these contract officers are required to operate in a manner that makes no functional distinction between them and public officers.

The PSC's strategic objective is to transform its role from a decision-making body to one of oversight and monitoring through the greater delegation of its powers to Permanent Secretaries (PSs)/Heads of Department (HOD). The SCD, however, which is critical to this process, needs staff, resources and training to be an effective partner in this exercise. In addition, the capacity of PSs and HOD must also be enhanced in order to allow them to exercise their delegated functions consistently and efficiently. For this reason, further delegation will only be practicable when Institutional Strengthening (IS) has taken root.

One final area of weakness which should be urgently addressed, is the need for a specialised Investigative Unit in the SCD. The present system which provides for persons in the same Ministry/Department to investigate allegations of misconduct is not ideal. Too often, the investigation is deficient, and adequate evidence to support the disciplinary process is not provided because of a lack of knowledge, training or experience on the part of the investigator.

In closing, I would like to express my sincere thanks to my fellow Commissioners whose support and encouragement made the period under review an exciting, though challenging, experience.

**Marjorie Thorpe**  
**Chairman**

## Executive Summary

The Report outlines the performance of the Public Service Commission in respect of its Constitutional Mandate. During the year under review, the Commission sought to meet its specific objectives articulated in its Action Plan and Medium Term Strategic Objectives 2014/2015 attached as *Appendix III* as well as to achieve a greater level of efficiency in the performance of its on-going functions. Some of the achievements for the year 2015 included progress in the following areas:

- Deliberations on one thousand, seven hundred (1,700) matters under the remit of the Public Service Commission - **Section 3.0**
- Continued use of the Selection Centre initiative in order to expedite the selection process for appointments/promotions in the Civil Service - **Section 4.3**
- Completed screening of two hundred and twelve (212) applicants for the office of Deputy Permanent Secretary to identify the eligible candidates and to facilitate the conduct of the Assessment Centre Exercise (ACE) and the filling of vacant offices - **Section 4.4**
- Submitted a copy of the draft revised Public Service Commission's Regulations to the Prime Minister for his consideration - **Section 4.5**
- Continued efforts to implement an Electronic Document Management System - **Section 4.6**
- Continued staff training in order to achieve the Commission's stated objectives and to improve the efficiency in the delivery of services to stakeholders - **Section 4.7**
- Continued efforts to empower Permanent Secretaries and other officials through delegation of authority for greater efficiency - **Section 8.1**

In accordance with the projections identified in **Section 15** of the document, the Public Service Commission will continue to make every effort in 2016 and beyond to foster continuous improvement in the Public Service.

## I.0 Introduction

This report of the Public Service Commission (PSC) for the year 2015 is submitted pursuant to Section 66B of the Constitution of the Republic of Trinidad and Tobago (as amended by Act No. 29 of 1999) which requires the Commission to report each year on its administration, the manner of the exercise of its powers, its method of functioning and any criteria adopted by it in the exercise of its powers and functions.

The Commission is an independent body established under Sections 120 and 121 of the Constitution. Section 121 gives the Commission the power to: appoint persons to hold or act in offices to which that section applies; make appointments on promotion; appoint, transfer and confirm appointments; to remove and to exercise disciplinary control over persons holding or acting in such offices; and, to enforce standards of conduct on such officers.

Section 129 (1) of the Constitution, gives the Commission the power to regulate its own procedures by regulation or otherwise with the consent of the Prime Minister. In 2006, the Commission delegated some of its functions to Permanent Secretaries/Heads of Department, the Chief Fire Officer, the Commissioner of Prisons, the Chief Administrator, Tobago House of Assembly, and to other senior officials in the Public Service as stipulated in Legal Notice No. 105 - see *Appendix I*. The Commission retains all the functions of its constitutional mandate which it has not specifically delegated.

## 2.0 Membership



*From left to right: Ms. Anastasius Creed, Director of Personnel Administration; Mrs. Parvatee Anmolsingh-Mahabir; Professor Kenneth Ramchand; Dr. Marjorie Thorpe, Chairman; Mr. Frank Abdulah; Mrs. Maureen Manchouck, Deputy Chairman; Mrs. Charmain Dattoo-Jaggernaut, Secretary; and Mr. Louis Bryan. Inset: Ms. Allison Coryat, Secretary and Mr. Clive Pegus, Member*

The Commission comprises a Chairman, a Deputy Chairman and not less than two (2) and not more than four (4) members appointed by the President of the Republic of Trinidad and Tobago after consultation with the Prime Minister and the Leader of the Opposition.

During the year 2015, the membership of the Commission comprised:

**Dr. Marjorie Thorpe**  
Chairman

**Mrs. Maureen Manchouck**  
Deputy Chairman

**Mrs. Parvatee Anmolsingh-Mahabir**  
Member

**Mr. Clive Pegus**  
Member (Started June 2015)

**Mr. Frank Abdulah**  
Member (Until February 2015)

**Professor Kenneth Ramchand, C.M.T.**  
Member (Until June 2015)

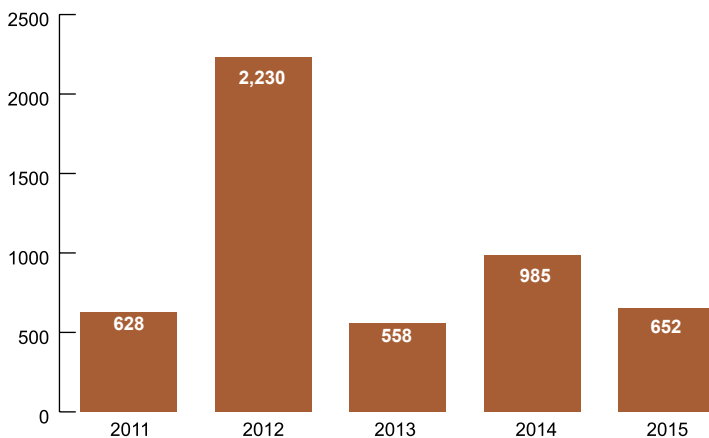
**Mr. Louis Bryan, M.O.M.**  
Member (Until September 2015)



## 3.0 Meetings

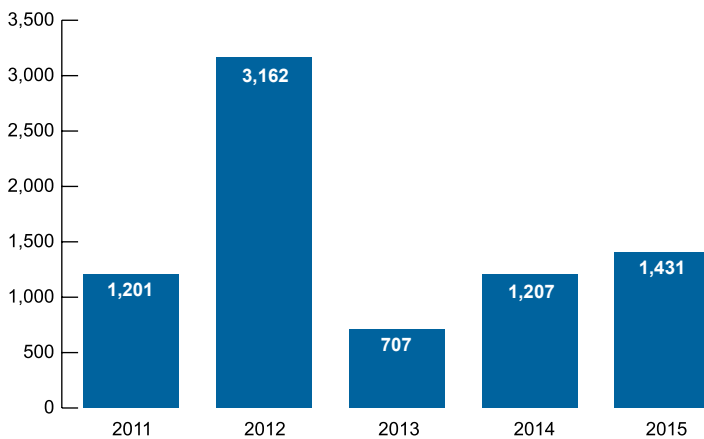
During the year under review, the Commission held forty-three (43) statutory meetings and one (1) special meeting. Deliberations were undertaken with respect to one thousand, seven hundred (1,700) matters as compared to one thousand, eight hundred and ninety-seven (1,897) matters in 2014. This represents a decrease of 10.4% (197 matters) over the 2014 figure.

FIGURE 1 - Permanent Appointments 2011 - 2015



*\*Please note change in 2012 total appointments due to revised data that now includes 374 appointments done by the Prison Service (delegated).*

FIGURE 2 - Promotions 2011 - 2015



## 4.0 Overview of Accomplishments

### 4.1 Filling of Vacancies

During the year 2015, the Public Service Commission filled two thousand, and eighty-three (2,083) vacancies. Six hundred and fifty-two (652) permanent appointments were made while one thousand, four hundred and thirty-one (1,431) promotions were made. See **Figures 1** and **2**, respectively.

### 4.2 Amendments and Cancellations

During 2015, the Public Service Commission cancelled/amended a total of six hundred and five (605) appointments/promotions/transfers. Three hundred and thirty-four (334) were cancellations of appointments/promotions/transfers while two hundred and seventy-one (271) were amendments of appointments/promotions.

### 4.3 Standing Selection Boards

In 2011, Cabinet approved and the Commission established three (3) Standing Selection Boards which were established for a period of two (2) years to expedite the Selection Process for the filling of vacancies in the Public Service. The Boards continued their drive in 2015 towards filling vacant offices in the Public Service. Interviews were held for twenty five (25) offices which resulted in:

- i. the filling of fifty four (54) vacant offices, twenty-nine (29) of which were permanent appointments, while twenty-five (25) were promotions; and
- ii. the establishment of fifteen (15) Order-of-Merit Lists.



#### **4.4 Assessment Centre Exercise (ACE) for Selection to the Office of Deputy Permanent Secretary**

The Assessment Centre Exercise (ACE) is a human resource tool used in the recruitment process to ensure that the most eligible candidates are selected, i.e. applicants with the requisite knowledge, skills, abilities and competencies.

In June 2014, a Notice of Vacancy was given for the office of Deputy Permanent Secretary. Two hundred and twelve (212) applications were received for the office. In 2015, the applications were screened to determine eligibility for the office. One hundred and fifteen (115) applicants were deemed eligible. The Public Service Commission (PSC) retained the services of the consultancy firm, Aileen Kelley and Associates Ltd (AKAL) to design and deliver an Assessment Centre. All applicants who had responded to the advertisement for the office of Deputy Permanent Secretary were advised whether they were deemed to be eligible/not eligible for that office. The eligible applicants were subsequently invited to participate in the Assessment Centre exercises for the office of Deputy Permanent Secretary.

#### **4.5 Review of the Public Service Commission Regulations**

In December 2015, the Public Service Commission forwarded a copy of the draft revised Public Service Commission's Regulations to the Prime Minister for his consideration. The draft revised Regulations were informed by feedback from the PSC, the Director of Personnel Administration (DPA), the Chief Personnel Officer (CPO), the Permanent Secretary, Ministry of Public Administration and the Consultants engaged for the Human Resource Modernization Project in the Public Service.

Laws of other relevant or similar jurisdictions, such as Australia, New Zealand, United Kingdom, Canada, Jamaica, Barbados, and Malta were examined to inform the changes made.

It is intended that the draft revised Regulations reflect the realities of a vastly expanded Public Service and a working environment that differs significantly from what obtained when the current Regulations were formulated in 1966. Particular attention was paid to shortening timelines between matters being brought to the Commission and the implementation of Commission's decisions. The Commission has also been especially mindful of the need to make the disciplinary process more efficient, particularly as it applies to allegations of indiscipline, misconduct or breach of the Public Service Regulations by senior public officers, including Permanent Secretaries and Heads of Department.

#### **4.6 Electronic Document Management System (EDMS)**

Deloitte and Touche/Caribbean DMS Limited, the consultants for the design of an Electronic Document Management System, submitted a key deliverable - Terms of Reference and Requests for Proposals in November 2014. Funds were not allocated to this project in the financial year 2014/2015 but were allocated in 2015/2016. The process of acquiring the computer hardware required to facilitate the initiation of the project began in 2015. The DPA intends to invite and evaluate proposals from firms interested in implementing the EDMS. It is estimated that the implementation of the system would be conducted over a two-year period.

#### **4.7 Staff Training**

The thrust of the Service Commission Department is currently towards the achievement of the "future state" as outlined in the Department's Strategic Plan and the documentation arising out of the ongoing institutional strengthening exercise. Officers of the Department are being prepared to make the leap seamlessly into this "future state"; as such, in the year 2015, from January to December, members of staff at all levels

#### 4.7 (continued)

were exposed to various training activities geared towards enhancing their capacity to contribute to the achievement of the overall objectives of the Department. To this end, training/workshops were tailored along the lines of Departmental and personal development to improve customer service, to reduce time cycles and to improve advisory services to the Commissions, as highlighted hereunder:

##### (i) Developing/Building Competencies

Supervisory Management, Conducting Effective Performance Appraisals, Presentation Skills for Senior Managers, Cabinet Note Writing, Ethics Accountability and Good Governance, Preparation of Estimates, Training Protocol for Senior Officers, In house Note Writing Workshops and Terms of Reference/Request for Proposals.

##### (ii) Personal Development, Wellness and Team Building

Corporate Image and Business Etiquette, Telephone Etiquette, Stress Management, Health and Wellness and Personal Budgeting Workshops.

#### 4.8 Human Resource Management Initiatives

The Consultancy Services with Deloitte-IPAC (Deloitte and Touche - Institute of Public Administration of Canada) for the Institutional Strengthening of the Service Commissions Department commenced in March, 2015 for a period of two (2) years.

The broad objectives of the consultancy are:

- To strategically reposition the Department to contribute more effectively to the success/achievement of the Government of the Republic of Trinidad and Tobago's programme

for Public Service Transformation which, in part, involves modernising the Human Resource Management (HRM) architecture and function; and

- to enhance the capacity of the Department to provide quality HRM service and facilitate improved service delivery to its clients/stakeholders.

The consultancy seeks to address immediate/short-term needs and provide medium/long-term solutions in collaboration with the Service Commissions Department's counterpart resources.

The consultants submitted a Final Report in November 2015. The Report included the Strategic Plan, Human Resource Management Plan, OD Knowledge Transfer Plan, Change Management Plan, ICT Plan, Transition Plan and Communication Plan.

The SCD future state that was approved-in-principle and is elaborated in this final report envisions the following shared responsibilities:

- i. The Commissions will focus primarily on the oversight and monitoring of delegated staffing and discipline transactions and creation of policies to ensure the merit principle, non-partisanship, staffing integrity and political impartiality;
- ii. SCD will become recognized and respected as the central agency responsible for support to Ministries, Departments and Agencies<sup>i</sup> (MDAs) for recruitment, staffing and discipline and support to Commissions in their oversight role of MDAs;
- iii. To achieve this role, SCD will undergo significant transformation in its processes and organization; and
- iv. The MDAs, under the leadership of their respective Permanent Secretaries and Heads, will assume responsibility for most recruitment, staffing and discipline.

#### 4.8 (continued)

A summary of the recommendations detailed in this report that support the proposed strategic plan and future state are reproduced below.

##### Organization Design

- The future state SCD organization design be adopted and a transition plan for delegation be put in place, based on the proposed model and learnings from the pilot project.
- New jobs and job descriptions be determined for new middle and senior level jobs and submitted for resourcing.
- Hiring for all clerical positions be frozen and a plan established to gradually reduce the clerical staff through attrition or through appropriate promotion to a more senior job.
- The iHRIS staffing be enhanced and clarified and moved to the SCD, under the DDPA for Government Wide Programs Division.

The Monitoring and Evaluation function be significantly enhanced and its staff trained in providing strong oversight to the delegated staffing functions.

##### Job Design and Classification

- Undertake discussions with the Personnel Department regarding a new, more professional Human Resource Classification group and set requirements based on new descriptions that require more experience and competencies. Explore whether exemptions could be given for the pilot project so as to test the new staffing model.
- Consider all human resource positions as one system and work to professionalize the MDA Human Resource Departments at the same time as SCD.
- Expand the current HR Forum to include key aspects of the SCD transition that pertain to all HR staff.

##### Attraction and Retention

- Do not create a ‘closed shop’ at SCD through unique classifications but rather work to professionalize all HR positions in SCD and MDAs.
- Implement recommendations in other areas of the human resource management plan that positively impact attract and retention efforts.

##### Performance Management

- SCD-wide, use the existing performance management system, focusing on the annual work plan linked to transition and the training needs.
- Provide training to all supervising staff in performance management.
- Add use of performance management system to the work plan of all supervisors.

##### Employee Recognition

- Through its staff, SCD should develop its own recognition plan with a focus on strong project work, exemplary performance in their own position related to the future state, and staff or peer-leadership as part of moving to the future state.

##### Talent Management and Succession Planning

- Move towards using the performance management system as the basis to develop a SCD talent management plan. Training and development actions should be based on individual training plans as well as corporate priorities associated with transition.
- A succession plan for SCD be developed, used and annually refreshed to ensure strong leadership throughout the transition.

#### 4.8 (continued)

##### Learning and Development

- Adopt a 70-20-10 approach to long term learning and development in the SCD.
- Conduct a learning and development survey of all staff to identify their priorities and preferred learning methods. As part of this, ensure plans are in place to develop more junior staff who may be able to successfully fill future senior positions.
- In the short term, undertake aggressive training in those technical and managerial areas required by new client service team members and by supervisors.

##### Corporate Culture

- Undertake a culture change assessment with staff to identify current state and gaps with proposed future state.
- Create a culture change plan closely associated with other functional and process changes and following an overall change management process.

##### iHRIS

- Approve that the iHRIS project team will participate with the SCD in:
  - the design of training programs to bring HR staff conversant in the use of the system's modules;
  - the redesign of HR processes and the development of a comprehensive procedure manual; and
  - addressing performance issues currently affecting iHRIS.

##### Change Management

- Approve a study mission, if resources permit, to another jurisdiction to observe relevant models and share learning.

##### Communications

- Given the scope of change anticipated during the transition to a future state it is recommended that a future state logo, brand, look and feel be developed.
- Focus on bringing the new strategic plan and transition plan to life through aggressive communications.

Notably the Deloitte-IPAC team will continue to support the SCD into 2016, sharing their experience and expertise.

#### 4.9 Electronic Establishment Book

The current Electronic Establishment Report provided by the Integrated Human Resource Information System's (iHRIS) Project which was being reviewed by the SCD and iHRIS Project team, continues to be a work-in-progress. The 2015 re-alignment of ministerial portfolios impacted on the updating of the required data for the electronic Establishment as there were significant changes to several Ministries.

<sup>i</sup> MDAs is an umbrella term of art used by the IS consultants to refer to the full range of government organisations. The "Agencies" in MDAs are not applicable in the local context.

# 5.0 Overview of Challenges

The PSC can, through its role in making appointments and exercising disciplinary powers, make its contribution to the process of reform. Some areas of weaknesses in the Human Resource system, which adversely affect the operations of the PSC, and must be addressed as part of the reform process, are discussed below.

## 5.1 Job Specifications for Permanent Secretaries

The PSC wishes to emphasize once more that the senior echelons of the public service are required to be leaders in their respective Ministries and Departments. This requires both managerial and technical competence in the work of the specific Ministry, as well as the capacity to provide strong strategic direction. Currently, the job specification of Permanent Secretary is generic (one size fits all) regardless of specific functions and needs of the Ministry. Also, no account is taken of the fact that there are three ranges of Permanent Secretary.

The assumption is that a Permanent Secretary must have the general competence to operate in any Ministry. The issue of job specifications for specific Ministries and range of Permanent Secretary must be addressed.

## 5.2 Leadership Development

A key aspect of management performance in the public service must be leadership training. The PSC notes with concern, the lack of succession planning and leadership training. There are common complaints that the pool of officers who offer themselves for senior positions in the public service generally show a lack of experience and knowledge of financial management regulations in the public service, even though they may be required to be accounting officers. There is

also need for training in areas of governance, transparency, ethical leadership, as well as the legislation relating to the Civil Service including the Code of Conduct. Mentorship aimed at developing emotional intelligence and effective interaction at all levels cannot be ignored.

## 5.3 Reform of Establishment & Job Specifications

Recognition must be given to the Human Resource issues created by the parallel system of contract workers who fall outside the Establishment and what is defined in the Civil Service Act and Regulations as the public service. Within some Ministries, contract workers, though not recognized by the Court as being in the public service, are required to operate in a manner that makes no distinction between themselves and public officers.

Another problem faced in making appointments is the outdated job specifications for certain positions. e.g. certain maritime positions and brigade engineers which either call for qualifications that are no longer available in TT or have levels of compensation that are no longer attractive. This is another responsibility of the CPO.

## 5.4 Increased Use of Technology

Another area of concern is the inefficient manual paper system and inadequate use of technology. This paper system delays decision-making by the PSC and makes monitoring and evaluation almost impossible. In addition, Commissioners are too often presented with information that is dated and inaccurate. Record keeping is abysmal. Too many administrative errors are made with costly legal implications, which damage the credibility of the PSC. Further, the dual entry of Human Resource data by the staff of Ministries/Departments and the SCD, as required in the manual system, is both ineffective and inefficient and otherwise problematic.

### **5.5 Creating Administrative & Institutional Arrangements for Further Delegation**

The PSC's strategic objective is to transform its function from decision-making to one of oversight and monitoring through greater delegation of its powers to Permanent Secretaries and Heads of Department. However, the SCD, which is critical to this process, needs staff, resources and training to perform this function as well as to transform its paper system to an electronic one. The current Monitoring function of the SCD is inadequate. In addition, the capacity of Permanent Secretaries and Heads of Department must be developed so that they can consistently and efficiently exercise the delegated functions. This is one reason why further delegation is not recommended at this stage.

### **5.6 Establishment of Investigative Unit**

Another area of weakness which should be addressed, is the need for a specialized Investigative Unit in the SCD. The present system which provides for persons in the same Ministry/Department to investigate allegations of misconduct is not working. Too often the investigation is deficient and adequate evidence to support the disciplinary process is not provided because of a lack of knowledge, training, experience or possible conflict of interest on the part of the investigator. In certain complicated areas and complaints regarding misconduct of Permanent Secretaries, persons with specialized investigative knowledge are required.

### **5.7 Use of Mediation**

Tribunal hearings are costly and time consuming. We propose in our amended Regulations, Case Management for the conduct of the Tribunals. This will reduce the amount of matters to be concluded. We also propose greater use of mediation to address disputes.

### **5.8 Reform of Archaic Work Processes**

There are many areas in the public service where work processes are unreasonably archaic, tedious and contribute to the sustained reputation of the public service for poor customer service delivery. Such poor quality of service is experienced by both internal and external customers of Ministries and Departments. One such example is the need for the PSC to approve the appointment of every single worker whenever there is an alignment of Ministries or portfolios. There should be a review of all work processes in order to achieve greater efficiencies.

### **5.9 Failure of Permanent Secretaries and Heads of Department to comply with Regulations**

A critical issue to be addressed by the Commission is the failure of Permanent Secretaries and Heads of Department to comply with Regulations which provide for recruitment and performance appraisal reports. Permanent Secretaries and Heads of Department do not submit their recommendations regarding the filling of vacant offices in a timely manner. This partly accounts for the large number of officers acting in vacant offices for long periods.

## 6.0 Operational Functions

### 6.1 Filling of Vacancies in Tobago

During the year 2015, two thousand and eighty-three (2,083) vacancies were filled by the Public Service Commission. Of the 2,083 vacancies filled, seventy-two (72) were filled in Tobago. Of this number, the Commission filled nine (9) vacancies in the Ministry of Tobago Development which comprised one (1) appointment and eight (8) promotions. In addition, sixty-three (63) fillings were effected in the Tobago House of Assembly and this comprised fifteen (15) appointments and forty-eight (48) promotions.

### 6.2 Temporary Appointments

In 2015, the Commission approved nine hundred and thirty-two (932) temporary appointments, of which one hundred and ninety (190) were due to the realignment of Ministerial portfolios. Permanent Secretaries/Heads of Department effected further temporary appointments under delegated authority<sup>1</sup>. See **Figure 3**.

### 6.3 Permanent Appointments

Six hundred and fifty-two (652) permanent appointments were approved in 2015. Of this total, four hundred and sixty-three (463) were approved by the Public Service Commission. The Commissioner of Prisons, in the exercise of his delegated authority, appointed one hundred and eighty-nine (189) officers as Prison Officer I. The Chief Fire Officer did not exercise his delegated authority and therefore no permanent appointments were approved. **Figure 4** gives details.

### 6.4 Promotions

One thousand, four hundred and thirty-one (1,431) promotions were approved in 2015. Of this total, one thousand, four hundred and five (1,405) were approved by the Public Service Commission. The Commissioner of Prisons in the exercise of his delegated authority promoted ten (10) officers. The Chief Fire Officer promoted sixteen (16) officers under delegated authority - see **Figure 5** at right.

FIGURE 3 - Temporary Appointments 2011 - 2015

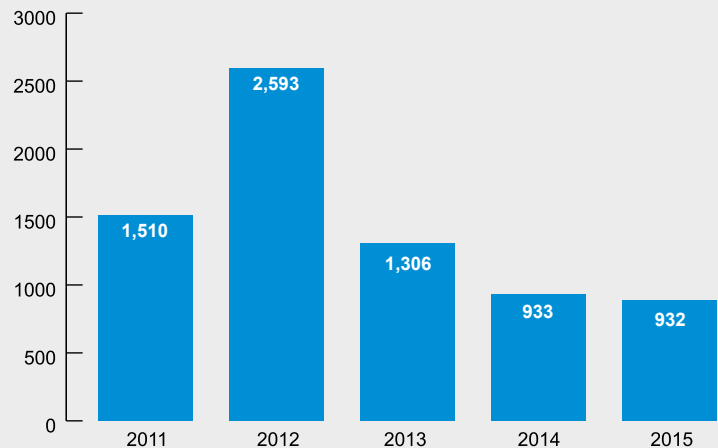
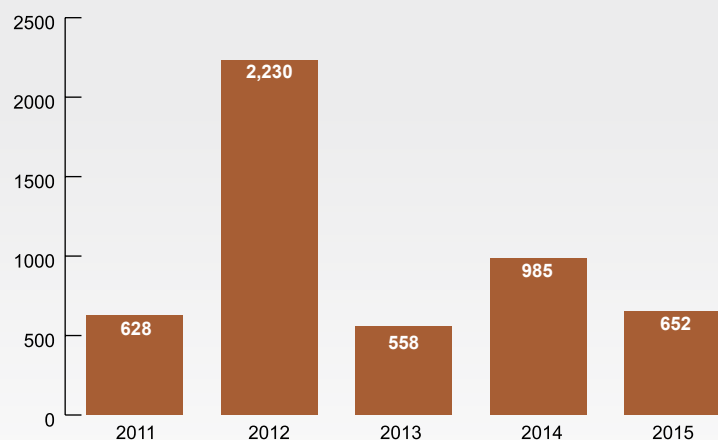
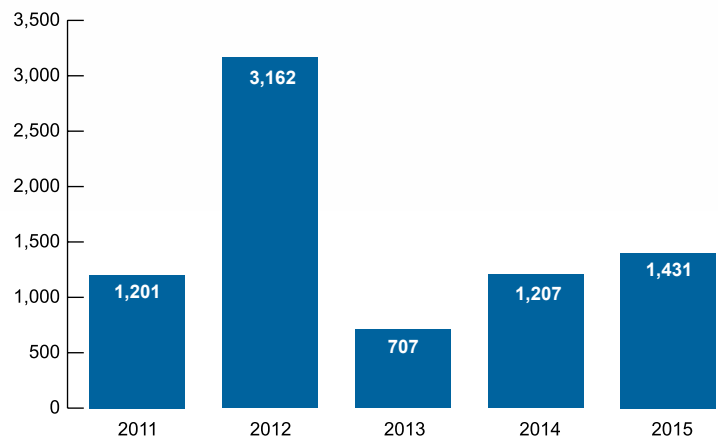


FIGURE 4 - Permanent Appointments 2011 - 2015

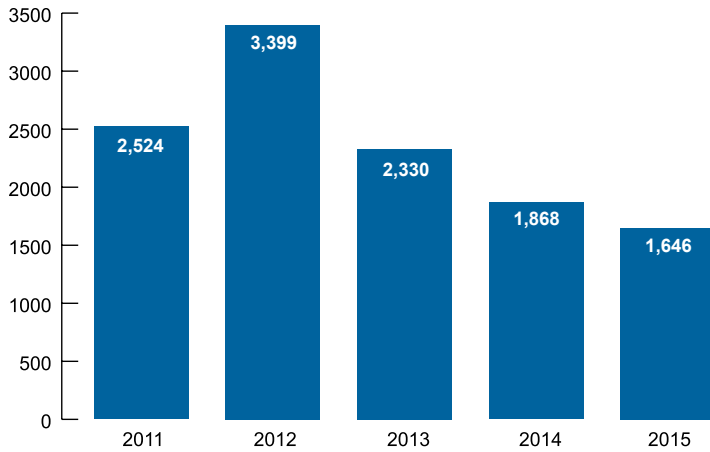


*\*Please note change in 2012 total appointments due to revised data that now includes 374 appointments done by the Prison Service (delegated).*

FIGURE 5 - Promotions 2011 - 2015



**FIGURE 6 - Acting Appointments 2011 - 2015**



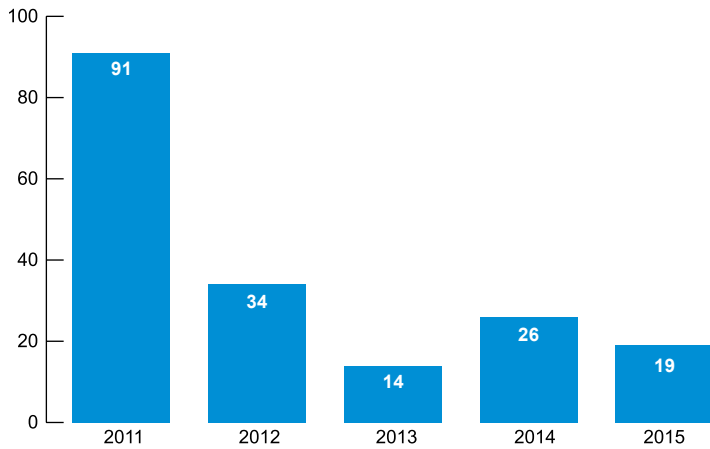
## 6.5 Acting Appointments

The Commission approved one thousand, six hundred and forty-six (1,646) acting appointments. A disaggregation of this total has revealed that thirty four (34) acting appointments were due to re-alignment of Ministerial portfolios.

The Commissioner of Prisons approved seven hundred and ten (710) acting appointments while the Chief Fire Officer approved two hundred and fifty-two (252) under delegated authority.

Permanent Secretaries and Heads of Department effected further acting appointments under delegated authority. See *Figure 6* at left.

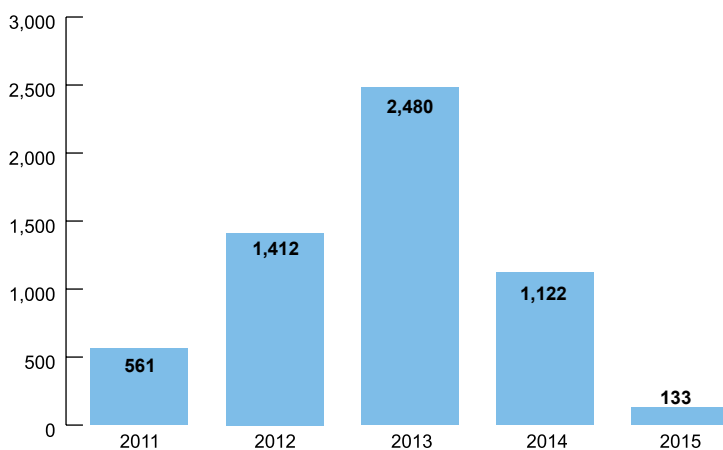
**FIGURE 7 - Secondments 2011 - 2015**



## 6.6 Secondments

“Secondment” as defined in the Civil Service Regulations Chapter 2. (1), refers to the temporary movement of an officer holding office in the Civil Service to an office or position outside the Civil Service, and includes the temporary movement of a person from an office or position outside the Civil Service to an office within such Service. In 2015, the Commission released fourteen (14) officers for appointment on secondment to other Service Commissions and Agencies and appointed five (5) officers on secondment to the Public Service. *Figure 7* gives comparative numbers of officers released from and seconded to the Public Service over the last five (5) years.

**FIGURE 8 - Transfers 2011 - 2015**



## 6.7 Transfers

During the year 2015, the Commission transferred one hundred and thirty-three (133) officers, of which seventy-seven (77) were as a result of the re-alignment of Ministerial portfolios. Permanent Secretaries and Heads of Department also transferred an undetermined number of officers under delegated authority. See *Figure 8* left.



## 6.8 Confirmations

Confirmation of appointments (up to and including Salary Range 68) was delegated to Permanent Secretaries and Heads of Department by Delegation Order on 24th May 2006. During 2015, the Commission confirmed two hundred and eighty-eight (288) appointments. Permanent Secretaries and Heads of Department also confirmed an undetermined number of appointments under delegated authority.

A comparison among the years from 2011 to 2015 is shown in **Figure 9** at right.

## 6.9 Separations

The Public Service Commission Regulations provide for public officers to be separated or removed from offices in the Public Service by resignation, retirement and termination of appointment.

The undermentioned data also includes statistics from the Prison and Fire Services. **Table 1** indicates the number of officers who have separated from the Public Service during 2015.

<sup>i</sup> The Public Service Commission at its meeting on 16th February, 2016 agreed inter alia that the Monitoring Unit should only prepare a Report in respect of the delegated functions for the first quarter of 2015. In light of this decision, the Monitoring and Oversight Unit audited the first quarters of 2015 submitted by the Ministries and Departments in respect of the delegated functions under the Delegation of Authority. Consequently, statistics in respect of the delegated functions are unavailable for 2015.

FIGURE 9 - Confirmations 2011 - 2015

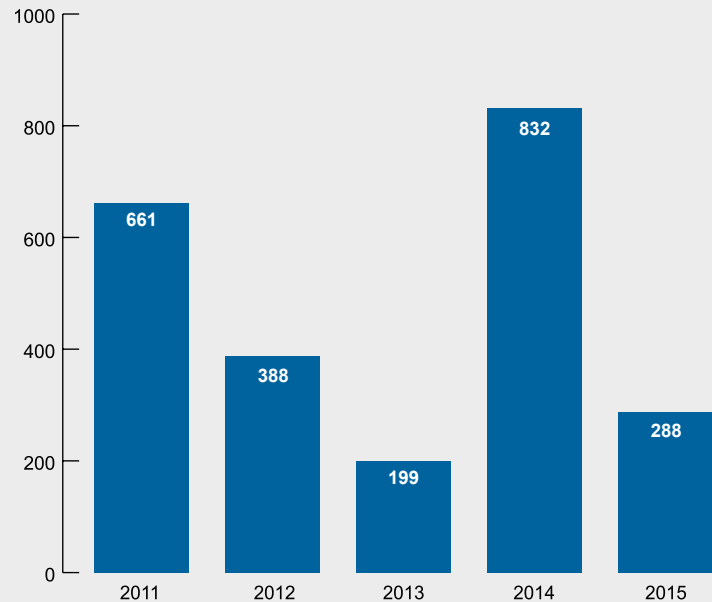


TABLE 1

Type of Separation	TOTAL
Resignations	88
Abandonment of office	56
Termination of employment in accordance with Regulation 123 of the Public Service Commission's Regulations	-
Not to be offered further employment	-
Dismissed as a result of Court Charges in accordance with Section 129 of the Constitution of the Republic of Trinidad and Tobago	1
Compulsory retirement	531
Voluntary retirement	36
Permission to retire	11
Retirements in the public interest	1
Retirements on grounds of marriage	1
Medical board	18
Deaths	27
<b>TOTAL</b>	<b>769</b>

TABLE 2

Office	Success Rate (%)	Failure Rate (%)
Assistant Treasury Officer	60.7	39.3
Assistant Divisional Fire Officer	45.0	55.0
Best Village Officer I	81.4	18.6
Fire Station Officer	7.0	93.0
Fire Sub Officer	0	100
Fire Sub Officer *1	18.2	81.8
Fire Sub Station Officer	0	100
Foreign Service Officer I	36.7	63.3
Research Officer I	37.3	62.7

<sup>1</sup> Practical Examination

TABLE 3

Offices for which Civil Service Entrance Examinations/Main/Supplemental were Held	No. of Candidates		
	Scheduled to Sit Exam	Who Sat Exam	Who Were Successful
Assistant Treasury Officer	146	84	51
Best Village Officer I	65	27	22
Foreign Service Officer I	538	321	118
Research Officer I	315	209	78
<b>TOTAL</b>	<b>1064</b>	<b>641</b>	<b>269</b>
<b>Offices for which Promotional Examinations/Main Supplemental were Held</b>			
Fire Station Officer	182	100	7
Fire Sub Officer	1	1	0
Fire Sub Officer *2	255	219	40
Fire Sub Station Officer	1	1	0
Assistant Divisional Fire Officer	116	51	23
<b>TOTAL</b>	<b>555</b>	<b>372</b>	<b>70</b>

<sup>2</sup> Practical Examination

## 7.0 Examinations

In 2015, examinations/supplemental examinations were held for a total of eight (8) offices. Of this total, Civil Service Entrance Examinations/Supplemental Examinations were held for four (4) offices while Promotional Examinations/Supplemental Examinations were held for four (4) offices.

Sixteen hundred and nineteen (1,619) candidates were scheduled to sit examinations. One thousand and thirteen (1,013) candidates that is, 62.5% actually sat the examinations/supplemental examinations which means that 37.5% absented themselves. Three hundred and thirty-nine (339) candidates, that is, 33.4% were successful. The percentage of success/failure rates for candidates by office are detailed in *Table 2*.

A breakdown of the number of candidates who were scheduled to sit the examinations/supplemental and those who sat the examinations and were successful for the eight (8) offices are shown in *Table 3*.

## 8.0 Delegation of Powers

In order to ensure that the functions delegated to Permanent Secretaries/Heads of Department and other senior public officers are properly exercised, the Director of Personnel Administration in consultation with the Public Service Commission established in 2006, a Monitoring, Auditing and Oversight Unit. This Unit provides training and consultancy services to the officers in the Human Resource Management Units of line Ministries/ Departments.

### 8.1 Review of the Performance of Ministries and Departments under Delegated Authority

The Public Service Commission (Delegation of Powers) (Amendment) Order, 2006 outlines the powers delegated to Permanent Secretaries and Heads of Department in the areas of acting appointments, transfers, further temporary appointments, confirmations and exercising disciplinary control over public officers under the One-Man Disciplinary Tribunal. Any failure to adhere to the requirements as set out in the Legal Notice No. 105 dated May 24, 2006 is regarded as non-compliance.

As published in the Trinidad Gazette No. 97 dated 23rd September, 2015, Ministries were re-aligned to establish new Ministries with different names and portfolios with effect from 11th September, 2015.

Officers who were on the establishment of the then Ministries as at 11th September, 2015 were required to be transferred by the Public Service Commission to the newly re-aligned Ministries. The Public Service Commission could only effect this transfer after Cabinet had authorised the transfer of those offices. Accordingly, Cabinet by Minute No. 59 (2nd Session) dated 1st October, 2015 transferred the permanent and temporary

offices from the previous Ministries to the newly created Ministries.

In keeping with the Guidelines and Procedures for the Exercise of the Delegated Functions, the First Approval for the Acting and Temporary Appointments of officers in Ministries must be approved by the Public Service Commission. The affected Ministries, therefore, were not required to complete the Exercise of the Delegated Functions for the last quarter of 2015 until the officers were transferred in accordance with Cabinet Minute No. 59 (2nd Session) dated 1st October, 2015.

The Public Service Commission, at its meeting on 16th February, 2016 agreed inter alia that the Monitoring Unit should only prepare a Report in respect of the delegated functions for the first quarter of 2015. In light of this decision, the Monitoring and Oversight Unit audited the first quarters of 2015 submitted by the Ministries and Departments in respect of the delegated functions under the Delegation of Authority.

A review of the performance of Permanent Secretaries and Heads of Department under delegated authority for the first quarter of 2015 indicates that a total of seven thousand, four hundred and eighty-seven (7,487) matters were approved by Permanent Secretaries and Heads of Department under delegated authority. Of this total, five thousand, nine hundred and sixty-one (5,961) matters were in compliance while one thousand five hundred and twenty-eight (1,528) matters were not in compliance. **Figure 10** and **Figure 11**, respectively provide details.

In the first quarter of 2015, neither the Commissioner of Prisons nor the Chief Fire Officer exercised the delegated function in the areas of first appointments and promotions.

FIGURE 10 - % Compliance with Delegated Function 2010 - 2015

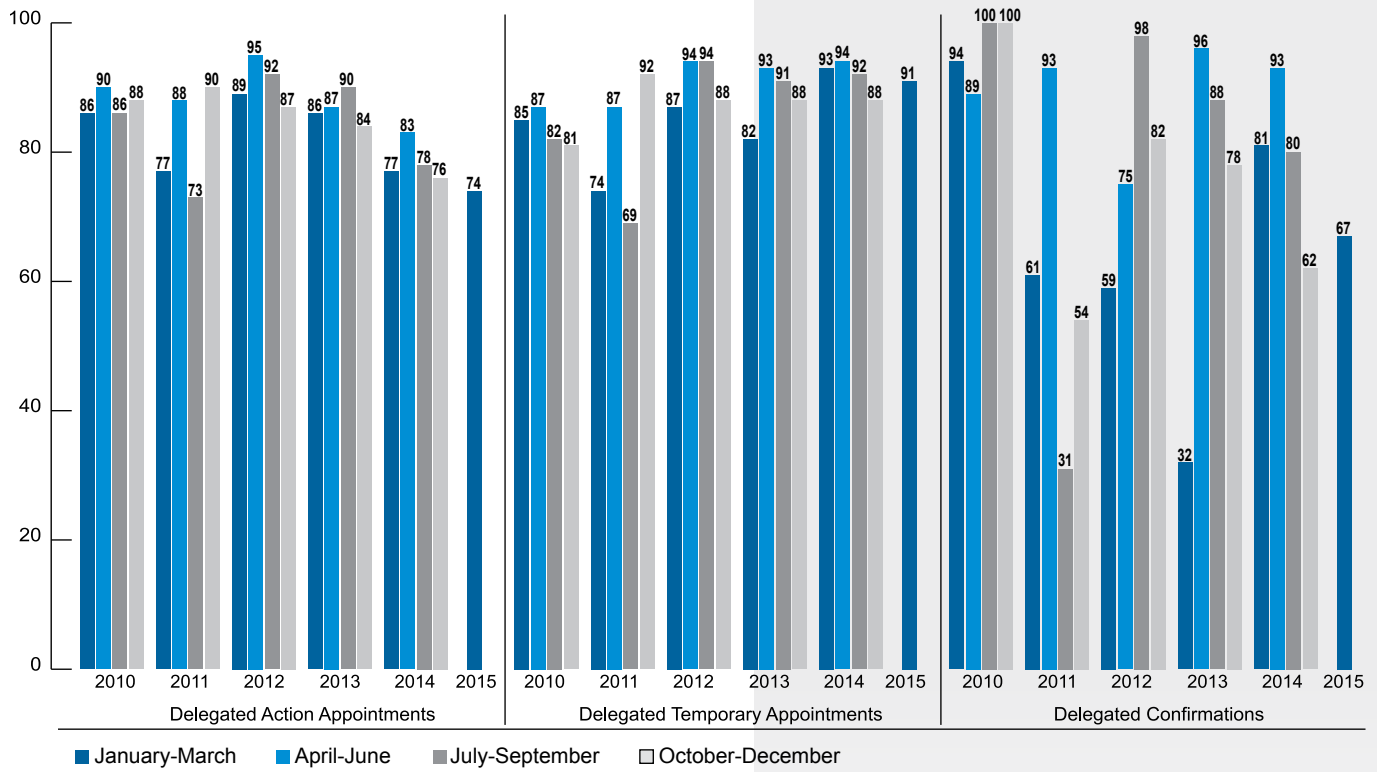
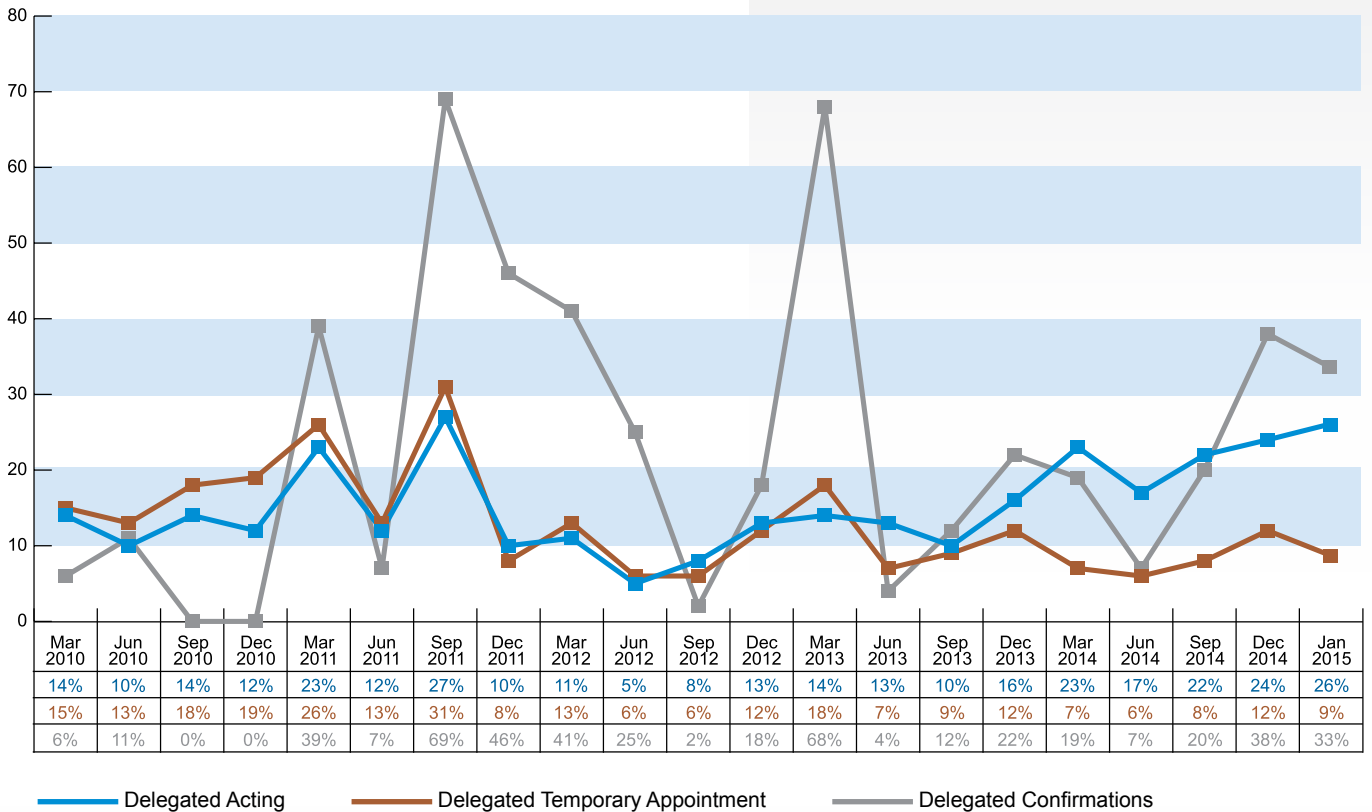


FIGURE 11 - Quarterly % of Non-compliance with Delegated Function 2010 - 2015



## 9.0 Discipline

**Figure 10**, opposite page, depicts the performance of Permanent Secretaries and Heads of Departments under delegated authority for the years 2010 to the first quarter of 2015.

**Figure 11**, opposite page, highlights the areas of non-compliance by Permanent Secretaries and Heads of Department over the period 2010 to the first quarter of 2015.

For the period June to December 2014, there was an increase in the level of non-compliance with respect to the delegated functions by Permanent Secretaries and Heads of Department. It should be noted that from 2013 to 2014, there was an adjustment in the staff complement in several Ministries/Departments due to the re-alignment of Ministerial portfolios. Also, in 2014 the Monitoring and Oversight Unit was involved in a project to fill vacancies in the Public Service and therefore training in the delegated functions was not conducted during 2014.

**Table 4** below gives a statistical representation of disciplinary proceedings against public officers in 2015.

### 9.1 Public Service Appeal Board Matters

In 2015, the following obtained:

- eight (8) officers filed appeals before the Public Service Appeal Board;
- sixteen (16) matters were pending as at December 31st, 2015; and
- four (4) matters from previous submissions were concluded in 2015. All four (4) matters were resolved in favour of the claimant.

Particulars of the four (4) concluded matters were as follows:

#### 1. Acting Estate Inspector Ministry of Health

##### DISCIPLINARY TRIBUNAL

Charge: “Disreputable Conduct” contrary to Regulation 134 of the Civil Service (Amendment) Regulations, 1996

**TABLE 4**

Disciplinary Matters	Civil	Fire	Prison	Total
No. of orders of suspension	10	-	2	12
No. of orders of Interdiction	11	4	13	28
No. of disciplinary tribunals appointed to hear matters	11	2	5 <sup>3</sup>	18
No. of matters completed by Tribunals during the year under review	6	4	2	12
No. of persons against whom disciplinary charges were preferred	18	-	6	24
No. of officers found guilty of court charge	-	-	-	-
No. of matters discontinued/no further action	12	5	2	19
No. of penalties from court charges	1	-	3	4

<sup>3</sup> Number includes Prisons and Police

### Decision of Disciplinary Tribunal

The Disciplinary Tribunal found the officer guilty of the disciplinary charge laid against him. He was dismissed from the Public Service by the Public Service Commission with effect from 17.10.12.

### Public Service Appeal No. 8 of 2012. Date of Judgment - 10th June 2014 - Outcome of Judgment

The Public Service Appeal Board allowed the Appeal filed by the Officer and set aside the decision of the Public Service Commission. Excerpts of the Board's Judgment are outlined hereunder:

"31. ...The Board is clearly of the impression that the appellant in this case should have been charged under one of two limbs of regulation 149 of the Civil Service (Amendment) Regulations, 1996.

In our opinion, the relevant portions of regulation 149 read as follows:

- (1) "An officer, who without reasonable excuse, does an act which—
  - (a) Missing Text\*
  - (b) contravenes any of the Regulations;
  - (c) Missing Text\*
  - (d) is otherwise prejudicial to the efficient Conduct of the Service or which tends to bring the Service into disrepute commits an act of misconduct."

[Emphasis added]

So, in our view, the officer in question (officer named) should have been charged with either 'doing an act, without reasonable excuse, which contravened

*\*Missing text reflects aspects of the regulations that were not relevant to the judgement*

the provisions of regulation 134' above, and which on its very face would amount to an act of misconduct, as defined by regulation 149(b); or, alternatively, with 'doing an act, without reasonable excuse, which tended to bring the Service into disrepute, according to regulation 149(d), which quite clearly too amounts to an act of misconduct. But regulation 134 of the Civil Service (Amendment) Regulations, 1996, by itself, does not create any disciplinary offence. It is, by its very nature, a guideline, which should be observed and followed by all officers in the Public Service ... It is palpably clear that an incorrect disciplinary charge was preferred against the appellant by the Commission in this matter, and this point is determinative of the appeal in this matter."

## 2. Prison Officer Magistrates Court

Charges - Summary and Indictable charges against the appellant (name called) herein—

- (a) Malicious Damage to one grey Regulation Police shirt valued at \$200, the property of the Trinidad and Tobago Police Service, contrary to s 25(l)(b) of the Summary Offences Act, Chapter 11:02;
- (b) Malicious Damage to one telephone cord, valued at \$30.00, the property of Telecommunication Services of Trinidad and Tobago, contrary to s 25(l)(a) of the Summary Offences Act, Chapter 11:02;
- (c) Wilfully and Obscenely Exposing His Person, contrary to section 46(h) of the Summary Offences Act, Chapter 11:02;
- (d) Making Use of Obscene Language to the annoyance of persons on Guapo Road, Fyzabad, contrary to section 49 of the Summary Offences Act, Chapter 11:02;

- (e) Assaulting Constable (name called), a police officer, with intent to prevent lawful apprehension of himself, contrary to section 29 of the Offences Against the Person Act, Chapter 11:08;
- (f) Choking (name called) with Intent to commit an arrestable offence, contrary to section 15 of the Offences Against the Person Act, Chapter 11:08; and
- (g) Assaulting (name called), a Police Officer, with intent to prevent lawful apprehension of himself, contrary to section 29 of the Offences Against the Person Act, Chapter 11:08.

Decision of Magistrate’s Court

1. With respect to the Summary Offences, (name called) was placed by Magistrate Cardinez-Ragoonanan on a Bond in the sum of \$5000 to keep the peace and to be of good behaviour for a period of three years. In default, he was to be brought back before the Court for sentencing.
2. The PSC dismissed the officer from the Public Service as a consequence of his having been found guilty of the aforementioned offences. His dismissal took effect from the 2nd June 2006. The officer appealed.

Public Service Appeal No. 9 of 2012. Date of Judgment - 23th September 2014 - Outcome of Judgment

The Public Service Appeal Board allowed the Appeal filed by the Officer and set aside the decision of the Public Service Commission. Excerpts of the Board’s Judgment are outlined hereunder:

“15. This appeal brings into question once again the true role, function and purport of section 129(5) of the Constitution ...

Its opening phrase runs as follows—

“Notwithstanding subsection 4,”. And subsection 4 provides that “No penalty may be imposed on any public officer except as a result of disciplinary proceedings.” Accordingly, once subsection 129(5) is fully and properly complied with by the particular Magistrate’s Court, subsection 129(4) no longer comes into operation or into play. The next hurdle to cross is that the public officer concerned must be convicted of a criminal charge or charges in a court of law— any court of law ... The Record of Proceedings, by which this Board must be guided, clearly demonstrates that (name called) had pleaded ‘not guilty’ to all the criminal charges (indictable and summary) which had been preferred against him on the material date. The presiding Magistrate Mrs. Cardinez- Ragoonanan did not hear and determine the criminal charges laid against (name called). During the course of the hearing in the Magistrate’s Court, no evidence was led by the prosecution against (name called). Furthermore, the Court did not call upon the prosecution to prove its case against the appellant defendant (name called) in this matter. Pursuant to the pleas of ‘not guilty’ by the appellant, the presiding Magistrate, without embarking upon a hearing, and without hearing evidence, casually came to a conclusion at the hearing by Reprimanding and Discharging (name called) on all the charges, and by placing him on a Bond in respect of one. In short, there was a purported trial, but in truth and in fact, no proper trial at all ... According to Lord Atkinson in *Crane v DPP* [1921] 2 AC 299; [1921] All E R 19, what occurred in the Magistrate’s Court was a mistrial and a nullity. The appellant’s version of events in this matter was never heard by the Magistrate’s Court.

And, no Notes of Evidence were taken and recorded by the Court.

- 19 The next question which falls for determination by the Board in this matter is this. What are ‘the relevant proceedings’ which the Service Commission had to consider when faced with the conviction of a public officer on criminal charges such as those enumerate above?

In our opinion, ... ‘the relevant proceedings’ which, we think, the Service Commission would have to consider must consist of or, at least, embrace the following—

- (a) the Record of Proceedings in the matter;
- (b) the Extract of the Magistrate’s Case Book; and
- (c) the Notes of Evidence taken or recorded by the Magistrate’s Court during the hearing of the criminal charge(s), or when a plea of guilty is accepted by the Court.

Each one of these items of the ‘relevant proceedings’ is important, and necessary, and must be considered by the Commission before the Commission exercises its discretion in the matter. In the present matter, no Notes of Evidence were taken and/or recorded by the Presiding Magistrate, or by the Court. Consequently, the Service Commission, when considering ‘the relevant proceedings,’ did not have before it the Notes of Evidence from the Magistrate’s Court, which formed an integral part of the court proceedings.’ In short, there was nothing before the Commission to illustrate how the purported conviction(s) were arrived

at by the Magistrate’s Court, or, in any event, to show that the trial of (name called) was indeed a fair trial.

22. In the result, for the reasons mentioned above, we would allow this appeal, and we would also set aside the order of dismissal from the Public Service made against (name called) herein by the Public Service Commission.”

### 3. Prisons Officer I Disciplinary Tribunal

Charges:

First Charge: “Insubordinate Conduct, contrary to Regulation 20(2)(b) of the Prison Service (Code of Conduct) Regulations, 1990.”

Second Charge: “Insubordinate Conduct, contrary to regulation 20(2)(b) of the Prison Service (Code of Conduct) Regulations, 1990.”

Third Charge: “Contravention of a written law relating to the Service, contrary to regulation 20(l) (c) of the Prison Service (Code of Conduct) Regulations, 1990.”

#### Decision of Disciplinary Tribunal

The Commission, after considering the Tribunal’s Report, found the officer guilty of the three disciplinary offences laid, and dismissed him from the Public Service with effect from the date of receipt by him of its communication dated 3rd December 2012.

#### Public Service Appeal No. 1 of 2013. Date of Judgment - 11th November 2014 - Outcome of Judgment

The Public Service Appeal Board allowed the Appeal filed by the Officer and set aside the decision of the Public Service Commission. Excerpts of the Board’s Judgment are outlined hereunder:

- “27. ...It is clear beyond a peradventure that the expression ‘without reasonable



excuse' which appears in reg 20(1) of Prison Service (Code of Conduct) Regulations, 1990, forms part of the wording which is reflected in reg 20(2)(b) of the Prison Service (Code of Conduct) Regulations, 1990. In other words, the acts in question prohibited by regs 20(1) and 20(2) of the Prison Service (Code of Conduct) Regulations will only become a disciplinary offence, if they are committed or perpetrated by a Prison Officer without a reasonable excuse/s

... so far as the First and Second Disciplinary Charges are concerned, the Tribunal was under a duty to consider during the course of its hearing whether or not the appellant had offered a reasonable excuse(s) for his actions at the material time(s), and to determine as a question of fact whether the excuses offered by him were reasonable; or otherwise. Indeed, if the excuse(s) put forward by or on behalf of the appellant were found to be unreasonable or unrealistic, it was the business of the Tribunal to say so, and to state in writing the reason/s for its findings, in the same way, if no excuse or reasonable excuse was tendered by the appellant, the Tribunal hearing the matter must so find.

26. Quite clearly, in this matter, the Tribunal, in relation to the First two Charges, did not direct its attention to the question of reasonable excuse as advocated, and made no determination as to whether or not there was a reasonable excuse offered by the appellant for his alleged misconduct on the day in question... Since this aspect of the case was not looked at, or dealt with by the Tribunal at its hearing, we cannot allow the decision of the Commission on these First two Charges to stand.

27. We turn now to the Third Ground of Appeal lodged by the appellant against the respondent in this matter—that there was a Contravention of a Written Law relating to the Service - Charge No. 3.

It concerns the question whether General Order No. 208 of 1986, which was signed and issued by a Former Commissioner of Prisons, amounted to a written law, as contemplated by regulation 20(l)(c) of the Prison Service (Code of Conduct) Regulations, 1990. Let us state candidly right away that we do not think it does.

28. Quite apart, as respects the Third Disciplinary offence herein, it is abundantly clear that an incorrect Disciplinary Charge was instituted against the officer by the Commission in this matter. The officer, in the opinion of the Board, should have been charged by the Commission with Disobedience to Orders, that is to say, failing without good and sufficient cause, to carry out a lawful order in writing (viz, General Order No. 208 of 1986) promptly in compliance with the said Order, contrary to reg 20(2)(c) of the Prison Service (Code of Conduct Regulations, 1990):

The prosecution, therefore, in our view, did not establish its case against the appellant in relation to Charge No. 3. And, we agree with the concession made before the Board by counsel for the respondent that General Orders made by a Commissioner of Prisons do not constitute a written law.

29. In the result, for the reasons outlined above, we would allow this appeal, and would set aside the orders of dismissal from the Public Service made by the Public Service Commission against the officer.”

#### 4. Prison Officer 1 DISCIPLINARY TRIBUNAL

Charge: “Contravening a Written Law relating to the Service, contrary to Regulation 20(l)(c) of the Prison Service (Code of Conduct) Regulations, 1990.”

##### Decision of Disciplinary Tribunal

The Disciplinary Tribunal found the officer guilty of the disciplinary charge laid against him. He was dismissed from the Public Service by the Public Service Commission with effect from the date of receipt by him of the Commission’s letter of dismissal dated 13th March 2013.

##### Public Service Appeal No. 2 of 2013. Date of Judgment - 24th March 2015 - Outcome of Judgment

The Public Service Appeal Board allowed the Appeal filed by the Officer and set aside the decision of the Public Service Commission. Excerpts of the Board’s Judgment are outlined hereunder:

“28. Despite the well-structured and coordinated arguments presented by counsel for the respondent in relation to the ex parte issue, and the effect of General Orders Nos 84 of 2004 and 107 of 2000 on regulation 20(l)(c) of the Prison Service (Code of Conduct) Regulations, 1990, the Board finds itself unable to accept the same ... it is abundantly clear that an incorrect Disciplinary Charge was laid against (officer named) by the Commission in this matter. (officer named), in our opinion, should have been charged by the Commission with Disobeying Orders—that is to say, Failing without good and sufficient cause, to obey two lawful orders in writing (viz, General Order No. 84 of 2000 and General Order No. 107 of 2000), contrary

to regulation 20(2)(c) of the Prison Service (Code of Conduct) Regulations, 1990. See, for example, Noel Daniel v DP A, PSAB Appeal No. 3/96; and Basil Stuart v DP A, PSAB Appeal No. 10/93, wherein similar alleged misconduct was likewise instituted, and was dealt with accordingly by our predecessors in office. As we have indicated before, the term ‘lawful order/ in that context would undoubtedly embrace General Orders issued by a Commissioner of Prisons, whether made in writing or not. But, the type of complaint set out in this Charge does not lie within or fall under the rubric ‘Contravening a Written Law/ as enacted in regulation 20(l)(c) of the Prison Service (Code of Conduct) Regulations, 1990.

29. In our view, therefore, the prosecution did not establish its case against the appellant in this matter in relation to the offence charged. The General Orders made by the Commissioner of Prisons in this matter do not constitute written laws, as envisaged in regulation 20(l)(c) of the Prison Service (Code of Conduct) Regulations, 1990.
30. Since the aforementioned issue is determinative of this appeal, it will be unnecessary for the Board to consider the other points raised by the appellant in this matter.
31. In the result, for the reasons outlined above, we would allow this appeal, and would set aside the order of dismissal from the Public Service made by the Public Service Commission against (officer named), Prison Officer (No. ....) I, herein.”

## 10.0 High Court/ Court of Appeal Matters

In 2015, thirteen (13) High Court matters were filed involving the Public Service Commission. The final decisions made on four (4) concluded matters were as follows:

- One (1) matter - Leave was granted to the applicant to withdraw the leave application with no order as to cost.
- Three (3) matters - Each case involved three Defendants and were determined in the same manner. The reliefs sought against two Defendants were allowed. The Claimant, First Defendant and the Third Defendant in each case were made to bear their own costs. Additionally, in each case the Claimant was ordered to pay to the Second Defendant the costs of the claim to be assessed in default of agreement.

**Table 5** gives the breakdown of the High Court/ Court of Appeal matters completed in 2015. Further details are attached at **Appendix II**.

## 11.0 Complaints/ Representations

**Figure 12**, left, disaggregates the nature and number of complaints/representations received over the period 2011 to 2015. Such complaints covered a myriad of issues. The 2015 figures indicate a total of one hundred and fifty-six (156) complaints.

### 11.1 Complaints/Representations - Tobago

In 2015, a total of four (4) complaints/representations were received from Tobago, Tobago House of Assembly.

**Table 6** hereunder disaggregates the nature and number of complaints/representations which were received from the Tobago House of Assembly.

TABLE 5

No.	Decisions Made	Claimant	Court	No. of Cases
1.	Case withdrawn with no order as to costs	Customs and Excise Officer I Ministry of Finance and the Economy	High Court	1
2.	Reliefs allowed against two defendants, parties to bear own costs. Reliefs refused against one defendant, costs of claims to be assessed.	Chief Executive Officer, Ministry of Local Government	High Court	3

FIGURE 12 - Representations 2011-2015

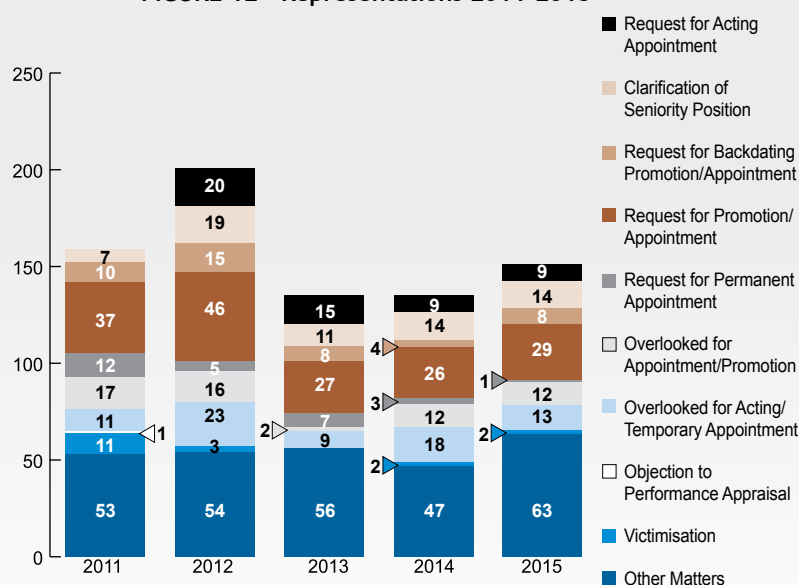


TABLE 6

Nature of Complaints/Representations	No. of Complaints/Representations
Request for Promotion	1
Clarification of date of Promotion	1
Clarification of Information	1
Request for restoration of Seniority	1
<b>TOTAL</b>	<b>4</b>

TABLE 7

Service	Received	Finalised
Civil Service	391	166
Fire Service	10	2
Prison Service	40	30
<b>TOTAL</b>	<b>441</b>	<b>198</b>

TABLE 8

Nature of FOI Requests	No. of Requests	% of Requests
<b>CIVIL SERVICE</b>		
• Acting	4	1.02
• Employment	3	0.76
• Examination Scripts/Booklets	4	1.02
• Information/Copy of Documents	93	23.78
• Permanent Appointment	2	0.51
• Position on Seniority List/Order-of-Merit List	134	34.27
• Request for Information	145	37.08
• Results of Examination/Practical	1	0.25
• View confidential file	5	1.27
<b>TOTAL</b>	<b>391</b>	<b>100%</b>
<b>FIRE SERVICE</b>		
• Information/Copy of documents	2	20
• Request for Information	4	40
• Examination Scripts/Booklets	1	10
• Position on Seniority/Order-of-Merit Lists	3	30
<b>TOTAL</b>	<b>10</b>	<b>100%</b>
<b>PRISON SERVICE</b>		
• Prison assessment matters	9	22.5
• Examination Scripts/Booklets	15	37.5
• Information/Copy of documents	10	25
• Results from Examination	5	12.5
• Result from Examination/Practical	1	2.5
<b>TOTAL</b>	<b>40</b>	<b>100%</b>

## 12.0 Information Requests (Freedom of Information Act)

The Freedom of Information Act, No. 26 of 1999, gives officers and members of the public the right of access to official documents and information held by public authorities (with exceptions). In 2015, four hundred and forty-one (441) requests for information were submitted under the Freedom of Information Act, No. 26 of 1999.

*Table 7* gives a breakdown of the requests received and the requests finalized in respect of officers in the Fire, Prison and Civil Services.

*Table 8* gives a breakdown of the nature of Freedom of Information (FOI) requests received during 2015:

## 13.0 Equal Opportunity Representations

The Equal Opportunity Act No. 69 of 2000 seeks to prohibit certain kinds of discrimination and promotes equality of opportunity among persons. The Act provides for the establishment of an Equal Opportunity Commission (EOC) and an Equal Opportunity Tribunal and for matters connected thereto.

Section 8 of the Act states:

8. An employer or a prospective employer shall not discriminate against a person:-
  - (a) in the arrangements he makes for the purpose of determining who should be offered employment;
  - (b) in the terms and conditions on which employment is offered; or
  - (c) by refusing or deliberately omitting to offer employment

The Public Service Commission is seeking guidance from the Court as to whether it is subject to the jurisdiction of the EOC and Tribunal in light of Court decisions that the PSC is not the employer and the Act imposes obligations on employers. A summary of matters referred to the Commission during the period under review is provided in **Table 9** below.

TABLE 9

No. of Letters	No. of Matters finalised
1	1

## 14.0 Accommodation Issues

In 2015, the SCD continued its search for suitable accommodation with due consideration to the ability of any building to sustain the weight of the Department's vault. The Department was able to secure a lease/rental agreement for the DFL Building on Cipriani Boulevard, Port-of-Spain and the Selection Centre was relocated from its Queen Street offices to this new location.

Four (4) site visits were made by SCD officials to buildings in Port-of-Spain and environs to identify other suitable properties to service the Department's growing needs. Additionally, the SCD approached the Property and Real Estate Services Division for the rental of storage space from a service provider located in the Diamond Vale Industrial Estate.

## 15.0 Projections for 2016

In 2015, the Commission continued to work towards achieving key strategic objectives as identified in the Action Plan. The Commission conducted a strategic planning exercise which was facilitated by Dr. Maria Barrados. Dr. Barrados is the former President of the Public Service Commission of Canada (2003-2011) and is currently a partner in the consulting firm, Barrados Inc.

Some of the key strategic objectives identified for 2016 are as follows:

- Develop new Draft Regulations for discussion and implementation
- Implement the full Assessment Centre Methodology and Advanced Scientific Methods of Selection
- Consider the further delegation of authority for peculiar offices to Permanent Secretaries and Heads of Department
- Review the efficacy of Standing Selection Panels

- Review/Develop policies to address gaps and inefficiencies in appointments/promotions
- Work with the Ministry of Public Administration, Personnel Department, Ministry of Finance and Service Commissions Department to facilitate improved co-ordination and efficiency in the delivery of the Human Resource Management functions and in particular to address the challenges and concerns affecting the performance of the PSC
- Advance merit as the first principle in the exercise of our constitutional functions
- Streamline the Appointment process
- Improve the disciplinary process

The Public Service Commission will continue its efforts in 2016 to ensure it meets its mandate to improve Human Resource Management policies and procedures within the Public Service.

# Appendix I

*Legal Supplement Part B—Vol. 45, No. 87—24th May, 2006*

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LEGAL NOTICE NO. 105

REPUBLIC OF TRINIDAD AND TOBAGO

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD  
AND TOBAGO, CHAP. 1:01

ORDER

MADE BY THE PUBLIC SERVICE COMMISSION WITH THE APPROVAL OF  
THE PRIME MINISTER PURSUANT TO SECTION 127 OF THE CONSTITUTION

THE PUBLIC SERVICE COMMISSION (DELEGATION OF  
POWERS) (AMENDMENT) ORDER, 2006

1. This Order may be cited as the Public Service Commission Citation  
(Delegation of Powers) (Amendment) Order, 2006.

2. In this Order, “a reference to” “the Regulations” means, the Interpretation  
Public Service Commission Regulations. G.N.132 of  
1966

3. Subject to the provisions set out in the Schedule, the Public Delegation  
Service Commission (hereinafter called “the Commission”), with the  
approval of the Prime Minister, hereby delegates to the authorities in  
the First and Second Schedules the powers specified therein in relation Schedule  
to the said authorities, respectively.

4. The Public Service Commission (Delegation of Powers) Order is L.N.60. of  
amended by revoking the First and Second Schedules and substituting 1999 First  
the following: and Second  
Schedules  
Chap. 1:01  
232/1990  
27/1991  
103/1994

## “FIRST SCHEDULE

### PART I

CHAIRMAN AND DEPUTY CHAIRMAN, PUBLIC SERVICE COMMISSION

1. The Chairman and the Deputy Chairman of the Commission are hereby delegated Powers  
the power to appoint persons on recruitment from outside the particular Service in the delegated  
public service on a temporary basis in any public office other than the public offices, the  
appointment to which is subject to consultation with the Prime Minister. Acting  
appointments

2. The power delegated under paragraph 1, is in respect of the public offices specified Chap. 23:01  
in the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 Chap. 35:50  
the Third Schedule to the Fire Service Act, the First Schedule to the Prison Service Act. Chap. 13:02  
Chap. 39:01  
158/1966

*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

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PART II

PERMANENT SECRETARIES AND HEADS OF DEPARTMENTS

- Powers delegated
1. The powers delegated to Permanent Secretaries and Heads of Department are as follows:
- Acting appointments
- (a) to appoint a public officer to act in the public office in the Civil Service up to and including Salary Range 68 for periods up to six months in exercise of which power, the Permanent Secretary shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;
- Transfers
- (b) to transfer a public officer from an office in a grade in the Ministry or Department to which such an officer is assigned to a similar office in that grade in the same Ministry with no alteration in remuneration up to and including Salary Range 68 and this power shall be exercised subject to the provisions of regulation 29 of the Regulations which requires notice to be given to such officer and to the right of such officer and to make representations to the Commission;
- Further temporary appointment
- (c) to appoint persons temporarily to offices in the public service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period;
- Confirmation
- (d) to confirm the appointment of a public officer to a public office after consideration of all performance appraisal reports and medical reports on the officer, where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.
- Application
2. The powers delegated in this Part are in respect of public officers in the Ministry under his supervision who hold the public offices specified in Salary Ranges Nos. 1 to 68 of the Classification of Offices set out in the First Schedule to the Civil Service Act, except that the power to confirm appointments to public offices applies to all offices within the Ministry or Department.
- Chap. 23:01
- Application
3. The powers delegated in this Part do not apply to offices, the appointment or promotion to which is subject to consultation with the Prime Minister.
- Report to Commission
4. A Permanent Secretary or Head of Department shall submit to the Commission once in every quarter a report of the exercise of the powers delegated to him.

PART III

DEPUTY PERMANENT SECRETARIES

- Powers delegated
1. The powers delegated to Deputy Permanent Secretaries are as follows:
- Acting appointments
- (a) to appoint a public officer to act in a public office in the Civil Service in Salary Ranges up to and including Salary Range 45 for periods up to six months, in the exercise of which power the Deputy Permanent Secretary shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;
- Further temporary appointment
- (b) to appoint persons temporarily to offices in Salary Ranges up to and including Salary Range 45 in the Public Service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period;
- Confirmation
- (c) to confirm the appointment of a public officer to a public office in Salary Ranges up to and including Salary Range 45 after consideration of all performance appraisal reports and medical reports on the officer where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.



*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

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2. The powers hereby delegated are in respect of public officers in the Ministry under Application the supervision of the Deputy Permanent Secretary who hold the public offices specified in Salary Ranges up to and including Salary Range 45 of the Classification of Offices set out in the First Schedule to the Civil Service Act.

3. The powers hereby delegated do not apply to offices the appointment or promotion Application to which is subject to consultation with the Prime Minister.

4. A Deputy Permanent Secretary shall submit to the Commission once in every Report to quarter through the Permanent Secretary a report on the exercise of the power delegated Commission to him.

PART IV

DIRECTORS, HUMAN RESOURCES

1. The powers delegated to Directors, Human Resources are as follows: Powers delegated
- (a) to appoint a public officer to act in a public office in the Civil Service up to and including Salary Range 34 for periods up to six months, in the exercise of Acting which power delegated the Directors, Human Resources shall apply the appointment principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;
  - (b) to appoint persons temporarily to offices up to and including Salary Range 34 Further in the Public Service for periods not exceeding six months at a time where temporary such persons have already been appointed temporarily by the Public Service appointment Commission for a fixed period;
  - (c) to confirm the appointment of a public officer to a public office up to and Confirmation including Salary Range 34 after consideration of all performance appraisal reports and medical reports on the officer where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.

2. The powers delegated in this Part are in respect of public officers in the Ministry Application under the supervision of the Director, Human Resources, who hold the public offices specified in Salary Ranges Nos. 1 to 34 of the Classification of Offices set out in the First Schedule to the Civil Service Act.

3. The powers hereby delegated do not apply to offices the appointment or promotion Application to which is subject to consultation with the Prime Minister.

4. A Director, Human Resource shall submit to the Commission once in every quarter Report to through the Permanent Secretary a report on the exercise of its powers delegated to him. Commission

PART V

PERMANENT SECRETARY, MINISTRY OF HEALTH

1. The Permanent Secretary, Ministry of Health is delegated the powers to appoint Powers persons temporarily to the offices of Clinical Instructor and Nursing Instructor. delegated

2. The Permanent Secretary, Ministry of Health, shall submit to the Commission Report to once in every quarter, a report of the exercise of the powers delegated to him under this Commission Part.

*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

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PART VI

THE DIRECTOR OF STATISTICS, CENTRAL STATISTICAL OFFICE,  
MINISTRY OF PLANNING AND DEVELOPMENT

- Powers delegated
1. (1) The powers delegated to the Director of Statistics, Central Statistical Office, Ministry of Planning and Development are as follows:
- (a) to appoint persons to the temporary posts of—
    - (i) Field Interviewer;
    - (ii) Clerical Assistant;
    - (iii) Statistical Assistant;
- in the Central Statistical Office.
- (b) to remove and exercise disciplinary control over any person appointed under and in exercise of the power of appointment delegated under paragraph (a).
- (2) All appointments made under this Part shall be on a temporary basis.
- Report to Commission
- (3) The Director of Statistics shall submit to the Commission once in every quarter, a report of the exercise of any of the powers delegated under this Part.

PART VII

THE COMMISSIONER OF PRISONS

- Powers delegated
1. The powers delegated to the Commissioner of Prisons are as follows:
- (a) the power to appoint persons and prison officers on promotion to offices in the Prison Service below the rank of Prison Supervisor and to confirm the appointment of Prison Officers to such offices in accordance with the regulations, but the power hereby delegated shall not include the power to terminate an appointment on probation or extend a period of probation under regulation 44 of the Regulations;
  - (b) in the case of a person recruited for training to serve as a prison officer below the rank of Prison Supervisor, the power to terminate the appointment at any time on the ground of unsuitability arising from any cause;
  - (c) the power to appoint prison officers to act in offices in the Prison Service below the office of Prison Supervisor and in the exercise of this power the Commissioner shall apply the principles of selection prescribed in regulation 172 of the Regulations;
  - (d) the power to transfer prison officers from one Prison to another;
  - (e) the power to direct a prison officer to cease to report for duty in accordance with regulation 88 of the Regulations and the Commissioner shall report the exercise of this power forthwith to the Commission;
  - (f) the functions of the Commission under regulation 48 of the Regulations in respect of a prison officer in an office in the Prison Service below the office of Prison Supervisor.
- Appointment
- Acting appointment
- Transfers
- Suspension
- Resignation
2. In the exercise of the powers delegated under paragraph 1 of this Part to the Commissioner of Prisons to appoint persons and prison officers to offices specified therein, the reference to the Director in regulation 166 shall be construed as reference to the Commissioner.
- Report to Commission
3. The Commissioner shall submit to the Commission, once in every quarter, a report of the exercise of any of the powers delegated to the Commissioner and to any other prison officer.

*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

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PART VIII

THE CHIEF FIRE OFFICER

1. The powers delegated to the Chief Fire Officer are as follows: Powers  
delegated
- (a) the power to appoint persons and fire officers on promotion to offices in the Second Division of the Fire Service below the office of Fire Station Officer and to confirm the appointment of Fire Officers to such offices in accordance with the Regulations, but the power hereby delegated shall not include power to terminate an appointment on probation or extend a period of probation under regulation 44 of the Regulations; Appointment
  - (b) in the case of a person recruited for training to serve as a fire officer below the office of Fire Station Officer, the power to terminate the appointment at any time on the ground of unsuitability arising from the cause;
  - (c) the power to appoint fire officers to act in offices in the Second Division of the Acting Fire Service below the office of Fire Station Officer and in the exercise of this power the Chief Fire Officer shall apply the principles of selection prescribed in regulations 154, 157 and 158, and the provisions of regulations 154 and 155 of the Regulations;
  - (d) the power to transfer Fire Officers from one Division or District or Branch in the Fire Service to another such Division or District or Branch; Transfers
  - (e) the power to direct a fire officer to cease to report for duty in accordance with Regulation 88 of the Regulations and the Chief Fire Officer shall report the exercise of this power forthwith to the Commission; Suspension
  - (f) The functions of the Commission under regulation 164 of the Regulations in respect of a fire officer in an office in the Second Division of the Fire Service below the office of Fire Station Officer. Resignation
2. The Chief Fire Officer shall submit to the Commission, once in every quarter, a Report to report of the exercise of any of the powers delegated to the Chief Fire Officer and to any Commission other fire officer.

PART IX

CHIEF ADMINISTRATOR, TOBAGO HOUSE OF ASSEMBLY, TOBAGO

1. The powers delegated to the Chief Administrator, Tobago House of Assembly, are as follows: Appointments  
Tobago
- (a) to appoint persons on recruitment from outside the Civil Service in a temporary capacity to an office in the Tobago House of Assembly, subject to section 26(1) and the Sixth Schedule of the Tobago House of Assembly Act, No. 40 of 1996 which powers are in respect of the public offices specified in the classification of offices set out in the First Schedule to the Civil Service Act, 1965 and which are regarded as the basic normal entry points to the general clerical, secretarial and manipulative classes;
  - (b) to appoint a public officer to act in a public office in the Civil Service, Tobago House of Assembly, for periods up to six months whether such acting appointment is in a vacant office or not except that where an acting appointment is made in a vacant office the officer must be informed that such acting appointment would not give him any prior claim to eventual permanent appointment thereto and in respect of such power the Chief Administrator shall apply the principles of selection prescribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations; Appointment

*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

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- Transfers
- (c) to transfer a public officer from an office in a grade in the Tobago House of Assembly, to which such an officer is assigned to a similar office in that grade within the Tobago House of Assembly, with no alteration in his remuneration which power shall be exercised by the Chief Administrator subject to the provisions of regulation 29.
  - (d) to direct a public officer assigned to an office in the Tobago House of Assembly, to cease to report for duty in accordance with regulation 88 of the Regulations and the Chief Administrator, Tobago House of Assembly, shall report the exercise of this power forthwith to the Commission;
  - (e) to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline described in Column 1 of the Second Schedule being a breach of a regulation in respect of the Civil Service as specified in Column 2.
2. In the exercise of the powers delegated under paragraph 1(e), the Chief Administrator shall—
- (a) exercise the powers of the Commission under regulation 90(6) and (7);
  - (b) assign a public officer of a grade higher than that of the officer charged with misconduct or indiscipline, but in no case of a grade lower than that of the Clerk IV to be a disciplinary tribunal and that officer shall hear the facts and make a report thereon to the Chief Administrator in accordance with the provisions respecting the function and duties of a Disciplinary Tribunal as prescribed in the regulations;
  - (c) any fine which the Chief Administrator imposes under paragraph (e) shall not exceed an amount calculated on four days pay per month to a maximum of three months.
- Report
3. The Chief Administrator shall submit to the Commission once in every quarter, a report on the exercise of powers delegated to him in this Part.
- Application
4. The powers and functions delegated in this Part are in respect of public officers who hold any of the public offices specified in Salary Ranges Nos. 1 to 68 inclusive of the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965, except that the powers delegated do not apply to offices the appointment or promotion to which is subject to consultation with the Prime Minister.

PART X

THE SENIOR PUBLIC OFFICER, HIGH COMMISSIONS, MISSIONS AND EMBASSIES  
OF TRINIDAD AND TOBAGO

- Powers delegated
1. The powers delegated to the Senior Public Officer, High Commissions, Missions, and Embassies of Trinidad and Tobago are as follows:
- (a) the power to appoint, on a temporary basis only persons resident in the jurisdiction where the particular High Commission, Mission or Embassy is situated to the non-representational staff of the said High Commission, Mission or Embassy that is to say to any office of the grade of Clerk IV and under;
  - (b) the power to remove and exercise disciplinary control over any person appointed under and in exercise of the power of appointment delegated under subparagraph (a).

*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

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PART XI

THE PERMANENT SECRETARY, CENTRAL ADMINISTRATIVE SERVICES, TOBAGO

1. The powers delegated to the Permanent Secretary, Central Administrative Services, Tobago, are as follows: Powers delegated

- (a) to appoint persons on recruitment from outside the Civil Service in a temporary capacity to an office in a Ministry or Department or in a Division of a Ministry or Department located in Tobago (exclusive of offices in the Prison and Fire Services) which power is in respect of the public offices specified in the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 and which are regarded as the basic normal entry points to the general clerical, secretarial and manipulative classes; Chap: 23:01
- (b) to appoint a public officer to act in a public office in the Civil Service and located in the Department of Central Administrative Services, Tobago, for periods up to six months whether such acting appointment is in a vacant post or not except that where an acting appointment is made in a vacant post, the officer must be informed that such acting appointment would not give him any prior claim to eventual permanent appointment thereto, in respect of which power the Permanent Secretary shall apply the principles of selection prescribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations;
- (c) to transfer a public officer from an office in a grade in the Department of Central Administrative Services, Tobago to which such an officer is assigned to a similar office in that grade in the same Department of Central Administrative Services, Tobago, with no alteration in his remuneration, which power shall be exercised by the Permanent Secretary subject to the provisions of regulation 29 of the Regulations, which require notice to be given to such officer and which preserves the right of such officer to make representations to the Commission; Transfers
- (d) to direct a public officer assigned to an office in the Department of Central Administrative Services, Tobago, to cease to report for duty in accordance with Regulation 88 of the Regulations, and the Permanent Secretary, Central Administrative Services, Tobago shall report the exercise of this power forthwith to the Commission.
- (e) to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline described in column 1 of the Second Schedule being a breach of a regulation in respect of the Civil Service as specified in Column 2.

(2) In exercise of the power delegated under paragraph 1(e) the Permanent Secretary shall—

- (a) exercise the powers of the Commission under regulation 90(6) and (7).
- (b) assign a public officer of a grade higher than that of the officer charged with misconduct or indiscipline but in no case of a grade lower than that of a Clerk IV to be a disciplinary tribunal, and that officer shall hear the evidence, find the facts and make a report thereon to the Permanent Secretary in accordance with the provisions respecting the functions and duties of a Disciplinary Tribunal as prescribed in the Regulations;

(3) Any fine which the Permanent Secretary imposes under paragraph 1(e) shall not exceed an amount calculated on four days pay per month to a maximum of three months.

*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

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3. The Permanent Secretary shall submit to the Commission, once in every quarter, a report of the exercise of any powers delegated to him.

Chap: 23:01 4. The powers and functions hereby delegated under this Part are in respect of public officers who hold any of the public offices specified in Salary Ranges Nos. 1 to 68 inclusive of the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 except where such offices require the holders to perform as Heads or Deputy Heads of Ministries/Departments/Divisions and in respect of which offices consultation with the Prime Minister is required by the Commission.

“SECOND SCHEDULE

DISCIPLINARY POWERS DELEGATED

For the purposes of regulation 85 of the Regulations, an act of misconduct or indiscipline which the Permanent Secretary or Head of Department has jurisdiction to hear and determine under that regulation is an act of misconduct or indiscipline described in Column 1 of the following Table being a breach of a regulation:

- (a) in respect of officers in the Civil Service, in Chapter XI of the Civil Service Regulations;
- (b) in respect of officers in the Fire Service, in Chapter VII of the Fire Service (Terms and Conditions of Employment) Regulations, 1998;
- (c) in respect of officers in the Prison Service, in Chapter II of the Prison Service (Code of Conduct) Regulations, 1990,

as specified in Columns 2, 3 and 4 of that Table in respect of the Civil Service, the Fire Service, and the Prison Service, respectively.

*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

SECOND SCHEDULE—CONTINUED

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Description of Misconduct</i>	CIVIL SERVICE  <i>Reference to Regulation of Civil Service Regulations</i>	FIRE SERVICE  <i>Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998</i>	PRISON SERVICE  <i>Reference to Regulation of Fire Prison Service (Code of Conduct) Regulations, 1990</i>
Failure to attend to matters promptly within scope of office	Regulation 135(1)	Regulation 101(1)	Regulation 4(1)
Lack of courtesy to a member of the public or member of the: (a) Civil Service; (b) Fire Service; (c) Prison Service	Regulation 135(2)	Regulation 101(5)	Regulation 4(2)
Wilful failure to perform duties	Regulation 135(3)		
Absence without leave or reasonable excuse	Regulation 136(1)	Regulation 103(1)	
Failure to report absence from country	Regulation 136(2)	Regulation 103(2) and (3)	
Failure to disclose activities outside Service	Regulation 137(2)	Regulation 104(1)(b)(2)	Regulation 6(1)(d)
Breach of rules relating to broadcast	Regulation 140	Regulation 110	Regulation 12
Act of indebtedness to the extent it impairs efficiency, etc.	Regulation 141	Regulation 111	Regulation 13(1)

*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

SECOND SCHEDULE—CONTINUED

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Description of Misconduct</i>	CIVIL SERVICE  <i>Reference to Regulation of Civil Service Regulations</i>	FIRE SERVICE  <i>Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998</i>	PRISON SERVICE  <i>Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990</i>
Failure to notify of bankruptcy proceedings	Regulation 142	Regulation 112	Regulation 14
Failure to perform duty in a proper manner	Regulation 149(1)(a)	Regulation 119(1)(a)	Regulation 20(1)(a)
Contravention of the:			
(a) Civil Service Regulations and other written law;	Regulation 149(1)(b)		
(b) Fire Service (Terms and Conditions of Employment) Regulations, 1998 and other written law;	Regulation 149(1)(c)	Regulation 119(1)(b)	
(c) Prison Service (Code of Conduct) Regulations, 1990.		Regulation 119(1)(c)	Regulation 20(1)(b)
Act that is prejudicial to, or discredits reputation of the Service	Regulation 149(1)(d)	Regulation 119(1)(d)	Regulation 20(1)(c) Regulation 20(1)(d)
Disobedience to orders	Regulation 149(2)(b)	Regulation 119(2)(c)	Regulation 20(2)(c)
Neglect of duty	Regulations 149(2)(d) and (f)	Regulation 119(2)(d)	Regulation 20(2)(d)
Unlawful or unnecessary exercise of duty	Regulation 149(2)(g)	Regulation 119(2)(h)	Regulation 20(2)(l)



*Public Service Commission (Delegation of Powers) (Amendment)  
Order, 2006*

SECOND SCHEDULE—CONTINUED

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Description of Misconduct</i>	CIVIL SERVICE  <i>Reference to Regulation of Civil Service Regulations</i>	FIRE SERVICE  <i>Reference to Regulation of Fire Service (Terms and Conditions of Employment, Regulations, 1998</i>	PRISON SERVICE  <i>Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990</i>
Malingering	Regulation 149(2)(a)	Regulation 119(2)(i)	Regulation 20(2)(m)
Absence without leave or being late for duty	Regulation 149(2)(a)	Regulation 119(2)(j)	Regulation 20(2)(n)
Persistently unpunctual			
Damage of clothing supplied		Regulation 119(2)(l)	Regulation 20(2)(p)
Unfit for duty through drunkenness	Regulation 149(2)(c)	Regulation 119(2)(m)	Regulation 20(2)(q)
Drinking on duty or soliciting drink		Regulation 119(2)(n)	Regulation 20(2)(r)
Entering licensed premises		Regulation 119(2)(o)	Regulation 20(2)(s). <sup>2</sup>

Dated this 19th day of April, 2006.

C. THOMAS  
*Chairman of the  
Public Service Commission*

A. TIM POW  
*Deputy Chairman of the  
Public Service Commission*

S. SEEMUNGAL  
*Member of the  
Public Service Commission*

N. ROLINGSON  
*Member of the  
Public Service Commission*

P. BENSON  
*Member of the  
Public Service Commission*

S. MAHARAJ  
*Member of the  
Public Service Commission*

Approved.

P. MANNING  
*Prime Minister*

Dated this 30th day of April, 2006.

# Appendix II

## Details of High Court/Court of Appeal/Privy Council Matters Completed In 2013

### No. 1 - Customs and Excise Officer I Ministry of Finance and the Economy vs Public Service Commission:

HCA#/Date filed: CV2015 - 01382 - 1st May, 2015

#### Judicial Review of:

1. An order of mandamus to compel the Defendant to provide the information on the Claimant's FOIA application dated the 17th December, 2014 in accordance with sections 15 and/or 22 of the FOIA.
2. A declaration that the Defendant has breached section 15 of the FOIA by failing and or refusing to notify the Claimant of whether his request for information is forthcoming.
3. A declaration that the Claimant is entitled to access the requested information.
4. A declaration that the Claimant has been treated unfairly, contrary to the principles of natural justice and section 20 of the Judicial Review Act.
5. A declaration that the Claimant is entitled to reasons pursuant to section 16.
6. An order compelling the Defendant to provide the Claimant with reasons and or the requested information within fourteen (14) days, free of charge.
7. Costs; and
8. Such further other orders, directions or writs as the court considers just and as the circumstances of this case warrant pursuant to section 8 (1) (d) of the Judicial Review Act 2000.

**Date of Outcome: 11th June, 2015**

#### Order/Judgment

Honourable Madam Justice Pemberton ordered that:-

- (1) The Applicant's request for information and his grounds of relief are ill founded.
- (2) Leave is granted to the applicant to withdraw the leave application with no order as to cost

**No. 2 -Chief Executive Officer Ministry of Local Government vs Public Service Commission and the Permanent Secretary, Local Government and The Attorney General of Trinidad and Tobago**

**HCA#/Date filed: - CV-2015-00713 - 6th March, 2015**

**Judicial Review of:**

1. A declaration that the decision of the First Respondent to transfer the Applicant from the Chaguanas Borough Corporation to the Mayaro Rio Claro Regional Corporation with effect from the 2nd day of March, 2015 and later varied to the 9th day of March, 2015 is ultra vires, illegal, null and void. A declaration that the First Respondent must follow the procedural provision stipulated in the Public Service Commission Regulations when transferring the Applicant from the Chaguanas Borough Corporation to the Mayaro Rio Claro Regional Corporation in a three way exchange of officers in the same grade.
  2. A declaration that the First Respondent has failed and/or refused to follow the procedural provisions stipulated in the Public Service Commission Regulations before transferring the Applicant.
  3. A declaration that the confirmation of the decision to transfer the Applicant from the 2nd day of March, 2015 to the 9th day of March, 2015 which was communicated by letter dated the 3rd day of March, 2015 is ultra vires, illegal and null and void.
  4. A declaration that there was no basis in law for the First Respondent to enforce the transfer of the Applicant in a three way transfer involving three officers in the same grade pending the review of the order of the Commission.
  5. An Order of Mandamus compelling the First Respondent to comply with the provisions of the Public Service Commission Regulations by not enforcing the transfer of the Applicant pending the hearing of this Application and/or the review of the order by the Commission.
  6. An Order of Prohibition preventing the First Respondent from enforcing the decision to transfer the Applicant pending the hearing of this Application and/or the review of the order by the Commission.
  7. An Order of interim relief restraining and/or suspending the decision to transfer the Applicant pending the hearing and determination of this matter and/or the review of the Order by the Commission.
  8. An Order of Certiorari to quash the decision to transfer the Applicant from the Chaguanas Borough Corporation to the Mayaro Rio Claro Regional Corporation.
  9. Damages including aggravated and/or exemplary damages.
  10. Cost.
  11. Such further and/or other relief as the Court may deem fit.
- Date of Outcome: 13th November, 2015**
- Order/Judgment
- a. It is declared that the decision of the First and Third Defendants to have the Claimant assume duties at the Chaguanas Regional Corporation on transfer pending the review of the order by the Public Service Commission is illegal null and void and of no effect.
  - b. A writ of Certiorari is granted; the decision is moved to the High Court and is quashed.
  - c. An order of Mandamus is granted to compel the First and Third Defendants to comply with the provisions of Regulation 30(2) of the Public Service Regulations and to permit the Claimant to resume duty at the Penal Debe Regional Corporation pending review by the Public Service Commission of the order of Transfer.
  - d. The Claim against the Second Defendant is dismissed.
- Further subject to any submission which may be made by the parties otherwise, this claim having been a challenge to both the substantive decision to transfer and the decision to report for duty to the newly assigned Corporation pending the decision of the PSC in relation to the representations of the Claimants and the Claimants having only been successful in relation to one aspect of the claim, the court would make the following order as to costs to each case:
- a. The Claimant, First Defendant and the Third Defendant are to bear their own costs of the claim
  - b. The Claimant shall pay to the Second Defendant the costs of the claim to be assessed in default of agreement.

**No. 3 -Chief Executive Officer Ministry of Local Government vs Public Service Commission and the Permanent Secretary, Local Government and The Attorney General of Trinidad and Tobago**

**HCA#/Date filed: CV-2015-00714 - 6th March, 2015**

**Judicial Review of:**

1. A declaration that the decision of the First Respondent to transfer the Applicant from the Penal Debe Regional Corporation to the Chaguanas Borough Corporation with effect from the 2nd day of March, 2015 and later varied to the 9th day of March, 2015 is ultra vires, illegal, null and void.
2. A declaration that the First Respondent must follow the procedural provisions stipulated in the Public Service Regulations when transferring the Applicant from the Penal Debe Regional Corporation to the Chaguanas Borough Corporation in a three way exchange of officers in the same grade.
3. A declaration that the First Respondent has failed and/or refused to follow the procedural provisions stipulated in the Public Service Commission Regulations before transferring the Applicant.
4. A declaration that the confirmation of the decision to transfer the Applicant from the 2nd day of March, 2015 to the 9th day of March, 2015 which was communicated by letter dated the 3rd day of March, 2015 is ultra vires, illegal, null and void.
5. A declaration that there was no basis in law for the First Respondent to enforce the transfer of the Applicant in a three way transfer involving three officers in the same grade pending the review of the order of the Commission.
6. An Order of Mandamus compelling the First Respondent to comply with the provisions of the Public Service Commission Regulations by not enforcing the transfer of the Applicant pending the hearing of this Application and/or the review of the order by the Commission.
7. An order of Prohibition preventing the First Respondent from enforcing the decision to transfer the Applicant pending the hearing of this Application and/or the review of the order by the commission.
8. An Order of interim relief restraining and/or suspending the decision to transfer the Applicant pending the hearing and determination of this matter and/or review of the order by the Commission.
9. An Order of Certiorari to quash the decision to transfer the Applicant from the Penal Debe Regional Corporation to the Chaguanas Corporation.
10. Damages including aggravated and/or exemplary damages.
11. Costs;
12. Such further and/or other relief as the court may deem fit.

**Date of Outcome: 13th November, 2015**

Order/Judgment

- a. It is declared that the decision of the First and Third Defendants to have the Claimant assume duties at the Chaguanas Regional Corporation on transfer pending the review of the order by the Public Service Commission is illegal null and void and of no effect.
- b. A writ of Certiorari is granted; the decision is moved to the High Court and is quashed.
- c. An order of Mandamas is granted to compel the First and Third Defendants to comply with the provisions of Regulation 30(2) of the Public Service Regulations and to permit the Claimant to resume duty at the Penal Debe Regional Corporation pending review by the Public Service Commission of the order of Transfer.
- d. The Claim against the Second Defendant is dismissed.

Further subject to any submission which may be made by the parties otherwise, this claim having been a challenge to both the substantive decision to transfer and the decision to report for duty to the newly assigned Corporation pending the decision of the PSC in relation to the representations of the Claimants and the Claimants having only been successful in relation to one aspect of the claim, the court would make the following order as to costs to each case:

- a. The Claimant, First Defendant and the Third Defendant are to bear their own costs of the claim.
- b. The Claimant shall pay to the Second Defendant the costs of the claim to be assessed in default of agreement.

**No. 4 -Chief Executive Officer Ministry of Local Government vs Public Service Commission and the Permanent Secretary, Local Government and The Attorney General of Trinidad and Tobago**

**CV-2015-00715 - 6th March, 2015**

**Judicial Review of:**

1. A declaration that the decision of the First Respondent to transfer the Applicant from the Chaguanas Borough Corporation to the Mayaro Rio Claro Regional Corporation with effect from the 2nd day of March, 2015 and later varied to the 9th day of March, 2015 is ultra vires, illegal, null and void.
2. A declaration that the First Respondent must follow the procedural provision stipulated in the Public Service Commission Regulations when transferring the Applicant from the Chaguanas Borough Corporation to the Mayaro Rio Claro Regional Corporation in a three way exchange of officers in the same grade.
3. A declaration that the First Respondent has failed and/or refused to follow the procedural provisions stipulated in the Public Service Commission Regulations before transferring the Applicant.
4. A declaration that the confirmation of the decision to transfer the Applicant from the 2nd day of March, 2015 to the 9th day of March, 2015 which was communicated by letter dated the 3rd day of March, 2015 is ultra vires, illegal and null and void.
5. A declaration that there was no basis in law for the First Respondent to enforce the transfer of the Applicant in a three way transfer involving three officers in the same grade pending the review of the order of the Commission.
6. An Order of Mandamus compelling the First Respondent to comply with the provisions of the Public Service Commission Regulations by not enforcing the transfer of the Applicant pending the hearing of this Application and/or the review of the order by the Commission.
7. An Order of Prohibition preventing the First Respondent from enforcing the decision to transfer the Applicant pending the hearing of this Application and/or the review of the order by the Commission.
8. An Order of interim relief restraining and/or suspending the decision to transfer the Applicant pending the hearing and determination of this matter and/or the review of the Order by the Commission.
9. An Order of Certiorari to quash the decision to transfer the Applicant from the Chaguanas Borough Corporation to the Mayaro Rio Claro Regional Corporation.
10. Damages including aggravated and/or exemplary damages.
11. Cost.
12. Such further and/or other relief as the Court may deem fit.

**Date of Outcome: 13th November, 2015**

Order/Judgment

- a. It is declared that the decision of the First and Third Defendants to have the Claimant assume duties at the Mayaro/Rio Claro Regional Corporation on transfer pending the review of the order by the Public Service Commission is illegal null and void and of no effect.
- b. A writ of Certiorari is granted; the decision is moved to the High Court and is quashed.
- c. An order of Mandamus is granted to compel the First and Third Defendants to comply with the provisions of Regulation 30(2) of the Public Service Regulations and to permit the Claimant to resume duty at the Chaguanas Regional Corporation pending review by the Public Service Commission of the order of Transfer.
- d. The Claim against the Second Defendant is dismissed.

Further subject to any submission which may be made by the parties otherwise, this claim having been a challenge to both the substantive decision to transfer and the decision to report for duty to the newly assigned Corporation pending the decision of the PSC in relation to the representations of the Claimants and the Claimants having only been successful in relation to one aspect of the claim, the court would make the following order as to costs to each case:

- a. The Claimant, First Defendant and the Third Defendant are to bear their own costs of the claim.
- b. The Claimant shall pay to the Second Defendant the costs of the claim to be assessed in default of agreement.

## Appendix III

### Action Plan and Medium-term Strategic Objectives 2015-2016 by the Public Service Commission

#### STRATEGIC AREAS

Develop new Draft Regulations for discussion and implementation

Implement the full Assessment Centre Methodology and Advanced Scientific Methods of Selection

Consider the further delegation of authority for peculiar offices to Permanent Secretaries and Heads of Department

Review the efficacy of Standing Selection Panels

Collaborate with the Chief Personnel Officer in the review of selected Job Specifications

Review/Develop policies to address gaps and inefficiencies in appointments/promotions/discipline

Work with the Ministry of Public Administration, Personnel Department, Ministry of Finance and Service Commissions Department to facilitate improved co-ordination and efficiency in the delivery of the Human Resource Management functions













Government of the Republic of Trinidad and Tobago



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