



Public Service Commission

Annual Report 2012

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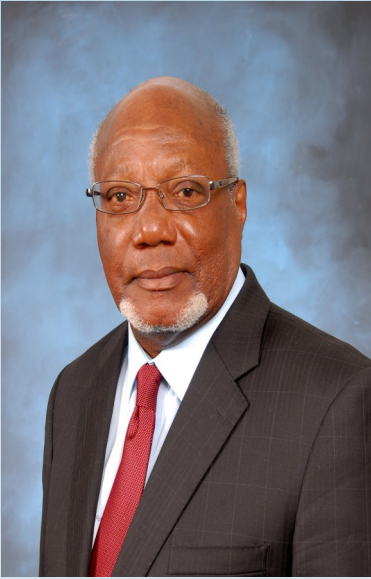
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PUBLIC SERVICE COMMISSION ANNUAL REPORT 2012

FOREWORD



I am pleased to present the Annual Report of the Public Service Commission for the year 2012.

During 2012, the Commission made significant progress in advancing the Action Plan and the Medium-Term Strategic Objectives it had established. Both documents are annexed to the present report.

More noticeable areas in the performance of the work of the Commission involved the appointments and promotions of personnel; consolidation of the Selection Centre; the completion of the ground work for the establishment and conduct of the Assessment Centre (AC) and the finalization and execution of a new promotion regime for the Prison Service.

At the institutional level, considerable progress was made in addressing the fragmentation of the human resource management function through – the establishment of a strategic Human Resource Management Committee; the identification of the areas for review of the regulations of the Commission and the finalization of a consultancy to undertake that review; and the enhancement of the monitoring functions of the Commission to equip human resource units in all Ministries and Departments for more effective management by Permanent Secretaries and Heads of Departments for eventual delegation of further management authority.

However, the Electronic Document Management System, the modernization programme of the Human Resource Management System and the Integrated Human Resource Information System continue to be urgent requirements as basic instruments for effective modern management.

I thank the Deputy Chairman of the Commission, Mrs. Zaida Rajnauth for her very valuable contribution to the Commission. I thank other members of the Commission for their support and I welcome Mr. Louis Bryan, the new member whose depth of experience will be an asset to the Commission.

I express my gratitude to the Director of Personnel Administration, Mrs. Gloria Edwards-Joseph and her staff for their invaluable support and cooperation during the year.

I also convey the gratitude of the Commission to all stakeholders who rendered support to the Commission in carrying out its constitutional mandate.


Christopher R. Thomas
Chairman

EXECUTIVE SUMMARY

This Report outlines the performance of the Public Service Commission in respect of its Constitutional Mandate. During the year under review the Commission sought to fulfil its on-going functions, as well as to meet its specific objectives articulated in its Action Plan and Medium-Term Strategic Objectives 2012/2013 attached as *Appendix III*. Some of the achievements for the year 2012 included progress in the following areas:

- A dedicated drive to reduce the number of vacancies in the Public Service – Section 4:1;
- Commencement of the Selection Centre initiative and Advanced Methods of Selection as tools towards the filling of vacancies – Section 4:3;
- The facilitating of improved collaboration and coordination among core Human Resource Management Agencies within the Public Service – Section 4:4;
- Institutional Strengthening of the Service Commissions Department as part of the Human Resource Management Modernization Programme – Section 4:4;
- A review of the Integrated Human Resource Information System (IhRIS) – Section 4:4;
- A comprehensive review of the Public Service Commission Regulations – Section 4:5;
- Formulation of an Electronic Document Management System (EDMS) to facilitate access to current and closed electronic files in a form that enhances the easy tracking of information – Section 4:6;

- The design and development of a database for an Electronic Establishment Book – Section 4:7;
- The continued review of attempts to empower Permanent Secretaries and other officials through delegation of authority – Section 6:1.

Some of the above initiatives are included in the projections for the year 2013 – Section 13:0.

The Report also highlights the following:-

- General increases in the number of decisions taken by the Commission and under delegated authority in respect of the Commission 's operational functions – Section 5:0;
- A change in the policy regarding recruitment for Tobago where a dearth of interested and qualified candidates exists – Section 5:1;
- Moderate increases in disciplinary matters handled by the Commission and under delegated authority – Section 7:0.

1.0 INTRODUCTION

This report of the Public Service Commission for the year 2012 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, including the power to make appointments on promotion and transfer and to confirm appointments and 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 Departments, the Chief Fire Officer, the Commissioner of Prisons, the Chief Administrator, Tobago House of Assembly, and other senior officials in the Public Service as stipulated in Legal Notice No.105 - see *Appendix I*. The Commission has retained all other functions of its mandate.

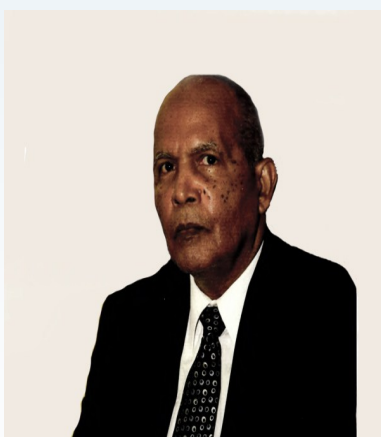
PUBLIC SERVICE COMMISSION AS AT DECEMBER 31, 2012

PUBLIC SERVICE COMMISSION ANNUAL REPORT 2012

Public Service Commission as at December 31, 2012.



Seated, from left to right: Ms. Zaida Rajnauth, Chairman Christopher R. Thomas, Director of Personnel Administration, Mrs. Gloria Edwards-Joseph and Prof. Kenneth Ramchand
Standing, from left to right: Mrs. Parvatee Anmolsingh-Mahabir, and Ms. Suzette Lynch (Secretary)



Mr. Louis Bryan



Mr. Frank Abdulah

2.0 MEMBERSHIP

The Commission comprises a Chairman, a Deputy Chairman and not less than two and not more than four members appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. The following persons formed the Public Service Commission during the year 2012:

| | | |
|-------------------------------------|---|---------------------------|
| Mr. Christopher Thomas, C.M.T., LLD | - | Chairman |
| Mrs. Zaida Rajnauth, C.M.T. | - | Deputy Chairman |
| Mr. Neil Rolingson | - | Member (up to 28.02.12) |
| Ms. Jeanne Roseman | - | Member (up to 03.04.12) |
| Professor Kenneth Ramchand, C.M.T. | - | Member |
| Mrs. Parvatee Anmolsingh Mahabir | - | Member |
| Mr. Frank Abdulah | - | Member (from 06.03.12) |
| Mr. Louis Bryan, M.O.M. | - | Member (from 13.09.12) |

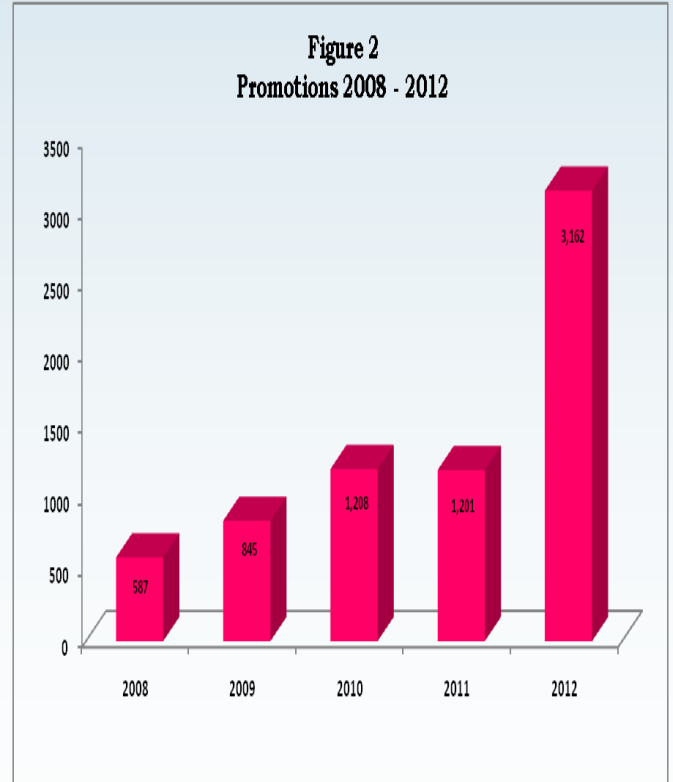
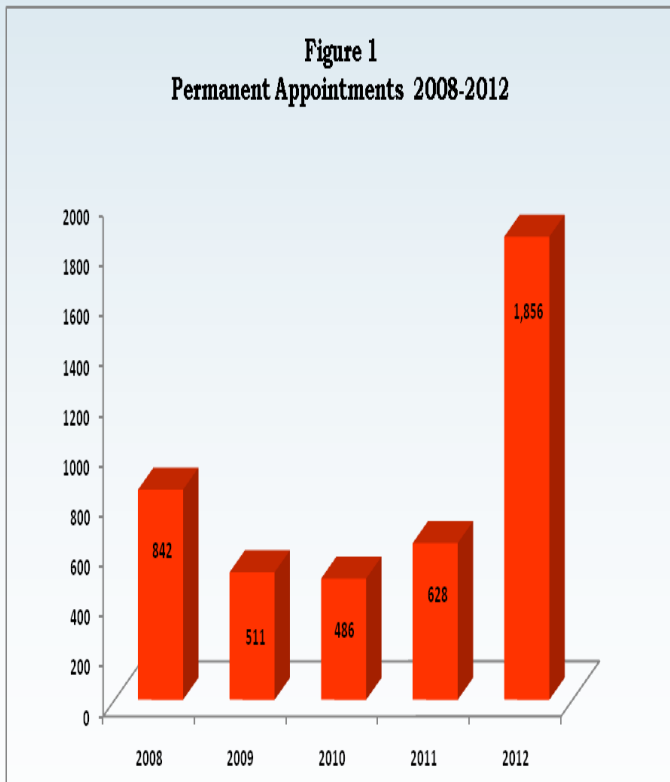
3.0 MEETINGS

During the year under review, the Commission held forty-seven (47) statutory meetings as well as six (6) meetings with Permanent Secretaries/Heads of Departments in the conduct of its business. There were deliberations over two thousand and ninety-five (2,095) matters as compared to one thousand, nine hundred and sixty (1,960) matters in 2011. This represents an increase of 7% (135 matters) over the 2011 figure.

4.0 OVERVIEW OF ACCOMPLISHMENTS AND CHALLENGES

4.1 Filling of vacancies

During 2012, the Commission continued its drive, started in 2011, to address the backlog of vacancies in the Public Service. During 2012, the Commission filled five thousand and eighteen (5,018) vacancies. There were also one thousand, eight hundred and fifty-six (1,856) permanent appointments compared to six hundred and twenty-eight (628) made in 2011; and three thousand, one hundred and sixty-two (3,162) promotions as compared to one thousand, two hundred and one (1,201) made in 2011. See Figures 1 and 2 respectively.



Notwithstanding the significant progress made in reducing the number of vacancies within the Public Service, the following challenges emerged:

- Inadequate remuneration to attract persons to fill some offices;
- The need for reclassification and revision of job specifications;
- Recommendations not received from Permanent Secretaries for filling vacancies in accordance with the Public Service Commission Regulations; and
- Inadequate resources in the Service Commissions Department.

4.1.1 Administrative Assistant

Regulation 9 (3) of the Civil Service Regulations, Chapter 23:01 provides for an officer in the clerical class who holds an appointment in a grade not lower than the grade of Clerk IV and who has passed an examination set for the purpose to be eligible for promotion to the grade of Administrative Assistant. In December 2011, there were seventy-six (76) appointed Clerks IV, forty-nine (49) of whom did not possess the necessary qualifications for appointment as Administrative Assistants. Furthermore, given that they were in the age profile 55 to 59 years, it seemed unlikely that they would obtain such qualifications before retirement.

In 2012, of a total of ninety-four (94) vacant offices of Administrative Assistant only sixty-one (61) were filled by way of promotions. Thirty one (31) offices which could not be filled therefore remained vacant. To address the problem caused by these vacancies, the Commission was informed that the Public Service Academy, Ministry of Public Administration and COSTAAT would design an appropriate Clerk IV Training Course containing Modules that included Project Management, Human Resource Management and Information Technology. A Consultant would be hired by the Ministry of Public Administration in 2013 to design the course content.

4.2 Standing Selection Boards

Part of the thrust to fill outstanding vacancies included the continued use of Selection Boards. Three (3) such Boards established during 2011 were assigned the task of reducing the backlog of interviews as a preliminary to the selection of officers for filling vacancies advertised.

The achievements of these Standing Selection Boards by December 2012 were as follows:

- Number of offices for which interviews were conducted - 70
- Total number of applicants - 4,367
- Total Number of qualified applicants - 1,081
- Total number of applicants interviewed - 911
- Total number of successful candidates - 598

It was agreed that work of the Standing Selection Boards would continue in 2013 as part of the system implemented for expediting appointments.

4.3 Assessment Centre Exercise (ACE)

In 2010, two Privy Council Appeals were filed against the Public Service Commission regarding the legitimacy of its use of the ACE mechanism between 2003 and 2005 for determining promotions to the office of Deputy Permanent Secretary. In August 2011, the Privy Council legitimized use of the ACE as a mechanism to select candidates for promotion within the Public Service having regard to the requirements of Public Service Commission Regulation 18.

During 2012, the Commission contracted the services of Public Administration International (PAI) to provide consultancy services and to train twelve (12) local Assessors to assist in the assessment of officers for the office of Deputy Permanent Secretary. Following the screening of applicants, candidates were selected to participate in the ACE due to commence in 2013.

4.4 Human Resource Management Initiatives

In 2012, a Committee comprising Heads and Deputy Heads of the Ministry of Public Administration, the Service Commissions Department and the Personnel Department was formed to address Human Resource Management issues within the Public Service. Ten (10) meetings were held during the year. The Committee's aim was to address outstanding matters, to clarify issues and to minimize service delivery times. The following matters were identified:

- Public Service streams;
- The dearth of qualified officers and the granting of waivers;
- Job descriptions (relevance, training and experience requirements) ;
- Examination for entry into the Administrative Class.

After receiving funding from the Ministry of Public Administration from the International Development Bank (IDB) for Programme Management and Human Resource Management Advisory Services for the HRM Modernization Programme in the wider Public Service, a cross-functional team comprising representatives from the core Human Resource agencies was established. The team commenced operations in May 2012 with a view to examining areas relevant to the institutional strengthening of specific agencies.

Terms of reference for a consultancy to provide support to the HR agencies for institutional strengthening, human capacity building and overall restructuring have been drafted. By December 2012, the team was awaiting word from the Canadian Commercial Corporation (CCC) on the suggested terms of reference. Insofar as the Service Commissions Department is concerned, the proposed consultancy is expected to enhance its capacity to provide quality human resource management services and to facilitate improved service delivery to its clientele.

An allied feature of the institutional strengthening project involved meetings held by the Integrated Human Resource Information System (IHRIS) Review Committee, including representatives of the Central Agencies and the Ministry of Finance.. Pilot projects were set up and reports submitted which highlighted modifications to a proposed review of a recruitment workforce module and development of a module to address Discipline and Grievance requirements.

4.5 Review of the Public Service Commission Regulations

During 2012, the Ministry of Public Administration engaged the services of a Consultant to establish a Human Resource Philosophy for the Public Service. The consultancy, to be funded by the Inter-American Development Bank (IADB), will amend the Civil Service Regulations. Preliminary work was already done towards the identification of broad areas of the Public Service Commission Regulations for review. An advertisement was published by the Service Commissions Department to engage the services of a local consultant to conduct the said review. An evaluation team was appointed to assess the applicants and selection was done in December 2012. The consultancy, which will commence during the year 2013, will last three (3) months.

4.6 Electronic Data Management System (EDMS)

The Electronic Data Management System (EDMS) is a software used to capture, store, track and retrieve documents in an electronic format. The data will be captured from active and closed files. The intent is to immediately enhance the efficiency and timely output of all the Service Commissions allowing for the streamlining of operations and the sharing of information among such entities.

During 2011, the Service Commissions Department secured funds from the Inter-American Development Bank (IADB) through the Ministry of Public Administration for the procurement of an Electronic Data Management System. By December 2012, after evaluation of the technical and financial proposals, the Central Tenders Board agreed and awarded a contract to Deloitte and Touche/Caribbean DMS Limited for the design of the system. The contract would be drawn up by the Chief State Solicitor's Office, with work scheduled to commence in 2013.

4.7 Electronic Establishment Book

In 2011, the Service Commissions Department Information Technology Unit commenced the design and development of a database for an Electronic Establishment Book for the Public Service Commission. To avoid duplication of development work and data entry, this was stopped after the Integrated Human Resource Information System (IHRIS) interim Production Team commenced development work intended to produce an overall Electronic Establishment Book. A draft Establishment Report was presented to the Director of Personnel Administration for review.

In 2012, the following Ministries/Departments were selected to pilot the project:

- Ministry of Trade
- Ministry of Tourism
- Ministry of Public Administration

- Service Commissions Department
- Statutory Authorities ' Service Commission Department
- Elections and Boundaries Commission Department

The Electronic Establishment Report was run for the agencies listed above and testing of the format of the Report was completed in 2012. Full testing will follow completion of the position data clean-up exercise during 2013.

Discussions have been held with the IhRIS Project Team – see item 4.3 – and due to the delays in the pilot project, the Service Commissions Department Information Technology Team has resumed work on the Establishment database as an interim measure until the finalization of the IhRIS Establishment database.

4.8 Staff Training

During the period April to November 2012, ninety-three (93) officers from the Business Units of the Service Commissions Department were trained in the modules, viz, Recruit Workforce, Labour Relations and Query Training. It was anticipated that staff training will continue in 2013 in modules such as Workforce Administration and Basic Query Training.

5.0 OPERATIONAL FUNCTIONS

5.1 Focus on Tobago

In 2012, the Director of Personnel Administration and team continued their monthly visits to the Tobago arm of the Service Commissions Department to meet with officers and members of the public. The team made ten (10) monthly visits during the year. Visits were intended to treat with the concerns of public officers as well as to offer other related services mandated by the Tobago House of Assembly Act, No 40 of 1996. The matters dealt with included areas relevant to acting, temporary and permanent appointments as well as interviews for positions in Tobago.

During the period under review, the Commission focused on entry level recruitment for Tobago, where a shortage of qualified candidates exists. The general policy is that notices of vacancies are issued for generic offices in the Public Service. There have been occasions when Order of Merit Lists have been compiled which show a limited number or an absence of persons who reside in Tobago. To address the shortage where vacancies exist in Tobago, the Commission decided to issue a notice of vacancy specifically for employment in Tobago.

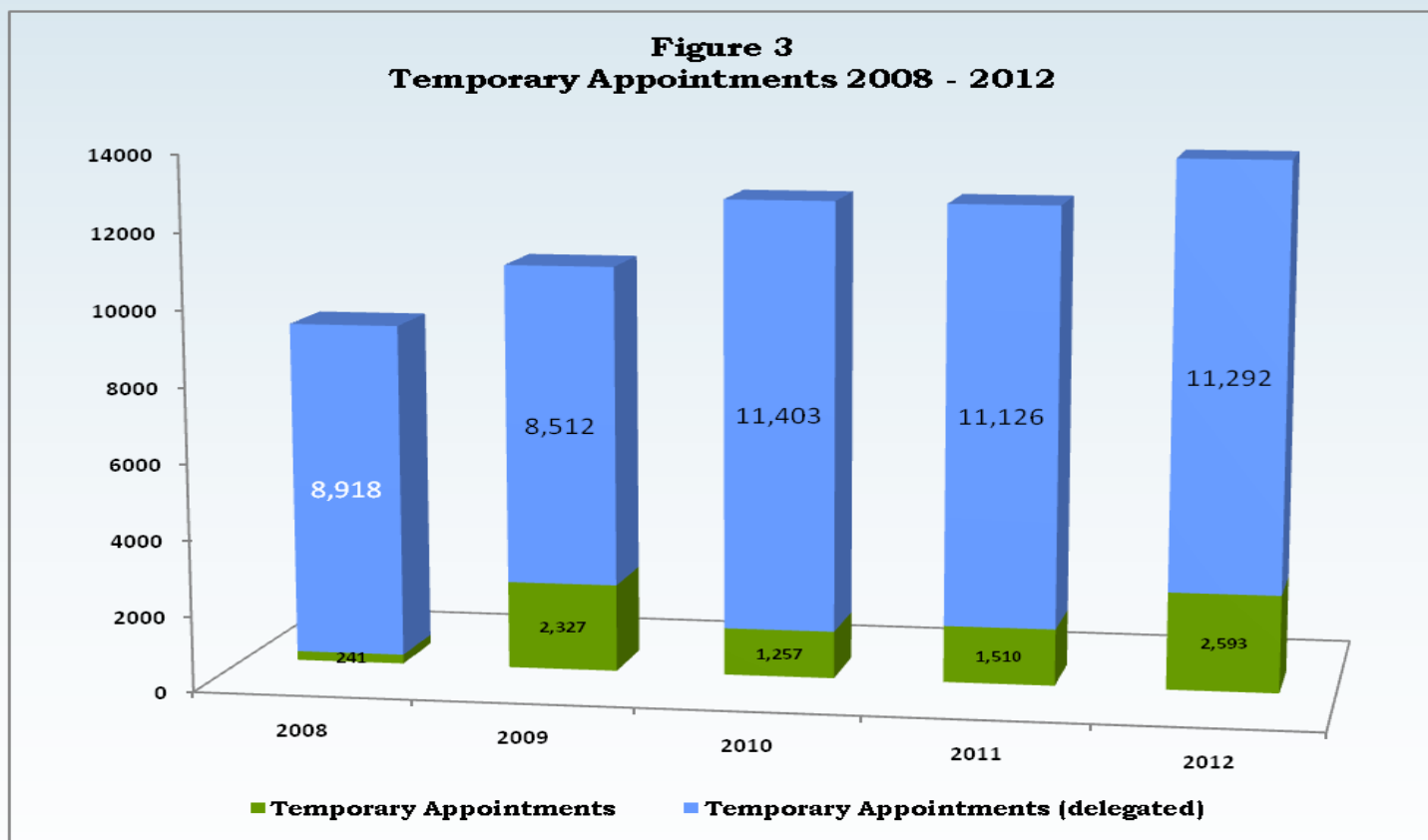
In September 2011, a notice of vacancy for employment as Clerk I in the Tobago House of Assembly and the Ministry of Tobago Development attracted two hundred and twenty (220) applicants of which one hundred and eighty-one (181) were qualified.

Following an examination conducted in March and August 2012, at which one hundred and fifty-five candidates attended, thirty-seven persons were recruited to the position of Clerk I in Tobago.

Also in 2012, eighty-two (82) offices were advertised and interviews conducted for forty-six offices by the Standing Selection Boards and the Recruitment Unit. A total of eighty (80) appointments and thirty-seven (37) promotions were made for Tobago as a consequence of those procedures.

5.2 Temporary Appointments

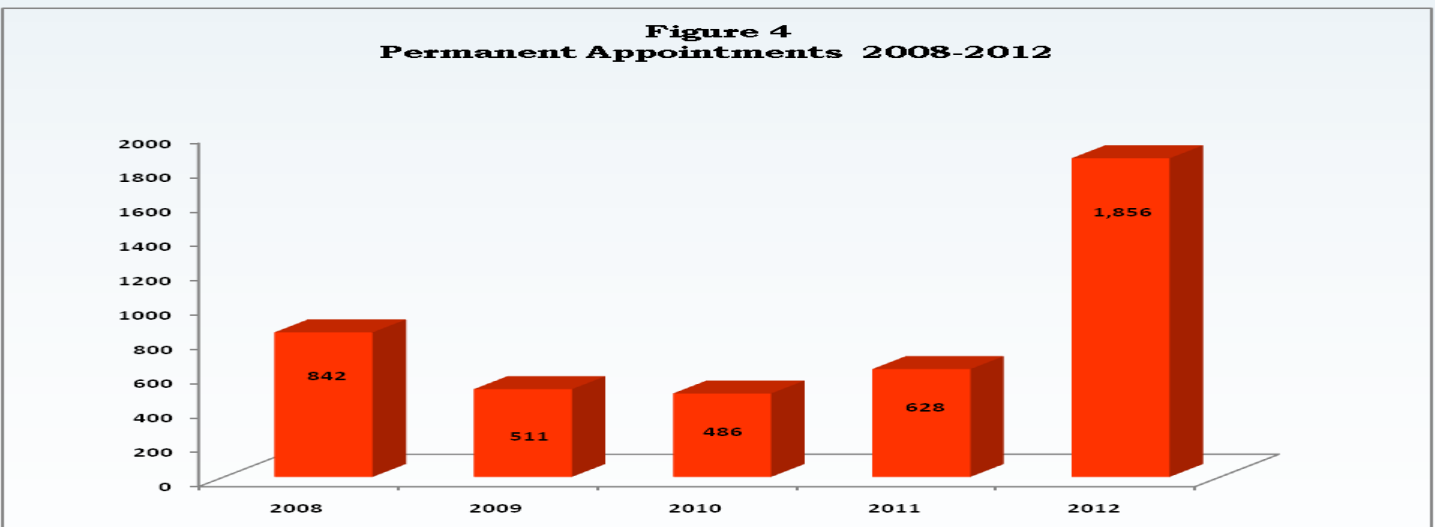
In 2012, the Commission made two thousand, five hundred and ninety three (2,593) temporary appointments. Of this number, one thousand, one hundred and sixty (1,160) temporary re-appointments were made due to the realignment of Ministries or the creation of new Ministries. Permanent Secretaries/Heads of Departments effected a further eleven thousand, two hundred and ninety-two (11,292) temporary appointments under delegated authority over the period under review (see figure 3 below).



5.3 Permanent Appointments

At the end of 2011, a data compilation exercise commenced which enabled the filling of vacant offices in the Public Service. During 2012, the Commission made two thousand, two hundred and thirty (2,230) permanent appointments. These appointments included the filling of four hundred and fourteen (414) offices of Clerk I, one hundred and forty (140) offices of Clerk Stenographer I/II and three hundred and ninety three (393) offices of Clerk Typist I.

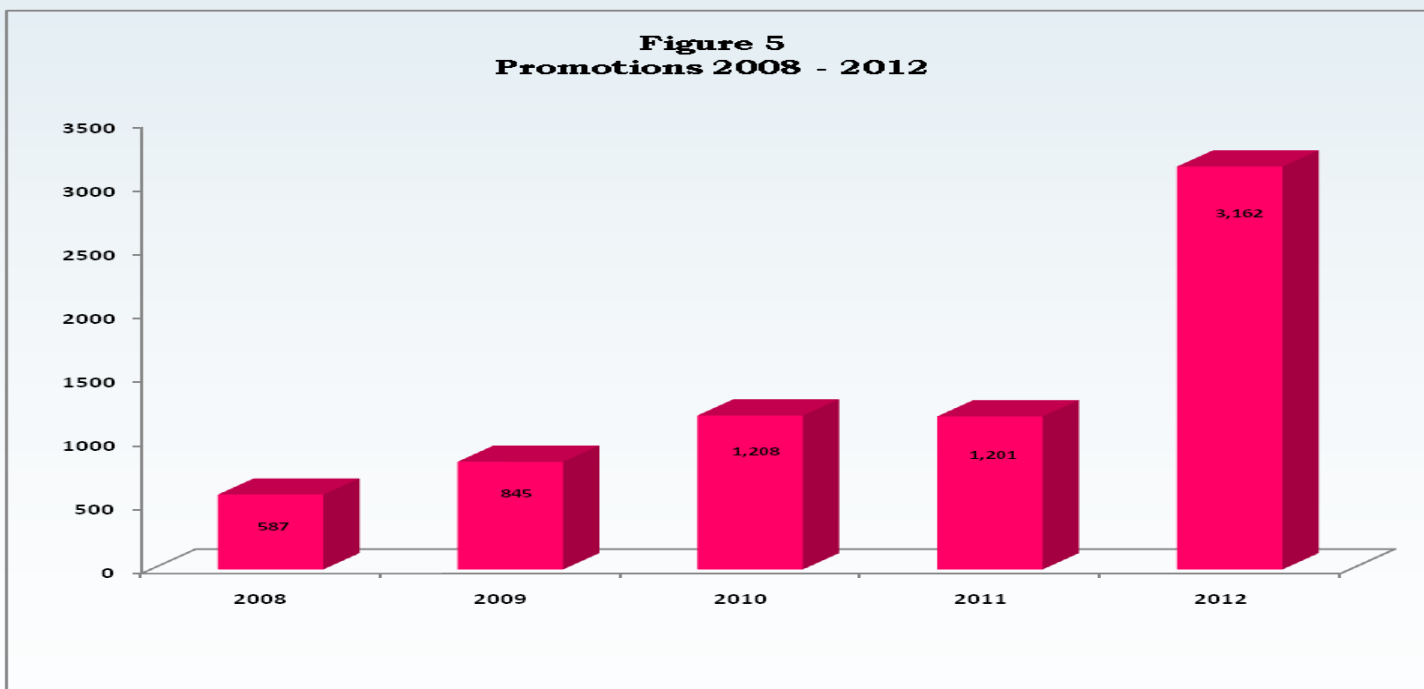
Figure 4 hereunder indicates that there was an overall increase of 196% (1,228 matters) in the number of permanent appointments made in 2012 when compared to 2011. Of the total permanent appointments made, one thousand, eight hundred and fifty-six (1,856) were made by the Public Service Commission while three hundred and seventy-four (374) were made by the Commissioner of Prisons under delegated authority.



5.4 Promotions

During 2012, the Commission made three thousand, one hundred and sixty-two (3,162) promotions – see Figure 5 hereunder. This number represents an increase of 163% over the promotions made in 2011. The timely submission of Performance Appraisal Reports which are a prerequisite to promotion, remains a concern to the Commission.

By Legal Notice No. 255 of 1st December 2011, Civil Service Regulations 6 and 7 were amended to remove the examination entry requirement for the offices of Clerk Stenographer I/II and Clerk Typist I. As a consequence, the Commission was able to fill by promotion sixty (60) offices as Clerk Stenographer I/II and six (6) offices as Clerk Typist I.



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In accordance with Regulation 172, the Public Service Commission in March 2011 implemented a point system for promoting Prison Officers, Prison Service, Ministry of National Security (now Ministry of Justice) within the First (1st) and Second (2nd) Divisions and from the Second (2nd) Division to the First (1st) Division.

The experience entailed the introduction of the following procedures:

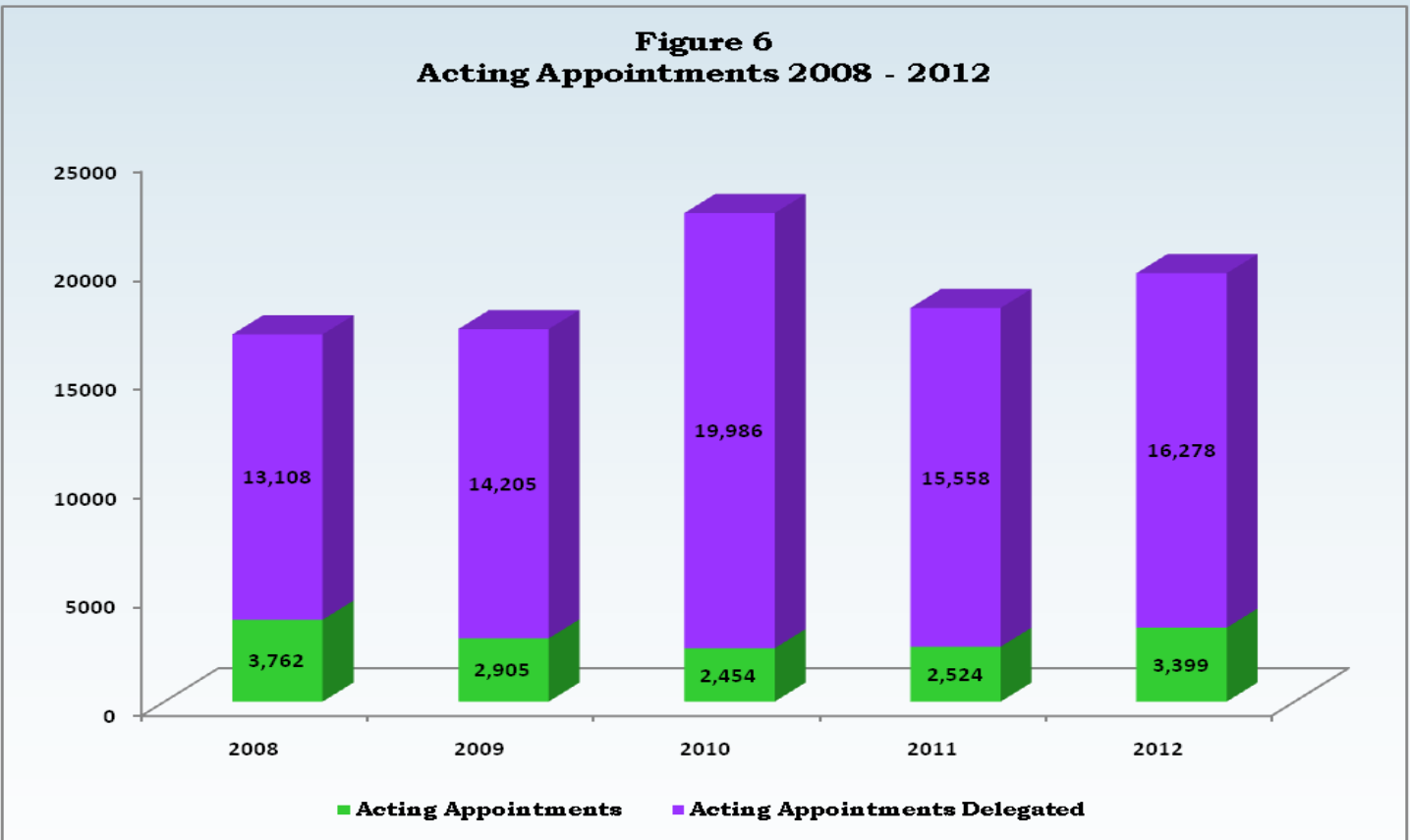
- a. The establishment of Selection Panels comprising representatives from the Service Commissions Department, the Ministry of Justice and the Prison Service to assess the suitability of officers for promotion;
- b. The formulation of Order of Merit Lists by the Assessment Panels;
- c. The notification of officers of the assessments made and the invitation to officers to submit representations vis-à-vis their placement;
- d. The consideration of representations received from two hundred and seventeen (217) officers vying for promotion to Prisons Supervisor (Grade 3) and from two hundred and twenty- one (221) officers vying for promotion to Prison Officer II (Grade II);
- e. The reassessment of the Order of Merit placements based on representations received;
- f. The convening of a meeting comprising the Director of Personnel Administration, the Commissioner of Prisons, the Executive Prison Officers Association (2nd Division) and Members of the Assessment Team to address issues of concern;

- g. Acceptance of agreed positions as a consequence of findings made by the above-mentioned Team;
- h. Further allowance to officers, whose positions were adjusted as a consequence of the reassessments, to submit representations;
- i. A review of further representations received;
- j. Eventual promotions by the Public Service Commission based on the agreed Order of Merit List formulated for promotion to Prisons Supervisor.

The full assessments in connection with the Order of Merit List for promotion from Prison Officer I to Prison Officer II (Grade II) was not completed by the end of 2012.

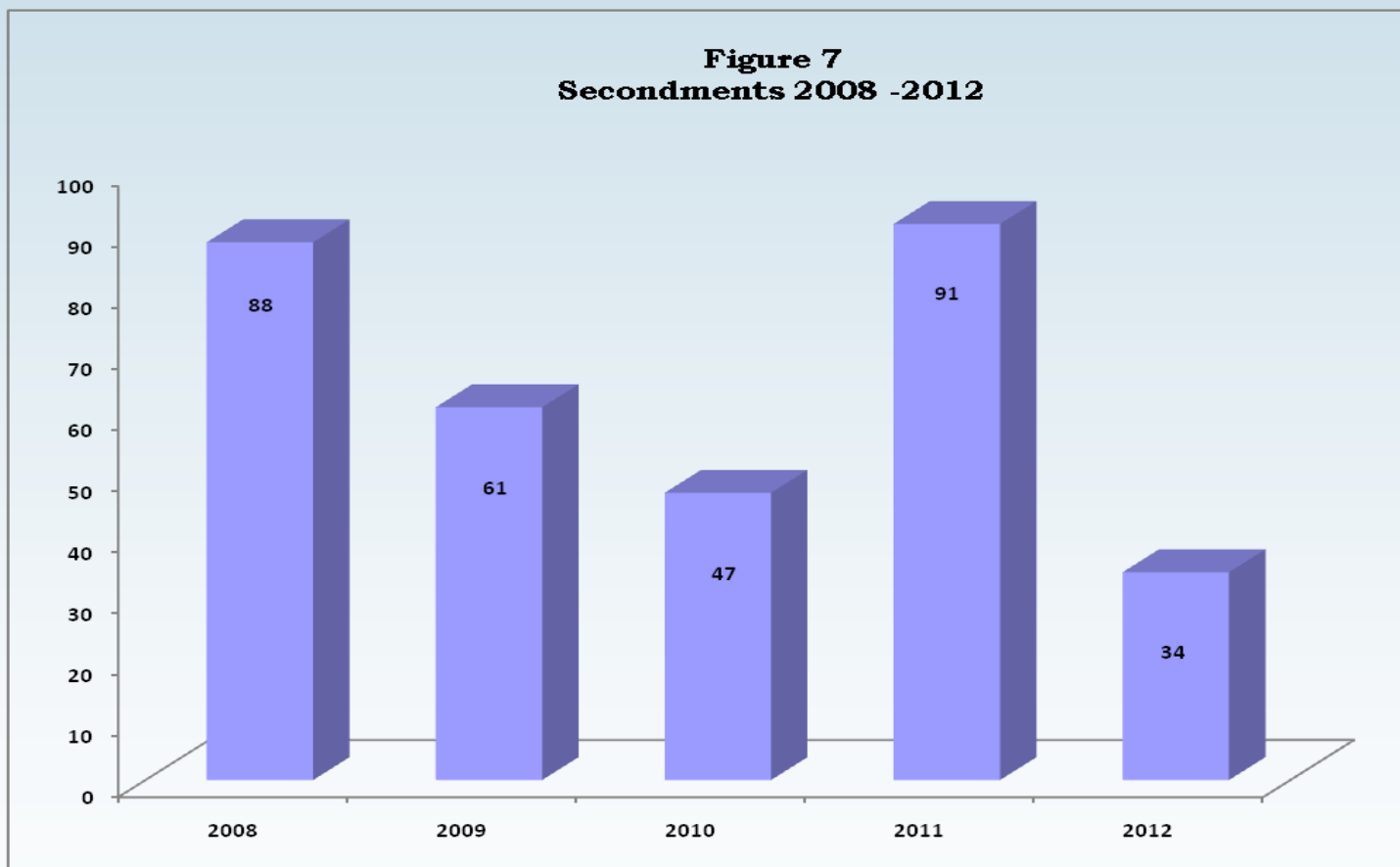
5.5 Acting Appointments

During the reporting period, the Commission made three thousand, three hundred and ninety-nine (3,399) acting appointments. A further sixteen thousand, two hundred and seventy-eight (16,278) were made under delegated authority. Figure 6 hereunder shows that there was an increase of 4.63% (720 matters) in the acting appointments made under delegated authority by Permanent Secretaries/Heads of Departments.



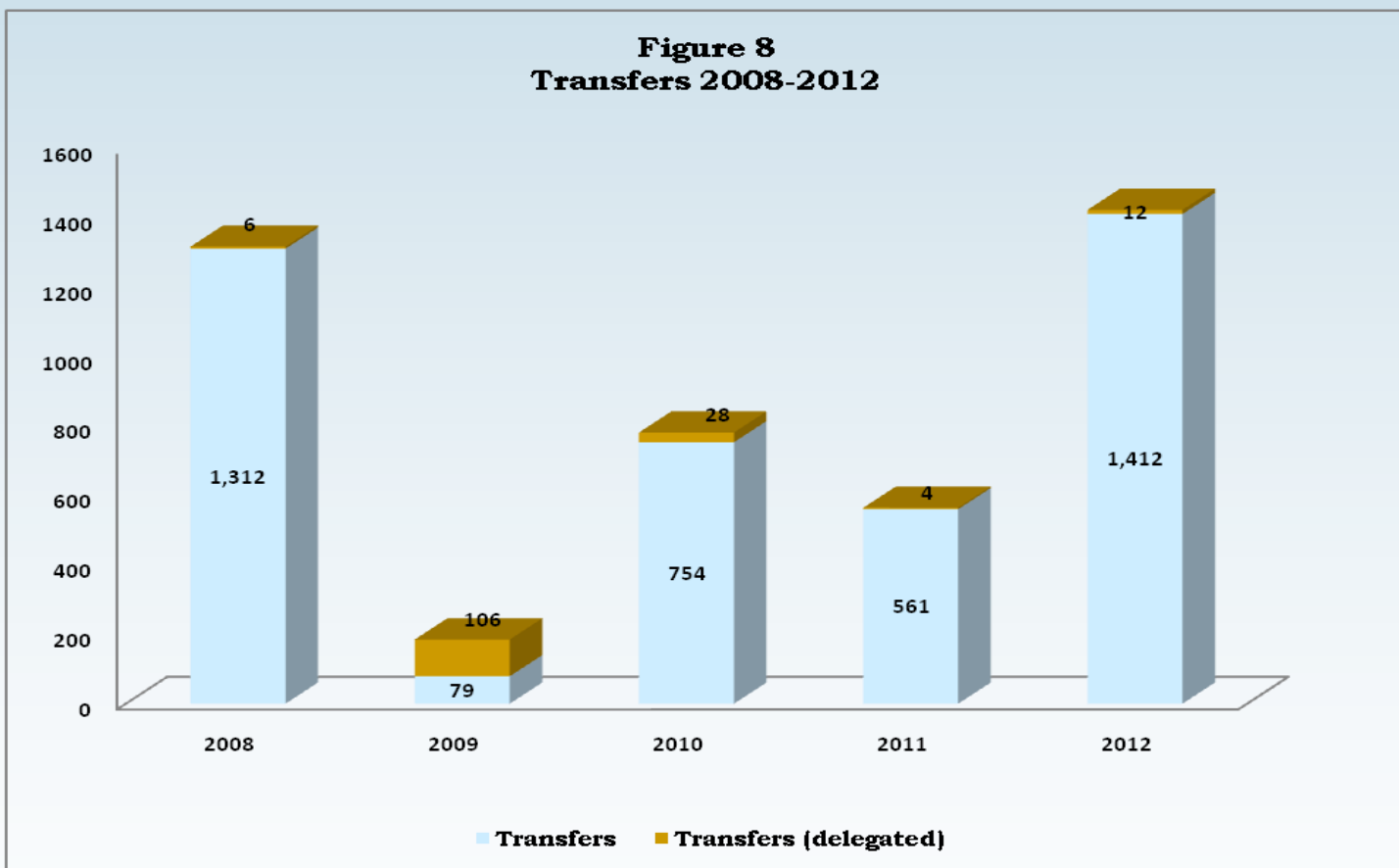
5.6 Secondments

Secondments entail the temporary movement of officers between separate statutory agencies. In 2012, the Commission released twenty-six (26) officers for appointment on secondment to other Service Commissions and Agencies and appointed eight (8) officers on secondment to the Public Service. Figure 7 gives comparative numbers over the last five (5) years.



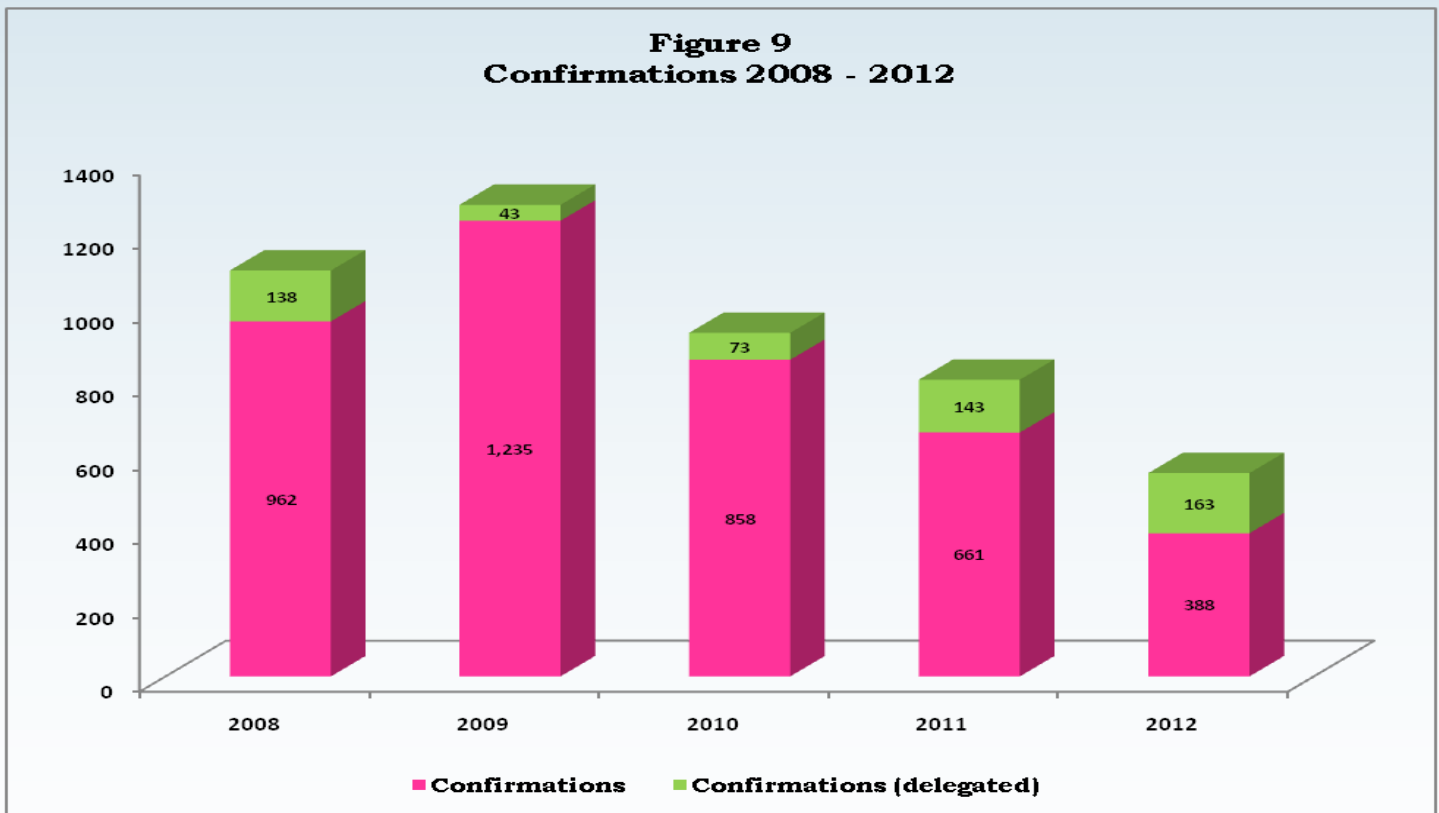
5.7 Transfers

During the year 2012, the Commission made one thousand, four hundred and twelve (1,412) transfers. One thousand, two hundred and thirty-four (1,234) of these were as a result of the realignment of Ministerial portfolios. Permanent Secretaries and Heads of Departments made twelve (12) transfers under delegated authority. See Figure 8 below.



5..8 Confirmations

Delegation of authority for the confirmation of appointments (up to and including Salary Range 68) was given to Permanent Secretaries and Heads of Departments on 24th May, 2005. The Commission however continued to confirm appointments made prior to this date. During 2012 the Commission confirmed three hundred and eighty-eight (388) appointments. Permanent Secretaries and Heads of Departments confirmed one hundred and sixty-three (163) appointments under delegated authority. See comparative numbers in Figure 9 hereunder.



5.9 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.

Table 1 indicates the number of officers who have separated from the Public Service during 2012:

Table 1

| | |
|--|-----|
| Voluntary Resignations | 135 |
| Abandonment of Office | 21 |
| Termination of Employment in accordance with Regulation 123 of the Public Service Commission's Regulations | 2 |
| Compulsory Retirements | 559 |
| Voluntary Retirements | 77 |
| Permission to Retire before age fifty-five | 22 |
| Retirements in the Public Interest | Nil |
| Retirements on Grounds of Marriage | 2 |
| Medical Board Retirements | 15 |
| Deaths | 33 |

6.0 Delegation of Powers

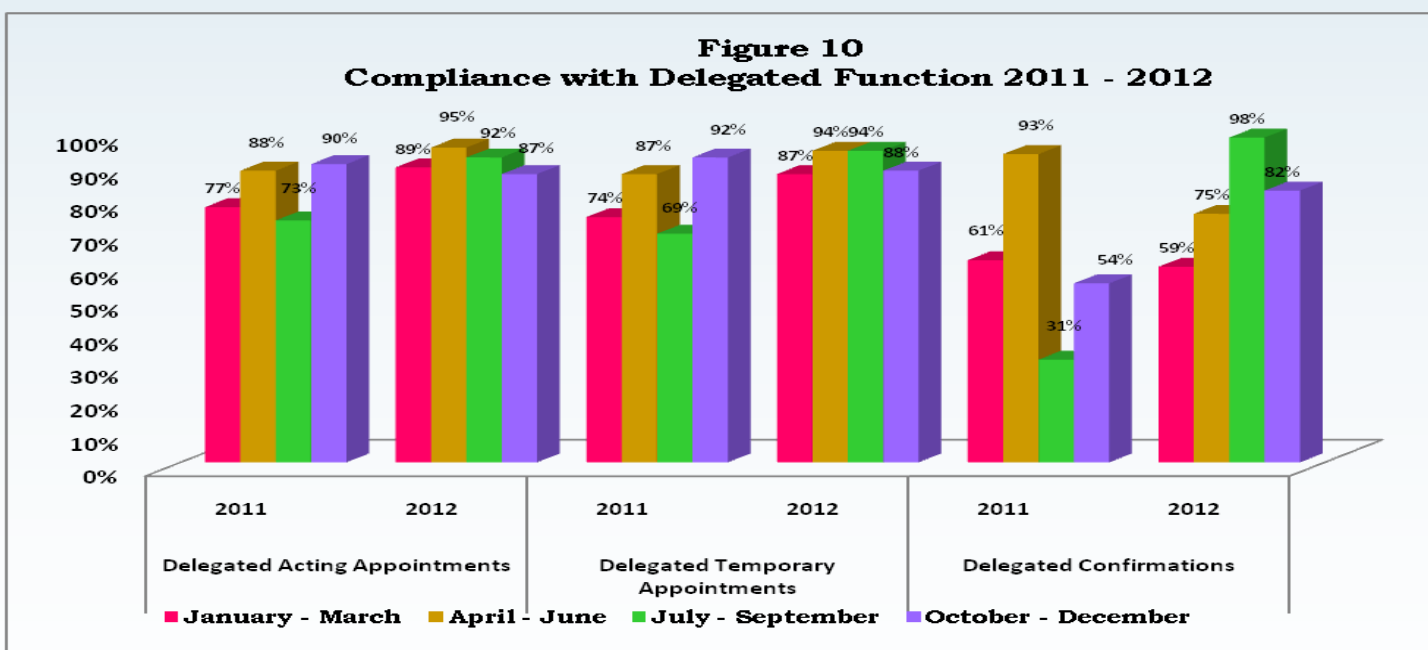
In order to ensure that the functions delegated to Permanent Secretaries/Heads of Departments and other senior public officers are properly exercised, the Director of Personnel Administration in consultation with the Commission established in 2006 a Monitoring, Auditing and Oversight Unit. The Unit provides training and consultancy services to the Human Resource Officers who perform the delegation functions on behalf of the Commission.

6.1 Review of the Performance of Ministries and Departments under Delegated Authority

A review of the performance of Permanent Secretaries and Heads of Departments under delegated authority for 2012 indicates that twenty-seven thousand, seven hundred and forty-five (27,745) matters were in compliance as indicated in *Figure 10*.

In 2012, the Chief Fire Officer did not promote any officers in the Second Division and did not make any first permanent appointments. The Commissioner of Prisons made three hundred and seventy-four (374) first permanent appointments in the Second Division.

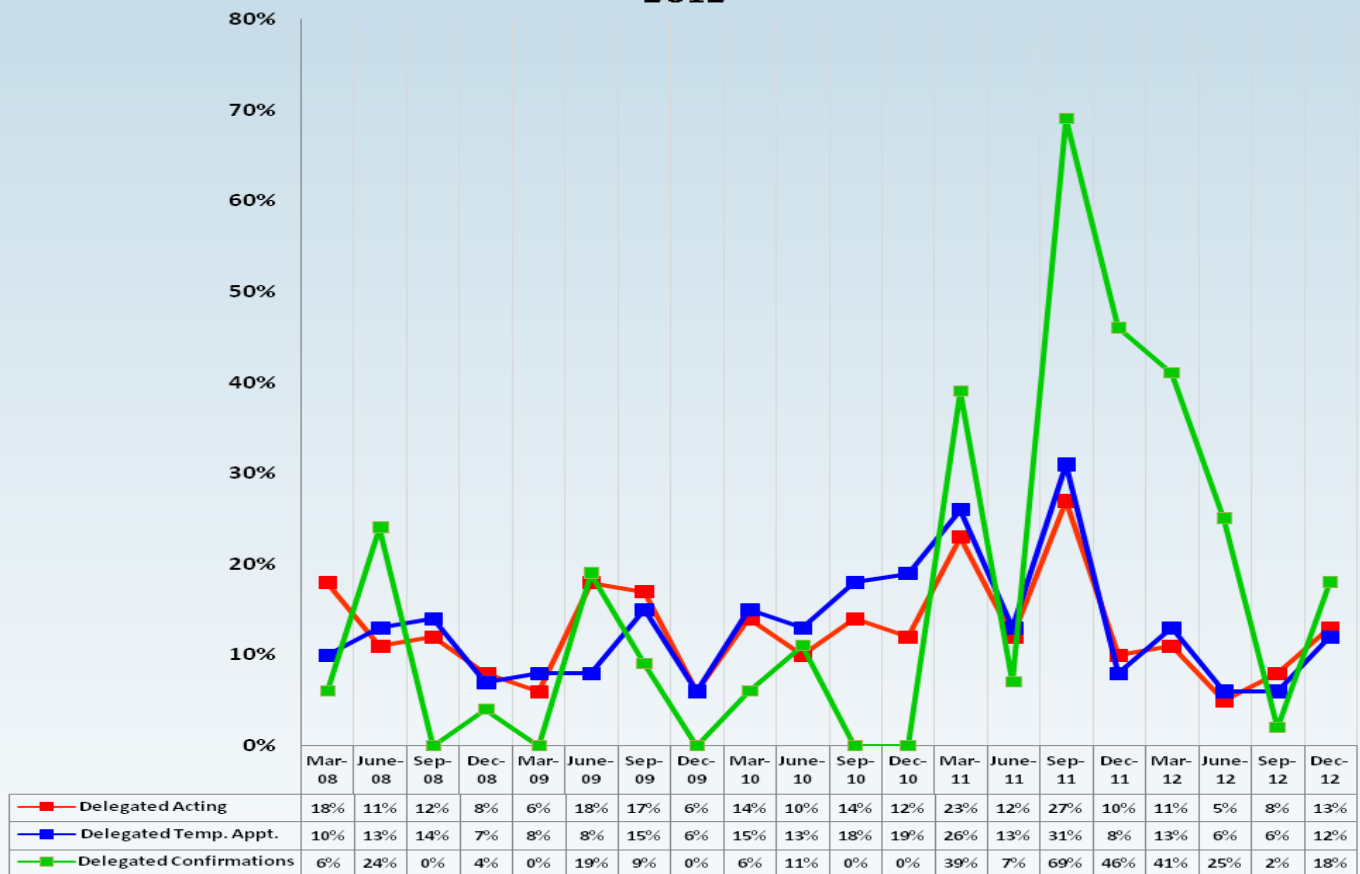
Figure 10 below depicts the performance of Permanent Secretaries and Heads of Departments under delegated authority for the years 2011 and 2012.



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Figure 11 below highlights the areas of non-compliance by Permanent Secretaries and Heads of Departments over the period 2008 to 2012.

Figure 11
Quarterly % of Non-Compliance of Delegated Functions 2008 - 2012



During the period June to September 2012, Permanent Secretaries and Heads of Departments showed great improvement in the compliance of the delegated function. However in December 2012, there was a sharp increase in the non-compliance.

7.0 Discipline

Table 2 hereunder gives a statistical representation of disciplinary proceedings against public officers in 2012:

Table 2

| | Civil | Fire | Prison | Total |
|---|--------------|-------------|---------------|--------------|
| No. of Officers Suspended | 7 | 1 | 0 | 8 |
| No. of Officers on interdiction/re-interdiction | 4 | 2 | 5 | 11 |
| No. of Disciplinary Tribunals appointed to hear matters | 7 | 0 | 5 | 12 |
| No. of matters completed by Tribunals during year of review | 15 | 1 | 3 | 19 |
| No. of Officers on disciplinary charge | 7 | 0 | 5 | 12 |
| No. of withdrawals of disciplinary charges | 0 | 0 | 0 | 0 |
| No. of persons found guilty in court | 4 | 3 | 5 | 12 |
| No. of court matters which have been dismissed as a result of the non-appearance of Police Officers | 0 | 0 | 2 | 2 |
| No. of discontinued matters | 24 | 0 | 2 | 26 |
| No. of One-Man Tribunals | 61 | | | 61 |

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Penalties were imposed against twelve (12) public officers in 2012. Table 3 below indicates the nature of these penalties.

Table 3

| Penalty | Civil | Fire | Prisons | Total |
|--------------------|--------------|-------------|----------------|--------------|
| Dismissal | 4 | 0 | 1 | 5 |
| Fined | 2 | 1 | 0 | 3 |
| Reprimanded | 4 | 0 | 0 | 4 |

In 2012, sixty-one (61) cases were heard by One-Man Tribunals and under delegated authority Permanent Secretaries and Heads of Departments imposed penalties against forty-eight (48) public officers, who were found guilty. Table 4 below indicates the type of penalties.

Table 4

| Penalty | Total |
|--------------------|--------------|
| Reprimanded | 6 |
| Fined | 42 |

7.1 Public Service Appeal Board Matters

Nine (9) officers filed appeals before the Public Service Appeal Board in 2012. Five (5) matters were concluded, four (4) of which were in favour of the claimant. Eleven (11) matters were pending as at December 31, 2012. Particulars of the four (4) matters that were concluded in favour of the claimants were as follows:

1. Immigration Officer III, Immigration Division, Ministry of National Security

ONE-MAN TRIBUNAL

Charges I, II, III and IV: Disobedience to orders contrary to Regulation 149 (2) (b) of the Civil Service (Amendment) Regulations 1996.

Decision of One-Man Tribunal

Charge III was withdrawn and the officer was found guilty of Charges I, II and IV. The Permanent Secretary imposed a penalty of a fine of two (2) days ' pay to be paid in one instalment for each charge.

Public Service Appeal No 4 of 2009. Date of Judgment: 10th May, 2011.

Outcome of Judgment

The Public Service Appeal Board allowed the Appeal filed by the officer and set aside the orders of the Disciplinary Tribunal. Excerpts of the Board 's Judgment are given hereunder:

20. It was the duty of the Tribunal to produce a judgment that gave a clear explanation for its decision in this matter.

25. The absence of sworn testimony was a serious procedural defect in the proceedings, and the Board agreed completely with the point *in limine* put forward by counsel for the respondent in that regard – that is to say, point No (e) at para 17 ante.

26. The Board was of the opinion that the countries that make up the Far East, the Middle East and the African continent should have been clearly spelt out, and made known to all and sundry.

2. Prison Officer I, Prison Service, Ministry of National Security (Now Ministry of Justice)

DISCIPLINARY TRIBUNAL

Charge I: Discreditable Conduct contrary to Regulation 3 of the Prison Service (Code of Conduct) Regulations, 1990.

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

Decision of Disciplinary Tribunal

The Disciplinary Tribunal found the officer guilty of the two (2) disciplinary charges laid against him. He was dismissed from the Public Service by the Public Service Commission.

Public Service Appeal No 5 of 2010. Date of Judgment – June 30 2012 –

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 to dismiss him from the Public Service.

The Board decided that the officer be allowed to resume duty with immediate effect. Excerpts of the Board 's Judgment are outlined hereunder:

23. On the paper, there was a formidable case made out against Mr. --- but failure on the part of the Disciplinary Tribunal herein to comply with the provisions of Regulation 96 (2) of the Public Service (Amendment) Regulations, 2007, with respect to a substantial part of the proceedings (that of the 23rd April, 2009 to 9th November, 2009) amounted to a material procedural irregularity which rendered the entire proceedings null and void, and of no effect.

24. ... the two-man Disciplinary Tribunal which heard the disciplinary matter herein did not act correctly and had failed to conform with the provisions governing relevant legislation. It had erred in law.

3. Estate Constable, Ministry of Local Government

DISCIPLINARY TRIBUNAL

Charges I, II, III and IV: Disorderly Conduct contrary to Regulation 149 (2) (e) of the Civil Service (Amendment) Regulations, 1996.

Decision of Disciplinary Tribunal

The Tribunal found the officer guilty of the four (4) charges and the Public Service Commission dismissed him from the Public Service.

Public Service Appeal No 4 of 2010 – Date of Judgment: 11th October, 2011 -

Outcome of Judgment

The Appeal was allowed and the order of dismissal made by the Public Service Commission against the officer in this matter was set aside by the Public Service Appeal Board. Excerpts of the Board 's Judgment are outlined hereunder:

24. These proceedings, in our view, therefore, were substantially defective, and cannot be allowed to stand. No proper record was made by the Tribunal of the events which transpired before it on the 12 June, 2009 and 10 September, 2009 respectively.

25. ... this appeal is allowed, and the order of dismissal from the Public Service made by the Public Service Commission against the Estate Constable ... in this matter is set aside by the Public Service Appeal Board.

4. Human Resource Officer III, acting as Senior Human Resource Officer, Ministry of Public Administration

DISCIPLINARY TRIBUNAL

Charges I, II, III and IV: Conduct bringing the service into disrepute contrary to Regulation 134 of the Civil Service Regulations 1996.

Decision of Disciplinary Tribunal

The Disciplinary Tribunal found the officer guilty of the four (4) disciplinary charges and the Public Service Commission imposed a penalty of a reduction in rank to the office of Human Resource Officer II.

Public Service Appeal No 6 of 2010 – Date of Judgment 15th August 2012 – Outcome of Judgment

The Board set aside the decision of the Public Service Commission to demote the officer to the rank of Human Resource Officer II and instead imposed a penalty of reprimand.

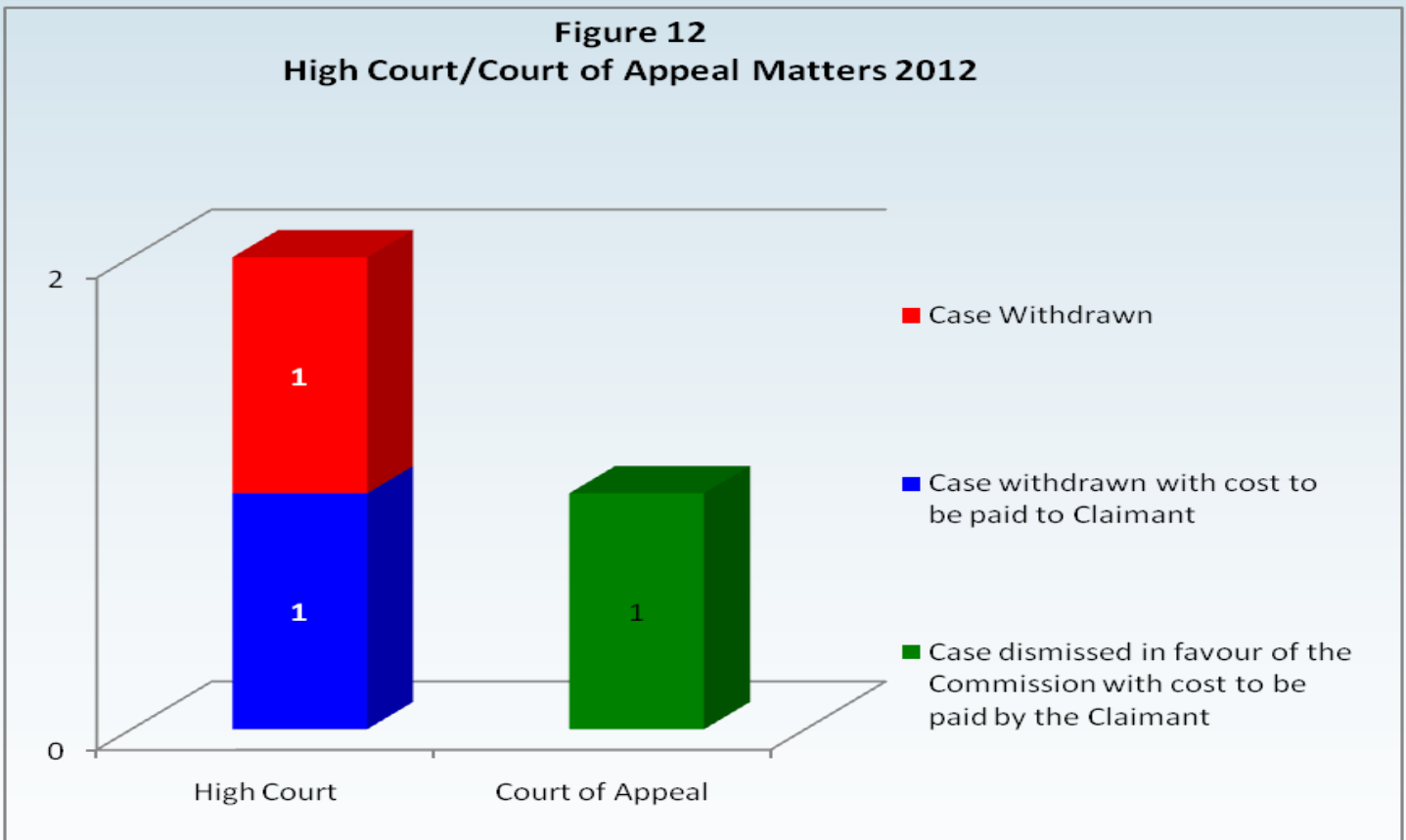
Excerpts of the Board' s Judgment are outlined hereunder:

52.... the disciplinary charges were drafted and laid under Reg. 134 of the Civil Service (Amendment) Regulations, 1996. However, because of the nature of the allegations involved, and the action of the protagonists, we think that the disciplinary charges can survive the test laid down in Reg. 134 supra. But in our view the proper forum for instituting disciplinary charges of this particular kind is Reg. 149 (1) (d) , or some other appropriate and relevant regulation under Reg. 149 of the Civil Service (Amendment) Regulations, 1996 which deals with the topic of 'Misconduct' of public officers on the whole.

53. In the result for the reasons outlined above, the Board will substitute the following decision in place of the one imposed on the appellant by the Public Service Commission in this matter. The appellant (---) is reprimanded by the Public Service Appeal Board in respect of each of the four disciplinary charges instituted against her herein by the Public Service Commission. This new order (inclusive of penalty) made by the Board will replace that previously made by the Commission in this matter. The new order made by the Board will take effect from the 1st July, 2010.

8.0. HIGH COURT AND COURT OF APPEAL MATTERS

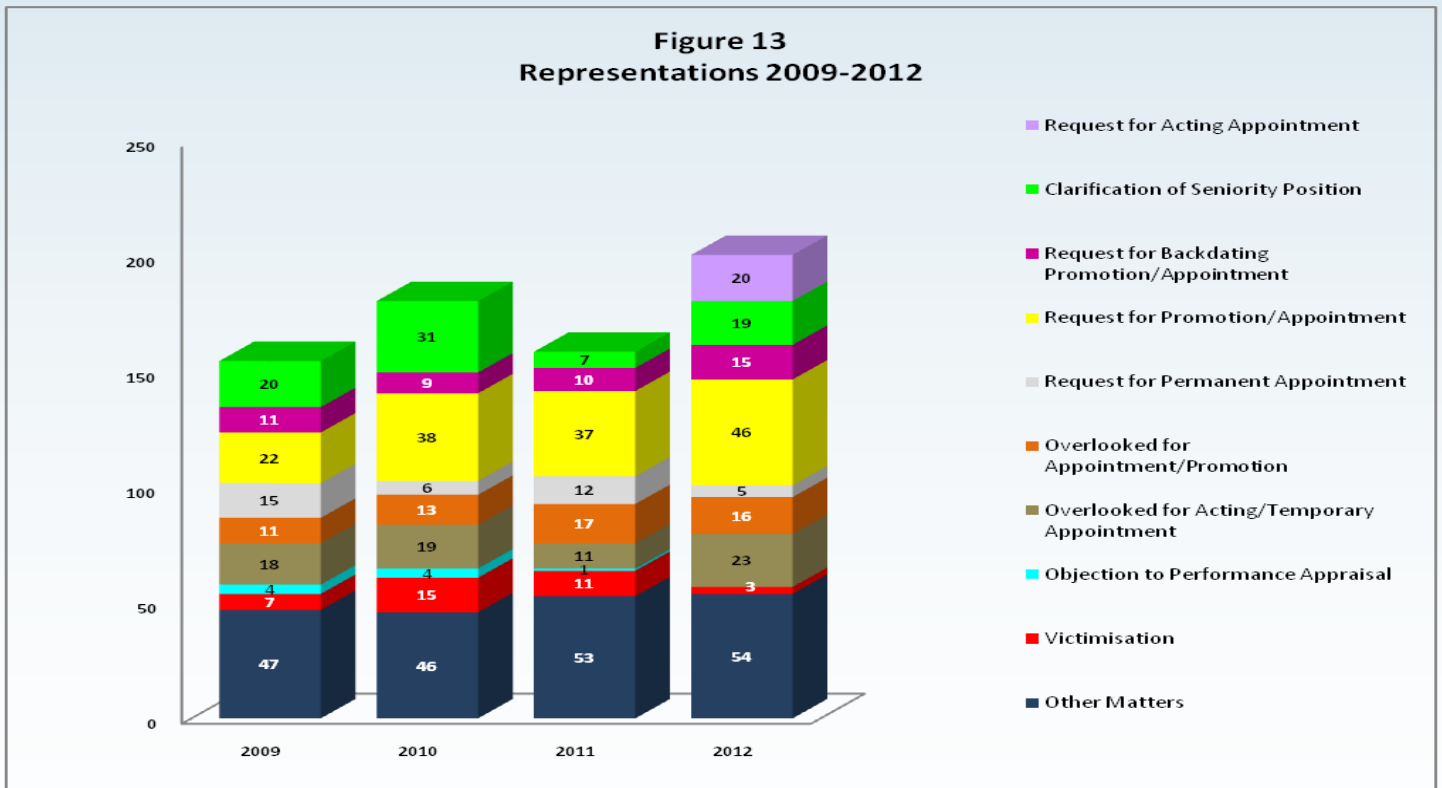
In 2012, three (3) Court matters were filed involving the Public Service Commission – two (2) in the High Court and one (1) in the Court of Appeal. One (1) matter was concluded in favour of the Commission. The two (2) others were withdrawn by the claimants. Figure 12 below gives a visual representation of the three (3) Court matters adjudicated. Further details are given in *Appendix II*.



9.0 COMPLAINTS/REPRESENTATIONS

Figure 13 hereunder disaggregates the nature and number of complaints/representations received over the period 2009 to 2012. Such complaints covered a myriad of issues.

The 2012 figures indicate a total of two hundred and one (201) complaints – an increase of 26% (42 matters) over the 2011 figure. Significant percentages of this increase were requests for the backdating of promotions/appointments and complaints about being overlooked for acting and temporary appointments. The overall number of complaints suggests the need for a review of selection procedures.



10.0 INFORMATION REQUESTS (FREEDOM OF INFORMATION ACT)

The Freedom of Information Act, No 26 of 1999, gives officers and members of the public the right (with exceptions) of access to official documents and information held by public authorities.

In 2012, requests for information were made under the Freedom of Information Act as follows:

- Forty (40) from officers in the Fire Service
- Twenty-nine (29) from officers in the Prison service
- Two hundred and sixty-eight (268) from officers in the Civil Service.

Table 5 hereunder gives a breakdown of the requests for information made by officers of these services:

Table 5

| SERVICE | RECEIVED | ADDRESSED |
|-----------------------|-----------------|------------------|
| Fire Service | 40 | 40 |
| Prison Service | 29 | 10 |
| Civil Service | 268 | 104 |
| TOTAL | 337 | 154 |

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The Table indicates that there were one hundred and fifty-four (154) outstanding requests at the end of 2012. This was largely due to the onerous work involved in processing matters, the organizational impact of diverting resources from other operations to address requests, the tasks of locating records from archival and secondary storage and the collating and compiling of data requested for response to applicants. Table 6 hereunder gives a breakdown of the nature of information requests received during 2012.

Table 6

| NATURE OF REQUESTS | NUMBER OF REQUESTS |
|---|--------------------|
| CIVIL SERVICE | |
| Seniority List | 48 |
| Order-of-Merit List | 16 |
| Permanent Appointment | 10 |
| Promotion | 3 |
| Acting Appointment | 1 |
| Employment | 1 |
| Scores from Interviews | 4 |
| Results from Examinations | 8 |
| Disciplinary Matters | 3 |
| List of officers within a Particular Ministry/ Department | 1 |
| View Confidential Personal File | 3 |
| Position on Seniority List | 49 |
| Position on Order-of-Merit List | 26 |
| Information/Copy of Documents | 95 |
| TOTAL | 265 |

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| | |
|--------------------------------|-----------|
| FIRE SERVICE | |
| Seniority/Order-of-Merit Lists | 2 |
| Examination Scripts/Booklets | 28 |
| Position on Seniority | 2 |
| Information/Copy of Documents | 6 |
| Fire Assessment Matters | 2 |
| TOTAL | 40 |
| PRISON SERVICE | |
| Seniority/Order-of-Merit Lists | 4 |
| Examination Scripts/Booklets | 2 |
| Disciplinary Matters | 2 |
| Information/Copy of Documents | 12 |
| Prison Assessment Matters | 9 |
| TOTAL | 29 |

Analysis of the above information in Table 6 shows that thirty-five percent (35%) of the requests received were for copies of documents and/or information. Seniority list matters accounted for thirty-six percent (36%) of the requests. In respect of the Fire Service specifically, seventy percent (70%) of the requests made were for copies of Examination Scripts/Booklets while forty-one percent (41%) of the requests made in respect of the Prison Service were for Information/Copies of Documents.

11.0 EQUAL OPPORTUNITY REPRESENTATIONS

The Equal Opportunity Act, No 69 of 2000, seeks to prohibit certain kinds of discrimination and promote equality of opportunity among persons of different status. The Act provides for the establishment of an Equal Opportunity Commission 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 does not fall within the ambit of Section 8 as it is not the employer of public officers (Endell Thomas vs Attorney General). The Commission is therefore not obliged to respond to complaints made pursuant to the provisions of the Act. The Act needs to be amended to provide for a Service Commission to fall within the ambit of the Equal Opportunity Act. The Commission is willing to fulfil all its legal obligations once the appropriate amendment is made to the Act.

12.0 ACCOMMODATION ISSUES

During 2012, the Service Commissions Department continued to face challenges in its physical environment in areas such as poor air quality, frequent malfunctioning of the air-condition system and the occasional experience of pungent odours. Unsuccessful attempts were made to alleviate these ills in the short term, while seeking alternative accommodation, in the interest of the health and safety of staff. Discussions continue with the Property Management and Real Estate Service Divisions, Ministry of Housing and Settlements to secure alternative accommodation.

13.0 PROJECTIONS FOR 2013

In accordance with its Action Plan and Medium-Term Strategic Objectives 2011 – 2013 as outlined in *Appendix III*, the Commission will continue to take steps towards achieving key strategic objectives for which work commenced in 2011/12 as follows:

- Commencement of Full Assessment Centre Exercise (ACE) and Advanced Scientific methods of selection;
- Improved coordination of human resource management within the Public Service;
- Institutional Strengthening of the Service Commissions Department as part of the HRM Modernization Programme;
- Review of IhRIS - Upgrade, Customization and Roll-Out of Modules in the IhRIS; People Soft Applications; Staff Training in IhRIS;
- Dedicated drive to reduce the number of vacancies in the Public Service;
- Collaboration towards improved coordination among Central Human Resource Management agencies within the Public Service;
- A Comprehensive Review of the Public Service Commission Regulations;
- Establishment of an Electronic Data Management System (EDMS) ;
- Implementation of the Electronic Establishment Book

APPENDICES

PUBLIC SERVICE COMMISSION ANNUAL REPORT 2012

APPENDIX I

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 ^{132of} ₁₉₆₆ ^{interpreta-} Public Service
Commission Regulations.

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
amended by revoking the First and Second Schedules and substituting the
following:

L.N.60. of 1999
First 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 the
power to appoint persons on recruitment from outside the particular Service in the 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.

Powers
delegated
Acting
appointments

2. The power delegated under paragraph 1 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 the Third
Schedule to the Fire Service Act, the First Schedule to the Prison Service Act.

Chap. 23:01
Chap. 35:50
Chap. 13:02
Chap. 39:01
158/1966

PART II

PERMANENT SECRETARIES AND HEADS OF DEPARTMENTS

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| | |
|--|---|
| 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; |
| Transfer | (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 Confirmation | (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; |
| | (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 Chap. 23:01 | 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. |
| 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. |
| | 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

| | |
|--|---|
| Report to Commission | 1. The powers delegated to Deputy Permanent Secretaries are as follows: |
| Powers delegated | (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; |
| Acting appointments | (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; |
| Further temporary appointment 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. |

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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:
 - (a) to appoint a public officer to act in a public office in the Civil Service up to delegated 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 -PP=+tment 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.

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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).
- Report to Commission
- (2) All appointments made under this Part shall be on a temporary basis.
- (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

PART VIII

THE CHIEF FIRE OFFICER

1. The powers delegated to the Chief Fire Officer are as follows: Powers
 - (a) the power to appoint persons and fire officers on promotion to offices in the delegated Second Division of the Fire Service below the office of Fire Station Officer and Appointment to confirm the appointment of Fire Officers to such offices in accordance with
 - (b) 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; 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 appointments 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 Transfers the Fire Service to another such Division or District or Branch;
 - (e) the power to direct a fire officer to cease to report for duty in accordance with Suspension Regulation 88 of the Regulations and the Chief Fire Officer shall report the exercise of this power forthwith to the Commission
 - (f) The functions of the Commission under regulation 164 of the Regulations in Resignation respect of a fire officer in an office in the Second Division of the Fire Service below the office of Fire Station Officer.
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. Appointments Tobago are as follows:
 - (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 Acting House of Assembly, for periods up to six months whether such acting Appointment 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 there- to and in respect of such power the Chief Administrator shall apply the principles of selection pre- scribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations;

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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

Powers delegated

The Senior Public Officer, High Commissions, Missions and Embassies of Trinidad and Tobago

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).

PART XI

The Permanent Secretary, Central Administrative Services, Tobago

1. The powers delegated to the Permanent Secretary, Central Administrative Powers Services, Tobago, are as follows: 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 Chap: 23:01 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 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 Transfers 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;
 - (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.
3. The Permanent Secretary shall submit to the Commission, once in every quarter, a report of the exercise of any powers delegated to him.
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 Chap: 23:01 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

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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.

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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: Civil Service; Fire Service; 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 141 | Regulation 110 Regulation 111 | Regulation 12 Regulation 13(1) |
| Act of indebtedness to the extent it impairs efficiency, etc. | | | |

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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 Con- ditions of Employment) Regu- lations, 1998</i> | PRISON SERVICE <i>Reference to Regulation of Prison Service (Code of Con- duct) 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) ㊦ | Regulation 119(l)foj | Regulation 20(l)(a) |
| Contravention of the: Civil Service Regulations and other written law; Fire Service (Terms and Conditions of Employment) Regulations, 1998 and other written law; Prison Service (Code of Conduct) Regulations, 1990. | Regulation 149(1)^ Regulation 149(l)(c) | Regulation 119(1)^ Regulation 119(l)(c) | |
| Act that is prejudicial to, or discredits reputation of the Service | Regulation 149(1)(4) | Regulation 119(l)(d) | Regulation 20(l)(b) Regulation 20(l)(c) Regulation 20(l)(d) |
| Disobedience to orders | Regulation 149(2)^ | Regulation 119(2)fc) | 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) |

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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 Con- duct) Regulations, 1990</i> |
| Malingering | Regulation 149(2)foj | Regulation 119(2)(1) | Regulation 20(2)(m) |
| Absence without leave or being late for duty | Regulation 149(2)foj | Regulation 119(2)07 | 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)fo | Regulation 20(2)(s) |

Dated this 19th day of April, 2006.

C. THOMAS
Chairman of the Public Service Commission

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Order 2006

Approved.

P. MANNING
Prime Minister

Dated this 30th day of April, 2006.

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

APPENDIX II

DETAILS OF HIGH COURT/ COURT OF APPEAL MATTERS COMPLETED IN 2012

| Decision Made | Name of Claimant | Court | No. of Cases |
|---|---|-----------------|--------------|
| ⇒ Case withdrawn with cost to be awarded to claimant | 1. Mr Fyzool Haniff – Assistant Superintendent of Prisons | High Court | 1 |
| ⇒ Case withdrawn by claimant | 2. Mr Sherwin Welch – Field Auditor IV | High Court | 1 |
| ⇒ Case dismissed in favour of Commission with order of cost to be paid by Claimant to the Defendant | 3. Mr Carl Mattis – Chief Prisons Welfare Officer | Court of Appeal | 1 |

Details of the cases are attached at Nos. 1 to 3.

Mr Fyzool HANIFF – Assistant Superintendent of Prisons

vs

Public Service Commission

HCA#/Date filed: CV 2012-01329 – 1st June 2012

Judicial Review of

1. A declaration that the Claimant was treated unfairly, contrary to the principles of natural justice and to Section 20 of the Judicial Review Act Chapter 7:08 of the Laws of Trinidad and Tobago.
2. An order of Certiorari to remove into this Honourable Court and to quash the decision of the Second named Defendant not to promote the Claimant.
3. A further order directing the Second named Defendant to reconsider the Claimant claim for promotion to the office of Assistant Superintendent of Prisons with retroactive effect and/or in accordance with the findings of the Honourable Court.
4. A declaration the Defendant had acted irrationally, illegally, unfairly and unreasonably in refusing to promote the Claimant.
5. An order pursuant to Section 8 (1) (d) of the Judicial Review Act Chapter 7:08 of the laws of Trinidad and Tobago directing the Second named Defendant to reserve one of the existing vacancies for the office of Assistant Superintendent of Prisons to which retroactive promotion is possible, pending the hearing and determination of this matter.

6. Damages.
7. Costs.
8. Such further or other reliefs as the Court deems just and appropriate.

Date of Outcome: 17th September 2012

Order/Judgment

At its meeting held on 21st August 2012, the Public Service Commission promoted Mr Fyzool Haniff to the rank of Assistant Superintendent of Prisons (Grade 4), Prisons Service, Ministry of Justice with effect from 8th February, 2012.

As a result, on 17th September, 2012, Mr Haniff withdrew his claim and was awarded costs in the sum of One Hundred and Two Thousand, Five Hundred and Eighty Nine Dollars (\$102,589.00).

SherwinWELCH – Field Auditor IV

vs

Public Service Commission

HCA#/Date filed: CV 2012-03983 – 28th September 2012

Judicial Review of

1. A declaration that the decision of the Public Service Commission whereby it promoted the Claimant to the office of Field Auditor IV effective the 18th day of February 2003 instead of the 1st day of June 1999 was unreasonable, contrary to the rules of natural justice and Section 20 of the Judicial Review Act 2000;
2. A declaration that there is no legal requirement that an officer be the the holder of professional qualifications in account to be promoted to the office of Field Auditor IV and higher offices in the Field Audit Stream in the Public Service;
3. A declaration that the Claimant satisfied the requirements for promotion to the office of Field Auditor IV by virtue of his training, his experience as a Field Auditor and his educational qualification;
4. A declaration that the conduct of the Commission in failing to promote the Claimant to the office of Field Auditor IV on the ground that he did not possess professional accounting qualification while promoting other officers to similarly circumstanced to that office and higher offices in the Field Audit stream, contravened the Claimant 's fundamental right to equality of treatment from a public authority in the exercise of a public function as guaranteed by Section 4 (d) of the Constitution of Trinidad and Tobago;

5. Alternatively, a declaration that the Claimant had a legitimate expectation that he would be promoted by the Commission to the office of Field Auditor IV effective the 1st day of June, 1999, by reason of the waiver of professional qualification which he obtained from the Chief Personnel Officer by memorandum dated the 23rd day of August, 1999.
6. An order of certiorari removing into the Honourable Court and quashing the decision of the Commission whereby it promoted the Claimant to the office of Field Auditor IV effective the 18th day of February 2003 instead of the 1st day of June 1999;
7. An order directed to the Commission requiring it to promote the Claimant to the office of Field Auditor IV effective the 1st day of June 1999, alternatively an order requiring it to consider the question of doing so;
8. Pending the hearing and determination of claim herein, an injunction restraining the Commission from promoting any officer apart from the Claimant to the post of Field Auditor V;
9. Damages;
10. Interest; and
11. Costs.

Date of Outcome: 9th November 2012

Order/Judgment

On 9th November, 2012, Mr Kenneth Thompson, Attorney at Law, acting on behalf of Mr Welch, filed an application with the Registrar, High Court to withdraw High Court Action No. CV2012-03983 which was filed against the Public Service Commission.

Carl MATTIS - Chief Prisons Welfare Officer

vs

Public Service Commission

HCA#/Date filed: CV2011-01991 – 26th May 2011

Judicial Review of

1. An Order of Certiorari to remove into the Honourable Court the decision of the Public Service Commission to suspend the Claimant from duty.
2. An order of Certiorari to remove into the Honourable Court to quash the decision of the Public Service Commission to charge the claimant on 13 counts of misconduct.
3. A declaration that the Public Service Commission acted illegally or irrationally in departing from the legislative policy and the provisions of the prison code which provides for a prison officer with the permission of the Commissioner of Prisons to perform professional services whilst still holding a position as a prisons officer.
4. A declaration that the Commissioner of Prisons in accordance with legislative policy is the same person responsible for regulating prisons officers who are pursuing professional and industrial activities whilst holding the position of prisons officer.
5. A declaration that the Public Service Commission has breached the principles of natural justice and procedural fairness and have acted in bad faith in not disclosing to the claimant all complaints and allegations made against him and giving him the opportunity to confront and to refuse same.

6. A declaration that the Public Service Commission has acted unfairly and unreasonably and in breach of the principles of natural justice by its omission to serve the claimant a warning notice together with disclosures of all allegations made against him.
7. An order of mandamus compelling the defendant to reconsider its decision to suspend the claimant from duty.
8. Costs.
9. Damages.
10. Such other Orders that the Honourable Court may deem necessary and fitting.

Date of Outcome: 16th February 2012

Order/Judgment

1. Leave granted to apply for Judicial Review is hereby set aside
2. Claim dismissed
3. Costs to be quantified by the Registrar in default of agreement.

COURT OF APPEAL

Court of Appeal #/Date Filed: Court of Appeal No. 45 of 2012 – 27th February 2012

Court of Appeal of:

Mr Mattis filed an appeal against the Order/Judgement

Date of Outcome: 14th May 2012

Order/Judgment

The Court refused the Appellant 's application for a stay. The Commission is entitled to proceed with the disciplinary charges against the Appellant. The Court agreed that the Appeal was out of time. Costs payable by the Claimant to the Defendant is in the sum of one hundred, fourteen thousand, and two hundred and thirty five dollars and fifty-six cents (\$ 114,235.56).

**Action Plan and Medium Term Strategic Objectives 2011-2013
by the Public Service Commission**

| Action | By When | By Whom |
|--|----------------|--|
| Standing Selection Panels | July 2011 | PSC |
| Implement Document Management System | December 2011 | PSC |
| Propose new regulations for discussion and implementation | December 2011 | PSC |
| Electronic database for handling requests for transfers of public officers | June 2012 | PSC/Pub. Admin. |
| Review IHRIS | June 2012 | PSC/Pub. Admin./Other Stakeholders |
| Implement new SCD Structure | June 2012 | PSC/SCD/PMCD |
| Review of the existing disciplinary procedure | September 2012 | PSC |
| Delegation of the process to Heads of Departments for Ministry Specific positions | October 2012 | Collaboration with the PSC/Pub. Admin. |
| Collaboration on a design of performance appraisal for senior and middle executives | October 2012 | PSC in collaboration with the Personnel Department |
| Collaboration on Succession Planning for Senior Management | October 2012 | PSC/Pub. Admin./Personnel Department |
| Full Assessment Centre Methodology and Advanced Scientific Methods of Selection | October 2012 | PSC |
| Implement Electronic Establishment Book | October 2012 | PSC |
| Lobby for improved training for HR professionals with respect to delegation of the process to Heads of Departments for Ministry Specific positions | May 2013 | Collaboration with the PSC/Pub. Admin. And other Ministries and Department |
| Lobby for urgent consideration and collaboration with the CPO for an urgent review of all Job Specifications/Descriptions | May 2013 | PSC in collaboration with the DPA and the Personnel Department |
| Work with Public Administration, Personnel, Finance, SCD to facilitate improved co-ordination of HR Management | Ongoing | PSC/SCD/Finance/Pub. Admin./Personnel Department |

NOTES