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### **DELEGATED FUNCTIONS TO THE CHIEF ADMINISTRATOR, TOBAGO HOUSE OF ASSEMBLY AND PERMANENT SECRETARY, OFFICE OF THE PRIME MINISTER CAST**

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# INTRODUCTION

This Manual has been prepared to assist the Chief Administrator, Tobago House of Assembly and the Permanent Secretary, Office of the Prime Minister (Central Administrative Services Tobago) in the exercise of the functions delegated to them by the Public Service Commission.

According to Section 121 (1) of the Constitution of Trinidad and Tobago, the powers of Public Service Commission are:-

... power to appoint persons to hold or act in offices to which this section applies, including power to make appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Public Service Commission.

Section 127 of the Constitution permits the Public Service Commission, with the consent of the Prime Minister and subject to such conditions as it may think fit, to delegate any of its functions to public officers, other than the powers conferred on it by Section 129.

Sections 127 and 129 are reproduced hereunder:-

## **127 (1)**

A Service Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any or its functions under this Part other than any power conferred on the Commission by section 129, to any of its members.

## **129 (1)**

Subject to subsection (3), a Service Commission may, with the consent of the Prime Minister, by regulation or otherwise regulate its own procedure, including the procedure for consultation with

persons with whom it is required by this Constitution to consult, and confer powers and impose duties on any public officer or, in the case of the holder of an office referred to in section 111 (2), a Judge or on any authority of the Government, for the purpose of the discharge of its functions.

When the Commission delegates any of its functions, the power to carry out those functions passes on to the recipient of the delegation exclusively. Such exercise of power must be personally and assiduously exercised by him/her and must be evidenced by his/her signature.

**The Public Service Commission has delegated power to the Chief Administrator, Tobago House of Assembly and Permanent Secretary, Office of the Prime Minister (Central Administrative Services, Tobago) in respect of offices up to Salary Range 68 as follows:**

- i) temporary appointments in Clerical, Secretarial and Manipulative Classes; (offices listed at **Appendix I**)
- ii) appointments on a temporary basis for periods not exceeding six (6) months, on the expiration of that person's first temporary appointment by the Public Service Commission to that office, except in offices that require consultation with the Prime Minister;
- iii) acting appointments up to Range 68 for a period not exceeding 6 months except in offices that require consultation with the Prime Minister;
- iv) confirmation of appointments;
- v) power to make transfers within Divisions up to Range 68;

- vi) suspension of officers; and
- vii) exercise disciplinary control in respect of minor infractions set out in the Code of Conduct.

This section of the Manual provides guidelines for the exercise of delegated functions as well as specimens of relevant documentation.

**Functions retained by the Public Service Commission:**

- i) Promotions
- ii) Acting appointments in offices that require consultation with the Prime Minister as a prelude/not a prelude to a substantive appointment
- iii) First temporary appointments and further temporary appointments where Order of Merit Lists exist
- iv) Disciplinary control in respect of infractions other than those delegated

Returns of the exercise of delegated functions form must be properly completed and signed by the Permanent Secretary, Office of the Prime Minister, Central Administrative Services, Tobago House of Assembly and the Chief Administrator, Tobago House of Assembly **(as appropriate)** on **every** occasion that this authority is exercised. These forms must be submitted to the Director of Personnel Administration on a **quarterly** basis.

Matters falling outside the scope of authority delegated must be submitted to the Director of Personnel Administration for consideration by the Public Service Commission.

# TEMPORARY APPOINTMENT

## Definition

**Temporary appointment** means the appointment of a person to a temporary office or the appointment of a person temporarily to a permanent office.

**Further Temporary appointment** means the appointment of a person on a temporary basis following his/her initial temporary appointment by the Permanent Secretary/Chief Administrator

## The following conditions/requirements must be satisfied

- i) The person must satisfy the requirements of the office in accordance with the relevant job specification/Regulation
- ii) A vacancy must exist (temporary or permanent), and must be clearly identified
- iii) The Director of Personnel Administration must be consulted if an Order of Merit list exists for the office
- iv) If no Order of Merit List exists the next eligible person in accordance with date of receipt of application should be considered or any other Commission's policy with respect to the selection of candidates for temporary appointment in effect at the time
- v) The period of appointment must be of a specified duration
- vi) As a general rule the period must not exceed one (1) year
- vii) The temporary appointment should give the person no claim to further temporary appointment or to a substantive appointment to the office

## Documentation

- i) Proposals should be submitted in writing to the Chief Administrator or Permanent Secretary, Office of the Prime Minister (Central Administrative Services, Tobago) well in advance of the commencement date of the

arrangement, to allow for its proper consideration by him/her. The submissions should include the following:

**First Temporary Appointment**

- (a) Completed Application for Employment Form with
  - i) certified copy of Birth certificate (with affidavit if necessary)
  - ii) certified copy of Academic Certificates
- (b) A completed personal history form
- (c) Period of temporary appointment (should not exceed one year)
- (d) Vacancy should be clearly identified
- (e) Confirmation that no person with a prior claim was passed over
- (f) The temporary appointment should give the person no claim to further temporary appointment or to a substantive appointment to the office
- (g) Include the completed Return of Exercise of Delegated Authority Form (at **Appendix II**) which must be signed by the Permanent Secretary, Office of the Prime Minister (CAST) or the Chief Administrator, Tobago House of Assembly.

**Further Temporary Appointment**

**The officer's personal file must be thoroughly perused for:-**

- (a) Confirmation that there are no allegations of misconduct/court charges pending against the officer
- (b) Confirmation that the job performance and conduct of the officer have been satisfactory/Performance Appraisal Report (after one year)
- (c) The period must be stated and must not exceed (six (6) months)
- (d) Vacancy should be clearly identified
- (e) Confirmation that no person with a prior claim was passed over
- (f) The temporary appointment should give the person no claim to further temporary appointment or to a substantive appointment to the office

- (g) The completed Return of Exercise of Delegated Authority Form (at **Appendix II A**) which must be signed by the Permanent Secretary, Office of the Prime Minister (CAST) or the Chief Administrator, Tobago House of Assembly **(as appropriate)**.
  
- ii) A letter signed by an officer, designated by the Chief Administrator or Permanent Secretary, Office of the Prime Minister (Central Administrative Services, Tobago) as specified (at **Appendix III**) must be issued to the officer appointed on a temporary basis. This letter must be copied to Comptroller of Accounts, the Auditor General, the Director of Personnel Administration, Accounting Unit, Internal Audit and the officer's personal file.
  
- iii) The Returns of the Exercise of Powers Delegated Authority (at **Appendices II and II A**) must be submitted to the Director of Personnel Administration **on a quarterly basis**.
  
- iv) The original application form and the certified copies of the birth and academic certificates must be forwarded to the Director of Personnel Administration.
  
- v) Update IhRIS Records, Establishment Books, Seniority Lists

# ACTING APPOINTMENT

## Definition

**Acting appointment** means the temporary appointment of an officer to a higher office, or otherwise (lateral or lower) whether that office is vacant or not.

## Definition of vacant:

A vacant office is an office whether permanent or temporary where there is no incumbent.

## Principles and Procedures

**Relevant Regulations:** 18, 24, 25, 26 and 28 (inclusive) of the Public Service Commissions Regulations.

## The following conditions/requirements must be satisfied

**Acting appointment as a prelude to substantive appointment (a situation where a permanent office has no substantive incumbent, is peculiar to the Tobago House of Assembly or Central Administrative Services Tobago, and is in a clearly related promotional stream)**

- i) A permanent office in which there is no substantive incumbent must exist  
This office must be
  - a) peculiar to the Tobago House of Assembly or the Central Administrative Services Tobago; and
  - b) in a clearly related promotional stream;
- ii) Selection must be based on the principle for promotion prescribed in Regulation 18 of the Public Service Commission Regulations.



- iii) All eligible officers i.e. officers who satisfy the prescribed requirements of the office within the particular Tobago House of Assembly or the Central Administrative Services Tobago **must** be notified that the acting appointment falls to be made (Regulation 25)
- iv) A period of seven days must be allowed to elapse from the date of notification before any recommendation is made in relation to the acting appointment, for the purpose of allowing the eligible officers the opportunity to make representations regarding the filling of the vacancy.
- v) Any representations made must be thoroughly considered by the Permanent Secretary, Office of the Prime Minister (CAST)/ Chief Administrator, Tobago House of Assembly and forwarded by the Permanent Secretary, Office of the Prime Minister (CAST) or the Chief Administrator, Tobago House of Assembly to the Director of Personnel Administration for consideration by the Public Service Commission. The officer making the representations must be advised **in writing** of the outcome of the representations;
- vi) All senior eligible officers must be informed of the reasons for being passed over;
- vii) The acting appointment must not exceed six months;
- viii) The officer selected must have up-to-date satisfactory Performance Appraisal Reports on his/her job performance and conduct;
- ix) The officer selected must not be the subject of allegations of misconduct/court charges;
- x) The acting appointment should not exceed the period of temporary appointment;

**Acting appointment not as a prelude to substantive appointment**

- i) A vacancy (temporary or permanent) must exist and the office does not have to be peculiar to the Tobago House of Assembly or Central Administrative Services Tobago e.g. Clerk II or Messenger II;

- ii) The acting appointments are restricted to movement of officers in clearly promotional streams;
- iii) The officer must satisfy the minimum experience and training requirements of the office unless otherwise informed by the Public Service Commission;
- iv) As a general rule the officer appointed to act should be the senior eligible officer/senior available officer in the Tobago House of Assembly or Central Administrative Services Tobago;
- v) The acting appointment would give the officer no claim to a substantive appointment to the office;
- vi) All eligible officers i.e. officers who satisfy the prescribed requirements of the office within the Tobago House of Assembly or Central Administrative Services Tobago must be notified that the acting appointment falls to be made (Regulation 25);
- vii) A period of seven days must elapse from the date of notification before any recommendation is made in relation to the acting appointment for the purpose of allowing the eligible officers the opportunity to make representations regarding the filling of the vacancy;
- viii) Any representations made must thoroughly considered by the Permanent Secretary, Office of the Prime Minister (CAST)/ Chief Administrator, Tobago House of Assembly and forwarded by the Permanent Secretary, Office of the Prime Minister (CAST) or the Chief Administrator, Tobago House of Assembly to the Director of Personnel Administration for consideration by the Public Service Commission. The officer making the representations must be advised **in writing** of the outcome of the representations;
- ix) All senior eligible officers must be informed of the reasons for being passed over;
- x) Where the acting appointment is to be made to a permanent office in which there is no substantive incumbent (a vacant office), the acting appointment must not be for a period exceeding six months;

- xi) The officer selected must have current satisfactory Appraisal Reports on his/her job performance and conduct;
- xii) The officer selected must not be the subject of allegations of misconduct/court charges;
- xiii) The acting appointment should not exceed the period of the temporary appointment;
- xiv) In cases where the acting appointment is consequent on the substantive officer acting in a higher office, on no pay leave, no pay study leave or absence on grounds of public policy, the acting appointment should not exceed the period of the substantive holder's acting/absence.

### **Documentation**

- i. Proposals should be submitted to the Chief Administrator, Tobago House of Assembly or Permanent Secretary, Office of the Prime Minister (Central Administrative Services, Tobago)) in writing:-
  - a) in advance of the commencement date of the arrangement, to allow for its proper consideration by him/her
  - b) should include information relative to the matters at (i) to (xiv) above; and
  - c) should include the completed Return of Exercise of Delegated Authority Form (at **Appendix IV**) which must be signed by the Permanent Secretary, Office of the Prime Minister (CAST)/ Chief Administrator, Tobago House of Assembly (**as appropriate**)
- ii) A letter signed by an officer, designated by the Chief Administrator/Permanent Secretary, as specified (at Appendix V) must be issued to the officer appointed to act. This letter must be copied to the Comptroller of Accounts, the Auditor General, the Director of Personnel Administration, Accounting Unit, Internal Audit and the officer's personal file.

- iii) The Returns of Exercise of Delegated Authority (at **Appendix IV**) submitted must be to the Director of Personnel Administration **on a quarterly basis**. Copies of representations from officers must also be submitted with the Returns.
- iv) Original letters of representation must be forwarded within seven (7) days of receipt by the Permanent Secretary, Office of the Prime Minister, (Central Administrative Services, Tobago) or the Chief Administrator, Tobago House of Assembly under cover of a memorandum to the Director of Personnel Administration for consideration by the Public Service Commission
- v) Update IhRIS Records and Establishment Records

# CONFIRMATION OF APPOINTMENT

- Relevant Regulations**
- Regulations 37-47 of the Public Service Commission Regulations, Chapter 1:01
  - Regulations 20-21, 22 (1),(4), (5) and 23-29 of the Civil Service Regulations, Chapter 23:01

**Definition:**

**Confirmation** is a definite act taken by the Service Commissions which gives permanence to an appointment after the holder thereof satisfies all the requirements of such appointment.

**The following conditions/requirements must be satisfied**

- a) **On first appointment**
- i) Satisfactory medical reports, Regulation 19 (1) of the Civil Service Regulations states:  
A candidate selected for appointment shall undergo a medical examination by a government medical officer and shall not be confirmed unless and until he has been passed as medically fit. Medical Reports consist a Medical Certificate of Fitness for Employment in the Government Service and a Serilogic Report
  - ii) Satisfactory probationary reports i.e. First year Report, Interim Report and Final Report;
  - iii) Completion of any other requirements of the office as stipulated in the job specification; and
  - iv) Recommendation from the officer's Head of Department/Division.

b) **On promotion / 2<sup>nd</sup> appointment**

- i) Satisfactory medical reports where the first appointment of the officer had not been confirmed (The medical reports would be the same as for 1<sup>st</sup> appointment)
- ii) Satisfactory probationary reports i.e. First Reports and Final Reports;
- iii) Completion of any other requirements of the office as stipulated in the job specification; and
- iv) Recommendation from the officer's Head of Department/Division..

**Officers deemed to be confirmed**

In this regard Regulation 40 of the Public Service Commission Regulation, Chapter 1:01 states:-

where an officer is promoted before he has completed the full period of probation in the lower office, the unserved portion of that period of probation shall be deemed to be waived and the officer deemed to be confirmed in that appointment.

**Documentation**

- i) Proposals should be submitted to the Chief Administrator, Tobago House of Assembly or Permanent Secretary, Office of the Prime Minister (Central Administrative Services, Tobago)) by the Human Resource Unit, in writing, to allow for its proper consideration by him/her. The submission should include
  - a) information relative to the matters at (i) to (iv) of the preceding page and (i) to (iv) above; and
  - b) the completed Return of Exercise of Delegated Authority form (at **Appendix VI**) which must be signed by the Permanent Secretary, Office of the Prime Minister, Central Administrative Services, Tobago or Chief Administrator, Tobago House of Assembly.

- ii) A letter signed by an officer, designated by the Chief Administrator, Tobago House of Assembly or Permanent Secretary, Office of the Prime Minister (Central Administrative Services, Tobago) as specified (at **Appendix VII**) must be issued to the officer whose appointment is being confirmed. This letter must be copied to the Comptroller of Accounts, the Auditor General, the Director of Personnel Administration, Accounting Unit, Internal Audit and **in the case of male officers, Secretary Widows and Orphans Pensions Committee**, and the officer's personal file
  
- iii) The Returns of Exercise of Delegated Authority (at **Appendix VI**) must be submitted to the Director of Personnel Administration **on a quarterly basis**.
  
- iv) Original Probationary Reports and Medical Reports must continue to be forwarded to the Director of Personnel Administration
  
- v) Publish in Gazette

# TRANSFER

## **Definition (Civil Service Regulations 1967)**

**Transfer** is the movement of an officer from an office in one division of a Ministry to a similar office in another Division.

**Relevant Regulations** – Regulations 29 and 30 of the Public Service Commission Regulations, Chapter 1:01 of the Laws of the Republic of Trinidad and Tobago.

## **The following conditions/requirements must be satisfied**

- i) To effect a transfer there should be either: -
  - (a) a written request from the officer, or
  - (b) the officer can be transferred owing to the exigencies of the Service. Such transfers are governed by the Regulations identified above.
- ii) A clearly identified vacant office must exist.
- iii) The officer being transferred as at (b) may make representation in writing within seven (7) days of receipt of order of transfer.
- iv) The representation at (iii) must be forwarded within 7 days of receipt by the Permanent Secretary, Office of the Prime Minister, Central Administrative Services, Tobago or the Chief Administrator, Tobago House of Assembly to the Public Service Commission.
- v) Notwithstanding (iv) the officer should assume duty on transfer pending the decision of the Commission in accordance with Regulation 30 (1) and (2) of the Public Service Commission Regulations:-
  - 30 (1) Notwithstanding that an officer in respect of whom an order has been made under Regulation 29 (1) has made representations under sub regulations (2) and (3) of the said regulation, the officer shall assume his duties on transfer pending the review by the Commission.



## Documentation

- i) In cases where the officer is requesting a transfer, the letter from the officer should be submitted through his/her Supervisor to the Human Resource Unit for transmission to the Permanent Secretary, Office of the Prime Minister (CAST)/ Chief Administrator, Tobago House of Assembly for consideration by him/her. The submission by the Human Resource Unit should include: -
  - a) letter requesting transfer
  - b) proposed effective date of transfer
  - c) reason for transfer if transfer is owing to the exigencies of the service
  - d) clearly identified vacancy of same grade
  - e) representation if applicable
  - f) confirmation that there are no allegations of misconduct/court charges pending against the officer
  - g) the completed Return of Exercise of Delegated Authority form (at **Appendix VIII**) which must be signed by the Permanent Secretary, Office of Prime Minister, Central Administrative Services, Tobago or the Chief Administrator, Tobago House of Assembly.
- ii) A letter signed by an officer, designated by the Chief Administrator, Tobago House of Assembly or Permanent Secretary, Office of the Prime Minister (Central Administrative Services, Tobago) as specified (at **Appendix IX**) must be issued to the officer to be transferred.
- iii) The Returns of Exercise of Delegated Authority (at **Appendix X**) must be submitted to the Director of Personnel Administration **on a quarterly basis**.
- iv) Update IhRIS Records
- v) Publish in Gazette

# DISCIPLINE

## **Constitutional Responsibility of the Public Service Commission and Delegation Order.**

The Public Service Commission has jurisdiction to exercise disciplinary control over public officers in the Civil Service, the Prison Service and the Fire Service by virtue of Section 121 of the Constitution. The Public Service Commission by Legal Notice No. 60 of 1999 delegated to Permanent Secretaries and Heads of Departments, the authority to hear and determine specified acts of misconduct and indiscipline indicated overleaf. Permanent Secretaries and Heads of Departments were thereby empowered to act as “one man disciplinary tribunals” or to appoint an officer to hear and determine allegations of misconduct which are relatively minor in nature.

### **Definition**

An officer who is alleged to have committed an act of misconduct or who is alleged to have committed an act of indiscipline by failing to comply with any regulation, order or directive for the time being in force in the Ministry or Department, to which he is assigned, is liable to disciplinary proceedings in accordance with the procedure prescribed.

**Relevant Regulation:** Public Service Commission Regulation 85

For the purposes of Regulation 85 of the Public Service Commission Regulations, an act of misconduct or indiscipline which the Permanent Secretary, Office of the Prime Minister, CAST, or Chief Administrator, Tobago House of Assembly has jurisdiction to hear and determine under that regulation is an act of misconduct or indiscipline being a breach of a regulation.

**The acts of misconduct or indiscipline** which the Permanent Secretary or Head of Department or the Chief Administrator, Tobago House of Assembly has authority to hear over are listed below: -

<b>RELEVANT REGULATION</b>	<b>ACTS OF MISCONDUCT/INDISCIPLINE</b>
135 (1)	failure to attend to matters promptly within the scope of office
135(2)	lack of courtesy to a member of the public or other public officer
135(3)	Willful failure to perform duties
136(1)	absence without leave or reasonable excuse
136(2)	Failure to seek approval to leave the country
137(2)	Failure to disclose activities outside Service
140	Breach of rules relating to broadcast
141	indebtedness to the extent it impairs efficiency, etc
142	Failure to notify bankruptcy proceedings
149(1)(a)	Failure to perform duties in a proper manner
149(1)(b)	Breach of a written law
149(1)(d)	behaviour that is prejudicial to, or discredits, the Service
149(2)(b)	disobedience to orders
149(2)(d) and(f)	neglect of duty
149(2)(g)	unlawful or unnecessary exercise of duty
149(2)(a)	absence without leave from office or habitually irregular in arrival/departure from office
149(2)(a)	persistently unpunctual
149(2)(c)	unfit for duty through drunkenness or use of drugs

**NOTE: The Permanent Secretary, Office of the Prime Minister, CAST or the Chief Administrator, Tobago House of Assembly must inform the Public Service Commission when a disciplinary charge/charges are preferred against an officer.**

### **Principles and Procedure**

The procedure for the One-man disciplinary tribunal is outlined in Regulation 85 of the Public Service Commissions Regulations as amended by the Public Service Commission (Amendment) Regulations 1990. The process begins where an officer is alleged to have committed an act of misconduct or indiscipline that has been delegated to the Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly. The steps to be followed are as follows:

1. The Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly should refer the matter to an officer senior in office to the officer against whom the report or allegation is made.
2. The senior officer will examine the allegations and come to a decision whether the facts alleged are such as to constitute an act or acts of misconduct for which the officer may be charged. If necessary he may need to make additional enquiries i.e. talk to the parties involved.
3. If the facts warrant that disciplinary charges be laid, the senior officer should formulate the charges and notify the officer in writing, through the Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly of the charges laid against him.

#### The Charge:

- a) Could be drafted by an officer within the Human Resource Unit designated by the Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly, an attorney of

the Ministry/Department or a collaborative effort between the HR officer and the Ministry's attorney.

- b) Must give reasonable information as to the nature of the charge, and should include such details as date, time and place where the alleged act of misconduct or indiscipline occurred so that the officer charged will not be prejudiced or embarrassed in his defense.
  - c) Must be double and triple checked to ensure accuracy.
  - d) If there are two or more offences committed, then there should be a like number of charges.
  - e) Shall consist of three parts:
    - (i) the Commencement (e.g. John Brown is charged as follows);
    - (ii) the Statement of the Offence, (e.g.: "Disobedience to orders contrary to Regulation 149 (2) (b) of the Civil Service (Amendment) Regulations 1996), and;
    - (iii) the Particulars of the Offence. (e.g. that you John Brown, Messenger II of the Ministry of Works on the 9<sup>th</sup> day of November 2005 at the Ministry of Works building, Richmond Street, Port of Spain, willfully disobeyed a lawful order given to you when your Administrative Officer IV, Jane Smith instructed you to deliver correspondence to the Minister of Works and you failed to comply with these instructions).
  - f) Must describe persons by their forename and surname, office and Ministry/Department.
4. The Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly should then inform in writing, the officer charged of the date, time and place of the hearing before a One-man Tribunal.
5. No documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereof or given access thereto.

6. The Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly, shall act as a disciplinary tribunal or appoint in writing as a Disciplinary Tribunal, an officer in his Ministry or Department, as the Commission directs, holding or performing the duties of an office which is senior to that of the officer charged.
7. The officer will appear before the One-man Tribunal on the appointed day and time. **No attorney-at-law is allowed to represent either party.** The officer charged may however, if he so wishes, be represented by his Association or an officer of his Ministry/Department
8. The One-man Tribunal will open proceedings by ensuring that the officer understands exactly what is taking place and he shall **read the charge(s) and ask the officer to state whether the allegations are true or not, or whether he pleads guilty or not guilty.**

**If the officer pleads “guilty” to the charge** then the officer presenting the case for the Ministry shall give the facts or details of what occurred and the Tribunal should ask the officer if these facts are correct.

If the officer says they are not correct, then the Tribunal should enter a plea of **“Not Guilty”** and proceed as if the officer had pleaded not guilty.

If the officer agrees with the facts the Tribunal should then ask the officer if he has anything to say (mitigation). The tribunal may then impose a penalty on the officer. A guilty plea should be taken into account in determining penalty as it is often one of the clearest means of showing remorse and he would have saved time and expense. (This should be reflected in the report/notes of proceedings).

9. If the officer pleads ‘**Not Guilty**’ to the charge then the officer leading the evidence will present the case against the officer charged by calling witnesses.
10. The officer charged or his representative or Association will be entitled to cross-examine the witnesses called to give evidence against him. After this the officer (or his representative) may make a no-case submission.
11. The officer charged may then:
  - a) give evidence and call no witnesses
  - b) give evidence and call witnesses
  - c) not give evidence but call witnesses or
  - d) not give evidence and call no witnesses.The officer charged shall give evidence first followed by his witnesses.
12. If the officer charged chooses to give evidence and call witnesses, this will be followed by cross-examination of the persons who gave evidence for the officer charged including the officer himself. The cross-examination should be done immediately after a person gives evidence.
13. Closing statements may then be made by the officer charged or his representative, followed by closing statements by the officer presenting the case for the Ministry.
14. The Tribunal will then give its decision and impose a penalty where appropriate. Where the Tribunal finds the officer guilty, the Tribunal should ask the officer if he has anything to say before a penalty is imposed on him (i.e. mitigation).

The penalties which may be imposed are:

(A) Where the Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly sits as the Tribunal:

f) reprimand;

g) fine (maximum of 12 days pay to be deducted in no more than 3 months)

In accordance with Public Service Commission Regulations: 110.

Although Public Service Commission Regulation 110. (c), (d) and (e) provide for the penalties as stated, these penalties have not been included herein as they impact on the Performance Management System.

(B) Where the Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly appoints another officer to sit as the Tribunal:

f) reprimand

g) fine (maximum of 4 days pay to be deducted in no more than 2 installments)

In accordance with Public Service Commission Regulation: 110.

15. If the officer is found guilty, the Permanent Secretary, Office of the Prime Minister, CAST or Chief Administrator, Tobago House of Assembly should inform the officer in writing of his right of appeal to the Public Service Appeal Board.

16. There should be a true record of the proceedings at the hearing. A copy of the record must be made available if the officer desires to appeal.



### **Documentation**

- i) Notify the Director of Personnel Administration when a disciplinary charge/charges are preferred against the officer
- ii) The completed Form (**at Appendix X**) which must be signed by the Permanent Secretary, Office of the Prime Minister, CAST, or Chief Administrator, Tobago House of Assembly
- iii) A letter signed by an officer, designated by the Permanent Secretary, Office of the Prime Minister, CAST, or Chief Administrator, Tobago House of Assembly as specified (**at Appendix XI A-F**) must be issued to the officer informing him/her of the outcome of the matter
- iv) The Returns of Exercise of Delegated Authority (**at Appendix X**) must be submitted to the Director of Personnel Administration **on a quarterly basis**.
- v) Update officer's personal file
- vi) Update IhRIS Records.

**Note: Specimen letters are (at Appendix XI A-F)**