

**CAYMAN ISLANDS GOVERNMENT**

**PUBLIC SERVICE**

**GENERAL ORDERS 1987**

**Consolidated by H. Waller**

**June 1987**

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## PREFACE

The rules governing the conditions of service of public officers of the Cayman Islands Government and the conduct of public business were last revised with effect from 1st August 1977.

These have now been consolidated to take into account the Hall Revision of 1980 and the 1984 Revision and such other administrative decisions as have been taken in the meantime.

There has been a reversion to using the title of General Orders in order not to confuse the rules with Statutory Regulations made under Law.

General Orders are made by the Governor in his discretion in exercise of the executive powers of the Crown in the Territory . They are not Law.

The effective date of these General Orders is 1st June 1987.

G.P.LLOYD  
GOVERNOR

## INDEX

<u>CHAPTER</u>	<u>SUBJECT</u>	<u>PAGE</u>
----------------	----------------	-------------

1.	INTRODUCTION .....	10
----	--------------------	----

	Family Entitlements.....	11
--	--------------------------	----

	Overpayments Refundable.....	11
--	------------------------------	----

	Time Bar.....	11
--	---------------	----

	Definitions.....	12
--	------------------	----

	Right of Appeal.....	15
--	----------------------	----

	Insured Officers.....	16
--	-----------------------	----

2. THE PUBLIC SERVICE.....	
Categories of Appointments.....	18
Appointments.....	19
Probationary Appointments.....	20
Local Contracts.....	22
Overseas Contracts.....	22
Temporary Appointments.....	23
Procedure for Appointments.....	23
Confirmation in Appointment.....	25
Renewals of Contract.....	25
Appointment of Employees on hourly rates or against block votes.....	26
Service beyond normal retirement age.....	26
Responsibilities of Permanent Secretaries....	27
Responsibilities of the PSC.....	27
Confirmation in Appointment.....	28
Pensionable Terms.....	28
Contracts.....	29
Renewal of Contract.....	29
Effective date of Renewed Contract.....	29
Resumption of Duty before leave ends.....	29
Caymanian Status.....	29
Termination of Appointment.....	30
Retirement after reaching the prescribed minimum age.....	30
Abolition of Office.....	30
Retirement to facilitate improvement in the Organisation.....	30
Removal for Inefficiency.....	30
Termination of Contract.....	30
Termination on Medical Grounds.....	31
Notice.....	31
Resignation.....	32
Certificate of Service.....	32
Illness and Death.....	32
Death of an Officer.....	32
Declaration of Secrecy.....	32
Petitions.....	33
Annual Performance Evaluation Reports.....	33
Seniority.....	33
3. TRAINING .....	35
Objectives of Training.....	35
Overseas Courses.....	36
Officers on Probation.....	36

	Long Term Overseas Courses.....	37	
	Without Pay.....	37	
	Tuition.....	37	
	Accommodation.....	37	
	Air Passages.....	37	
	Baggage Allowance.....	37	
	Personal Allowance and Health Insurance.....	37	
	Mid-course Air Passage.....	38	
	International Sponsors.....	38	
	Officer's Liability.....	38	
	Hardship Allowance.....	39	
	Medium Term Overseas.....	39	
	Short Term Courses and Conferences.....	39	
	Annual leave Entitlement.....	40	
	Correspondence and Evening Courses.....	40	
	Payment of Allowances.....	40	
4.	SALARIES .....	41	
	Authority for Salaries.....	41	
	Start Date.....	41	
	Part-Time .....	42	
	Start Salaries - Incremental Scales.....	43	
	Incremental Date.....	44	
	Salaries on Promotion.....	45	
	Payment of Increments.....	45	
	Advances of Salary.....	45	
	Advances for Leave.....	45	
	Overtime.....	45	
	Salaries - Appendix 4.1.....	48	
5.	LEAVE .....		65
	Authorisation.....		
	.65		
	Leave Rates.....	65	
	Vacation Leave.....	66	
	Police Officers' Leave.....	66	
	Weekends and Public Holidays.....	67	
	Deferment of Leave.....	67	
	Institutional Leave.....	67	
	Special Leave.....	68	
	Leave in the Public Interest.....	68	
	Leave without pay.....		68
	Leave in Advance.....	68	
	Part Time Temporary Staff.....	69	
	Half-Day Working.....	69	

	Absence because of Sickness.....	69	
	Maternity Leave.....	71	
	Pensionable officers extended sick leave.....	71	
	Contract Ill Health Clause.....	72	
	Temporary Staff Illness.....	72	
	Medical Certificates.....		72
	Sickness on Leave.....	72	
	Resumption of Duty.....	72	
	Compassionate Leave.....	73	
6.	ALLOWANCES .....	74	
	Acting Appointments.....	74	
	Effective Date of Allowance.....	74	
	Calculation of Acting Allowances.....	75	
	Duty Allowance.....		
	76		
	Stand-by and Call-out.....		76
	Travelling Allowance.....		
	76		
	Transfer between Islands.....	77	
	Mode of Travel.....	77	
	Personal Transport.....	77	
	Commuted Mileage Allowance.....	77	
	Motor Car Upkeep Allowance.....	77	
	Mileage Allowance.....	78	
	Subsistence Allowance.....	78	
	Overseas Subsistence Allowance.....	78	
	Medical Officers - Extra Duty Allowance.....	79	
	Uniform Allowances.....	79	
	Nurses Uniform Allowance.....	79	
	Police Allowances.....	79	
	Fire Service Allowances.....	80	
	Baggage Allowance - Expatriate Officers.....	80	
	Motor Car Upkeep Allowance - Appendix 1.....	81	
	Police Special Allowances - Appendix 2.....	83	
7.	STAFF RELATIONS .....	85	
	The Civil Servants Association.....	85	
8.	LEGAL		
	The Principal Legal Adviser.....	87	
	Reference to the Attorney General.....	87	
	Form of Request.....	87	
	Verbal Legal Advice.....	88	

	Advice over the Telephone.....	88
9.	CONDUCT OF OFFICERS .....	90
	Duty of a Public Officer.....	90
	Hours of Work.....	90
	Lunch Hour.....	90
	Absence from Duty.....	91
	Leaving the Islands.....	91
	Attendance Register.....	91
	Private Assets and Interests.....	91
	Work for Public Boards and Committees.....	93
	Private Employment while on Duty.....	94
	Public Petitions.....	94
	The Media.....	94
	Protection of Official Documents.....	94
	Publication of Books and Articles.....	95
	Public Meetings.....	95
	Official Channels of Communication.....	95
	Political Activities.....	96
	Acceptance of Gifts.....	96
	Legal Proceedings against Officers.....	97
	Pecuniary Embarrassment.....	97
	Bankruptcy.....	97
	Government Property.....	98
	Misconduct.....	98
	Criminal Court Proceedings.....	98
	Strikes.....	99
10.	HOUSING .....	100
	Nature of Tenancy.....	100
	Entitlement.....	100
	Conditions of Tenancy.....	100
	Rent.....	102
	Allocation of Government Houses.....	102
	Register of Leases.....	103
	Deposits.....	103
	Sub-Letting.....	103
	Notice.....	103
	Letter of Authority.....	103
	Stamp Duty.....	103
	Hotel Accommodation.....	103
	Fire Clearance.....	103

11.	PENSIONS AND SEVERANCE PAY.....	105
	Pensions.....	105
	Circumstances under which Pensions are payable.....	105
	Compulsory Retirement.....	106
	Qualifying Service.....	106
	Leave without pay.....	106
	Service in a non-pensionable office.....	106
	Interdiction.....	107
	Advance Payments.....	107
	Commutated Pension Gratuity.....	107
	Application to Retire.....	107
	Application for Terminal Benefits.....	107
	Calculation of Pensions.....	107
	Retirement after promotion.....	108
	Enhanced Pension.....	109
	Abolition of Office.....	110
	Pensions Law .....	110
	Non Pensionable Offices.....	112
	Severance Pay.....	112
	Circumstances in which Severance pay may be granted.....	112
	Rate of Severance Pay.....	112
12.	PASSAGES .....	113
	Overseas Duty Passages.....	113
	Five Year Cash Grant.....	113
	Caymanians Returning to Cayman.....	114
	 OVERSEAS OFFICERS	
	Passages.....	114
	Payment for Travel Time.....	115
	Medical Passages.....	115
	Compassionate Passages.....	115
	Family Passages on the Death of an Officer..	115
	Passages to other Destinations.....	115
13.	ORGANISATION OF GOVERNMENT.....	116
	The Chief Secretary.....	116
	The Attorney General.....	116
	The Financial Secretary.....	116
	The Permanent Secretary .....	116
	The Permanent Secretary (Personnel).....	118

	The Secretary of the PSC.....	118
	Heads of Departments.....	118
	The Commissioner of Police.....	119
	Absence from the Island.....	119
Interviews.....		119
	Flags.....	119
14.	CORRESPONDENCE .....	120
	Form of Correspondence.....	120
	Addressing Correspondence and use of Coloured ink.....	120
	Communications to the Governor.....	121
	Channel of Communication.....	121
	Official Correspondence.....	121
	Authority for Correspondence.....	121
	EXCO and Governor References.....	122
	Members References.....	122
	References to the Governor.....	122
	Correspondence with Independent Countries...	123
	Classified Correspondence.....	123
	Telex and Telegrams.....	123
	Security Classifications.....	123
	Directives to the Service.....	123
	Filing and Records.....	124
	Registry Officers.....	124
	Personal Files.....	124
	Transfer of Personnel.....	125
	Destruction of Files.....	125
	Records of Destruction.....	125
	Archives.....	126
	Audit Queries.....	126
	Publications.....	126
	Annual Reports.....	126
	The Cayman Gazette.....	127
15.	OFFICIAL FORMS .....	129
	List of Forms.....	129
16.	BUILDINGS AND TRANSPORT .....	131
	BUILDINGS	



	Fire Precautions.....	131
	Fire Officers in Shared Buildings.....	131
	Government Administration Building.....	131
	Keys.....	131
	TRANSPORT	
	Rules for use of Transport.....	132
	Purchase of Vehicles.....	133
	Hire of Transport.....	133
Maintenance of Vehicles.....		134
	Accidents.....	134
	Investigation of Accidents.....	134
17.	HURRICANE PRECAUTIONS.....	136
	Appointment of a Liaison Officer.....	136
	Warnings.....	136
	Bulletins.....	136
	Flag Warnings.....	136
	Distribution of Warnings.....	136
	Appointment of Wardens.....	137
18.	MEDICAL .....	139
	Medical Examinations.....	139
	Treatment - Entitled Officers.....	139
	Extent of Entitlement.....	140
	Dental Treatment.....	140
	Private Treatment.....	140
	Reference to Private Practitioners.....	140
	Overseas Medical Treatment.....	140
	Overseas Medical Costs.....	141
	Overseas Outpatient Treatment.....	141
	Optical Treatment.....	141
	Women ATCOS.....	141
	Injury on Duty.....	142
19.	GROUP EMPLOYEES CONDITIONS .....	143
	Heads of Department - Powers.....	143
	Written Contracts of Employment.....	143
	Trade Tests.....	144
	Correct Allocation of Groups.....	144
	Rates of Pay.....	144
	Hours of Work.....	144
	Overtime.....	144

Notice of Termination.....	144
Discipline.....	145
Disciplinary Procedure.....	145
Action by a Head of Department.....	145
Appeal.....	146
Severance Pay.....	146
Pensions.....	146
Subsequent Employment.....	146
Annual Leave.....	147
Public Holidays.....	147
Sick Leave.....	147
Accident Reports.....	148
Injured on Duty.....	148
Records of Service.....	148
Occupational Groups and Rates of Pay	
Appendix 19.1.....	149
20. Public Service Commission Regulations.....	152

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## CHAPTER 1

### GENERAL ORDERS

1. CITATION. The conditions of service of public officers in the Cayman Islands Government, instructions for the conduct of public business and miscellaneous matters are embodied in these orders and shall be cited as "General Orders".
2. AUTHORITY. General Orders are instructions of the Crown and the power to amend , repeal, interpret, or to waive any order in general or in a particular case is vested in the Crown exercisable through the Governor . (Chap 1. Col Regs and in accordance with Sect. 54 of the Constitution Order 1972.
3. APPLICATION. All people employed by Government are bound by General Orders, Financial and Stores Regulations.
4. PERMANENT SECRETARY (PERSONNEL). Except as is otherwise herein stated the Governor has delegated authority to administer (but not amend) General Orders to the Permanent Secretary (Personnel) over whose designation the Governor issues directions and decisions to the Public Service. It follows that all communications and queries relating to General Orders shall be addressed to the PS/P through the officer's Head of Department.

5. LIMITATION. General Orders shall be deemed comprehensive. They state what is permitted and where there is no provision there is no authority. It follows that authority for any matter shall not be presumed merely by the fact that GOs do not specifically exclude it.
6. AMENDMENTS. Amendments shall be issued from time to time, in an appropriate form, by the Permanent Secretary (Personnel) on the direction of the Governor.
7. GOs ARE GOVERNMENT PROPERTY. The official copies of General Orders issued to public officers remain the property of the Government and are not to be regarded as the property of individual officers unless the officer purchases a copy if their sale is approved. It is the duty of any officer in charge of a copy of General Orders to see that it is kept amended to date. Heads of Department should ensure that an officer who is in possession of a copy of General Orders surrenders it in the event of his transfer within the Service or of his retirement or resignation from the Public Service.
8. NOT A CONTRACT. Although General Orders bind all persons employed by the Government they do not constitute a contract between the Crown, the Government and its servants, and may be amended at any time, and without notice, by the Governor. However, as a rule, notice is given to the Service of any major changes before they are made.
9. MASCULINE AND FEMININE. Words importing the masculine gender shall include the feminine and vice versa, where appropriate.
10. SINGULAR AND PLURAL. Words in the singular shall, where appropriate, include the plural and words in the plural include the singular.
11. REFERENCE TO FINANCE. The Permanent Secretary (Personnel) shall consult with the Financial Secretary on all proposed amendments to General Orders which may result in increased financial expenditure before the Governor's final approval is sought.
12. FAMILY ENTITLEMENTS. If husband and wife are public officers they cannot both take family benefits but the more senior officer can claim the benefits if it is to the family advantage. If husband and wife are separated, then the parent with the custody of the child will take the family benefits or where they both have custody of different children they may take child benefits pro rata. In cases where one spouse is not a public officer, the public officer spouse may draw family benefits for his/her children provided the public officer can satisfy PS/P that his/her spouse does not receive such benefits from a private sector employer.
13. ACCESS TO GENERAL ORDERS. Ignorance of General Orders shall be no excuse for their infringement or for non-compliance. General Orders must, for this reason, be readily available in every Government office for consultation by all public officers and it is the duty of the Permanent Secretaries and Heads of Department to see that all public officers in their departments have access to a copy.

14. OVERPAYMENTS REFUNDABLE. In the day to day administration of General Orders errors will occur. When they do, no officer shall be allowed either to lose or gain thereby;

Subject to General Orders any underpayment shall be made good to the officer. Any overpayment shall be recouped by the Government by deduction from the officer's salary over a reasonable period. Deductions shall be limited on any one pay day to a maximum of 25% of the officer's take home pay on that day. Officers are employed on the understanding that any moneys owing by them to Government may be recouped by deductions from salary.

15. TIME BAR. No claim by a public officer for allowances or any other awards under these General Orders shall be entertained by Government unless the claim is lodged within 24 months of the event which gave rise to it, SUBJECT always to the provision of the Statute of Limitations.

16. COLONIAL REGULATIONS. Colonial Regulations are issued by the Crown through the Secretary of State, and in so far as the provisions thereof are not made in these General Orders, apply in the Cayman Islands.

17. CONFLICT. In the event of conflict between General Orders and:

- a) departmental instructions, General Orders shall prevail;
- b) any Law or Regulations made thereunder, the Law shall prevail;
- c) a written contract of employment, the Contract shall prevail.

18. While administering General Orders the Permanent Secretary (Personnel) shall inform the Auditor General of any case in which it has been necessary to depart from provisions of General Orders because of novel issues in particular cases so as to assist the Auditor General in his duties and avoid unnecessary audit queries.

19. PRECEDENT. In administering General Orders the Permanent Secretary (Personnel) shall be required to take note of precedents.

20. STATUTE. Much of the provision for the management of the public service is made in Law. Where this occurs reference is made to the relevant legal documents which are not reproduced in General Orders except Public Service Commission Regulations which are reproduced in full in Chapter 20 for ease of reference.

21. REVOCATION. These General Orders revoke and replace Government Regulations.

22. DEFINITIONS. In these General Orders and in all amendments and circulars made hereunder the following words and expressions shall have the meanings ascribed to them respectively unless there is something in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided -

Administrative Officer includes the Financial Secretary, the Deputy Financial Secretary, the District Commissioner, Permanent Secretaries, Senior Assistant Secretaries, and Assistant Secretaries;

Appointment has the same meaning as is ascribed to it in the Law (PSC Regs.,1985, para 2);

Pensionable Appointment means an appointment to a pensionable office in which the officer has been confirmed;

Chairman has the same meaning as is ascribed to it in the Law (PSC Regs.,1985, para 2);

Child means the offspring of an officer or a step-child or a child legally adopted, or a foster child, who is totally dependent on the officer, has not reached his 19th birthday, is unmarried and does not earn an economic wage. This definition does not include a Ward unless he or she is a 'ward of court';

Caymanian means a person who possesses or is deemed to possess Caymanian Status by virtue of the provisions of the Immigration Law 1992;

Contract Appointment means appointment on agreement in which a specific period of employment is expressed and a inducement allowance may or may not be expressed;

Commission has the same meaning as is ascribed to it in the Law (PSC Regs.,1985, para 2);

Constitution means the Cayman Islands (Constitution) Order 1972 (S.I. No 1101);

Employing Officer means an officer who is a Head of Department or a person to whom the Head of Department has delegated in writing power to employ unestablished employees;

Established Officer means a pensionable public officer appointed to an office which is enumerated under the personal emoluments sub-head of the annual estimates;

Expatriate Officer means an officer who is not a Caymanian;

Family means an officer's legal spouse and children as defined;

Government unless otherwise specifically defined means the Government of the Cayman Islands;

Governor means the Governor of the Cayman Islands as Constituted by Article 1 (1) of the Cayman Islands Constitution Order 1972 (S./I.1975 as amended );

GOs means General Orders;

Group is an employee employed on hourly rates in accordance with Chapter 19 hereof;  
Employee  
Head of Department has the same meaning as ascribed to it in reg. 2 (b) and the First Schedule of the Public (HOD) Service Commission Regulations 1985;

Housing Officer means the Assistant Controller of Office Services or any other officer by whatever designation who has been allocated the duties of administering the Government's housing stock.

Increment means a step in a salary scale to a higher point which the holder may be awarded annually until the maximum of the scale is reached. Subject always to a stop not being put on the progression by the Governor after taking the advice of the Public Service Commission;

Islands means the Cayman Islands;

Member means an elected Member of the Executive Council at the Head of a Portfolio;

Non Pensionable Officer means a public officer who is not a pensionable officer;

Pensionable Officer has the same meaning as ascribed to it in the Officer Law (Cap. 121 Sect. (1) (a));

Pensions Law means the Pensions Law (Cap. 121) as amended by the Pensions (Amendment) Law 1980 and the Pensions (Amendment) Law 1983;

Pensionable Service and Qualifying Service have the same meaning as ascribed to them in Regulation 1 in the Schedule to the Pensions Law Cap 121;

Portfolio is a group of subjects in the business of Government with which the Governor has charged a Member or an Official Member (Supplement 1 to the Gazette 24/1986);

Permanent Secretary has the same meaning as is ascribed to it in R. 2 of the PSC Regulations 1985.

Professional and Managerial means persons who perform professional functions in the fields of physical and natural sciences, engineering, law, medicine, religion, education, literature, art, entertainment or sport, or who plan, organise control, co-ordinate or direct the business of an employer or part of such business;

Promotion has the same meaning as is ascribed to it in the Law (Public Service Commission Regulations, 1985, Regulation 2);

PS/P means Permanent Secretary (Personnel)

Public office and office have the same meaning as ascribed to them in the Law (PSC Regulations, 1985, Regulation 2.);

Public Officer and Officer have the same meaning as is ascribed to them in the Law (PSC Regulations, 1985 Regulation 2);

Public Service has the same meaning as is ascribed to it in the Law (PSC Regulations, 1985, Regulation 2);

Public Holiday is a holiday prescribed in or pursuant to the Public Holiday Law (Revised) and is on full pay for public officers;

Accommodation means house, apartment, bungalow, condominium, duplex, flat, or any other residence by whatever name called;

the Regulations amended; means the public service commission regulations, 1985 as amended;

Salary means a basic annual amount stated within the salary scales prescribed in chapter 4 hereof and payable by monthly instalments in arrears (see para 4.6);

Secretary of State means H.M. Secretary of State for Foreign and Commonwealth Affairs;

Secretary means the Secretary to the Public Service Commission appointed under PSC Reg. 5 PSC Regs. 1985.

Temporary appointment means an appointment for a period not exceeding six months in the first instance but extendable by the PS/P on the recommendation of the Head of Department;

Wage means hourly rated pay whether payable daily, weekly, or monthly in arrears.

23. RIGHT OF APPEAL Any officer has a right of appeal to the Chief Secretary against any decision taken by any appropriate authority under these General Orders, of which he feels aggrieved. Such appeal must however be brought within four weeks of the decision being received by the officer.

24. INSURED OFFICERS. Where an officer or an officer and his family is insured for medical treatment it is an infringement of these Orders for the officer to retain any insurance payments because Government is meeting the officer's medical fees. Receipts from insurance should be paid into Government Revenue.

## THE PUBLIC SERVICE

### CHAPTER 2

1. PUBLIC SERVICE. 'Public Service' is defined in the Public Service Law as "service of the Crown in a civil capacity in respect of the Cayman Islands' and in the Constitution (S.I.1972 1101 Sects. 54 and 55) provision is made for the Governor to create public offices in public service and to appoint to and dismiss from those offices. The total of all those public offices so created is collectively known as "The Public Service".
2. THE STRUCTURE OF THE PUBLIC SERVICE. The complement of the Public Service, the grading of the offices therein and the financial provision therefore are prescribed in the Government's Annual Estimates of Revenue and Expenditure. It is a hierarchical structure.
3. REVIEW OF COMPLEMENTS AND GRADINGS The Public Service is dynamic and it is the responsibility of heads of departments to review periodically the objectives, management structure and organization of their departments and to consider whether improvements in efficiency and economies can be effected. Any reviews even if initiated by a Portfolio should be carried out in consultation with the Head of Department and the PS/P. Proposals for the modification of staff complements or gradings of posts may be made at any time if no increase in financial provision is entailed but normally will be submitted in advance of the preparation of annual estimates. When a head of department wishes to increase or decrease a staff complement or regrade a post he shall submit an application to the PS/P on Form P 1.
4. APPOINTMENT, PROMOTION AND TRANSFER The appointment, promotion and transfer of public officers is provided for in the Constitution (S.I.1972 No 1101 Sects. 54 and 55) and statutory provision for how such appointment promotion and transfer is to be



effected is laid down in the Public Service Law (Law No 38/1967 Section 4 as revised by the Public Service Commission Law of 1976) The Public Service Commission Regulations 1985 make provision for the Governor to prescribe procedure in General Orders for the filling of vacancies by appointment, promotion or transfer.

5. MEANING OF TRANSFER Transfer in the context of para 4 does not mean transfer of officers in the administrative or common user cadres between departments without change of designation or grade.
6. TRANSFERS COMMON-USERS CADRES The authority to transfer an officer in a common-user cadre below the level of assistant secretary is vested in the Permanent Secretary (Personnel). The authority to transfer an officer who is an assistant secretary or above is vested in the Chief Secretary.
7. PUBLIC OFFICERS Except where the law or conditions of service otherwise indicates public officers hold office at the pleasure of the Crown.
8. CATEGORIES OF APPOINTMENTS Appointments fall into the following categories:-

(1) those not requiring reference to the Public Service Commission:-

(a) those made by the Governor with the approval of the Secretary of State as follows:-

Chief Secretary  
Attorney General  
Financial Secretary  
Chief Justice  
Judge of the Grand Court  
Solicitor General  
Commissioner of Police  
Auditor General

(b) those made by the Governor in his discretion and specified in the Third Schedule to the Public Service Commission Regulations 1985 Items 1 to 5 inclusive;

(c) those offices in the Royal Cayman Islands Police Force made under the Police Law No 5 of 1976 by the Governor or the Commissioner of Police as the Law may prescribe (Third Schedule to the Public Service Commission Regulations 1985. Item 6.);

(d) those officers in the Cayman Islands Prisons Service.

- (e) those offices the remuneration of which is made with reference to hourly rates of pay for appointment of which authority is delegated to heads of departments (See the Third Schedule to the Public Service Commission Regulations 1985 Item 8 and the First Schedule to the said Regulations for definition of "head of department").

NOTE: This sub-paragraph applies only to hourly rated employees who are not paid from provision for an established post either directly or indirectly by savings from provision from such a post or posts;

(2) those requiring reference to the Public Service Commission under sect. 6 of the Public Service Commission Law 1976 i.e. all other offices, appointment to which is made by the Governor after receiving the advice of the Public Service Commission

9. APPOINTMENTS Recruits may be -

- (1) Caymanians locally recruited;
- (2) Caymanians recruited overseas;
- (3) Non-Caymanians recruited locally or
- (4) Non-Caymanians recruited overseas

and they may have one of the following contracts of employment:

- (a) on probation to pensionable office;
- (b) on pensionable terms;
- (c) on local contract;
- (d) on overseas contract;
- (e) temporary ;
- (f) group employee ;

and terms depending on the type of contract may include

- (i) Salary at annual rate or hourly rate (there are no other kinds of salary payments)

- (ii) pension;
- (iii) contracted officer's supplement ;
- (iv) no terminal benefits;
- (v) leave - annual - sick - compassionate - without pay - study
- (vi) medical and dental treatment (with certain limitations)
- (vii) passages under certain conditions
- (viii) packing, handling, insurance and freight costs;
- (ix) inducement allowance (at the discretion of the Governor)

10. APPROPRIATE LAWS All contracts of employment on whatever terms are subject to the Laws of the Cayman Islands.

11. (1) PROBATIONARY APPOINTMENTS

- (a) only Caymanians shall be offered probationary appointments;
- (b) all appointments to pensionable office shall be preceded by an initial probationary period of six months which shall count from the first day of the month next following that in which the Governor approves the appointment. As a general rule the initial probation will be followed by a further probationary period of not more than six months.
- (c) the PSC may advise the reduction or waiver of a period of probation in exceptional circumstances and only when the officer has completed at least 2 years of satisfactory temporary or contract service which was covered by formal confidential reports;
- (d) appointment on probation to a pensionable office does not in itself confer any right to admission to a pensionable office;
- (e) when an officer is appointed on probation, there is a clear implication and understanding that the officer may count on being confirmed and admitted to the pensionable office provided that during the probationary period he carries out such obligations as may be laid upon him by the terms of the appointment and generally conducts himself in such a way as to leave no reasonable doubt in the minds of his superiors that he is a suitable person for retention in the Service until his pension vests. Probation must therefore be a reality and it must be used so as to secure in

the Public Interest and the interest of the officers' themselves, that not only persons against whom definite misconduct can be proved but those who by reason of temperamental or other defects are not suited to the Public Service as a career, are eliminated at an early stage, before they have disqualified themselves from taking up some other form of livelihood.

(f) it follows that the first consideration with regard to officers on probation is that during the probationary period they should be regarded as definitely on trial with a view to learning their work and being tested as to their suitability for it. They should, therefore, not only be given all possible facilities for acquiring experience of their duties but they should be under continual and sympathetic observation and so far as may be practicable, they should not be so posted as to make observation impossible. If during the first few months of service the officer should exhibit tendencies which render it in any way doubtful whether he is likely to become suitable for permanent retention he should at once be warned in writing and given such assistance as may be possible to correct his faults.

(g) it also follows that an officer on probation shall not be allowed to take an overseas training course which requires his absence from his post or observation will be impossible. He may however, attend local induction courses which require his absence only for short periods. Alternatively, if an officer is required to go on a long term course while on probation, his probation period must be suspended and must start again on his return. (See Cap 3.8)

(h) a head of department shall not recommend a probationer for confirmation in his appointment unless during the probationary period the officer carried out such duties and obligations as were required of him in accordance with the terms of his appointment and conducted himself in such a way as to leave no reasonable doubt in the mind of the Head of Department that he is a suitable person to be recommended for permanent appointment.

(2) Governments (not only the Cayman Islands Government) have always preferred pensionable terms for their Public Services in order to establish continuity and an element of permanency into the Public Services so that there is continuity in the administration of public services irrespective of the Government in power and the possible changes of Government every four years. Government's non contributory, usual indexed linked, pensions have sometimes been criticised as too generous but it must be remembered they are the reward for long and faithful service of devoted and dedicated Public officers who have been prepared to remain loyal to the concept of public service rather than venture into the greener fields of higher rewards in the private sector. "It is important that those who are most closely concerned with the higher administration of the public services should in fact enjoy security of tenure, without which it would be difficult to ensure continuity of loyal service to successive Ministers of different political parties" Constitutional Law p. 221 (Wade & Phillips).

12. LOCAL CONTRACTS Local contracts are offered to -

- (1) Caymanians who have reached 45 years of age at the time of their first appointments and cannot therefore complete a qualifying pension period before the age of 55 years and in other cases exceptionally with the individual approval of the Governor
- (2) non-Caymanians locally recruited who -
  - (a) are appointed to posts and paid at salaries of \$19,368 and above;
  - (b) have served satisfactorily at least six months on temporary terms;
  - (c) are not likely to be replaced by a Caymanian during the period of the contract;
  - (d) have been passed by a Government Medical Officer as medically fit for service;
- (3) local contracts include, inter alia, 15% contracted officers supplement paid monthly with effect from the date of employment to Caymanians only (contracted officers supplement for expatriates on local contract are at the discretion of the Governor), subsidised medical treatment and the same leave privileges as pensionable officers. They do not include overseas passage privileges.

13. OVERSEAS CONTRACTS Overseas contracts are offered to those who:-

- (1) are recruited overseas i.e. outside the Cayman Islands, or if recruited inside the Cayman Islands are visiting and not resident here, are domiciled outside the Islands, and but for this visit would have been recruited outside the Islands;
- (2) are domiciled outside the Islands;
- (3) are resident outside the Islands at the time of recruitment;
- (4) have a certificate from their family doctor that they are medically fit for service in the Islands, and their spouse and children have no known medical condition which would require specialist supervision throughout their stay;
- (5) have a clean police record certified where possible.
- (6) whose families do not exceed three dependants.

NOTE: Overseas contracts include passages and baggage privileges, subsidised medical treatment, the same leave privileges as pensionable officers, and 15% contracted officers supplement.

(a) An inducement allowance will be awarded to such officers as the Governor may, in his discretion consider it necessary from time to time to attract officers of the required calibre to fill vacancies.

14. TEMPORARY APPOINTMENTS    Temporary appointments -

- (1) are offered to Caymanians and non-Caymanians whether resident on or off the Islands;
- (2) automatically lapse at the end of twelve months unless they are renewed by the PS/P on the recommendation of the Head of Department;
- (3) have the same leave privileges as pensionable officers;
- (4) are subject to the officer being declared medically fit for service by a Government Medical Officer.

NOTE: Temporary appointments do NOT carry medical subsidy, passages, baggage allowance or contracted officers supplement. Exceptionally some professional and technical officers are given assistance with passages and contracted officers supplement particularly when they are recruited from nearby countries to act as locums).

15. PROCEDURE FOR    APPOINTMENTS

- (1) In the cases of those offices for which the Governor is Head of Department under the First Schedule to the PSC Regulations 1985 the Governor will take direct action keeping the PS/P informed when a post becomes vacant or is about to become vacant and paragraphs 16 to 37 below will not apply.
- (2) In the cases of all other offices in Items 1 to 5 excluded by the Third Schedule to the PSC Regulations 1985 from the purview of the Public Service Commission, and subject to alternative statutory provision, the appropriate Head of Department will submit direct to the Governor in all matters of appointment, renewal of contract, termination and discipline, copying to the PS/P the submissions and paragraphs 16 to 37 below will not apply.

(3) The provisions of paragraphs 16 to 37 do apply to all other vacancies including those to be filled on temporary terms.

16. RESPONSIBILITIES OF HEADS OF DEPARTMENTS The relevant Head of Department as listed in the First Schedule to the Regulations shall be the officer responsible for sending the appropriate staff Vacancy Form (P 2) to the Secretary when it is known that a vacancy will occur. He shall also recommend how he considers the vacancy should be filled.
17. PUBLIC ADVERTISEMENT If he recommends recruitment from outside the Civil Service he will explain why he considers this necessary and will send a draft advertisement with the Vacancy Form. The vacancy shall then be advertised.
18. PROMOTION If he recommends an officer for promotion, he shall complete form P 11 stating whether that officer is the most senior (see seniority rules para 66 below) in the Department or grade eligible to be promoted; and he shall give detailed reasons for any supersession recommended to the Secretary. The HOD should also inform any superseded officer why he has been superseded and the HOD could not recommend his promotion.
19. URGENCY OF APPOINTMENT If there is some urgency about filling a particular vacancy he shall explain why. The chairman may then (at his discretion) recommend a temporary appointment under PSC Reg 25.
20. ACTING APPOINTMENT If the HOD recommends an acting appointment, he shall complete Form P 4 stating whether the officer recommended is in every way qualified to perform all the duties of the office in question and forward it to the Secretary.
21. ADMINISTRATIVE INCONVENIENCE If he considers administrative inconvenience will be caused by appointing the best qualified officer to act, he will give detailed reasons when recommending some other officer.
22. TIME FACTOR When the need for an acting appointment can be foreseen, his recommendation will be sent to the Secretary at least a month before the appointment is to become effective.
23. TRAINING If he recommends an officer for training of the kind specified in PSC Regulation 21 he shall provide the information prescribed by paragraph 18 above
24. CONFIRMATION IN APPOINTMENT A Head of Department may:-
  - (a) recommend the termination of a probationary period at any time (See PSC Reg. 31) after first informing the officer in writing of his reasons for not recommending confirmation and obtaining any representations the officer may wish to make. All these documents must accompany the recommendation to the Commission.

- (b) recommend that a further period of probationary service is necessary to determine whether the officer is suitable for confirmation but in any event the extension may not exceed 1 year. Again after first informing the officer that an extension is being recommended and giving the officer an opportunity to make any representations he may wish to make. All these documents must accompany the recommendation to the Secretary.
- (c) recommend that the officer be confirmed in his appointment;
- (d) all recommendations should be made on Form P 5 and where necessary should have the officer's representations attached thereto.

25. RENEWALS OF            CONTRACT

- (a) Six months before the end of the period of contract. engagement, the officer shall, in accordance with his agreement, inform his Head of Department whether or not he is prepared to consider an offer for re-engagement. If the officer indicates that he is willing to consider such an offer and his Head of Department wishes the contract to be renewed he shall make recommendations to the Secretary on Form P 6.
- (b) If an officer, in accordance with (a) above applies for the renewal of his contract and it is the intention of the Head of Department not to recommend renewal, the Head of Department shall write to the Secretary giving his/her reasons why he/she does not think the contract should be renewed and the Commission will consider the case and make its recommendations to the Governor. An officer must not be informed that his contract will not be renewed until the Commission has considered the case and the Governor's decision is transmitted.

26. APPOINTMENT            OF EMPLOYEES ON HOURLY RATES OR  
AGAINST BLOCK VOTES

- (1) The appointment of employees on hourly rates shall not be made by Heads of Departments against established posts without the appointment first being referred to the Public Service Commission. They may be made only against a sub-head in which financial provision is made for the specific purpose. If an expatriate employee is to be employed the clearance of the Chief Immigration Officer must be obtained before employment by submitting an application on the appropriate form. Every employee shall be required to sign the standard form of contract of employment.
- (2) Appointments to unestablished offices against block votes which are expressed in monthly terms or contracts of up to two years duration and the monthly rate is \$1000 or over must nevertheless first be referred to the Public Service Commission which will advise how the appointment is to be made.



27. SERVICE BEYOND NORMAL RETIREMENT AGE The compulsory age of retirement is 60 years which is the "normal" age laid down in Section 6 (2) of the Pensions Law Cap 121. When an officer submits a request to continue in the Service after the age of 60 years, his Head of Department shall satisfy himself that:-

- a. the officer is efficient and fully capable;
- b. the retention of the officer in the service does not reasonably impede the promotion of a younger suitable serving officer on permanent terms;
- c. an extension of service is in the public interest.

The Head of Department shall arrange for the officer to be medically examined by a Government Medical Officer and shall submit the certificate of medical fitness to the Secretary, Public Service Commission, together with his recommendations. The Permanent Secretary (Personnel) and Permanent Secretary responsible may also send written comments to the Commission, copied to the Head of Department. The Commission shall advise the Governor whether it considers the officer should be retained or not; and if so, whether he/she should be offered a local contract for a fixed period, or employed on temporary terms, or continue on pensionable terms.

28. COPIES The Head of Department shall copy to the Permanent Secretary (Personnel) and the Permanent Secretary to whom he is responsible (if any) all the documents sent to the Secretary and in the case of para 27 a copy of the two certificates.

29. RESPONSIBILITIES OF PERMANENT SECRETARIES Apart from any responsibility he may have for action, as the relevant Head of Department, in respect of particular posts, neither the Permanent Secretary (Personnel) nor any other Permanent Secretary is required by GO 16 to 28 to take action. It has nevertheless made provision at GO 28 above for them all to be kept informed, so that they may send written comments to the Secretary when they wish. Regulation 24 provides for them to appear before the Commission too. Any written recommendations made to the Commission by the PS must be copied to the appropriate HOD.

30. RESPONSIBILITIES OF THE PUBLIC SERVICE COMMISSION on receiving a staff vacancy form, the secretary will take immediate action, to check that all other necessary material has been submitted in the correct form and will verify that there is no establishment or financial objection to filling the vacancy.

31. SENIORITY RULES If a promotion has been recommended, the Secretary shall ensure that accurate seniority rules are available for the Commission.

32. CHAIRMAN The Secretary will then report the action taken in the matter to the Chairman.

33. CHAIRMAN POWERS IN MATTERS OF URGENCY If the Chairman is satisfied that delay in a particular matter is likely to cause serious inconvenience, he may at once advise an acting or temporary appointment provided that he reports his action to the Commission at its next Meeting.

34. CHAIRMAN POWERS WHEN NO URGENCY He will otherwise decide whether to place matters before the Commission or to advertise; and will after consulting the HOD have discretion to determine whether any advertisement will be in the local press and radio, or overseas, or both simultaneously, in what countries any overseas advertisement will be placed and what closing dates will be specified for applications.

35. INTERVIEWING PANELS After a post has been advertised locally, or in some overseas country other than the United Kingdom, the Chairman will decide whether a panel will be constituted to interview candidates, what the composition of any such panel will be and the form in which its report is to be submitted to the Commission.

36. COMMISSION MAY INTERVIEW The Commission may, if it sees fit, itself interview any of the candidates. When interviewing them it may at its discretion be assisted by a Head of Department or technical officer as adviser.

37. ADVERTISEMENT IN THE UNITED KINGDOM If the Chairman after consulting the HOD determines that a post will be advertised in the United Kingdom, the Secretary will make appropriate arrangements with the Cayman Islands' United Kingdom Representative assisted by the HOD/or a Technical Officer for both advertising it and interviewing candidates, unless that Representative advises that they be made with the Crown Agents instead. Any member of the interviewing panel who is to travel from Cayman shall be selected by the Chairman after consulting the HOD. In either case, recommendations will be referred to the Commission after the interviews have been held. The Commission will then consider these, considering at the same time the candidature of applicants who responded to any local or other overseas advertisement.

38. PROBATIONARY APPOINTMENTS When an appointment to the Public Service on probationary terms has been authorised by the Governor, a letter offering appointment on probation shall be sent, in duplicate, by the PS/P to the selected candidate. If the candidate accepts the offer he shall sign the acceptance clause on one copy of the letter and return it to the PS/P.

39. CONFIRMATION IN APPOINTMENT When the Governor has approved that an officer should be confirmed in his appointment the PS/P shall so inform the officer in writing and copy the letter to the Accountant General. The letter confirming an officer in his appointment shall show the date from which his appointment shall be considered to have commenced which will as a rule be the date his probationary period commenced, or when the officer is being transferred to pensionable terms without a

probationary period the first day of the month in which the Governor approved the appointment. Any period of employment prior to that date if on temporary terms or contract when the officer has waived his right to Contracted Officer's Supplement/Inducement Allowance or repaid any Contracted Officer's Supplement/Inducement Allowance he may have received, may count for pension under Regulation 20 (Pensions Law Cap 121 Schedule). The Pensions Law was amended on 10 July 1980 by changing the constant from 1/600th to 1/720 of an officer's pensionable emoluments for each completed month of his pensionable service. If an appointment was to be back-dated to before 10 July 1980 this would defeat the Law. The Law must not be defeated by administrative process and if it is, because of an administrative error, the officer will not be allowed to gain thereby.

40. PENSIONABLE TERMS Once an officer is confirmed in a pensionable office there is a clear implication that he will be employed until his pension vests; subject to efficiency, good conduct and good health being maintained.
41. CONTRACTS When the Governor has authorised the offer of an appointment on contract terms the PS/P shall prepare the written contract for a period of employment and on terms and conditions agreed to by both parties. Written contracts shall however be in the standard form laid down by the PS/P after consultation with the Attorney General.
42. RENEWAL OF CONTRACT
- (a) when the Governor has authorised the offer of an appointment on contract the PS/P shall prepare a contract for the officer's signature in respect of the further period of service, incorporating any amendments which may have been agreed between the officer and the Government. On completion of the renewal document copies shall be forwarded to the Accountant General.
  - (b) expatriate contracts will not normally be renewed for one year. They will be "extended" for one year. This means that any inducement allowance and passages will be granted at the end of the extended period.
43. EFFECTIVE DATE OF RENEWED CONTRACT The starting date of an officer's renewed contract shall be the date following that on which the officer's leave ended;  
Provided that the officer resumes duty on the first working day next after the date his leave ended, otherwise the starting date will be the date of his resumption of duty.
44. RESUMPTION OF DUTY BEFORE LEAVE ENDS If the officer resumes duty before the date of expiry of his leave his starting date will be the date of resumption of duty. If he has obtained prior permission to commence duty on that date as a result of his Head of Department's recommendation to the PS/P and the PS/P has approved the early start, any unexpended leave which has not been discharged in cash may be carried forward to his subsequent contract.

45. TEMPORARY When the Public Service Commission has approved the employment of an officer on temporary terms against an established post the PS/P shall issue a letter of appointment for such period as the Public Service Commission may specify.
46. CAYMANIAN STATUS A request by an expatriate officer for Caymanian status is an act voluntarily taken by the officer who must expect it to affect his employment contractual position. If an officer accepts an offer of Caymanian status it must be strictly understood that he must accept transfer to local pensionable terms so that (subject to the Public Service Commission so advising the Governor and if necessary on probation with effect from the date he acquires status) he is in the same position with regard to terms of service as a Caymanian officer is or would have been if in the same post.  
Subject always to the officer being able to complete ten years' pensionable service before he reaches his 55th birthday. With effect from the date he acquires status he will cease to be eligible for overseas passage, baggage, inducement allowance and contracted officers supplement. If the officer is an overseas officer and cannot complete a period of pensionable service he will transfer to local contract terms or if he is already on local contract he will so remain.
47. TERMINATION OF APPOINTMENT The power to remove any public officer from a public office is vested in the Governor under sect 55 of the Constitution after seeking the advice of the Public Service Commission -  
  
Provided that in the case of an officer for which the Governor has first to obtain the Secretary of State's approval to appoint as stated in para 8 (1), the Governor must seek the approval of the Secretary of State before terminating the appointment.
48. RETIREMENT AFTER REACHING THE PRESCRIBED MINIMUM AGE  
If in the opinion of a Head of Department a pensionable officer in his department who has reached fifty years of age or more should be required to retire from the public service he shall proceed in accordance with Reg 27 of the PSC Regulations.
49. ABOLITION OF OFFICE. If a public office is abolished the Head of Department shall proceed in accordance with Reg 28 of the PSC Regulations.
50. RETIREMENT TO FACILITATE IMPROVEMENT IN THE ORGANISATION If a Head of Department thinks a pensionable officer should be compulsory retired to facilitate improvement in the organisation he should proceed in accordance with Reg 29 of the Regulations.

51. REMOVAL FOR INEFFICIENCY If a Head of Department thinks an officer should be removed from office because of inefficiency he shall proceed in accordance with Reg. 48 of the PSC Regulations. Any reason for which a Head of Department considers an officer should be retired in the public interest shall be handled under the heading of inefficiency.

52. TERMINATION OF CONTRACT If in the opinion of a Head of Department the contract of an officer should be terminated before the term of the contract is completed WITH LOSS OF BENEFITS he shall proceed under PSC Reg. 30.

53. TERMINATION ON MEDICAL GROUNDS If a Head of Department thinks that an officer is incapable of performing his duties by reason of infirmity of body or mind he shall report the circumstances to the Chief Secretary together with a statement of the officer's work performance, and other relevant information which might assist the CMO. If the Chief Secretary considers that there is evidence to substantiate the opinion of the Head of Department, he shall ask the Chief Medical Officer to appoint a medical board (which shall be of not less than two Government medical officers) to inquire into the officer's medical condition. (see GO Chap. 9, 1 (4)). The report of the medical board shall be submitted to the Chief Secretary who shall send it to the Commission with his recommendations. If the Governor, after considering the advice of the Commission, decides -

- (a) in the case of a pensionable officer to require him to retire on medical grounds he shall ask the PS/P to inform the officer in writing drawing his attention to Sect. 6 (2)(v) of the Pensions Law;
- (b) in the case of a contract officer, he shall ask the PS/P to terminate prematurely the contract in accordance with the medical clause thereof.

54. NOTICE The period of notice (or pay in lieu thereof) to be given to an officer is as follows -

- (a) in the case of a contract officer the period of notice stated in the contract;
- (b) in the case of a pensionable officer retired after attaining the minimum prescribed age, three months;
- (c) in the case of a pensionable officer retired to facilitate improvement in the organisation, three months;
- (d) in the case of a pensionable officer whose post has been abolished, three months;
- (e) in the case of a pensionable officer who is retired on medical grounds, three months;
- (f) in the case of a pensionable officer who is retired for inefficiency, one month;

- (g) in the case of an officer on temporary terms, one month;
- (h) in the case of an officer retiring at the normal age of 60 years - six months before his 60th birthday.
- (i) in the case of an officer dismissed no notice need be given but the PS/P has discretion to give one month's notice or pay in lieu in cases where the reason for dismissal did not involve an act of moral turpitude.
55. RESIGNATION The resignation of a public officer is not valid until it is accepted by the Governor and he will not normally accept a resignation if, in his opinion, the object of the officer is to avoid disciplinary action. In any case notice of resignation an officer shall give shall not be less than one month's notice or pay to Government one month's salary in lieu of notice. Notice of resignation must be given to the PS/P through the proper channels.
56. CERTIFICATES OF SERVICE A certificate of service in the standard form shall be given to the officer on request when he leaves the service. Assessment of efficiency shall be defined as "very good", "good" or "indifferent" as the case may be. The object of the certificate is for use as a reference when the officer is seeking other employment and unless there is good reason to the contrary general conduct shall be assessed as "very good" . A certificate will be signed by the officer's Head of Department but where he has served in an exemplary manner for fifteen years or more the certificate may be signed by the Governor or the Financial Secretary. No other form of reference or testimonial shall be provided.
57. ILLNESS AND DEATH On first appointment, an officer shall notify his Head of Department of the name and address of his next-of-kin, which shall be recorded on his personal file both in his Department and in the Personnel Department. Any change in next-of-kin should be notified to the officer's Head of Department immediately.
58. SERIOUS ILLNESS Where in the opinion of a government medical officer a public officer is seriously ill the medical officer shall take steps to inform the PS/P so that appropriate information can be passed to the officer's next-of-kin and Head of Department.
59. DEATH OF AN OFFICER. The death of an officer should be notified immediately by the government medical officer in charge of the case to the PS/P who will then see that the next-of-kin, Head of Department, and the Accountant General are made aware.
60. DECLARATION OF SECRECY All officers shall sign a "Declaration of Secrecy" at the time of their appointment, which draws their attention to the Official Secrets Law and which is an undertaking to comply with such laws concerning official secrets as may be in force from time to time both during and after leaving the service. The unauthorised disclosure of any information by an officer which he has obtained as a result of public service may be a breach of law and result in criminal prosecution or disciplinary proceedings or both.

61. PETITIONS. An officer has the right to address or petition or make other representations to the Governor at any time concerning public service matters provided he does so in restrained language. Such petitions must be in writing and should be sent through the officer's Head of Department and the Chief Secretary.

62. IMPROPER INFLUENCE. No officer shall seek to influence any member of the Legislative Assembly, the Public Service Commission (see Reg. 12 and the Regulations), or any other person as a means of bringing his services to official notice as a means of furthering his personal interests in public service in any way. The employment of such methods may prejudice his otherwise legitimate claims and render him subject to disciplinary proceedings.

63. ANNUAL PERFORMANCE EVALUATION REPORTS It is the responsibility of each Head of Department to see that annual reports are prepared on all officers in his Department and submitted to the Secretary in accordance with PSC Reg. 23. Reports shall be in the prescribed form. Heads of Departments must not retain copies of these reports.

64. ADVERSE. When an assessment of a grade specified in the form indicates unsatisfactory performance or is in any way adverse the officer shall be informed in writing and a copy of the Head of Department's letter to the officer shall be attached to the report.

65. DISCIPLINE. Disciplinary proceedings are described in PSC Regs. 32 to 54.

66. SENIORITY is a comparison of the position of two or more officers. It is historical in nature and therefore a question of fact rather than opinion.

67. One officer is senior to another officer if he is in a higher grade than the other officer. If the posts held by the two officers are in the super scale (i.e. on fixed salaries) then the one on the higher point is senior to the one on the lower point.

68. If the two officers are on incremental scales then the one on the scale that goes to the higher point is senior irrespective of what the start salary is.

69. If the two officers are in the same grade then the one who received the salary of the grade first substantively, (this is not necessarily the effective date of appointment to the grade) is the more senior.

Example : an officer A is appointed substantively to SS 4 with effect from 1st January 1986. Another Officer B is appointed to act in an SS 4 post on the same date. "A" the substantively appointed officer is senior to the officer who is acting at the same level and this remains the position even if B is subsequently substantively appointed to SS 4 and his appointment is backdated to 1st January 1986.

Example : An officer "A" is appointed substantively to an SS 4 post with effect from 1st January 1986. Another officer "B"'s post is subsequently upgraded to SS4 with effect from 1st January 1986. "A" remains senior to "B" even if "B" was appointed to his original post which was upgraded before 1st January 1986. The date of "B"'s seniority is the date his post was upgraded.

70. If the two officers were appointed substantively to the grade on the same date then the position of the two officers must be looked at in their previous grades applying the same rules as in GOs 67 to 69 above. The officer more senior to the other officer in a previous grade remains senior.

71. If one officer is promoted to a grade on the same date as an officer is appointed direct to the grade from outside the service then the officer promoted is the more senior by the criterion that he has been in the Service longer than the other officer.

72. As between officers in the same grade some on contract and others on pensionable terms the career officers, i.e. those on pensionable terms, are always senior to the contract officers irrespective of their length of service.

73. SENIORITY WHEN USED Officers should be promoted on seniority only when all other things are equal and in such cases the advice of the Public Service Commission would be "that the most senior of the officers considered should be promoted". It is for the Permanent Secretary/Personnel to establish seniority.

74. If between two officers all comparisons at all levels are equal then seniority is fixed by birth date. The one born first is the more senior.

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## CHAPTER 3

### TRAINING

#### STATEMENT OF INTENT



1. INVESTMENT IN PERSONNEL Manpower is Government's largest investment. It is a major resource within Government . In order to develop this resource the Government is committed to creating a learning environment wherein staff can not only acquire the necessary skills and knowledge to enable them to perform well in the duties of their current offices but also afford the opportunity to prepare officers for advancement within the Public Service.
2. OBJECTIVES OF TRAINING The objectives of training within the Service are to -
  - (1) promote learning, develop the mind and broaden cultural and scientific horizons and to develop the disciplines of study of any subject for the furtherance of public policy;
  - (2) improve systematically the ability of officers to perform the duties of their posts at a higher standard of efficiency on first appointment, during probation and to prepare them for higher responsibilities during the course of their careers;
  - (3) provide for localisation of the Service as rapidly as is consistent with the maintenance of appropriate standards of efficiency and expertise;
  - (4) create a learning environment which is the responsibility of and closely involves managers, so that skills and knowledge can be acquired including the understudy of experienced officers;
  - (5) create a sound analysis of tasks and needs.
3. TRAINING POLICY It is one of the functions of the Public Service Commission to advise the Governor on training policy under the Law (Reg. 17 and 21 of the PSC Regs 1985).
4. CIVIL SERVANTS' ASSOCIATION AND TRAINING The general policy on Training shall be a subject for consultation and discussion with the Association Council as provided for in Chapter 7 of General Orders.
5. TRAINING DEVELOPMENT Heads of Departments are responsible with the Training Officer for the development of systematic training programmes for their staff. This will involve a regular review of current and future training needs. The Training Officer shall appraise and collate training requirements and in consultation with Heads of Departments and the Chairman of the Public Service Commission develop, implement and evaluate systematic training of officers. The training methods used will vary, however, they are likely to fall into one of the following categories:-
  - (1) on-the-job instructions by the Manager/Supervisor;
  - (2) training by planned experience, i.e. allocation of special projects or movement to other departments;
  - (3) off-the-job training within the Service (in Service courses);

- (4) off-the-job training outside the service either overseas or local courses.
6. PSC TO BE KEPT INFORMED. The Training Officer shall -
  - (1) appraise and collate training requirements with PS's and the PS/P and report on them to the Chairman of the Public Service Commission;
  - (2) arrange courses for officers and where formal courses are not available try, with Heads of Departments, to organise courses incorporated in work on the job or in the classroom;
  - (3) arrange training in any form which is recognised and effective.
7. OVERSEAS COURSES Categories of courses overseas are as follows:
  - (1) short term training which is to say up to three months in duration;
  - (2) medium term courses which is to say up to one academic year;
  - (3) long term courses which is to say more than one academic year.
8. OFFICERS ON PROBATION. Probation is a period when an officer is on trial and Government can assess his or her suitability for continued employment until he or she reaches retirement age. It follows that if an officer is not in post during his probation this assessment is impossible. For this reason an officer on probation who is required to go on a long term course overseas will have to repeat a probationary period on return to the Service after the course.( See also Chap. 2 GO 11 (g))
9. LONG TERM OVERSEAS COURSES. Subject to the advice of the Public Service Commission, Government may require any officer to go on an appropriate overseas training course if he has Caymanian status, is pensionable and, as a rule has completed at least two years continuous service and can give ten years' service at the end of the course before reaching the minimum retirement age of 55 years. An officer will not, as a rule, be sent on courses which last longer than seven years, in aggregate during his service. The Government reserves the right to approve the Institution in which the course is to be taken. The Institution so approved must be one which is fully recognised and accredited.
10. WITHOUT PAY. Effect will be given to this policy by the granting of study leave without pay for the length of the course but such leave will be granted on grounds of public policy, subject to para 9 above, for the purposes of Regulation 16 of the Schedule to the Pensions Law (Cap 121) with the Governor's approval and therefore pensionable service.

11. TUITION. Book allowances, and other expenses directly related to the course will be paid by Government. The officer must submit itemized expense accounts supplied by the institute of study. The Government retains the right to disregard items not considered essential for the course.
12. ACCOMMODATION including the cost of food will be met by Government whether in halls of residence of the institution or in private accommodation of the officer's choice save that the contribution of Government towards accommodation of an officer's own choice shall be limited to what Government would have paid had the officer been accommodated in the institutions halls of residence and also that if the officer is compelled to live off campus because there is no accommodation on the campus then government will meet the whole cost.
13. AIR PASSAGES at the cheapest rate will be paid by Government for the officer and where appropriate the officer's spouse and one child and reasonable taxi charges to and from the airport from and to the officer's accommodation will be paid at the beginning and at the end of the course on the officer submitting receipts of the air carrier and a detailed statement in writing of taxi/bus fares.
14. BAGGAGE ALLOWANCE. Government will also meet the cost of up to 20 kilos of baggage in excess of the normal airline baggage allowance on assuming work on the course and up to 60 kilos by sea on returning from the course.
15. PERSONAL ALLOWANCE AND HEALTH INSURANCE
  - (a) A personal allowance will be payable for day to day necessities like toilet requisites, as a rule the Director of Training will be guided by any recommendation of the University or Training Centre.
  - (b) The Government will pay to the officer the cost of the premium for adequate health insurance (which the officer must arrange himself), for himself and where appropriate his family for the duration of the course.
16. MID-COURSE AIR PASSAGE Passages by the cheapest rate for the officer and when applicable the officer's spouse and one child will be paid for by Government when the officer is on a long term course.. During this visit to the Island the officer can be required to return to duty for some part of his vacation period.
17. INTERNATIONAL SPONSORS. When an officer has a course approved which is sponsored by an international or other agency and the benefits he will receive are less advantageous than those mentioned above then the Government will make up the benefits to the level stated above.
18. OFFICER'S LIABILITY. All officers who are offered these course facilities accept them on the following strict understanding -

- (1) that they will submit themselves and where applicable their families who are to accompany them to medical examination by a Government Medical Officer before proceeding on the course;
  - (2) that the officer will authorise in writing the Administration of the Institution in which he/she is studying to submit progress reports to Government at the end of each academic term. Such reports shall be in the form of transcripts. The Government reserves the right to discontinue any payments for the course where good progress is not being maintained and officers will be required to return to work. In any event Government will agree to an officer repeating a failed course once only;
  - (3) an officer who is selected for a long term overseas course shall before his departure be required to sign a bond undertaking that he will return to service approved by the Governor for a period of not less than three years or when the course exceeds 3 years in duration the same period as the length of the course and if he fails without reasonable cause to apply himself to his studies, fails to return to the Islands, is dismissed from the service for misconduct or resigns within the period prescribed he shall repay to the government the whole of the costs of his training, and where salary has been paid this shall also be included in the calculation of the amount of the bond;
  - (4) the officer will be required to provide as sureties persons financially capable of fulfilling the terms of the bond.
  - (5) that the officer is enrolled in a full-time programme.
  - (6) that the officer will not during the period of the approved course at the approved Institution either change the course or the Institution without the prior approval of the PS/P which approval will be given only in exceptional circumstances.
19. GOVERNMENT'S RESERVATION. The Government does not commit itself to offer promotion to an officer on successful completion of any course nor will it guarantee re-employment to any officer who has resigned during a course.
20. HARDSHIP. Where an officer can demonstrate that by accepting these terms and conditions he will suffer financial hardship because of family or other commitments which are acceptable to Government special supplementation may be awarded in each individual case at the discretion of the Governor.
21. MEDIUM TERM OVERSEAS. Officers may be required to go on medium term overseas courses, they must:-
- (1) be Caymanians
  - (2) be on pensionable terms and

(3) be selected in consultation with the Public Service Commission

22. TERMS Offices on medium term overseas courses will receive -

- (1) full salary while on the course ;
- (2) benefits in accordance with paras 11, 12, 13, 14 and 15 above ;
- (3) they will be subject to paras 17 and 18 above;

23. SHORT TERM COURSES AND CONFERENCES. Officers required to go on short term overseas training courses -

- (1) may be on pensionable, local contract, overseas contract or temporary terms;
- (2) will not require Public Service Commission selection unless it is intended the training will qualify the officer for early promotion;
- (3) who are contract and temporary officers will rarely be given short courses.

In every case the authority of the Governor is required. A contract officer's tour of duty will be extended by the period he/she is training.

24. TERMS. When on short term overseas training courses officers will receive:-

- (1) full salary while on the course;
- (2) benefits under paras 11 and 13 above;
- (3) Government will meet the cost of reasonable hotel accommodation;
- (4) the appropriate subsistence allowance for the country in which the course is to take place will be paid for the duration of the course;
- (5) will be subject to paragraph 18 above;

25. ANNUAL LEAVE ENTITLEMENT. Annual leave entitlement earned up to the officer proceeding on other than short courses must be taken by the officer before the training course starts. During the course the officer will take the normal course vacations in lieu of leave entitlements.

26. CORRESPONDENCE AND EVENING COURSES. When any Caymanian officer takes a correspondence, evening course, or courses at an Evening Institute which lead to General Certificates of Education or other certificates appropriate to the Public Service with the approval of his Head of Department and he is successful at the examination following the course the officer may on presentation to Government of the receipt for the fees for the course and the examination receive reimbursement from Government up to the full amount of the receipts.

27. PAYMENT OF ALLOWANCES. The Accountant General will arrange for the payment to a trainee of the allowances prescribed in GO's 9 to 23 either directly or through the appropriate

agencies in the country concerned but any incidental claims under G.O.'s 11-15 should be submitted to him accompanied by receipted bills not later than the end of the month following that in which the expenditure is incurred.

28. COURSES TO BE RECORDED. A record shall be placed on the personal file of each officer both in his Department and in the Personnel and Management Services Department of the training programme assigned to him, of any courses taken by him, his performance on the course and examination results.
29. OBLIGATION TO TRAIN. It is a condition of appointment to the Public Service that an officer shall comply with any training requirements attached to his post, within a scheme of service or otherwise. Failure to complete training required may be prejudicial to an officer's progress in the Public Service.

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## SALARY

1. SALARY SCALES. The salary scales of the Public Service are set out in Appendix 1 to this Chapter.
2. GRADINGS. The gradings of posts are those shown in the staff complement annually in the Approved Estimates of the Government.
3. AUTHORITY FOR SALARIES The salary of a post is the pay or range of pay shown in the scale on which the post is graded in the approved estimates. The Legislature authorises payment of the salaries of public officers when it passes the Appropriation Law each year in which funds are appropriated inter alia for personal emoluments.
4. CURRENCY. All salaries are expressed in Cayman Islands dollars and are payable monthly in arrears.
5. SALARIES SHOWN BASIC All salaries are shown basic and all salary assessments and adjustments of salary on movement of officers between offices must be made with reference to basic salaries only.
6. SALARY PLATFORMS . Where, in these GO's, different salary levels are used for the purpose of fixing leave eligibility, allowances or transport entitlements, they have been fixed with reference to basic salaries only.
7. BANK ACCOUNTS. As a condition of employment it is understood that every officer on appointment will open a bank account with a bank in the Islands and that he will authorise the Accountant General to pay his salary monthly into his bank account.
8. START DATE On first appointment, and on resumption of duty following renewal of an overseas contract, an officer will receive his salary:

- (a) if he is appointed in the Islands, from the date he assumes the duties of his office;
- (b) if he is appointed outside the Islands and is domiciled outside the Islands, from the date of his arrival in the Islands on initial appointment, PROVIDED he assumes duty within three working days of arrival. If he does not assume duty within three working days of arrival his salary will commence three days prior to the date of assumption of duty.

In addition an overseas officer will receive a sum equivalent to one day's pay for time spent travelling to the Island on initial appointment, PROVIDED the journey has taken longer than six hours from port of departure to port of arrival.

- (c) when an officer is promoted he will receive the salary of the higher post from the date he assumes duty in it.
- (d) if two or more officers in the same cadre are promoted at the same time and one or more cannot assume duty in the higher post for Service reasons all promotions and promotion pay shall be with effect from the date the Governor authorised the promotion so that seniority between the officers is not upset;
- (e) if an overseas contract officer renews his contract his salary shall start from the date he arrives in the Islands provided he resumes duty on the working day next following that of his arrival;
- (f) if an overseas contract officer returns to the Islands to continue his leave before it is expired or remains on the Island for his leave the date his salary will recommence on renewal of his contract shall be the date he resumes duty;
- (g) if an overseas contract officer is required, in writing, by the PS/P to resume duty in the Islands before the expiration of his leave his salary on his renewed contract shall start from the date he resumes duty and if his contract includes an inducement allowance, his salary will attract the inducement allowance also.

9. PART TIME. Staff employed on a part time basis shall be paid as follows :-

- (a) if they are employed on an hourly basis assess the hourly rate in accordance with para 21.(3).
- (b) if the officer is employed on a daily basis multiply the hourly rate by the hours worked in the day. The average hours worked in any one month is 163.13 by which the monthly rate must be divided to get the hourly rate.
- (c) if an officer is employed on a month to month basis divide the annual rate of pay by 12 to get the monthly rate;

(d) these methods of assessment will also apply to the calculation of acting and duty allowances.

10. CHANGE ADVICES Any change in the status or posting of an officer which is likely to affect the payment of salaries or allowances or change the accounting allocation should be notified to the Accountant General and the Personnel Department on the appropriate source document. See appendix 2, hereof.

11. START SALARIES. Officers whose posts are graded on fixed rates of pay will receive the fixed rate of pay in accordance with para 8.

12. SUPER SCALE. There is no incremental progression in the super-scale . Offices in the super-scale can be graded only at one of the following levels S1, S3, S4, S6, S7, S8, S9, S12 and S15, other points are for differential purposes only. No post shall be graded in the super scale which purports to move automatically between two or more levels on a scale.

13. START SALARIES - INCREMENTAL SCALES Start salaries on incremental scales shall be assessed as follows:-

(a) The start salaries of clerical officers and equivalent points in the Tech Scale shall be as follows:-

ANNUAL SALARY	MONTHLY SALARY	AGE	QUALIFICATIONS
10,812	( 901)	18	
11,208	( 934)	19	"0"s 1
11,628	( 969)	20	
12,072	(1006)	21	"0"s 2
12,528	(1044)	22	"0"s 3
12,996	(1083)	23	"0"s 3 +1 6th Form
13,476	(1123)	24	"0"s 4
13,980	(1165)	25	"0"s 4 +1 6th Form or 5
14,520	(1210)	26	"0"s 5 or more + 1 6th Form
15,060	(1255)		
15,636	(1303)		

(i) the minimum qualification for entry to the Clerical Grades is 11 years full-time education with one year in the fifth form.



- (ii) new entrants will enter the scale strictly against the age entry points or the qualification entry points depending on which is the more advantageous to the recruit.
  - (iii) the base point of the scale is related to new entrants who are 18 years of age or below with no G.C.S.E.'s or other Certificates but the entry would be highly selective at interview.
  - (iv) Officers on re appointment with previous Cayman Islands Government Service will receive one increment for each year of service above their age/qualification entry point subject to the maximum of the scale.
- (v) There will be cases in which an individual who has demonstrated the required level of competency can be appointed within the salary scale at a point determined by the PS/P to reflect either previous relevant experience in the same or a higher grade and/or the current salary being paid to the applicant.
- (b) General Certificate of Secondary Education at Ordinary levels will be accepted if at Grades A, B or C with the exception that in the subjects of domestic science, music, art, or religious knowledge only two subjects will be acceptable for salary assessment purposes or where x number of GCSE '0' level passes are stated unless the subject is relevant to the post.
  - (c) The qualification entry points are for school leavers. For the purposes of entry to the clerical scale a diploma from the Triple "C" School shall be treated as the equivalent of 3 "0" level passes. More mature officers may enter by being awarded increments for experience but their experience must be relevant.
  - (d) The start salary of a teacher shall be assessed with reference to qualification, experience on a one-for-one basis, and grade in accordance with the Burnham system up to a maximum of 12 increments.
  - (e) The start salary of officers in other grades will be fixed with reference to their previous experience appropriate to the post to which they are being appointed and the level of pay of serving officers. An officer would have to have considerable superiority in qualification and age if he is to be paid higher than the highest serving officer in the same cadre.

14. INCREMENTS. For description of 'increment' see definitions in Chapter 1.

15. I NCREMENTAL DATE. An officer's incremental date following first appointment shall be the anniversary of the first day of the month in which he commenced

duty if before the sixteenth day of the month and the anniversary of the first day of the month following that in which he commenced duty if on or after the sixteenth day of the month.

16. SALARIES An officer appointed substantively on promotion to a vacant post which is graded on a fixed salary shall receive that salary with effect from the date of promotion. (See para 8).
17. SALARIES ON PROMOTION. An officer promoted to a post on an incremental scale shall have his new salary and incremental date determined as follows:-
  - (a) if, on promotion, his old salary is less than the minimum of his new scale he shall be paid the minimum salary and the date of his promotion shall be his new incremental date.
  - (b) if, on promotion, the officer's old salary is above the minimum of his new scale, he shall enter that scale at the point immediately above his old salary, and shall be awarded a further increment and he will retain his previous incremental date PROVIDED that he receives at least two increments thereby. If not he will be awarded one additional increment.
  - (c) if, on promotion the scales overlap and the officer is at the point immediately below the minimum of the scale to which he is being promoted, then he should enter the new scale at the second point and he will retain his previous incremental date.
18. PAYMENT OF INCREMENTS. Subject to receipt of a Certificate of Satisfactory Performance (Form P40) submitted by the Head of Department through the Secretary, Public Service Commission, the Accountant General shall pay increments on the date they fall due. SAVE THAT Certificates in respect of offices listed in the Third Schedule to Public Service Commission Regulations shall be sent direct to the Accountant General.
19. ADVANCES OF SALARY. The Financial Secretary may authorise an advance of salary for urgent personal reasons where the circumstances of serious illness or other unforeseen domestic calamity has occurred but advances may be granted on other grounds where the applicant can show that he could not reasonably have been expected to make prior provision for the purpose for which he requires the advance. Applications should be made initially to the PS/P through Heads of Departments who must indicate when forwarding the application whether or not they support it. The Financial Secretary shall lay down the terms under which the advance shall be paid.
20. ADVANCES FOR LEAVE When an officer is going on leave the Accountant General may pay the officer's leave salary in advance in respect of any leave period.
21. OVERTIME.
  - (1) No overtime payments may be made to any officer until that officer has completed his normal working hours for a five day week.

(2) Overtime payments will not as a rule be paid to any officer at professional or managerial level and above but the Financial Secretary may, in his discretion authorise payment of overtime to any officer if he considers it justified.

(3) Overtime payments are calculated on the basis of an officer's annual salary reduced to an hourly rate as follows:-

$$\frac{261 \times 7.5}{12} = 163.13 \text{ average hours worked pm}$$

Divide monthly rate by 163.13 to get hourly rate.

(4) Heads of Departments and administrative officers should ensure that officers in their departments are required to work overtime only in exceptional circumstances. Whenever possible the officer should be given time off in lieu.

(5) Unless time off in lieu is agreed, overtime pay shall be paid for each hour worked in excess of the normal work week. The rate of overtime pay shall be at least one and one half times the basic hourly rate.

(6) Deleted.

22. TERMINAL BENEFITS. Pension benefits and/or gratuity are payable to an officer in accordance with the Pensions Law (Cap 121)(see Chap 11 below), or the terms of his contract whichever is applicable in the particular case. In certain circumstances pay at the rate prescribed by the Labour Law may be payable: See Chapter 11 (27) below.
23. FORFEITURE OF TERMINAL BENEFITS An officer who is dismissed from the Service may lose any eligibility he may have had for terminal benefits under his particular terms of employment.
24. INTERDICTION An officer who is interdicted from the performance of his duties, when his contract ends, will not be paid an inducement allowance (if any) until the criminal or disciplinary proceedings are completed and the Governor can consider if the officer's service has been satisfactory for the purposes of awarding an inducement allowance.
25. ADVANCE PAYMENTS. The Financial Secretary may approve the payment of an allowance not greater than the estimated pension to an officer on retirement, where his pension, though due, cannot, for any reason, be paid from the date of retirement.
26. COMMUTED GRATUITY. Where an officer on retirement has opted for a gratuity and reduced pension the Financial Secretary may approve an advance against the commuted pension gratuity on such conditions as may be specified by the Financial Secretary in his discretion.

27. APPLICATION FOR TERMINAL BENEFITS. Applications for pensions or gratuities shall be submitted on form P 12

28. PUBLIC HOLIDAY PAY.

(1) If an officer does not work on a Public Holiday he shall be paid the basic salary he would receive for work performed on that day had it not been a Public Holiday.

(2) Subject to 3 below, if an officer does work on a Public Holiday he shall be paid at double his normal rate of pay for the hours actually worked that day, and where he works less than the full day he shall, in addition, be paid at the normal rate for any hours by which the time actually worked falls short of his normal working day.

(3) The provisions of Paragraph 1 and 2 above are not cumulative. Where an employee does work on a Public Holiday the entitlement under Paragraph 2 will not be added to the basic salary referred to in 1.

(4) An employee who works on a Public Holiday may, by agreement between himself and his Head of Department receive one additional day's leave for each Public Holiday or part thereof on which he works. In such event he shall be paid in accordance with Paragraph 1 and shall not receive enhanced pay under Paragraph 2.

(5) Officers at professional and managerial level who work on a Public Holiday shall be paid under Paragraph 1 and shall be entitled to time off under Paragraph 4.

(6) Officers other than professional and managerial officers who continue to work overtime on a Public Holiday after completing their normal period of daily work shall be paid at double the hourly rate for each complete hour worked.

SUPERSCALE

<u>SCALE</u>	<u>POINT</u>	<u>1991 SALARY</u>	<u>1992 SALARY</u>	<u>MONTHLY SALARY</u>
SS (4291)	1	\$49,044	51,492	
(4411)	2	50,412	52,932	

(4534)	3	51,816	54,408
(4660)	4	53,256	55,920
(4790)	5	54,744	57,480
(4923)	6	56,268	59,076
(5061)	7	57,840	60,732
(5202)	8	59,448	62,424
(5347)	9	61,104	64,164
(5496)	10	62,808	65,952
(5649)	11	64,560	67,788
(5807)	12	66,360	69,684
(5968)	13	68,208	71,616
(6135)	14	70,116	73,620
(6306)	15	72,072	75,672

ADMINISTRATIVE AND PROFESSIONAL SCALE

<u>SCALE</u>	<u>SEG.</u>	1991 <u>POINTS</u>	1992 <u>SALARY</u>	MONTHLY <u>SALARY</u>	<u>SALARY</u>
AP (2246)	1	1		\$25,668	26,952
AP (2329)	1	2		26,616	27,948
AP (2414)	1	3		27,588	28,968
AP (2502)	1	4		28,596	30,024
AP (2593)	1	5		29,640	31,116
AP (2689)	2	1		30,732	32,268
AP (2788)	2	2		31,860	33,456
AP (2890)	2	3		33,024	34,680
AP (2996)	2	4		34,236	35,952
AP (3106)	3	1		35,496	37,272
AP (3220)	3	2		36,804	38,640

AP (3339)	3	3	38,160	40,068
AP (3462)	3	4	39,564	41,544
AP (3589)	4	1	41,016	43,068
AP (3720)	4	2	42,516	44,640
AP (3857)	4	3	44,076	46,284
AP (3998)	4	4	45,696	47,976
AP (4145)	4	5	47,376	49,740

CLERICAL OFFICERS SCALE

MONTHLY	<u>SCALE</u> <u>SALARY</u>	<u>SEG</u>	<u>POINT</u>	1991	1992	
				<u>SALARY</u>	<u>SALARY</u>	
901)	C	1	1	\$10,296	10,812	(
934)	C	1	2	10,680	11,208	(
969)	C	1	3	11,076	11,628	(

C (1006)	1	4	11,496	12,072
C (1044)	2	1	11,928	12,528
C (1083)	2	2	12,372	12,996
C (1123)	2	3	12,840	13,476
C (1165)	2	4	13,320	13,980
C (1210)	3	1	13,824	14,520
C (1255)	3	2	14,340	15,060
C (1302)	3	3	14,880	15,624
C (1351)	3	4	15,444	16,212
C (1402)	4	1	16,020	16,824
C (1454)	4	2	16,620	17,448
C (1509)	4	3	17,244	18,108
C (1566)	4	4	17,892	18,792



EXECUTIVE OFFICERS SCALE

<u>SCALE</u> <u>SALARY</u>	<u>SEG</u>	<u>POINT</u>	1991 <u>SALARY</u>	1992 MONTHLY <u>SALARY</u>
E (1614)	1	1	18,444	19,368
E (1658)	1	2	18,948	19,896
E (1703)	1	3	19,464	20,436
E (1750)	1	4	20,004	21,000
E (1799)	2	1	20,556	21,588
E (1848)	2	2	21,120	22,176
E (1910)	2	3	21,828	22,920
E (1974)	2	4	22,560	23,688
E (2040)	3	1	23,316	24,480
E (2108)	3	2	24,096	25,296
E (2179)	3	3	24,900	26,148

	E (2251)	3	4	25,728	27,012
	E (2326)	4	1	26,580	27,912
	E (2403)	4	2	27,468	28,836
	E (2483)	4	3	28,380	29,796
E	5 1	29,328	30,792	(2566)	
E	5 2	30,300	31,812	(2651)	
E	5 3	31,308	32,868	(2739)	

TEACHERS SCALES

	<u>SCALE</u>	<u>SEG.</u>	<u>POINT</u>	<u>1991 SALARY</u>	<u>1992 SALARY</u>	<u>MONTHLY SALARY</u>
999)	T	AI	47	\$11,412	\$11,988	(
	T (1051)	AI	46	12,012	12,612	
	T (1107)	AI	45	12,648	13,284	

T (1164)	AI	44	13,308	13,968
T (1225)	AI	43	14,004	14,700
T (1289)	AS	41	14,736	15,468
T (1358)	AS	40	15,516	16,296
T (1429)	AS	39	16,332	17,148
T (1505)	AS	38	17,196	18,060
T (1583)	AS	37	18,096	18,996
T (1666)	AS	36	19,044	19,992
T (1716)	AS	35	19,608	20,592
T (1766)	AS	34	20,184	21,192
T (1819)	AS	33	20,784	21,828
T (1872)	AS	32	21,396	22,464
T (1928)	AS	31	22,032	23,136

<u>SCALE</u>		<u>1991</u>	<u>1992</u>	<u>MONTHLY</u>	
		<u>POINTS</u>	<u>SALARY</u>	<u>SALARY</u>	<u>SALARY</u>
T1	35	19,608	20,592	(1716)	
T1	34	20,184	21,192	(1766)	
T1	33	20,784	21,828	(1819)	
T1	32	21,396	22,464	(1872)	
T1	31	22,032	23,136	(1928)	
T1	30	22,680	23,808	(1984)	
T1	29	23,352	24,516	(2043)	
T1	28	24,036	25,236	(2103)	
T1	27	24,744	25,980	(2165)	
T1	26	25,476	26,748	(2229)	
T1	25	26,232	27,540	(2295)	
T1	24	27,000	28,344	(2362)	
T1	23	27,792	29,184	(2432)	
T1	22	28,608	30,036	(2503)	
				-----BAR-----	
T1	21	29,448	30,924	(2577)	
T1	20	30,312	31,824	(2652)	

<u>SCALE</u>		1991 <u>POINTS</u>	1992 <u>SALARY</u>	MONTHLY <u>SALARY</u>	<u>SALARY</u>
T2	31	\$22,032	\$23,136	(1928)	
T2	30	22,680	23,808	(1984)	
T2	29	23,352	24,516	(2043)	
T2	28	24,036	25,236	(2103)	
T2	27	24,744	25,980	(2165)	
T2	26	25,476	26,748	(2229)	
T2	25	26,232	27,540	(2295)	
T2	24	27,000	28,344	(2362)	
T2	23	27,792	29,184	(2432)	
T2	22	28,608	30,036	(2503)	
T2	21	29,448	30,924	(2577)	
T2	20	30,312	31,824	(2652)	
T2	19	31,212	32,880	(2740)	
T2	18	32,136	33,744	(2812)	

<u>SCALE</u>		1991 <u>POINTS</u>	1992 <u>SALARY</u>	MONTHLY <u>SALARY</u>	<u>SALARY</u>
T3	27	\$24,744	\$25,980	(2165)	

T3	26	25,476	26,748	(2229)
T3	25	26,232	27,540	(2295)
T3	24	27,000	28,344	(2362)
T3	23	27,792	29,184	(2432)
T3	22	28,608	30,036	(2503)
T3	21	29,448	30,924	(2577)
T3	20	30,312	31,824	(2652)
T3	19	31,212	32,880	(2740)
T3	18	32,136	33,744	(2812)
T3	17	33,084	34,740	(2895)
T3	16	34,056	35,760	(2980)
T3	15	35,064	36,816	(3068)

<u>SCALE</u>		<u>1991</u>	<u>1992</u>	<u>MONTHLY</u>	
		<u>POINTS</u>	<u>SALARY</u>	<u>SALARY</u>	<u>SALARY</u>
T4	18	32,136	33,744	(2812)	
T4	17	33,084	34,740	(2895)	
T4	16	34,056	35,760	(2980)	
T4	15	35,064	36,816	(3068)	
T4	14	36,096	37,896	(3158)	

T4	13	37,164	39,024	(3252)
T4	12	38,256	40,164	(3347)

<u>SCALE</u>		<u>1991</u>	<u>1992</u>	<u>MONTHLY</u>
		<u>POINTS</u>	<u>SALARY</u>	<u>SALARY</u>

T5	13	37,164	39,024	(3252)
T5	12	38,256	40,164	(3347)
T5	11	39,384	41,352	(3446)
T5	10	40,548	42,576	(3548)
T5	09	41,748	43,836	(3653)

<u>SCALE</u>		<u>1991</u>	<u>1992</u>	<u>MONTHLY</u>
		<u>POINTS</u>	<u>SALARY</u>	<u>SALARY</u>

T6	09	41,748	43,836	(3653)
T6	08	43,284	45,444	(3787)
T6	07	44,880	47,124	(3927)

NURSING SERVICE (HOSPITAL) SALARY SCALES

<u>SCALE</u>	<u>POINT</u>	<u>1991</u>	<u>1992</u>	<u>MONTHLY</u>
		<u>SALARY</u>	<u>SALARY</u>	<u>SALARY</u>

HS1	1	\$16,572	\$17,400	(1450)
	2	17,112	17,964	(1497)
	3	17,664	18,552	(1546)
	4	18,240	19,152	(1596)
	5	18,828	19,764	(1647)
	6	19,440	20,412	(1701)
	7	20,076	21,084	(1757)
	8	20,724	21,756	(1813)
	9	21,396	22,464	(1872)
HS2	1	17,664	18,552	(1546)
	2	18,240	19,152	(1596)
	3	18,828	19,764	(1647)
	4	19,440	20,412	(1701)
	5	20,076	21,084	(1757)
	6	20,724	21,756	(1813)
	7	21,396	22,464	(1872)
	8	22,092	23,196	(1933)
	9	22,812	23,952	(1996)

<u>SCALE</u>	<u>1991</u>	<u>1992</u>	<u>MONTHLY</u>
	<u>POINTS</u>	<u>SALARY</u>	<u>SALARY</u>
HS3 1	23,556	24,732	(2061)
2	24,324	25,536	(2128)
3	25,116	26,376	(2198)



	4	25,932 27,228 (2269)
	5	26,772 28,116 (2343)
	6	27,648 29,028 (2419)
HS4	1	25,116 26,376 (2198)
	2	25,932 27,228 (2269)
	3	26,772 28,116 (2343)
	4	27,648 29,028 (2419)
	5	28,548 29,976 (2498)
	6	29,472 30,948 (2579)
HS5	1	25,932 27,228 (2269)
	2	26,772 28,116 (2343)
	3	27,648 29,028 (2419)
	4	28,548 29,976 (2498)
	5	29,472 30,948 (2579)
	6	30,432 31,956 (2663)
	7	31,416 32,988 (2749)
HS6	1	30,432 31,956 (2663)
	2	31,416 32,988 (2749)
	3	32,436 34,056 (2838)
	4	33,492 35,172 (2931)
	5	34,584 36,312 (3026)

COMMUNITY HEALTH NURSING SERVICE

SALARY SCALES

<u>SCALE</u>		<u>1991</u> <u>POINTS</u>	<u>1992</u> <u>SALARY</u>	<u>MONTHLY</u> <u>SALARY</u>	<u>SALARY</u>
HS7	1	30,432	31,956	(2663)	
	2	31,416	32,988	(2749)	
	3	32,436	34,056	(2838)	
	4	33,492	35,172	(2931)	
	5	34,584	36,312	(3026)	
	6	35,712	37,500	(3125)	
	7	36,876	38,724	(3227)	
HS8	1	32,436	34,056	(2838)	
	2	33,492	35,172	(2931)	
	3	34,584	36,312	(3026)	
	4	35,712	36,312	(3125)	
	5	36,876	38,724	(3227)	
HS9	1	38,160		40,068 (3339)	
	2	39,564	41,544	(3462)	
	3	41,016	43,068	(3589)	

4 42,516 44,640 (3720)

MEDICAL SCALES

<u>SCALE</u>	<u>1991</u>	<u>1992</u>	<u>MONTHLY</u>	<u>SALARY</u>
	<u>POINTS</u>	<u>SALARY</u>	<u>SALARY</u>	<u>SALARY</u>
HSA 1	\$35,712		37,500	(3125)
2	36,876	38,724	(3227)	
3	38,160	40,068	(3339)	
4	39,564	41,544	(3462)	
HSB 1	41,016	43,068	(3589)	
2	42,516	44,640	(3720)	
3	44,076	46,284	(3857)	
4	45,696	47,976	(3998)	
HSC 1	47,376	49,740	(4145)	
2	49,116	51,576	(4298)	
3	50,916	53,460	(4455)	

HSD	1	52,788	55,428	(4619)
	2	54,720	57,456	(4788)

SECURITY AND UNIFORM SCALES

<u>MONTHLY SCALE</u>	<u>SEG.</u>	<u>POINT</u>	1991 <u>SALARY</u>	1992 <u>SALARY</u>	NEW <u>SALARY</u>
P (1394)	1	1	\$15,396	16,728	
P (1451)	1	2	16,584	17,412	
P (1510)	1	3	17,256	18,120	
P (1571)	1	4	17,952	18,852	
P (1635)	1	5	18,684	19,620	
P (1701)	1	6	19,440	20,412	
P (1770)	1	7	20,232	21,240	

P (1842)	2	1	21,048	22,104
P (1916)	2	2	21,900	22,992
P (1994)	2	3	22,788	23,928
P (2075)	2	4	23,712	24,900
P (2159)	2	5	24,672	25,908
P (2246)	2	6	25,668	26,952
P (2337)	2	7	26,712	28,044
P (2432)	3	1	27,792	29,184
P (2530)	3	2	28,920	30,360
P (2633)	3	3	30,096	31,596
P (2741)	3	4	31,320	32,892

<u>SCALE</u>	<u>SEG.</u>	<u>POINT</u>	<u>1991 SALARY</u>	<u>NEW 1992 MONTHLY SALARY</u>	<u>SALARY</u>
P	4	1	32,592	34,224 (2852)	

P	4	2	33,912	35,604 (2967)
P	4	3	35,280	37,044 (3087)
P	4	4	36,708	38,544 (3212)
P	5	1	38,196	40,104 (3342)
P	5	2	39,744	41,736 (3478)

TECHNICAL SCALES

<u>SCALE</u>	<u>SEG.</u>	<u>1991 POINTS</u>	<u>1992 SALARY</u>	<u>NEW MONTHLY SALARY</u>	<u>SALARY</u>
TH	1	1	\$10,296	10,812 ( 901)	
TH	1	2	10,692	11,232 ( 936)	
TH	1	3	11,100	11,652 ( 971)	
TH	1	4	11,520	12,096 (1008)	
TH	2	1	11,964	12,564 (1047)	
TH	2	2	12,420	13,044 (1087)	
TH	2	3	12,900	13,548 (1129)	
TH	3	1	13,392	14,064 (1172)	
TH	3	2	13,908	14,604 (1217)	

TH	3	3	14,436	15,156	(1263)
TH	3	4	14,988	15,732	(1311)
TH	4	1	15,564	16,344	(1362)
TH	4	2	16,164	16,968	(1414)
TH	4	3	16,788	17,628	(1469)
TH	4	4	17,436	18,312	(1526)
TH	5	1	18,108	19,008	(1584)
TH	5	2	18,804	19,740	(1645)
TH	5	3	19,524	20,496	(1708)
TH	5	4	20,268	21,276	(1773)

<u>SCALE</u>	<u>SEG.</u>	<u>POINTS</u>	<u>1991 SALARY</u>	<u>NEW MONTHLY SALARY</u>	<u>1992 SALARY</u>
TH	6	1	21,048	22,104	(1842)
TH	6	2	21,852	22,944	(1912)
TH	6	3	22,692	23,832	(1986)
TH	6	4	23,556	24,732	(2061)
TH	7	1	24,456	25,680	(2140)
TH	7	2	25,392	26,664	(2222)
TH	7	3	26,364	27,684	(2307)
TH	7	4	27,372	28,740	(2395)

TH	8	1	28,416	29,832	(2486)
TH	8	2	29,508	30,984	(2582)
TH	8	3	30,636	32,172	(2681)
TH	8	4	31,812	33,408	(2784)
TH	8	5	33,036	34,692	(2891)
TH	9	1	34,296	36,012	(3001)
TH	9	2	35,604	37,380	(3115)
TH	9	3	36,972	38,820	(3235)
TH	9	4	38,388	40,308	(3359)

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#### LEAVE

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1. LEAVE IS NOT OF RIGHT. The grant of any kind of leave of absence under these General Orders is a privilege and not a right.
2. NATURE OF LEAVE. All leave of absence is by way of grant and is not earned by time albeit time and salary are used for categorisation and pro rata calculations in cases where a full year's service is not completed. It follows that the grant may be withdrawn at any time if, for example, an officer is dismissed from the service or leaves without giving due notice.
3. SERVICE CONVENIENCE. All leave is subject to the convenience of the Service and will be granted by Heads of Departments at their discretion bearing in mind the public interest. See para 16 below.
4. RECORDS. Heads of Departments are responsible for seeing that any absence from duty for whatever reason is recorded on the official leave record card (P 39) of all officers within their Departments, which records shall be kept up to date, together and be available for inspection by the Auditor General or the PS/P on request. In the case of annual leave the form must be completed and signed before leave starts, in the case of absence through sickness the day the officer is first absent must be recorded on that day and the date he resumes must be recorded on that day.



5. AUTHORISATION . Heads of Departments are the proper authorities to approve leave for officers over whom their authority extends. They may delegate this authority to approve leave provided:
  - (a) they do so in writing;
  - (b) that no officer shall have authority to approve his own leave;
  - (c) that no officer shall have authority to approve leave for an officer senior to himself;
  - (d) that delegation shall not be made to any officer below the grade of Higher Executive Officer;
  - (e) the card is signed by both the authorizing officer and at the end of the year by the Head of Department.
  
6. LEAVE RATES. Leave shall be taken at the rate shown in para 10 below at the rates applicable at the commencement of the leave. The smallest unit of leave which may be taken at one time is one-half of a day and for this purpose the day will split at 12.45 p.m. or mid-shift if the officer is on shifts, with no lunch hour permitted.
  
7. LEAVE PAY IN ADVANCE. An officer may be paid leave salary in advance.
  
8. DELAY IN RESUMPTION. An officer must report for duty on the next working day following the last day of his leave. Failure to return is unauthorised absence and pay should be stopped by the Head of Department until the officer resumes duty.
  
9. UNAUTHORISED ABSENCE. An officer absent from duty without leave will as well as losing pay for the day's absence be subject to disciplinary action where necessary. (see PSC R.52).
  
10. VACATION LEAVE. All officers, except teachers, may be granted leave by their Heads of Departments for the number of working days assessed by reference to their salary and service in accordance with the Table below:

CATEGORY	QUALIFYING YEARS	
	OF SERVICE	
SALARY \$ CI	1 to 7	over 7 years
	Annual rates.	Annual rates.

		w.d.	w.d.
1.	17,892 and below	12	18
2.	17,893 to 39,695	18	23
3.	39,696 and above	25	28

PROVIDED that the Governor may in his discretion and in exceptional cases permit previous Cayman Government service and colonial experience prior to appointment with the Government to count towards qualifying years of service for additional leave.  
 PROVIDED ALSO that an officer serving on TEMPORARY TERMS is not eligible for leave until he/she has completed six months' service.

POLICE OFFICERS' LEAVE (See Police Regulations)

CONSTABLE        30 Calendar days

SERGEANT                34 Calendar days

ASST/INSPECTOR    38 Calendar days

CHIEF INSPECTOR  
 (and above)        42 Calendar days

11. WEEKENDS AND PUBLIC HOLIDAYS. For the purposes of this General Order, Saturdays, Sundays, and public holidays shall not count as working days whether the officer works a five or a six day week.
12. CHANGE OF CATEGORY. Where an officer's salary changes from one category to another during the course of a year, he may be granted the number of working days proportionate to the number of months served in each category. Fractions of a day shall count as a full day.
13. PRO RATA CALCULATIONS. An officer on first appointment or on leaving the Service shall in the calendar year his service begins or ends be eligible for annual leave pro rata to the completed months served in his first or last calendar year of service.  
 PROVIDED that the officer has given proper notice of his resignation from the Service.
14. NO ACCUMULATIONS. Subject to alternative provisions in a written contract and save for 5 days the annual leave grant shall be taken during the course of the calendar year to which it relates. 5 days may be carried forward to the following leave period.

15. DEFERMENT OF LEAVE. The PS/P on recommendation of a Head of Department, shall, in exceptional circumstances and subject to paragraphs 3 and 14 above approve applications for deferment of leave to the next leave year only where an officer has cogent private reasons for wishing to be absent for a period longer than his normal grant of annual leave or it is in the public interest that a public officer does not take his full vacation leave in the year in which it is earned.
16. LEAVE ROSTERS. Heads of Departments are responsible for ensuring that leave rosters are arranged early in the year in accordance with the operational needs of the Department, so that at no time, except in schools, is more than a quarter of the staff away at the same time.
17. INSTITUTIONAL LEAVE. Public Officers who work in schools or other institutions which as part of their annual programme go into holiday recess shall not be eligible for annual leave but will take school holidays subject always to the Chief Education Officer, having regard to the public interest, requiring officers to stay as required after school closes or to return before it re-opens in order to complete closing or opening formalities. A temporary teacher will be paid for any school holiday following the terms which he has worked provided he worked a full term otherwise he will not be entitled to be paid for any part of the school holiday save that in order to receive full pay for the long vacation at the end of the academic year a teacher must have worked continuously throughout the preceding academic year.
18. SPECIAL LEAVE. An officer who is selected to represent the Islands as a manager or member of a sporting team or cultural body at a national meet at national level may be granted special leave with pay:-
  - (a) in the case of a Caymanian officer after 6 months of service; 10days in any calendar year;
  - (b) in the case of a non-Caymanian officer, after three years of service; 10 days in any calendar year;

The authority for such leave rests with a Committee consisting of:

The Financial Secretary (or nominee), Chairman  
The P.S. (Personnel) (or nominee)  
The P.S. with responsibility for Sports & Cultural Affairs.
19. LEAVE IN THE PUBLIC INTEREST. The Governor may at any time require a public officer to go on leave on full pay in the public interest for such period as he deems necessary.
20. LEAVE WITHOUT PAY. The PS/P may approve leave without pay for any officer where the officer can show cogent reasons for it and there are no Departmental objections. Before applying for leave without pay officers should consider well the implications of it which are:-
  - (a) leave without pay is 'qualifying service' for pension purposes but not pensionable service (R.16 Schedule Cap 121); and

- (b) it is not increment earning and therefore does not count towards seniority;
- (c) it includes weekends and public holidays which fall therein.

21. LEAVE IN ADVANCE. The PS/P may approve leave being brought forward from an immediately succeeding year provided -

- (a) the officer requesting leave has good personal reasons for requesting it;
- (b) the officer is on pensionable terms or in the first year of a two year contract and there is no reason to believe that the contract will not run until full term;
- (c) there is no Departmental objection and the public service will not be inconvenienced thereby;
- (d) the officer has not enough leave left in the current leave year to meet his requirement.

This paragraph will not apply to temporary appointments in any circumstances.

22. PART TIME TEMPORARY STAFF. Part time temporary staff who work regularly 3 or 4 days a week, shall on completion of six months continuous service be eligible for annual leave in accordance with the following formula -

$$\frac{n \times l}{5} = d$$

where: n = the number of days worked per week

l = annual leave entitlement for the appropriate grade when on full time employment ; see para 10

d = days leave

23. HALF-DAY WORKING. An officer working half days only must work six half days per week in aggregate 22 1/2 hours to qualify for leave under this regulation.

24. ABSENCE BECAUSE OF SICKNESS.

- (a) Heads of Departments may, on submission of a medical certificate, grant ten days sick leave during a calendar year to officers appointed on pensionable, contract or temporary terms, except a Head of Department may at his discretion, waive the requirement for a certificate for any absence of up to three working days, provided that a maximum of five working days paid sick leave without a medical certificate may be allowed in each year.
- (b) Extended sick leave is granted only in respect of personal illness or injury that is not caused by the officer's misconduct or negligence or by elective treatment;
- (c) In the case of an officer on pensionable terms, when the ten days have been expended and a Medical Officer has recommended further absence, he may on prior submission to the Permanent Secretary (Personnel) of a medical certificate by a

Government Medical Officer be granted extended sick leave for the period stated in the certificate, which shall not exceed twenty five calendar weeks. Short periods of illness of less than four days duration taken after expiration of the ten days will be deducted from the officer's annual leave entitlement.

- (d) At the end of such certified sickness or earlier if the PS/P so decides, a Medical Board shall be convened on the request of the PS/P consisting of at least two Government Medical Officers, to advise whether the officer will eventually be fit to resume duty. If the Board advises that he will eventually be fit to resume duty, the PS/P may authorise up to a further 27 weeks absence, if necessary, but on half pay.
- (e) If at any time a Medical Board states that, by reason for infirmity of body or mind, an officer is unable to exercise the duties and functions of his office, the PS/P on receipt of the Report shall inform the Governor who may retire the officer on medical grounds under Section 6 (1) (V) of the Pensions Law (Cap 121).
- (f) Officers on contract terms of service should (subject to the sickness clauses in their contracts) be treated in the same way as officers on pensionable terms, save that their maximum extended sick leave shall be ninety days. Their appointments will be terminated if they are unfit to resume duty at the end of that period.
- (g) Temporary staff shall be treated in the same way as officers on pensionable terms, save that the maximum extended sick leave shall be 90 working days. Thereafter, the officer's appointment shall be terminated if he is not fit to resume duty at the end of that period.
- (h) If any officer returns from duty following a period of extended sick leave lasting 45 days or more, any further sickness within 3 years of the date on which the original period of absence started shall not, when added to previous absences, exceed the entitlement permitted in sub-para (d) above.
- (i) If any officer fails to produce a certificate, he will be placed on no-pay leave. The Accountant General must be notified at once by the Head of Department to withhold salary for the period concerned and disciplinary action may be taken in appropriate cases. The PS/P should be notified of the date the officer resumes duty.
- (j) All absences are to be recorded. Any absence from duty for whatever reason will be recorded on the leave card or when master personal files go into the computer on the data base. But if the head of the department has reason to believe that an officer was not really sick his absence shall count against his annual leave; or if his leave has been expended then his absence will be without pay.
- (k) In the event of an officer being injured in the execution of his duty (the incident not being due to his own negligence) and for medical reasons on the certificate of a Government Medical Officer, he is absent from duty, no part of his absence from

duty sick shall count against his annual leave entitlement and the sick leave rule at (b) above shall not apply.

25. MATERNITY LEAVE Officers who have completed at least twelve months continuous service and who are absent from work due to maternity reasons may be granted a total of 90 calendar days leave once in any twelve months period. This leave will be made up as follows:-

(a) in the case of officers appointed on pensionable, contract or temporary terms, their annual leave and 30 working days on pay, the remainder will be without pay;

PROVIDED THAT the Permanent Secretary Personnel, on recommendation of the officer's Head of Department, may approve the deferral of up to 5 days annual leave for officers who wish to have some leave remaining following resumption of duty.

(b) in the case of teachers appointed on contract, pensionable or temporary terms, in respect of any leave falling within a school term, up to 30 working days on pay, the remainder will be without pay;

Please note that the above leave does not include any leave due to sickness during pregnancy.

26. MEDICAL CERTIFICATES. See para 32.

27. PENSIONABLE OFFICERS EXTENDED SICK LEAVE. At the end of 25 weeks of certified sickness in accordance with para 24 above, a medical board shall be convened on the request of the PS/P consisting of at least two Government Medical Officers who shall advise if the officer will eventually be fit to resume duty. If the board advises that he will eventually be fit to resume duty the PS/P shall authorise up to a further 27 weeks absence, if necessary, but on half pay.

28. UNUSED.

29. CONTRACT OFFICERS. An officer on contract terms of service shall be treated in accordance with the terms of the sickness clause of his contract.

30. CONTRACT ILL HEALTH CLAUSE. In administering the ill health clause in an officer's contract the PS/P shall take note of any medical report which may be received from a Government medical board to the effect that the officer's earned terminal leave will be insufficient for treatment and or convalescence and in addition to any leave which may have been granted under para 29 above and approve an extension of leave up to 90 working days on full pay as may be advised by the medical board . Thereafter the officer's appointment shall be terminated.

31. TEMPORARY STAFF ILLNESS. Officers on temporary terms shall be treated similarly to pensionable officers save that for 25 weeks absence sick substitute 45 working days and if they are not fit to resume duty then their appointments should be terminated in accordance with the termination clause thereof.
32. MEDICAL CERTIFICATES. As a rule no medical certificate is required to be produced in the absence of an officer from duty sick up to three consecutive working days , but a medical certificate may at any time be required by a HOD if he is not satisfied that an officer really was ill. After three days absence sick a medical certificate of a registered medical practitioner is necessary in every instance and after 14 days absence sick the certificate must be sent by a Government medical officer or a Government medical board to the HOD who will copy it to the PS/P.
33. NEGLIGENCE. Absence from duty whether through injury or illness will not be condoned if it is caused by the officer's own negligence or misconduct. It will be without pay. (But see para 20).
34. LIMITATION. If an officer returns to duty following a period of absence sick which has extended to 45 days any further sickness within three years of the date on which the original period of absence started shall not, when added to previous absences exceed the entitlement permitted under paras 24, 27 and 29 above.
35. SICKNESS ON LEAVE. Officers falling sick on leave shall inform the HOD in writing with a medical certificate when he shall discount the days of sickness as far as annual leave is concerned but this would apply only to sickness in excess of three days when the medical certificate is necessary. The PS/P should be informed by the HOD.
36. RESUMPTION OF DUTY. When a Medical officer certifies that a woman officer is fit to resume duty following absence for maternity reasons and that it will not be detrimental either to the child's health or the Mother's health the PS/P shall on receipt of such certificate permit the officer to resume duty even if it is a shorter period of 90 calendar days.
37. COMPASSIONATE LEAVE may be granted up to 10 working days with pay at the discretion of the PS/P to any officer when death or serious illness occurs in his immediate family. "Immediate family" for the purposes of this GO means spouse, own child, the officer's father or mother.  
PROVIDED that in other cases the PS/P has discretion to grant such compassionate leave as he may think fit but not in excess of 10 working days.

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## ALLOWANCES

1. NATURE OF ALLOWANCES. Allowances are payments made by Government in addition to salaries. They are not, unless specifically stated, taken into account for the calculation of pensions, contracted officer's supplement or inducement allowances. They fall broadly in two classes -
  - (1) reimbursements for expenses incurred and paid by officers in the carrying out of their duties;
  - (2) payment of expenses of officers in carrying out their duties.
2. ALLOWANCES NOT OF RIGHT. Allowances are payable by way of grant by Government and not of right. It follows that Government is not obliged to pay or reimburse expenses if the PS/P considers they are unreasonable or if the officer in incurring them exceeds the limits laid down in these GOs.
3. ACTING APPOINTMENTS. An acting appointment is made by the Governor after considering the advice of the Public Service Commission under PSC Reg. 23 and the Governor alone if he makes an acting appointment to an office listed in paras 1 to 6 of the Third Schedule to the Public Service Regulations 1985, and is the only authority for the payment of an acting allowance;  
Provided the minimum salary for the post in which the officer has been appointed to act is not less than CI\$22,176 per annum.
4. EFFECTIVE DATE OF ALLOWANCE. An acting appointment is made under one of the following circumstances -
  - (1) when the substantive holder of the higher office is absent from his post for some reason, leave, illness, or on a course but will subsequently return to it.
  - (2) when a post becomes vacant either because the substantive holder has relinquished it or it is a newly created post and an officer is appointed to act in the post.
5. In a case of:
  - (a) category (1) the allowance will be paid with effect from the 00.01 hours on the date following that on which the substantive holder leaves his office irrespective of whether that day is a Saturday, Sunday or Public Holiday.
  - (b) category (2) the allowance is paid from the date the officer assumes acting duty in the higher office.

Provided that:-



- (1) the officer acts for 26 consecutive calendar days or more; once the officer has acted in the office for 26 days the whole of the acting period attracts the allowance;
- (2) the officer is not absent from duty in the higher post for any reason for more than 10 consecutive days during the acting period. The absence of an officer from the Islands on duties connected with his acting appointment shall not justify the suspension of the acting allowance.
- (3) that no other officer is subsequently appointed to act in the same post.
- (4) the acting appointment shall cease at midnight on the day before that on which a substantive officer assumes or resumes office irrespective of whether that day is a Saturday, Sunday or Public Holiday.
- (5) the 26 day rule shall not apply in respect of the following posts which have statutory emergency duties. The allowance is payable from the date the officer starts to act -
  - The Governor
  - Chief Justice
  - Chief Secretary
  - Attorney General
  - Financial Secretary
  - District Commissioner
  - Commissioner of Police
  - Chief Medical Officer
  - Puisne Judge
  - Director of Civil Aviation Authority
  - Chief Fire Officer
  - Director of Prisons
  - Magistrate
  - Senior Magistrate  
(PC 6/1985)

6. CALCULATION OF ACTING ALLOWANCES. In the case of acting appointments in the posts listed in paragraph 5(b) (5) and to acting appointments of at least three months duration the allowance shall be equal to the difference between the salary of the acting officer in his substantive post and the salary he would have received had he been promoted to the post in which he is acting. Where the period of acting is for at least 3 months, the provisions of 5(b) (2) & (3) will not apply. In the case of all other acting appointments the allowance shall be calculated in the same manner provided the additional sum received shall not be less than \$75 per month nor more than \$500 per month.
7. DUTY ALLOWANCE. When an officer is required to undertake duties substantially in excess of those of his substantive office or substantially more onerous than those of his substantive office in circumstances in which an acting allowance is not

payable a duty allowance shall be paid. A duty allowance may not exceed a sum equal to 75% of an acting allowance payable under para 5 above and subject thereto the PS/P shall fix the amount of the allowances taking into account the circumstances of each individual case. Unlike an acting allowance the duty allowance cannot start on a Saturday, Sunday or Public Holiday or end on one of those days. The 10 day rule stated in para 5 (b) (2) applies equally to duty allowances.

8. STAND-BY AND CALL-OUT. Officers whose duties require them to stand-by in case of emergency and also make them subject to call out in normal off duty hours shall be handled under (1) and (2) above, in respect of periods when they are called out.

9. OTHER ALLOWANCES. Other allowances listed in the schedule hereto may be approved by Heads of Departments to officers performing the defined duties.

10. ENTERTAINMENT ALLOWANCES at fixed rates shall be paid to the following:-

year	\$CI per
(1) Chief Secretary	900
(2) Chief Justice	900
(3) Attorney General	900
(4) Financial Secretary	900
(5) Deputy Chief Secretary    900	
(6) District Commissioner	900
(7) Permanent Secretaries	900
(8) Deputy Financial Secretary    900	

NOTE - these allowances are paid to the substantive postholders and officers acting for at least three months during leave periods and other periods of absence. Officers acting for less than three months will receive the allowance in accordance with Paragraph 11 below.

11. ENTERTAINMENT ALLOWANCES OTHER OFFICERS Any other officer who, with the prior approval of the Financial Secretary, entertains in his official capacity, may make a claim to the Financial Secretary for reimbursement of the cost of the entertainment. Requests for reimbursement must be accompanied by a guest list.

12. TRAVELLING ALLOWANCE. When an officer travels on duty it will be at the Government's expense. He shall travel by air or surface when appropriate at the discretion of his Head of Department.

13. TRANSFER BETWEEN ISLANDS. When an officer is required to transfer between posts within the different Islands he/she shall be entitled to transportation for himself/herself and his/her family, his/her personal effects, his/her motor car and up to \$75 for incidental expenses.

14. MODE OF TRAVEL. Where commercial airlines operate, the duty travel of an officer and his family will normally be by air by the cheapest route and class but transport of personal effects and motor cars will normally be by surface routes . If for any reason it is necessary to vary this procedure the prior approval of the PS/P must be sought.

15. MILEAGE ALLOWANCE. An officer shall not receive an allowance for the official use of personal transport if Government transport is provided.

16. PERSONAL TRANSPORT. Personal transport may be used by an officer for official purposes with the prior approval of his Head of Department. An officer using his private vehicle on official duty shall be entitled to claim mileage allowance up to 6000 miles per calendar year at the rate of 32 cents per mile on Grand Cayman and at the rate of 35 cents per mile on Cayman Brac and Little Cayman. Claims for mileage shall be submitted on the official vehicle log books and by the first working day in the month following that in which the journeys were undertaken;

Provided the officer does not receive the motorcar upkeep allowance.

17. COMMUTED MILEAGE ALLOWANCE may be paid under the following circumstances:-

- (1) an officer must not be receiving a motor car upkeep allowance;
- (2) an officer's job must be such that it requires his regular daily use of his private vehicle on multiple journeys for official business;
- (3) when, and only when the officer is on duty and not when he is absent for duty for any reason.

The allowance shall be calculated with reference to the average of three consecutive months' logged mileage on official duty.

18. MOTOR CAR UPKEEP ALLOWANCE. An annual motor car upkeep allowance of \$1,500 may be paid to officers listed in Appendix 1 to this Chapter of General Orders and only one allowance shall be paid in respect of a privately owned car. It is payable in monthly instalments in arrear. If, for any reason an officer is absent from duty for two months or more then the payment of the allowance will cease after two months until the officer resumes duty.

19. MILEAGE ALLOWANCE cannot as a rule be claimed for journeys between the officer's home and his office or place of work.  
Provided always that if a Head of Department requires an officer not receiving motor car upkeep allowance to report back for duty outside normal working hours or if he is working shifts, he is required to report back to duty outside his normal shift period the officer may claim mileage in respect of the journey to and from his home. Claims must be countersigned by the officer's Head of Department.

20. SUBSISTENCE ALLOWANCE. An officer shall be paid subsistence allowance when he travels on duty in the Islands and it would not be reasonable to return to his normal base for meals:-
- (1) by road - when an officer is travelling in circumstances where he is required to provide his own meals, he shall be paid the following amounts provided the cost of meals is not included in a hotel bill -
 

Full day -	\$40 CI
Breakfast -	\$10 CI
Lunch -	\$10 CI
Dinner -	\$20 CI
  - (2) by sea or air - subsistence is normally provided within the fare but when this is not the case any reasonable additional expenses may be reimbursed on submission of bills;
  - (3) when accommodated in hotels the actual cost (excluding bar expenses) shall be reimbursed on submission of receipted bills - alternatively the Hotel may be prepared to present the account direct to the appropriate Government Department for payment.
21. OVERSEAS SUBSISTENCE ALLOWANCE. Provided that an officer is not the guest of any overseas Government, Institution, or other Body the Government will pay his subsistence as follows:
- (a) full cost of hotel accommodation and food but not bar expenses ;
  - (b) for Permanent Secretaries, Heads of Departments and Deputy Heads of Departments CI\$50 per day; \$35 per day for all other officers; the per diem allowance is to cover incidental expenses such as occasional taxi fares, airport taxes, personal telephone calls but excludes the cost of:-
    - (i) travel between airports and hotels and transportation within the country(ies);
    - (ii) one personal telephone call home for visits of up to 2 nights or two personal telephone calls home for visits which are longer than two nights duration. Telephone calls should not exceed fifteen minutes;
    - (iii) laundry and dry cleaning for visits of at least three days duration.
- For the purposes of this GO "deputy head of department" means any officer whose post is graded in the superscale who is not designated a head of department by the First Schedule to the Public Service Commission Regulations 1985 or holds one of the following offices -
- (1) Deputy Port Superintendent
  - (2) Deputy Director of Social Services

- (3) Deputy Director of Broadcasting
- (4) Deputy Director of Tourism
- (5) Deputy Postmaster General
- (6) Deputy Director of Prisons
- (7) Deputy Chief Fire Officer
- (8) Deputy Chief Immigration Officer
- (9) Deputy Collector of Customs
- (10) Deputy Registrar of Lands
- (11) Deputy Director Labour
- (13) Deputy Clerk of L.A.
- (14) Deputy Clerk of Courts

22. MEDICAL & VETERINARY OFFICERS - EXTRA DUTY ALLOWANCE. Government Medical and Veterinary Officers who are subject to on-call and call-out duty shall not receive overtime in respect of this duty but shall receive an allowance of CI\$200 per month. Officers who on 1st January 1984 were in receipt of an allowance in accordance with Appendix 6.3 shall retain the allowance personal to holder and will also receive the extra duty allowance stated in this paragraph. Otherwise one allowance will abate the other.
23. UNIFORM ALLOWANCE. Officers in the Customs Department, Immigration, Public Works, Civil Aviation Authority, Fire Service, Emergency Medical Technicians, officers in the Ambulance Service, Tourism, Lands and Surveys Department, Mosquito Research, School Bus Wardens, Security Officers (Tower and Administration Building), and those employed in reception desks in departments shall be issued with uniform or protective clothing as the case may be at the discretion of their Heads of Departments provided that the cost in respect of each officer shall not exceed \$200.
24. A. NURSES UNIFORM ALLOWANCE. The Chief Nursing Officer of the Medical and Health Services Department shall receive a uniform allowance of \$30 per month, and Nurses of the department shall receive an allowance of \$25.00 per month.
- B. HEAD NURSES ALLOWANCE. Head Nurses and the Head Nurse of General Ward should receive an allowance of \$100.00 and \$200.00 per month respectively.
25. POLICE ALLOWANCES. The special allowances for the Police Force with effect from 1st January 1984 are as stated in Appendix 2 of this chapter of General Orders. These allowances are statutory but at the time of drafting the statute has yet to be amended.
26. FIRE SERVICE ALLOWANCES Firemen are entitled to the following allowances:
- (1) a laundry allowance of \$25 per month
  - (2) EMT allowance of two increments in the scale from the date of the examination which they pass. These two increments will extend above the top of the P 1 scale

but the Sub-officer will have no extension above the top of the P 2 scale as the increments phase out at that point. However a sub-officer promoted from whatever point he is on in the Fireman Grade would enter the promotion scale P2 at the third point. The award is not made to Station Officers and grades above.

- (3) Fire Officers and Officer-in-charge who are required to work on Little Cayman from time to time will receive a Special Allowance of \$400 and \$450 per month respectively.

#### EXPATRIATE OFFICERS.

27. BAGGAGE ALLOWANCES. An expatriate officer shall be entitled to baggage allowances for the transport of his used personal effects, by the most direct route between his residence in the country from which he is recruited and his place of duty in the Cayman Islands on first appointment and on termination of his appointment as follows -

- (a) freight charges on baggage on up to 120 cubic feet or 1000 pounds whichever is the greater, plus insurance;
- (b) for incidental expenses up to C\$250 upon the production of receipts.
- (c) deleted.

#### MOTORCAR UPKEEP ALLOWANCE

Accountant General  
Advisers (Education)  
Assistant Chief Environmental Health Officer  
Assistant Education Officer  
Assistant Financial Secretary  
Attorney General  
Auditor General  
Audit Manager  
Chief Agricultural and Veterinary Officer  
Chief Education Officer  
Chief Engineer  
Chief Immigration Officer  
Chief Justice  
Chief Marine Surveyor  
Chief Statistician  
Chief Secretary  
Chief Surveyor

Civil Engineer  
Collector of Customs  
Crown Counsel p/h  
Deputy Chief Education Officer  
Deputy Chief Immigration Officer  
Deputy Chief Secretary  
Deputy Commissioner of Police  
Deputy Director of Planning  
Deputy Director of Prisons  
Deputy Director of Social Services  
Deputy Director of Tourism  
Deputy District Commissioner  
Deputy Financial Secretary  
Deputy Inspector - Banking and Trusts  
Deputy Manager/Project Manager AIDB  
Deputy Permanent Secretary (Personnel)  
Deputy Registrar  
Director, Department of Environment  
Director, Dept of Vehicle and Equipment Services  
Director of Broadcasting  
Director of Budget & Management Unit  
Director of Civil Aviation Authority  
Director of Lands & Survey/Registrar of Lands  
Director of Museum  
Director of National Archives  
Director of Planning  
Director of Prisons  
Director of Tourism  
Director of Trade & Labour  
Director of Training  
District Commissioner  
Drug/Alcohol Coordinator  
Drug and Alcohol Social Worker  
Education Officer  
Executive Architect

Executive Engineer  
Executive Quantity Surveyor  
Environmental Health Officers  
Genetics Counsellor  
Hospital Administrator  
Internal Auditor (Customs)  
Inspector of Financial Services  
Judge  
Liquor Inspector  
Magistrate

Medical Officers p/h  
 Medical Officer (In charge of Faith Hospital)  
 Medical Officer of Health  
 Medical Social Worker  
     Manager AIDB and Housing Corporation  
 Manager Computer Services  
 Music and Cultural Developer (Education)  
     Peripatetic Teachers  
 Police Senior Superintendents  
 Police Superintendents  
 Postmaster General  
 Principal Marine Surveyor  
 Permanent Secretaries  
 Probation and Welfare Officer  
     Psychiatric Social Worker  
 Senior Assistant Secretaries  
 Senior Dental Officer  
 Senior Information Officer  
 Senior Medical Officer  
     Senior Superintendent (Maintenance)  
 Senior Surveyor (Cayman Brac)  
     Social Worker  
 Social Work Assistants  
     Solicitor General  
 Sports Coordinator  
 Sports Instructor  
     Statistician  
 Supervisor of Pre Schools  
     Superintendent of Insurance  
 Works Manager (Cayman Brac)  
 Youth and Community Workers

POLICE SPECIAL ALLOWANCES

1. TYPE	2. RANKS	3. RATE (per annum)
Uniform	Commissioner	\$ 500
	Other Gazetted Officers	\$ 400
	Non-Gazetted	2 Uniforms



officers

Housing		\$2400
Laundry	Up to Inspector	\$ 300
CID Plain Clothes	Up to Chief Inspector	\$ 350
Motor Car-upkeep	Gazetted officers	\$1500
Detective	All ranks	\$ 500
Specialist	Photographer, Dog Handler etc.	\$ 500

PERSONAL HEALTH SERVICES DEPARTMENT (MEDICAL OFFICERS)

In lieu of Private Practice Allowance CI\$83.33 (per month)  
(From APPENDIX 6A of 1977 Government Regulations)

STAFF RELATIONS  
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1. STAFF RELATIONS. As already stated in Chapter 3 manpower is Government's largest asset and its largest single item of annual expenditure. Therefore, not only has Government high regard for the training and efficiency of the Civil Service but it considers that good and cordial relationships between itself and its employees essential to maintain high morale and motivation.
2. THE CIVIL SERVANTS ASSOCIATION. Towards the achievement of the objective of para 1 the Government has recognised the Civil Servants Association as the link body between itself and its Civil Servants and other employees.
3. CONSTITUTION AND OBJECTIVES OF THE ASSOCIATION. The Civil Servants' Association is a body of persons employed in the Cayman Islands Government Public Service,

identified by paid up membership to the Association, it is multinational and operates under its own procedural rules.

4. OBJECTIVES. The objectives of the Association are:-

- (1) to further good and cordial relationships with the Government administration.
- (2) to bargain with Government on general conditions of Service including salaries;
- (3) to make representations to Government on behalf of any individual member who feels aggrieved for any reason in connection with his employment and has failed to obtain relief Departmentally.
- (4) to promote social intercourse between Members for the general well-being of the Association as a whole and individual members.

5. ORGANISATION. The Association is presided over by a Council with the President at its head, elected democratically in the Annual General Meeting of Members.

6. RESPONSIBILITY FOR CONDITIONS OF SERVICE. The Secretary of State has authorised the Governor to prescribe salaries and conditions of Service for the Public Service. He therefore meets the Council of the Association once every quarter when matters of mutual interest are discussed with a view to arriving at conclusions.

7. THE CHIEF SECRETARY. As Head of the Civil Service the Chief Secretary uses the Association as the channel through which Government tests its employment policy and any changes contemplated. He is in a special relationship with the Association as he speaks for the Service in the Legislative Assembly and he may be in frequent discussion with the President of the Association on controversial matters which arise in the House about the Civil Service. From time to time he will discuss important matters of principle with the President and keep the President informed of Civil Service issues under discussion in Government. In all this the Chief Secretary takes the President into confidence as some of the issues may be at EXCO level.

8. CIRCULARS. amending General Orders and introducing new policy will go out first to the Association and then publicly.

9. MEETINGS IN OFFICE HOURS. Council Meetings of the Association may be held in office hours as such duties are considered an important part of official duties. SUBJECT of course to the normal requirements of the Service to the public.

10. OFFICERS TO JOIN THE ASSOCIATION. In order to get the benefits which are afforded to officers by the Government recognising the Association, Officers must be expected to join the Association. The subscription is an authorised deduction from pay.

## LEGAL ADVICE

1. THE PRINCIPAL LEGAL ADVISER to the Government is the Attorney General. The office from which he works is called the Attorney General's Chambers and these are located in the Government Administration Building. The Attorney General also carries out the functions of the Director of Public Prosecutions, is the Second Official Member of the Legislative Assembly and a member of the Executive Council.
2. REFERENCE TO THE ATTORNEY GENERAL. Except in those cases where the daily routine work of a department requires correspondence with private legal practitioners, as for example the Lands and Surveys Department, no officer may enter into official correspondence with a private legal practitioner upon any matter without first seeking the advice of the Attorney General. Copies of all letters received from private legal practitioners must be sent to the Attorney General on receipt and no replies must be sent without first clearing them with the Attorney General. In appropriate cases the Attorney General will, himself, correspond direct with a private legal practitioner but whether he does or not is at his discretion. No officer may issue any official correspondence or any other document which he considers might have legal repercussions without first consulting the Attorney General.
3. LEGAL ADVICE Requests for advice on civil, criminal, (except Police) or official matters shall be submitted in the form of a separate type-written memorandum to:-

The Hon. Attorney General  
 Attorney General's Chambers  
 P.O. Box 907  
 GRAND CAYMAN.

4. FORM OF REQUEST. Matters on which opinion is sought should take the form of either:-
  - (a) a draft for advice or comment; or
  - (b) a succinct statement on the points on which advice is sought.

When advice is sought on a draft, a copy of the document must be submitted for retention on the relevant file in the Legal Department. Where advice is sought regarding correspondence, copies of all the relevant documents should be sent. All requests for advice should be accompanied by the relevant Departmental file or files.

5. VERBAL LEGAL ADVICE. It is important that the position with regard to advice verbally given whether it be on the telephone or in direct speech, should be fully understood. No responsibility is taken by any Legal Officer for any such advice. If the officer receiving such advice wishes to act upon it without risk to himself, he must first confirm in writing his request for an opinion and receive in similar form, confirmation of the advice given.

6. ADVICE OVER THE TELEPHONE. The practice whereby legal advice is sought over telephone is greatly to be deprecated. Normally such advice will not be given by legal officers but individual legal officers are empowered to relax this ruling in their discretion where the matter seems to them to be extremely urgent or of a relatively uncomplicated nature.

7. QUOTING ADVICE. When quoting legal advice received from the Attorney General's Chambers the form of wording should be "I am advised that .....", "Government is advised that .....", or "My instructions are ....." The terms of advice or instructions should be set out as nearly as possible in the terms in which they were conveyed but without using quotation marks or quoting the source of the advice.

8. STATUTORY AUTHORITIES. Requests for legal advice in connection with the affairs of a statutory body must be channelled through the responsible Government portfolio.

9. Requests for legal opinions should be made only by officers of Permanent Secretary or Head of Department status. All matters that involve Government in a legal decision or are likely to have legal implications should be referred to the Attorney General particularly:-

- (1) Contracts
- (2) Agreements, leases and conveyances
- (3) Tender Notices
- (4) Public Notices
- (5) Drafting of Rules, Regulations, or Bye Laws. Declarations Decisions
- (6) Claims
- (7) Communications from legal practitioners inviting a decision
- (8) Cancellation or renewal of permits
- (9) Imposition of maximum penalties
- (10) Licences other than those of standard issue
- (11) Prosecutions other than Police prosecutions

- (12) Complaints by the public which may have legal repercussions
  - (13) Interpretation
  - (14) Staff disciplinary cases where charges are to be drafted
  - (15) Any other matters on which legal advice is sought.
10. ADVICE TO THE POLICE. There is a special procedure laid down and is available from Police Headquarters relating to advice to the Police on criminal cases.
  11. INTERVIEWS with Legal Officers in Chambers without prior appointment are not encouraged as they interfere with the legal work. At times an interview can have advantages but it should not be attempted without prior appointment.
  12. NEW LEGISLATION. When new legislation is to be promoted or existing legislation amended the procedure is laid down in the Guide to the Operations of the Executive Council. This is a restricted document and is in the hands of EXCO Members and Permanent Secretaries only.
  13. GENERAL PRINCIPLES. The procedure is that a preliminary paper should be prepared by the Permanent Secretary for his Member setting out briefly the objects of the Legislation. It is not until EXCO has agreed in principle to the Legislation that drafting instructions may be given to the Attorney General.

ALL PERMANENT SECRETARIES IN PORTFOLIOS OTHER THAN THAT OF THE PORTFOLIO IN WHICH THE LEGISLATION ORIGINATES AND LIKELY TO BE AFFECTED DIRECTLY OR INDIRECTLY BY THE LEGISLATION SHOULD BE CONSULTED AT PRELIMINARY PAPER STAGE.

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## CHAPTER 9

### CONDUCT OF PUBLIC OFFICERS

1. DUTY OF A PUBLIC OFFICER.
  - (1) a public officer shall discharge the usual duties of the office to which he is appointed and any other appropriate duties which his Head of Department or the Governor may, at any time, call upon the officer to discharge;
  - (2) in the discharge of his duties, an officer shall be courteous and polite both to members of the public and to civil service colleagues. The important thing about "civil servants" is that they are "civil";

- (3) any act of a public officer that is considered to be likely to bring the public service into disrepute is, in itself, grounds for disciplinary action, and the officer's Head of Department should consult the PS/P immediately to decide what action should be taken;
  - (4) as a condition of employment in public service a candidate must be prepared to take a medical examination by a medical officer approved by the Government prior to an offer being made. Subsequent to appointment an officer must be prepared at any time to submit to any medical examination which a Government medical officer may deem necessary on the request of the officer's Head of Department or the Chief Secretary;
  - (5) an officer must as a condition of employment be prepared to work anywhere in the Islands.
2. (1) HOURS OF WORK. The working hours of public officers, in each week are those laid down by the Head of Department from time to time in the public interest, which shall not be more than 44.
- (2) LUNCH HOUR. Lunch hour may be taken at any time between 12 noon and 2 p.m. SAVE where offices must remain open to the public throughout this period a Head of Department may prescribe the hour to be taken by individual officers in order that the public desks may be manned throughout. Lunch may be taken outside this period only with the consent of the Head of Department.
- (3) an officer may be required by his Head of Department to work on any public holiday but in such cases the officer will, whenever possible, be compensated by being given time off in lieu unless he receives overtime payment for the duty.
- (4) an officer whose responsibilities include the direct supervision of group employees is required to work the same hours as the employees he is supervising.
3. ABSENCE FROM DUTY.
- (1) Absence from duty without leave is a serious disciplinary offence and for such cases procedure is laid down in PSC R. 52. An officer may not absent himself from duty during working hours without the permission of the Head of his/her Department or such other officer as may be deputed by the Head of Department to give such permission. An officer who absents himself from duty without permission, except in the case of illness or other unavoidable circumstances shall render himself liable to disciplinary action.
- (2) PUNCTUALITY. An officer is expected to attend punctually at the official time the office opens, to be absent only for the one hour break at lunch and not without the permission of his supervisor leave the office before official closing time. For the purposes of discipline unpunctuality is inefficiency. (PSC reg. 48).

4. LEAVING THE ISLANDS. A Permanent Secretary and a Head of Department may not leave the Islands without permission from the Chief Secretary in the case of the former and the Permanent Secretary of the appropriate portfolio in the case of the latter. Failure to comply with this paragraph is a serious disciplinary offence.
5. ATTENDANCE REGISTER. Every officer shall sign his name in the attendance register kept in the department for this purpose and insert the time of arrival and departure from duty in the mornings and evenings. The Head of Department shall examine the register everyday or depute some other officer to do so, so that he is aware of habitual or frequent unpunctuality or absenteeism on the part of any officer. These registers will be subject to Audit inspection. (see para 4 above).
6. PRIVATE ASSETS AND INTERESTS. Subject to the following and except in the case of an officer employed part time, an officer's whole time is at the disposal of Government if necessary - it follows therefore that:-
  - (a) an officer may not engage in any private gainful activity whatsoever without the express permission of the Governor in the case of officers receiving salaries of \$22,176 per annum and above and Heads of Departments in respect of officers drawing salaries below \$22,176. Approval must be in writing and copied to the PS/P. Any authority given to undertake paid employment under this general order shall automatically lapse one year from the date on which the authority was signed;
  - (b) an officer may be called upon at any time to undertake without additional remuneration official duties in the public interest. In particular officers in a professional or managerial position will be expected to work longer than official hours when the public interest so requires;
  - (c) subject to sub-paragraph (d) of this Order an officer may not at any time engage in any activity which might -
    - (1) bring his office or the Government into disrepute;
    - (2) conflict with his official duties in any way;
    - (3) place him or give the appearance of placing him in a position to use his official appointment for his private benefit;
    - (4) make him unavailable for reasonable out of hour duties or official commitments;
  - (d) an officer, who is of the opinion that any private activity upon which he is engaged or in which he has a private pecuniary interest is likely to offend against the provisions of sub-paragraph (c) of this Order, must declare it to the Governor and either discontinue the activity as long as the prevailing circumstances continue or to comply with such conditions or restrictions as the Governor after due enquiry may consider necessary;

- (e) within a period of thirty days after his first appointment to a public office, and thereafter on acquisition of any further assets, an officer shall disclose in writing to the Governor particulars of any investment or shareholding which he possesses in any Company carrying on business in the Cayman Islands and also of any direct or indirect interest which he has in any profession, commercial, agricultural or industrial undertaking in the Cayman Islands;
- (f) an officer may not, without written permission of the Governor, invest in or acquire shares in any Company carrying on business in the Cayman Islands or acquire any direct interest in any professional, commercial, agricultural, or industrial undertaking in the Cayman Islands;
- (g) whenever the Governor thinks that an officer's performance of his duties is likely to be influenced by the fact he owns shares or investments in any Company or he has a direct interest in any private enterprise the Governor may require the officer to dispose of his interest in such private enterprise. If the officer fails to do so within a specified period, the Governor may transfer the officer to a post in which his private interest and public duty do not conflict or in extreme cases require the officer to resign his office.

(h) The Governor may at any time call upon any officer to disclose his full assets and if the Governor in his absolute discretion is not satisfied that the assets disclosed are compatible with the officer's income as a Civil Servant he may call upon the officer to show how he acquired the assets. Failure to give the required information or failure to show satisfactorily how he acquired the assets is a disciplinary offence the maximum penalty for which is dismissal.

(i) No officer shall use, for his personal gain, any information which comes to his knowledge in the course of his official duties. Duties should be so arranged in a Department that an officer doing those duties does not handle information that gives him any personal advantage whatsoever either in the office or privately. Customs Officers and Immigration Officers should not, for example, process the papers of relatives they should whenever possible pass them to other Officers who are unrelated and on duty.

7. PRIVATE . An officer is required to report to the Governor through the PS/P or in the case of the PS/P his Head of Department any gainful interests of his spouse as a principal in his/ her own account. Where it is considered by the Governor that the interests of the spouse in this connection conflict, or are likely to conflict, or may seem to conflict, with the efficiency and faithful performance of the officer's duties the Governor may direct the transfer of the officer to other duties where such conflict, real or apparent, does not exist, unless his/her spouse has in the meantime divested himself/herself of such interests.



8. WORK FOR PUBLIC BOARDS AND COMMITTEES.

- (1) officers are not permitted to undertake work for public or private boards or committees without previously obtaining the written consent of the Governor;
- (2) no officer in the full time employment of Government will be eligible to receive any fee or other emoluments whatsoever whether in cash or in kind in respect of his membership of, or service to, a public or private board or committee.

9. PRIVATE EMPLOYMENT WHILE ON DUTY.

- (a) No officer may accept any paid employment while on leave without obtaining the express sanction of the Governor or his Head of Department as the case may be (see para 7 (a) above), which will not normally be withheld when an officer is on retirement leave.
- (b) No officers may be employed in more than one public service post at a time and may not draw two salaries from the public service in respect of work outside official hours, without the express consent of the Governor.

10. PUBLIC PETITIONS. No officer shall sign or procure signatures to any public petition to the Government which may require executive action or which relates to any action or proposals of the Government of the Islands or of any other Government.

11. THE MEDIA. No officer, whether he is on duty or leave of absence shall -

- (1) act as editor of any newspaper, magazine, periodical, or newsheet or take part directly or indirectly with the management thereof; or
- (2) contribute to, whether anonymously or otherwise, or publish in any newspaper, magazine periodical, news sheet or otherwise, or publish or cause to be published in any such publication in any manner, in the Islands, or elsewhere, anything which may reasonably be regarded as of a political or public administrative nature; or
- (3) allow himself to be interviewed on questions of public policy or on any matter of a political or administrative nature or on any matters affecting the administration or the security of any state or territory; or
- (4) speak in public or broadcast in any way on matters which may reasonably be regarded as of a political or administrative nature

PROVIDED THAT

- (a) the provisions of this Order shall not apply to an officer acting in pursuance of his official duties and with the prior permission of the Governor and

(b) that statements for publication of factual and technical information may be made by Permanent Secretaries, Heads of Departments and other senior officers with the prior permission of the Governor.

12. PROTECTION OF OFFICIAL DOCUMENTS No officer may, without the written approval of the Governor communicate to the press or otherwise make public or communicate to unauthorised individuals, any documents, papers or information which may come into his possession in his official capacity or make private copies of any such documents or papers. Every officer is required to exercise due care and diligence to prevent unauthorised access to or disclosures of such documents and information. Attention is drawn to Government Security Regulations a copy of which is in the possession of every Head of Department.

13. PUBLICATION OF BOOKS AND ARTICLES. Nothing in the preceding two GOs shall be deemed to prevent an officer from publishing in his own name, by writing, speech, or broadcast matters other than those which may reasonably be regarded as of a political or public administrative nature

Provided that if the publication is a book, article or other work the subject of which is connected with the officer's official duties or those of other officers, the prior permission of the Governor is obtained. This shall be obtained by the submission of the draft document through the officer's Head of Department and through the PS/P.

14. PUBLIC MEETINGS. No officer may call a public meeting to consider any action or policy of the Government or actively take part in such a meeting.

15. IMPROPER INFLUENCE. No officer may seek to influence any Member of the Legislature, the Public Service Commission, or any other person as a means of bringing his services to official notice especially in connection with appointments, renewal of contracts, leave, postings, transfers, discipline, promotions, or any condition of service, or as a means of furthering his interests in the Government service in any way. The employment of such methods will not be to the advantage of the person concerned and may have the opposite effect, as such conduct is grounds of disciplinary action.

16. OFFICIAL CHANNELS OF COMMUNICATION

(1) No officer may correspond or communicate directly or indirectly with any officer of an Overseas Government without his Head of Department first being informed and if the Head of Department requires, text must be submitted first.

(2) OFFICIAL CHANNELS OF COMMUNICATION in the Service are through an officer's immediate superior to his Head of Department, to the Permanent Secretary of the appropriate portfolio. On personnel matters from Heads of Department to the Permanent Secretary (Personnel).

(3) Elected Members of Executive Council and other members of the Legislature will, from time to time, visit Government units sometimes accompanied by Permanent Secretaries or Heads of Departments or both or neither. If the Head of Department is not present then the official head of the unit should report the visit as soon afterwards as possible to his Head of Department giving as briefly as possible an account of the visit. If the visiting politician or Permanent Secretary wishes any information to be sent in as a result of the visit it shall be compiled and forwarded through the officer's Member/PS to the Head of Department. There should be no direct contact by units of Government with Portfolios except through the Head of Department. If an officer ignores this procedure he shall be deemed to be in breach of GO 16.

17. POLITICAL ACTIVITIES. Officers are expressly forbidden to participate actively on behalf of any party or candidate in any election to the Legislature. They are expressly forbidden to act as agents, sub-agents or canvassers at elections of this nature.

18. A CCEPTANCE of GIFTS

(1) Public Officers are prohibited from receiving valuable presents (other than ordinary gifts from personal friends) whether in the shape of money, goods, passages, subsidised passages or services or other personal benefits, and from giving such presents. This rule applies not only to officers themselves but also to their families . It does not apply to remuneration for special services rendered and paid for with the consent of the Governor;

(2) a present given to an officer by an officer or representative of a foreign Government or a member of a recognised organisation in the Cayman Islands either official or unofficial which cannot be refused without giving offence, may be accepted but the fact and the circumstances must at once be reported to the Governor and the recipient shall abide by the instructions which may be given by the Governor about the disposal of the gift.

19. LEGAL PROCEEDINGS No steps may be taken by public officers to institute civil proceedings in any Court in connection with matters arising out of the discharge of their public duties or against any public officer for anything done in the performance of his duty, unless and until the sanction of the Governor, after seeking the advice of the Attorney General, has been obtained.

20. LEGAL PROCEEDINGS AGAINST OFFICERS.

(1) subject to the provisions of this order, the Government will, unless otherwise advised against by the Attorney General in any particular case, accept responsibility for the

defence of officers against whom legal proceedings are threatened or instituted in respect of acts done or liabilities incurred in the execution of their duty;

- (2) where any such legal proceedings are threatened or instituted, the fact thereof shall be reported forthwith to the Attorney General and no legal or other expenses shall be incurred by the officer against whom the proceedings have been threatened or instituted or other steps taken in connection with any such proceedings until the directions of the Attorney General have been received by the officer;
- (3) Government will also accept responsibility for the prosecution of a legal case on behalf of an officer if the officer has been defamed or otherwise injured by any person as a result of carrying out his official duties.

21. PECUNIARY EMBARRASSMENT. Public officers are required to be prudent in the conduct of their private financial affairs. Serious pecuniary embarrassment arising out of the officer's financial imprudence may be regarded as impairing his efficiency thus affecting his claim to promotion or increments. In an aggravated case of this description the officer concerned will be liable to disciplinary proceedings with a view to his dismissal and the onus will rest upon him to show that the circumstances do not justify the imposition of the full penalty of dismissal. An officer who is publicly sued for debt and against whom, after an order of payment has been made, a judgement summons is issued, will be regarded, in the absence of a reasonable explanation of his failure to pay the debt as coming within the scope of this GO. The Clerk of the Court shall furnish to the S/PSC a copy of any Court Order against an officer within 7 days of it being issued.
22. BANKRUPTCY. In the event of an officer filing a petition in bankruptcy or of bankruptcy proceedings being taken against him, or of his entering into a composition with his creditors under the Bankruptcy Law, or of any other serious financial embarrassment on his part, the officer shall immediately notify his Head of Department who will report the fact to the Secretary to the PSC. Whenever bankruptcy proceedings are entered against a public officer the Clerk of the Court shall forthwith report the matter of the S/PSC giving particulars of the officer's indebtedness. On conclusion of the examination the Clerk of the Court shall report to the S/PSC showing whether or not the officer's difficulties were occasioned by (a) imprudence or extravagance or (b) unavoidable misfortune or other extenuating circumstances.
23. No officer shall borrow at interest from or make any loan at interest to any public officer or borrow from or lend money to any public officer in return for payment of a larger sum or any other valuable consideration whatsoever or shall act as an intermediary between any public officer and a money lender or shall take part in collecting debts on behalf of a person lending money.
24. GOVERNMENT PROPERTY. No officer shall put to private use any Government property. Particularly this applies to telephone calls, stationery, office machinery, and equipment. It is a very serious disciplinary offence to use OHMS

envelopes to send private letters which by evasion of postage is a conversion of public funds.

25. MISCONDUCT.

An officer will be liable for disciplinary action for:-

- (a) general misconduct whether in public or on duty to the prejudice of discipline in the Service; or
- (b) misconduct prejudicial to the proper administration of Government business;
- (c) contravention of specific orders and regulations or
- (d) if his conduct or mode of dress is not commensurate with his position as a public officer.

26. CRIMINAL COURT PROCEEDINGS. Whenever the Police bring criminal proceedings against a public officer in the Courts:-

- (a) the officer must report the matter to his Head of Department immediately notifying him what the charge is and when the hearing is to be held;
- (b) the Clerk of the Court is required to notify the Secretary of the Public Service Commission with a copy to the HOD as soon as possible after the case has been heard what the charge was, whether the officer was found guilty or not and, if guilty, what sentence was passed. A copy of the Court proceedings and the judgement should be sent.
- (c) the officer is required to inform his Head of Department when the case has been heard what the judgement was and the Head of Department shall take action under PSC Reg.49 without delay. If within two weeks of the case being heard (and if the officer is found guilty) proceedings in the Commission are not filed in accordance with PSC Reg. No 49 the Secretary to the Commission shall inform the Chairman and the Commission shall advise the Governor what if any action it considers necessary.

(d) This para shall apply to offences under Sections 61, 64 and 65 of the Traffic Law.

27. STRIKES. Public officers who withdraw their labour violate the terms of their employment and render themselves liable to instant dismissal.

28. CERTIFICATES OF SERVICE . See Chapter 2 para 56.

29. VALEDICTORY LETTERS Valedictory Letters may be sent by the Governor or the Chief Secretary to public officers who retire after long (20 years or more) and valuable public service.
30. NON-SMOKING POLICY Public Officers are required to adhere to the rules restricting smoking in Government premises and vehicles as detailed in the Non-Smoking Policy dated 9th June 1992, distributed with Personnel Circular Number 5.
31. DRUG AND ALCOHOL MISUSE POLICY Drug and alcohol misuse is of major concern to the Government as it significantly affects not only the employment position but can have disastrous consequences on individual officers and their families. The Drug and Alcohol Misuse Policy, distributed with Personnel Circular Number 6 of 1992 addresses the issues and details the provisions Government will make for each situation.

## 10 □ CHAPTER 10

### HOUSING

1. NATURE OF TENANCY. Any public officer who occupies a quarter either owned by Government or rented by Government does so as a 'tenant at will'. It follows that if Government requires the officer to vacate the quarter he must do so as soon as reasonably possible after the request. It is also a condition of tenancy that the officer agrees to any proportion of the rent due from him or any surcharge as a result of his occupancy of the quarter being deducted by Government from his salary or contracted officers supplement if any.
2. ENTITLEMENT. The following groups of public officer are entitled to rent subsidy as stated:-
  - (1) a Caymanian officer who is compulsorily transferred within the Islands to an Island not being the officer's Island of domicile;
  - (2) police and prisons officers to the extent provided in the law.
3. CONDITIONS OF TENANCY. The following are the conditions on which an officer enters into any tenancy of a Government quarter:-
  - (1) quarters, associated buildings and grounds shall be maintained in proper order and the occupant shall permit entry to and inspection of any part of them by authorised officers of the Department of the Environment, Public Works Department and Personnel Department during normal working hours;
  - (2) as soon as a tenant is aware of the need for any repairs or maintenance to the fabric, service installation, furniture or equipment he shall report this to the Maintenance

and Safety Coordinator (hereinafter for ease of reference called the Housing Officer)

- (3) routine redecoration of Government owned quarters will normally be carried out every three years but applications for redecoration may be made to the Housing Officer at other times;
- (4) tenants shall not carry out any structural alterations to the premises or alterations or modifications of any kind to the electrical, gas or other service installations or the furniture or fixtures without the prior consent of the Housing Officer. In the event of the consent being given any addition to the structure or fittings shall become the property of Government and no compensation will be paid to the tenant on termination of his occupancy;
- (5) the tenant shall be charged with the cost of repairing any damage to the structure, furniture or fittings which is caused by his negligence or that of his servant or as a result of any breach of the rule contained in the preceding sub-paragraph and also for replacing any losses for which he is responsible;
- (6) the tenant shall be responsible for the security of the premises and contents and must ensure that the conduct of his family and servants or the keeping of any livestock is not such as to create a nuisance to his neighbours;
- (7) the tenant shall comply with the requirements of the authority responsible for garbage collection, and pay the appropriate fee for garbage collection.
- (8) the officer will be responsible where necessary for arranging with appropriate utility companies for the connection of electricity, water or telephone to the quarter, the payment of the deposits, and the payment of the accounts from time to time issued by the utility companies. If an officer uses his own electrical appliances he shall be responsible for ensuring that they are in safe working condition and properly connected by an authorised person. The officer will be responsible for reporting any electrical fault which becomes obvious on any appliance which is installed in a house;
- (9) where a quarter is provided with a gas cooker or other gas appliances, it shall be the responsibility of the occupant to meet all charges for fuel including the hire of gas cylinders. Where an officer is in doubt about the safety of an installation he should immediately close the outlet valve of the gas cylinder and report the matter to the Housing Officer. No gas cylinder of greater capacity than 20 pounds shall be stored inside a quarter. The outlet valves on all cylinders not in use, whether charged or empty, shall be closed and the cylinders stored in a vertical position on level ground. Officers are required to close the gas valve on finally vacating a quarter;
- (10) Deleted.

(11) no officer may sub-let a quarter which has been allocated to him or any part of such quarter or its grounds. This condition applies in all circumstances including a period when an officer retains his quarter during an absence from his home for any reason.

(12) furniture shall not be removed from or transferred between quarters, without the consent in writing of the Housing Officer;

(13) the Housing Officer shall supervise the handing over of quarters on Grand Cayman while on the Lesser Islands such handovers will be supervised by a nominee of the District Commissioner . The officer shall check the inventory of furniture and equipment and inspect the condition of the premises and grounds in the presence of the outgoing and incoming tenants. An officer vacating a quarter is responsible for ensuring that the premises and grounds are left in a clean and tidy condition . In the event of an officer failing to comply with this regulation the Financial Secretary may direct that he be surcharged with any costs of bringing either the building or furniture up to the required standard.

(14) an officer occupying a Government owned or leased quarter must give at least 1 month's notice both to the Landlord if any and the Housing Officer if he is changing accommodation or leaving the Islands.

4. RENT Police and prisons officers who occupy quarters in barracks or within the precinct of the prison will occupy the quarter free but they may not at the same time receive rent allowance.
5. A Caymanian officer required by his Head of Department to transfer to an island which is not his island of domicile in the Cayman Islands will for a period of three years from the date of transfer and subject to the agreement of government as to the standard of the house, be paid the whole of his rent by Government.
6. ALLOCATION OF GOVERNMENT HOUSES. The authority to allocate Government quarters from the Government's pool of houses vests in the PS/P in his discretion which authority he exercises through the Housing Officer of the Personnel and Office Services Division. In the event of dispute over the allocation of a Government house the more senior officer's claim will prevail.
7. Deleted
8. REGISTER OF LEASES. The Housing Officer shall keep a register of all houses leased by Government identifying the house, its owner, the amount of rent being paid, the period for which it is leased, the occupants of the house during the period of the lease.



9. DEPOSITS. The Government will not pay deposits to owners on houses it leases. So landlords wanting tenants for their houses cannot have Government as a tenant if one of the conditions of the tenancy is that a deposit is paid. This does not prevent a Landlord from requiring a tenant to place a deposit against damage to the furniture or property.
10. SUB-LETTING. No officer shall sub-let a Government leased house without the prior approval of the PS/P and that approval will not be given if the person to whom the house is to be sub-let is not a public officer.
11. NOTICE. Officer tenants are required to give at least one month's notice AT THE BEGINNING OF A MONTH both to their Landlord and to the Government Housing Officer when they intend to vacate a house. This applies whether an officer is changing accommodation or leaving the Island at the end of service.
12. LETTER OF AUTHORITY. Before occupying a Government owned or leased quarter an officer shall sign Form P 18 authorising the deduction of the rent from his salary, which form, shall draw his attention to this Housing Chapter of General Orders.
13. STAMP DUTY. The payment of stamp duty on leases is the responsibility of the property owner, i.e. the Landlord. Government does not pay stamp duty in respect of leases on its own houses.
14. HOTEL ACCOMMODATION.
- (1) Government will pay the Hotel bills (excluding any bar expenses or telephone calls local or overseas) of officers for a period of 7 (seven) days on arrival in the Islands on first appointment. On returning from leave and prior to departure on termination of appointment Government will also meet the cost of two days' Hotel bill.
  - (2) A single officer will be required to contribute 25% of his daily rate of pay and an accompanied married officer 40% of his daily rate of pay for each day spent in a hotel under the provisions of this paragraph.
15. FIRE CLEARANCE. The Housing Officer shall consult with the Chief Fire Officer on the fire safety of any Government owned house or building and see that any Chief Fire Officer recommendations are carried out and that an occupation certificate is issued in respect of the particular house or building before occupation. The Housing Officer will be responsible for any loss which occurs through his not complying with the Chief Fire Officer's recommendations.
16. When an officer who is entitled to a housing allowance purchases accommodation the allowance will cease on the date of the purchase. It is the responsibility of the officer to inform Personnel of such a purchase. If an officer marries and the spouse owns accommodation the housing allowance ceases whether the accommodation is occupied or

not. No officer can rent their property and at the same time receive housing from the Government.

11□

## RETIREMENT BENEFITS

1. PENSIONS The pensions legislation of the Public Service is an attempt to reconcile two contradictory factors. First the Government wishes to give its pensionable officers as safe a tenure as it can. At the same time the Government is not a mere business; it cannot forget it has a responsibility for the public interest and safety. It must reserve the right to get rid of any public officer for serious disciplinary reasons without compensation if need arises.
2. For nearly a century Governments in the British tradition in an attempt to reconcile this conflict have administered pensions legislation as if it conferred legally enforceable rights but at the same time have been careful to ensure that the legislation is permissive in form (s.3(1)5(1) Cap 121) and that nothing is done which would confer upon a public officer a right to take legal action to enforce his pension claim.
3. Since resort to the courts is not admitted the Governor after seeking the advice of the Government's legal adviser and, if necessary, the Secretary of State has the last word if there is a dispute about the interpretation of the legislation. (Recording of precedents is important in these cases.)(S.5 and 10 Cap 121). This method of administering pensions legislation has always worked well.
4. THE PENSIONS LAW CAP 121. Pensions of public officers are provided for in the Pensions Law Cap 121 the provisions of which supersede anything which is written in General Orders which might be at variance with the law. No attempt is made to summarise the provisions of the law. Reference must be made to the law when pensions questions arise.
5. CIRCUMSTANCES UNDER WHICH PENSIONS PAYABLE. The circumstances in which a pension may be granted are laid down in sects. 6, 7, and 8 of the Pensions Law (Cap. 121). It is computed in accordance with reg. 4 of the Schedule to the Pensions Law (Cap. 121). It should be noted that the computation is different for those appointed to a pensionable office before the tenth day of July 1980 and those appointed on or after that date.
6. VESTING. A pension vests provided the officer has completed 10 years full time qualifying service (R.4 Cap.121) -
  - (1) under s.6(1)(i) Cap 121 on the date on which an officer attains 55 years of age.
  - (2) in the case of a non-gazetted police officer on completing twenty years service OR attaining 55 years of age. (Sect.10 (2) Police Law 5/1976)
  - (3) under s.6.(1)(iii) on the date the office is abolished irrespective of age;

(4) under s.6.(1)(iv) on the date the officer is compulsorily retired irrespective of age;

(5) under s.6.(1)(v) on the date the medical certificate is signed by the Medical Board irrespective of age.

(6) under s.6.(1)(vi) on such date as is prescribed by the Governor in exercise of his discretion under S.7.

(7) under s.6.(1)(vi)(a) on the officer attaining the age of 60 years.

7. COMPULSORY RETIREMENT. The compulsory age of retirement is in the case of:

- (1) Non-gazetted police officers 55 years (Sect.20 (1) of the Police Law 5/1976);
- (2) Other officers 60 years. (s.6.(2) . Cap 121.)

8. "QUALIFYING SERVICE" and "pensionable service" are defined in reg. 2 of the Schedule to the Pensions Law.

- (1) "qualifying service" means service which may be taken into account in determining whether an officer is eligible by length of service for pension or gratuity under the Law.
- (2) "pensionable service" means service which may be taken into account in computing pension under the Pensions Regulations (Schedule to the Pensions Law Cap 121).

PROVIDED that the service is full time and without breaks or any breaks which have been condoned.

9. LEAVE WITHOUT PAY. While approved leave without pay is "qualifying service" for the purposes of pensions, it is not "pensionable service" and is excluded from the calculation of the amount of pension unless such leave is granted on grounds of public policy - as in the case of no-pay leave for long term training courses - with the approval of the Governor. (Reg 16 Schedule Cap 121)

10. SERVICE IN A NON-PENSIONABLE OFFICE. Non-pensionable service prior to appointment to a pensionable office will normally be allowed to reckon in full for pension subject to it being full time continuous service immediately preceding pensionable service. It is Government policy to inform a pensionable officer in writing soon after he becomes pensionable if any of his pre-pensionable service will be allowed to count for pension. (r. 20 (1) Schedule Cap 121).

11. TERMINAL BENEFITS. Pension benefits are payable to an officer in accordance with the Pensions Law (Cap 121).

12. FORFEITURE. An officer who has been dismissed from the Service will lose any eligibility he may have had for terminal benefits under the Pensions Law Cap 121 as it makes no provision for benefits to be paid on dismissal for whatever reason.

13. INTERDICTION. An officer who is interdicted from the performance of his duties when his contract ends will not be paid inducement allowance/contracted officers supplement until the criminal or disciplinary proceedings are completed and the Governor can consider if the officer's service has been satisfactory for the purposes of awarding an inducement allowance/contracted officers supplement.

14. ADVANCE PAYMENTS. The Financial Secretary may approve the payment of an allowance not greater than the estimated pension to an officer on retirement, where his pension, though due, cannot, for any reason, be paid from the date of retirement.

15. COMMUTED PENSION GRATUITY. Where an officer on retirement has opted for a gratuity and reduced pension the Financial Secretary may approve an advance against the commuted pension gratuity on such conditions as may be specified by him in his discretion.

16. APPLICATION TO RETIRE. The same rule applies to retirement as to resignation. An officer cannot retire until he has applied in writing and it has been accepted. Requests to retire must be submitted not less than six months prior to the date on which the officer will cease his duties and must be addressed to the Permanent Secretary/Personnel. If disciplinary proceedings are pending against an officer at the time of his application to retire the officer's Head of Department must inform the Permanent Secretary/Personnel when forwarding the officer's application.

17. APPLICATION FOR TERMINAL BENEFITS. Applications for pensions, annual allowances or gratuities shall be submitted in the form prescribed in Appendices 3 and 4 hereto.

18. CALCULATION OF PENSIONS The formulae for the calculation of pension where the officer has NOT been promoted within 36 months immediately preceding his retirement is as follows (R. 4 Schedule Cap.121 as amended).

(1) when the officer was first appointed to pensionable office BEFORE 10 July 1980:-

$$\text{where: } \frac{a \times b}{600} = p$$

- a = the number of completed months of pensionable service
- b = the annual rate of pensionable emoluments at the date of retirement.
- p = pension.

(2) where the officer was first appointment to a pensionable office ON or AFTER 10 July 1980 :-

$$\frac{a \times b}{720} = p$$

19. RETIREMENT AFTER PROMOTION . The formulae for the calculation of pension where the officer has been promoted within thirty six months immediately preceding the date of his retirement. (R.19 Schedule, Cap 121)

(1) where the officer was first appointed to pensionable office before 10 July 1980:

$$\frac{a \times (b + b + b)}{600 \times 3} = p$$

where:

a = the number of completed months of pensionable service.

b = the actual pensionable salary earned by the officer for each 12 months (NOT calendar year) immediately preceding his date of retirement for 36 months.

This is known as the averaging principle.

(2) where the officer first entered pensionable office on or after 10 July 1980:

$$\frac{a \times (b + b + b)}{720 \times 3} = p$$

The above calculations are subject to:-

(a) a non-gazetted police officer, having a contract which includes the provision for a pension; (s.20(4) Police Law 5/1976

(b) in all other cases the officer being confirmed in a pensionable office. (s.2(1)(a) Pensions Law Cap 121).

(c) a non-gazetted police officer completed 21 years service OR attaining 55 years of age. (s.20(4) Police Law 5/1976.

(d) all other officers, having attained the age of 55 years - s.6(1)(i) Pensions Law Cap 121).

(e) all officers having completed 10 years qualifying service. (R.4 Pensions Law Cap 121)

(f) no officer receiving a pension which exceeds 2/3rds of the highest pensionable emoluments drawn by him at any time in the course of his service in the Islands. (s.9(1) Cap 121).

20. EFFECT OF UPGRADING. The averaging principle will not apply in the case of an officer whose post was upgraded within 36 months immediately prior to the date of retirement and while he held it as this comes within r.19 (a) Schedule to Cap 121.

21. ENHANCED PENSION.

(1) There are three circumstances under which an officer's pension may be increased:-

(a) where the officer's post is abolished while he is holding it s.6.(1)(iii);

(b) if the officer is displaced by reorganisation of the area of the service in which he is working. s.6(10)(iv).

(c) where an officer has to retire because of an injury sustained in the actual discharge of his duty.

The additional pension under (a) and (b) above is at the annual rate of 1/60th (one sixtieth) of his annual pensionable emoluments for each completed period of 3 years' pensionable service. r.23(2)

EXAMPLE: - An officer with 21 (twenty-one) years pensionable service has pensionable emoluments of \$24,000 per annum. On abolition of office he gets additional pension as follows:

$$\frac{7 \times 24000}{60} = \$2,800 \text{ per annum}$$

PROVIDED that

(i) the addition may not exceed 10/60ths (r.23(2)(a). Sch Cap 121),

(ii) that the additional pension when added to any award under paras 18 or 19 above does not exceed the pension he would have got had he retired at the normal age of 55 years. (r.23(2)(b)).

(2) In the case of (c) above and a pensionable officer the additional pension will depend on the degree of impairment varying between 5/60ths and 20/60ths of his annual pensionable emoluments. (r.24 (1))

(3) in the case of (c) above and a non-pensionable officer his annual allowance is calculated under R. 26 with the same addition and calculated on the same basis as for pensionable officers (r.26.(2)).

22. ABOLITION OF OFFICE. The office held by an officer is not abolished simply because one particular office is cancelled from the Estimates. Government does not consider an office is abolished unless it is impossible to offer the officer continued employment in an office of broadly similar duties (they do not have to be exactly the same) in at least the same Grade and at least the same salary. An officer's career prospects must fail completely for abolition of office to occur.

23. PENSIONS LAW A COMPREHENSIVE SCHEME. The Pensions Law is a comprehensive scheme for benefits and in addition to the usual provisions previously described the following is an index of further provisions, which is no more than an index, and the appropriate Sections must be referred to in all cases:-

- (1) Payments under the Pensions Law are a charge to General Revenue and not subject to the annual estimates (S.4 Cap 121).
- (2) The Governor may reduce benefits where an officer is guilty of negligence, irregularity or misconduct.(s.5(2)).
- (3) The Governor may require an officer to retire :
  - (a) at any time after the officer attains the age of 55 years.
  - (b) in special cases with the Secretary of State approval after the officer attains 50 years of age.
  - (c) in the case of a female officer on account of her marriage.

(But see R.6.).

- (4) Pensions for other public service will be aggregated under the 2/3rds rule (s.9(2)) Subject to s.9(3)
- (5) Under special circumstances a pensioner may be called upon by the Governor to accept a further period of office if the pensioner has not attained the age of 50 years. (S.10).
- (6) Pensions may be suspended in full or in part for the period of the officer's re-employment. (S.11.).
- (7) Pensions, gratuities or other allowances under the Pensions Law are not assignable or transferable nor can they be attached except under specified circumstances. (S.12.)
- (8) Pensions cease on bankruptcy and may be restored on discharge. (S.13.).

(9) Pensions cease on conviction at the discretion of the Secretary of State or the Governor. (S.14.).

(10) Pensions may cease on a pensioner taking certain employment in the private sector without the prior approval of the Governor. (S.15.).

(11) Gratuity is payable on the death of an officer while in the service to his personal representatives if the officer had been confirmed in a pensionable office for 5 years immediately prior to his death or a non-pensionable officer if he had been employed by Government for five years immediately prior to his death. (S.16.)

(12) Provision is made for benefits to widows and orphans where an officer is killed while on duty . (S.17.).

(13) Provision is made for benefits alternative to those provided for in S,s 16 and 17 for widows and orphans of pensioners, or officers with 10 completed years of pensionable service. (S.17A.).

(14) An officer who would otherwise qualify for a pension but for the fact that he has not completed 10 years qualifying service may receive a gratuity under Regulation 5.

(15) Provision is made in the Law for the annual increase of pensions if so approved by the Governor with the prior approval of the Finance Committee. (R.4.).

(16) Provision is made for a gratuity to be paid to a female pensionable officer who has completed 5 years' service if she retires from the service in contemplation of or on marriage. (R.6.).The gratuity is one year's pensionable emoluments or 1/12th of a month's personal emoluments for each completed month of pensionable service whichever is the less.

(17) Certain breaks in service may be condoned by the Governor. (R.15.)

(18) Service prior to the age of 18 years may not be taken into account for pension purposes.(R.22.).

(19) An officer on retirement may opt for a gratuity and reduced pension provided he opts before the date of his retirement . The option is not reversible. (R.25.)

(20) An officer who resigns from the service on or after the 31st December 1982 who at the time of resignation had completed 10 years pensionable service may have the pension he had earned at the date of his resignation frozen until he attains 60 years of age, when it would become payable. (s.6.(1)(vi)(a)). Alternatively if he applied for a post later and was reemployed in the Service the break could be condoned by the Governor under R.15 and the officer would continue building his pension.

24. NON PENSIONABLE OFFICES. The position of non-pensionable officers requires special description. They are specifically provided for in R.26 of the Schedule to the Pensions Law Cap 121. This Regulation virtually applies the same rules to non-pensionable officers as apply to pensionable officers save:

(a) they are not paid a pension but an "annual allowance".

(b) the allowance, like a pension, is payable monthly in arrears.

(c) the annual allowance is 3/4 of the pension the officer would have got had he held a pensionable office where the officer has completed 10 years full time service. A gratuity is provided where the officer has five or more years service but less than ten years service.



25. APPLICATION. Generally speaking the provisions of the Pensions Law apply only to full time employees of Government. However there are exceptions as, for example, when a part time employee is killed or injured in the execution of his duty, and Group employees see para 26 infra.
26. MEANING OF FULL TIME An employee shall be considered to have been in the Service full time if he or she has been in employment of Government for a period of 10 years and has been employed at least 15 hours a week, to get an annual allowance under R.26.
27. SEVERANCE PAY is payable to officers who have completed at least twelve months continuous employment and who are not eligible for gratuities, pensions, annual allowances or any other form of terminal benefits. Provided that, in the case of an officer eligible for any such terminal benefits, if the amount of severance pay calculated in accordance with the Labour Law would exceed such terminal benefits the officer may elect to receive severance pay in place of such terminal benefits.
28. CIRCUMSTANCES IN WHICH SEVERANCE PAY MAY BE GRANTED No severance pay may be paid to any officer except on the termination of his employment by the Governor for any reason other than dismissal.
29. RATE OF SEVERANCE PAY Severance pay is payable to an officer, or if the officer dies while in the service, to his estate, at the rates prescribed by the Labour Law.

12□

### PASSAGES

1. OVERSEAS DUTY PASSAGES. Officers who travel overseas on duty shall travel by air and are eligible for the following classes of travel -

- (1) First class - the following officers are entitled to travel overseas by air first class -

The Governor  
The Chief Justice  
Elected Members of Executive Council  
Official Members of Executive Council  
Speaker of the House  
PS's if accompanying any of the above

Members or Officers on duty

- (2) Club Class - Puisne Judges, Permanent Secretaries, Commissioner of Police, Chief Education Officer, Chief Engineer - Public Works Department, Inspector of Financial Services, Director of Health Services, Director of Tourism and any officer travelling with them on duty PROVIDED the journey has in it a single hop of more than two hours in flight.

- (3) Economy Class - all other officers.
- (4) When it is in the public interest, and with the approval of the Governor, an officer is accompanied on an official trip overseas by his spouse and children his family will travel in the same Class as the officer.
- (5) In the case of overseas officers these classes also apply to travel on first appointment, on leave between completed tours and on termination of appointment. They do not apply to the entitlement under para. 2 below.

2. FIVE YEAR CASH GRANT. A Caymanian pensionable or contract officer who on 1st May 1980 received overseas leave passages at the rates appertaining on 1 October 1980 every five years for him/herself, his/her spouse and up to the cost of one adult passage towards the cost of childrens' passages in the following categories -

<u>SALARY</u>	<u>DESTINATION</u>
M 11 and above	United Kingdom
M 30 - 12	New York
M 31 and below	Miami

<u>SALARY</u>	<u>CASH GRANT</u>
M 11 and above	\$ CI 1250
M 30 - 12	\$ CI 350
M 31 and below	\$ CI 160

shall now be entitled to the cash grant without ties  
 PROVIDED that

- (1) the entitlement shall be in the same category as the officer was in on 1st October 1980 and does NOT follow subsequent promotion.
- (2) the grant may not be taken within five years of the previous grant;
- (3) the grant is unaccountable.

3. CAYMANIANS RETURNING TO CAYMAN. A Caymanian who has been resident outside the Islands for seven years or more following his eighteenth birthday and accepts appointment to the Public Service while overseas will be provided with Economy Class Air passages back to the Islands for him/her self his/her spouse and up to two full adult fares towards the cost of his/her childrens' passages. He/she will also be allowed one day's travel time on full pay if he/she cannot reach the Cayman Islands in one day.

## OVERSEAS OFFICERS

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4. PASSAGES. An officer shall be entitled to free air passages between the country from which he is recruited to the Islands on first appointment, on vacation leave between completed tours of service and on termination of his appointment as follows:-
- (a) the entitlement shall include passages for a spouse and up to 2 children (see definitions) (but in exceptional circumstances the Governor may approve 4 child passages) if they accompany the officer on assumption of duty. If an officer's spouse does not accompany the officer on assumption of duty he will be entitled to a passage provided he joins his spouse within 12 months of his assumption and remains in the Islands for at least six consecutive months. If a child does not accompany its parents to the Islands it shall be entitled to one return passage to the Islands during the tour of its parents.
  - (b) in the case of one parent families and the parent is recruited he/she will have the same child passages as in (a) above.
  - (c) the classes of passages are set out in para 1 above, provided that para 1 (3) will apply to all entitled family members travelling separately from the entitled officer.
  - (d) the child of an officer who attains his 19th birthday while resident with his/her parents on the Islands will be eligible for a return passage to the officer's country of origin thereafter passages will cease in respect of that child.
  - (e) a male overseas officer who gets married during his tour in the Caymanian Islands shall receive passages back to his country of recruitment at the end of his tour for himself, his wife, and children. The Government will not, however, pay for passages of fiances joining their prospective husbands in the Cayman during a tour.
  - (f) any ticket or portion of a ticket issued for an officer or member of his family and not used must be turned in to the Permanent Secretary (Personnel). It may not be credited to an officer's account with any Agency for future passages nor cashed with any Airline or Agency.
5. PAYMENT FOR TRAVEL TIME. An officer shall be eligible for payment for travel time on first appointment and at the beginning and end of each tour in accordance with the principles set out in General Orders 4.8 (b).
6. MEDICAL PASSAGES. If the Chief Medical Officer certifies in writing that it is necessary for an officer or any of his children to go overseas for medical treatment the PS/P shall grant a passage for this purpose to the country from which the officer was recruited or if it is to a

closer destination to that destination in respect of one adult . When it is a child (as defined) then an additional passage may be granted for an accompanying parent.

7. COMPASSIONATE PASSAGES The Permanent Secretary (Personnel) may grant an adult economy air passage to an overseas contracted officer when there is acceptable reason for him to return to the country from which he was recruited following the death of his spouse, child or parent.
8. FAMILY PASSAGES ON THE DEATH OF AN OFFICER. If an officer dies during a tour of duty his/her spouse and dependant children may be granted free passages in the appropriate class to the country from which the officer was recruited PROVIDED the passages are taken within three months of the date of the officer's death.
9. PASSAGES TO OTHER DESTINATIONS. Where an officer wishes to spend his/her leave in a country other than that from which he/she was recruited he/she may be granted up to his passage entitlement to the country from which he was recruited or the country in which he is to spend his leave whichever is the less.

13 □

#### ORGANISATION OF GOVERNMENT

1. THE CHIEF SECRETARY is the Chief Executive Officer of the Government under the Governor. He acts as Governor or is appointed Governor's Deputy when necessary and is the First Official Member of the Legislative Assembly, the Member of the Executive Council, responsible for the Portfolio of Internal and External Affairs and the Administrative Head of the Public Service.
2. THE ATTORNEY GENERAL is the Legal Adviser to the Governor and to the Government, the Director of Public Prosecutions, a Member of the Executive Council, the Second Official Member of the Legislative Assembly and the Executive Head of the Attorney General's Chambers. He is charged with the responsibility for legal matters. (For legal advice see Cap. 8 hereof).
3. THE FINANCIAL SECRETARY is the Third Official Member of the Legislative Assembly, an Official Member of Executive Council responsible for the Portfolio of Finance and Development, the Government's chief adviser on financial matters and the executive Head of the Department of Finance and Development.
4. THE PERMANENT SECRETARY of a portfolio is -
  - (1) the Member's senior adviser and is responsible to see that approved policy falling within the purview of the portfolio is implemented.

- (2) He is responsible for the efficiency of the organisation and staff of the Portfolio office;
- (3) His duties are complementary to those of the Member who, under the Constitution, must answer to the Legislative Assembly for all subjects of his Portfolio.
- (4) He is responsible for keeping the Member promptly and fully informed of developments, matters requiring decision, and progress with policy implementation of all subjects in his portfolio.
- (5) With reference to policy matters he is responsible for ensuring that a question has been thoroughly examined in all its aspects at official level, including financial, personnel, legal and in relation to subjects which are relevant but the responsibility of other portfolios, before it is submitted to the Member.
- (6) He is a channel of communication between the Member and Government Departments, Statutory Boards and Authorities, the District Commissioner, commercial firms, organisations and societies and members of the public.
- (7) The Permanent Secretary is the chairman of any co-ordinating committee for the portfolio and assisted by the advice of Heads of Departments within the Portfolio it is his special duty to co-ordinate their functions.
- (8) He is responsible for the preparation of annual estimates for the portfolio in accordance with the time-table laid down by the Financial Secretary and for referring them to his Member prior to submission. He is the Accounting Officer for Portfolio expenditure only.
- (9) He is responsible for preparing replies to and supplementary information for questions in the Legislative Assembly.
- (10) He is responsible for preparing speeches for his Member for the introduction of bills, official motions and replies to other business in the Legislative Assembly.
- (11) He is responsible for preparation of Executive Council papers for his Member.
- (12) He is responsible for the timely dispatch of business within his portfolio;
- (13) He is responsible for ensuring that all decisions by his Member are properly recorded.
- (14) He is responsible for the recording of minutes of meetings concerning his Member's portfolio.
- (15) He is responsible for proper organisation of the office procedure within his portfolio.

- (16) He is primarily responsible for the training programme within the Portfolio and Departments therein in consultation with the PS/P and the Training Officer.
- (17) He is responsible for ensuring that suitable publicity is given to policies, achievements, decisions and legislation affecting the portfolio after clearance in matters of importance with his Member.
- (18) He is responsible for briefing his Member on the suggested line to take in interviews or discussions on portfolio topics and for furnishing him with the relevant papers.
5. THE PERMANENT SECRETARY (PERSONNEL) is the adviser to the Chief Secretary and the Governor on public service matters (other than those for which the Public Service Commission is statutorily responsible) and has particular responsibility for the following:
- (a) complements and gradings of posts.
  - (b) the of development of salaries and wages policy.
  - (c) terms and conditions of service and the up-dating of General Orders.
  - (d) management systems and procedures.
  - (e) Training policy.
  - (f) The management and maintenance of the Government Administration and Tower Buildings and car parks.
  - (g) Government housing.
6. THE SECRETARY OF THE PUBLIC SERVICE COMMISSION is responsible directly to the Chairman of the Commission for preparing papers concerning appointments to the service, promotions, transfers, terminations and discipline. Heads of Departments deal directly with him about these matters. He oversees general compliance with the Public Service Commission Regulations 1985 and he issues instructions based on the Governor's decisions on Commission advice. He advises the Commission on legal matters relating to the Public Service Commission Regulations 1985 consulting, when necessary, the Attorney General's Chambers. He is responsible for seeing that the Commission's deliberations and the decisions of the Governor are properly recorded and implemented in accordance with the Law.
7. (1) HEADS OF DEPARTMENTS are the chief executive and controlling officers of their departments and are responsible for the efficient administration of their Departments in accordance with relevant professional practice. They operate within the framework of the ethics of their particular professions, General Orders, and Financial and Stores Regulations of Government. They are responsible for financial and personnel

administration within their Departments and will correspond directly with the PS/P and the Accountant General respectively on staff and accounts matters. Their accounting responsibilities are prescribed in Financial and Stores Regulations.

(2) It is the duty of a Head of Department to develop a positive working relationship with his Permanent Secretary so that there is a good reciprocal flow of information on operational matters and public opinion which might have important political repercussions. Permanent Secretaries should give their Heads of Departments full support without interfering in the routine departmental administration of the Department.

8. THE COMMISSIONER OF POLICE has by law the unfettered command of the Police Force. He has direct access to the Governor on security matters at all times. The Chief Secretary is responsible to the Legislative Assembly for business connected with the Force and the Commissioner consults him about political matters. The Commissioner has statutory powers to appoint, discipline and terminate appointments of non-gazetted ranks in the Force but in the case of Gazetted Officers he makes recommendations about such matters to the Governor. The Police Force is subject to General Orders in so far as they relate to terms and conditions of service and the Commissioner where necessary consults with the PS/P.
9. ABSENCE FROM THE ISLAND. No senior officer may leave the Islands without first informing his Head of Department, either on leave by submitting his leave record card for approval, or on duty by informing him of the details of the journey and seeking his approval. Senior Officer for the purposes of this GO means any officer who is remunerated in the super-scale and Head of Department has the same meaning as is assigned to it in the First Schedule of the Public Service Commission Regulations 1985.
10. INTERVIEWS. A Head of Department desiring a formal interview with the Governor should address his request through his Permanent Secretary stating the business he wishes to discuss. Any other officer should address his request through his Head of Department.
11. FLAGS. No flags other than the Union Jack or the Blue Ensign emblazoned with the Cayman Islands coat-of-arms may be flown on Government buildings without the written permission of the Chief Secretary.

14□

## CORRESPONDENCE

1. FORM OF CORRESPONDENCE. Government communications shall take the following forms:
  - (1) Despatch (a highly formal communication between the Secretary of State and the Governor;

- (2) Official letter (formal communication usually to members of the public and outside bodies).
- (3) Savingram (formal to the Foreign and Commonwealth Office)
- (4) Memorandum (formal communication between officers in different Government Departments).
- (5) Demi-official letter, often known as a D/O letter (an informal communication between individuals within Government and also in the Foreign and Commonwealth Office).
- (6) Telegram, telex and facsimile. Formal communication with overseas addressees.
- (7) Minutes (these are usually placed on files) and are formal communications between Government officers dealing with the same subject on the same file.

## 2. ADDRESSING CORRESPONDENCE AND USE OF COLOURED INK

- a. Official correspondence should be addressed by designation as follows:-

Chief Secretary  
 Attorney General  
 Financial Secretary

Permanent Secretaries.

Head of Department as specified in the first schedule to the PSC Regulations 1985.

- b. Prefixes apply to:-

The Governor  
 Members of the Executive Council  
 The Chief Justice and Judges of the Grand Court

- c. Letters after names include honours granted by her Majesty the Queen; MLA; JP; Cert.; Hon.; degrees and professional associations.

- d. Prefixes and titles should not be used in internal correspondence, that is minutes and memoranda between Government departments. For example:-

"From: The Financial Secretary  
 To: The Governor"

"From: The Governor  
 To: The Member for Tourism, Aviation and Trade"



Only in demi-official and formal letters should prefixes and letters after names be used.

e. In external correspondence, that is from Government departments to members of the public, Members of the Legislative Assembly and the Judges of the Grand Court, the appropriate prefixes and letters after names should be used. Care should be taken to get these correct, and in the correct order.

f. Use of coloured ink/biro/pencils - the use of red for manuscript is reserved for the Governor, and green for the Auditor General.

3. OTHER COMMUNICATIONS. Communications on minor matters addressed between Government officers either in notes or telephone calls are, none the less, official communication for the purposes of the Official Secrets Law.
4. COMMUNICATIONS TO THE GOVERNOR. Communications should be addressed to the Governor only where they are for his personal attention or information.
5. CHANNEL OF COMMUNICATION. Official correspondence addressed to the officers listed in para 2 above must be forwarded through the originator's Head of Department and replied to similarly.
6. OFFICIAL CORRESPONDENCE. Official correspondence between the Government and the Foreign and Commonwealth Office shall be over the signature of the Governor. Heads of Departments may not issue official communications of this nature. Semi-official correspondence of a purely professional or technical nature may be conducted between HODs and advisers or professional officers in the Foreign and Commonwealth office or the Overseas Development Administration or other British Government Departments.
7. AUTHORITY FOR CORRESPONDENCE Except for correspondence defined in para 6 and other semi-official correspondence and telegrams each communication should be signed by the originator on behalf of one of the officers listed in para 2 above.
8. EXCO AND GOVERNOR REFERENCES. Where Members of Executive Council are replying to correspondence which has been referred to the Executive Council or the Governor and which would carry more weight if reference was made to the Governor the correspondence should be:

"I am directed by the Governor..."

and be signed by the Chief Secretary, Attorney General, Financial Secretary, or the Permanent Secretary concerned.

9. MEMBERS REFERENCES. Permanent Secretaries, when replying to correspondence on behalf of Members should state:

"I am directed by the Member for .....  
to refer .....

and be signed "Permanent Secretary".

10. REFERENCES TO THE GOVERNOR When the PS/P is dealing with a matter which has been referred to the Governor e.g. in relation to staff not within the purview of the Public Service Commission, he should begin the letter:

"I am directed by the Governor to refer to ...  
and to inform you that .....

or has been referred to the Governor by the Public Service Commission, he should begin :

"I am directed by the Governor acting on the advice of the Public Service Commission to inform you that .....

and will be signed 'Permanent Secretary/Personnel'

11. GOVERNOR'S DELEGATIONS. Where powers conferred upon the Governor are delegated to the Chief Secretary they should refer to the delegation and be signed

"By Command  
Chief Secretary "

12. DEPENDENT TERRITORIES -COMMONWEALTH COUNTRIES. Correspondence with independent Commonwealth Governments or with those of dependent territories is normally conducted by the Governor or the Chief Secretary. Heads of Departments may correspond with their counterparts in the Governments of Commonwealth countries on professional matters that do not involve questions of policy.

13. D/O CORRESPONDENCE. Demi-official communications may be exchanged with individual officers in the British High Commission of another country, with the prior approval of the Financial Secretary on trade or economic matters affecting Commonwealth or United Kingdom, interests.

14. CORRESPONDENCE WITH INDEPENDENT COUNTRIES. Correspondence, even of a routine nature, should not be initiated with other countries except through the Secretary of State but well established channels such as the Regional Office of the UNDP or of the British Development Division for the Caribbean may be used.

15. CORRESPONDENCE WITH THE PUBLIC. Correspondence with members of the public must be dealt with courteously and without delay. Copies of such letters shall not be communicated to other members of the public.
16. CLASSIFIED CORRESPONDENCE. Classified correspondence will be safe-guarded in accordance with Security Instructions. The Instructions provide that all classified communications will be transmitted in two envelopes. The inner envelope should show only:
  - (a) the security classification of contents
  - (b) the addressee
  - (c) the originator's file number
  - (d) the priority marking, if any.

It should be sealed in such a way that it is impossible to open the envelope without damaging the seals or tearing the wrapper. Envelopes may be sealed with wax or by any other method approved by the Government Security Officer. Wax seals must bear a clear imprint on thinly spread wax. The outer envelope should be addressed in the usual way and must not carry any security classification.

17. TELEX AND TELEGRAMS. Telex and cable messages should be typed on the prescribed form and handed into the Computer Service Distribution Room, Administration Building. The message will then be transmitted by the cheapest means.
18. SECURITY CLASSIFICATIONS. The priority and security classification should be inserted in the "forwarded particulars" section of the form but all those classified "restricted" and above will be sent in cipher in any case. Sufficient room must be left in the first line for insertion of the serial number and the classification which should be followed by the recipient's reference. The originating officer must authorise the message by signing the signature and address box at the foot of the forms.
19. DIRECTIVES TO THE SERVICE. Directives or information for general compliance will be issued in one of the following series which will be numbered consecutively starting in January of each year
  - (a) Financial Circulars - by the Financial Secretary or the Accountant General, on financial or accounting matters, or conveying amended pages to Financial Regulations.
  - (b) Personnel Circulars - by the Permanent Secretary (Personnel) on staff matters or conveying amended pages to General Orders.
  - (c) Administrative Circulars - by any senior officer on other matters or conveying amended pages to Administrative Orders. The Chief Secretary Secretary will assign numbers to these circulars.

20. FILING AND RECORDS HODs are responsible for the maintenance of efficient filing and record systems in accordance with the manual of registry procedures. Each Department is responsible for its own filing system. There is no central registry.
21. REGISTRY OFFICERS File systems will be supervised by the Personal Secretary/HEOs or E.O's where no HEO exists who will be responsible for:-
- (a) maintaining an up-to-date file index;
  - (b) numbering and designation of files
  - (c) creation of new files and opening of new parts of files.
22. FILE TITLES. Officers responsible for the subjects designated on files shall:-
- (a) ensure that only one subject is dealt with on a file and inform the officer responsible for maintaining the filing system that there is more than one subject so that a new file can be made.
  - (b) satisfy himself that papers are being filed in a reasonable and orderly fashion (internal minutes should be interleaved in chronological order with other correspondence) and report shortcomings to the officer responsible for maintaining the filing system.
  - (c) see that file movements are correctly recorded in the transit ladder.
23. PERSONAL FILES Files may not be passed out of the offices served by the file series unless it is impossible or the information to be conveyed to the other Department or addressee by memorandum as prescribed in para 1 d above. When it is considered necessary that a file should leave a department a request for this should be passed by minute on the file to the officer responsible for the filing system who is required to satisfy him/herself that no reasonable alternative course of action is feasible before agreeing to the request.
24. PERSONAL FILES of officers shall be maintained by the:-
- (a) Personnel and Management Services Department - all files to be "in confidence"
  - (b) Department - all personnel files to be in confidence
  - (c) Treasury personnel - open correspondence only.
25. TRANSFERS OF PERSONNEL. Where an officer is transferred between Departments it is the responsibility of the HODs to ensure that the Departmental personal files are transferred to

the receiving Department. This applies equally to officers employed in the Administration Building. Personnel Department files will not transfer with officers.

26. PERSONNEL MATTERS IN CONFIDENCE. Matters of personal concern or affecting an officer's private affairs will be treated with discretion at all times and as private between the officer and those whose duty it is to deal with such matters. An officer shall not be allowed access to his personal file but may be given copies of unclassified correspondence which he may need in his personal interest.
27. DESTRUCTION OF FILES. The storing of paper is a costly business and occupies much space. Papers which are unlikely ever to be used again should therefore be destroyed by shredding or burning. However there are certain papers which must be permanently preserved:
  - (a) personnel records
  - (b) reports of anthropology, historical customs, technical subjects, development schemes, and scientific and other investigations.
  - (c) legal, lands and other registers evidence books including death and fire enquiry books, information, summonses, writs, warrants, exhibits, divorce papers, civil court documents, and registers, cause books, criminal abstract books, and any council or court registers.
  - (d) births, marriages and deaths registers.
  - (e) annual departmental reports and any other departmental documents likely to be of permanent interest.
  - (f) law books and journals may not be destroyed without the prior authority of the Attorney General.
28. RECORDS OF DESTRUCTION. A record shall be kept of all files or other records destroyed and the date of destruction.
29. ARCHIVES. Records which are no longer in use and are to be preserved shall be transferred to archives.
30. QUOTING DOCUMENTS. No departmental minute, memorandum, letter or other item of correspondence of a secret or confidential nature may be produced as evidence in a court of law without the prior approval, in writing of the Chief Secretary. No opinion of a legal officer shall be quoted to a private person.

31. AUDIT QUERIES Audit queries shall be dealt with promptly. A register shall be kept in each Department showing the dates of receipt of queries and the dates on which replies are submitted to the Auditor General.

32. PUBLICATIONS. The Senior Information Officer is responsible for the distribution of service publications. The nature of the publication method of reproduction and proposed distribution list should be discussed with the Senior Information Officer immediately the final draft is approved so that he/she is aware that it is about to be produced and may be able to advise on the arrangements for printing and distribution.

33. DISTRIBUTION The completed copies should be passed to the Senior Information Officer with a distribution list. Where the copies do not bear a security classification it will be assumed that they are for sale or distribution to the public. Two copies of the Government publication will be placed in the Government Library and one copy in archives.

34. PRICE The price at which publications are to be sold shall be determined by the Senior Information Officer in consultation with the Accountant General. Complimentary copies will normally be offered only to members of government services and other public bodies. Requests for the presentation of other complimentary copies should be submitted to the Senior Information Officer. The Senior Information Officer will retain copies for the distribution list of each publication showing the number of copies printed, complimentary and other recipients and details of the costs, the number of copies sold and the amount charged.

35. ANNUAL REPORTS Draft annual reports will be prepared for printing by 14th February of the year following that under review by Heads of Departments in consultation with their Permanent Secretaries. Annual reports should be prepared in accordance with the following general pattern:-

(a) they should be divided into chapters and paragraphs and should be numbered on the same system as these Orders.

(b) they should give a clear, concise and objective account of the activities of the department during the period under review with emphasis on any significant developments or progress made. They should not include complaints, criticisms or recommendations for action, or praise or criticism of individuals.

(c) they should include all relevant statistics which may be available. Comparative tables should cover a period of five years including the year under review.

It is the responsibility of the Senior Information officer to arrange for the collation of Departmental Reports their printing, distribution and sale of the Report Annual Report at a price to be agreed with consultation with the Accountant General.

36. THE CAYMAN GAZETTE The Cayman Gazette is published on alternate Mondays and such other occasions as the Governor may order. It contains the following information :-

- (a) non-disallowance of laws
- (b) Operative dates of new enactments
- (c) A list of supplements published with each issue
- (d) Honours and awards
- (e) Government staff changes (appointments, promotions, resignations and terminations, etc. in so far as the posts held are of public interest.)
- (f) Government Notices;
- (g) Public Notices
- (h) Police Notices;
- (i) Court Notices;
- (j) Legal Notices;
- (k) Private announcements as authorised from time to time.

Supplements to the Gazette usually contain:-

- (a) Parliamentary Bills
- (b) Newly Enacted Laws
- (c) Regulations, rules and orders made pursuant to any law
- (d) Reprints of existing laws
- (e) Law Reports

37. LOOSE LEAF LAWS. After 1972 there have been no bound volumes of laws enacted they have been compiled in loose leaf form and loose leaf binders are available from the Government Information Services and Legislative Assembly.

38. Items for inclusion in the Gazette must be submitted to the editor (the Senior Information Officer) before noon on the Wednesday prior to the date of publication. Where appropriate they should bear the official file number.

39. EFFECTIVE DATES OF LAWS Laws come into effect on the day of publication of notification of assent there to unless other provision is specifically made.
40. THE PUBLICATION The Senior Information Officer will arrange for copies of the Gazette to be posted on public notice boards and in all post offices and sub-post offices.
41. GAZETTE AND GAZETTE SUPPLEMENTS A printed copy of the Gazette or a Gazette Supplement purporting to be issued under the authority of the Gazette Law is prima facie evidence of its contents and of its authenticity both within the jurisdiction and without.
42. UPDATING OF LAW BOOKS. Offices to whom publications are issued for their personal use are required to up-date them regularly.

#### 15 □ OFFICIAL FORMS

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1. OFFICIAL FORMS : The following is a list of official forms used in the administration of the Public Service.
2. ORDERS FOR OFFICIAL FORMS: Official forms may be obtained on request from the PS/P.

#### 3. LIST OF FORMS

P1a Application for increase in staff complement

P1b Application for change in staff grading and post title

P2a Vacancy Form

P2b Vacancy Form - recommendation for internal promotion

P3a Application for employment - local

P3b Application for employment - overseas

P4 Recommendation for Acting Appointment

P5a Change of appointment - temporary to pensionable employment

P5b Confirmation to Pensionable employment



- P6 Recommendation for re-engagement of contracted officer
- P7 Application for gratuity
- P8 Application for pension and/or other retirement allowances.
- P9 Extension of temporary appointment
- P10 Three year service qualification
- P11 Certificate of satisfactory performance
- P12 Change of circumstance
- P13 Medical report form
- P14 Accident report form
- P15 Staff training recommendation
- P16 Request for attendance at conferences, workshops and seminars
- P17 Annual confidential report
- P18 Attendance record
- P19 Group employees record card
- P20 Office equipment/furniture inventory
- P21 Furniture inventory of Government quarters
- P22 Application for leave - expatriate officers
- P23 Inspection of Government quarters
- P24 Mileage claim form
- P25 Deleted
- P26 Deleted
- P27 Deleted
- P28 Deleted

P29 Deleted  
P30 Deleted  
P31 Deleted  
P32 Deleted  
P33 Deleted  
P34 Deleted  
P35 Deleted  
P36 Deleted  
P37 Deleted  
P38 Deleted  
P39 Deleted  
P40 Deleted  
P41 Deleted  
P42 Deleted

16□

## BUILDINGS

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1. FIRE PRECAUTIONS. HODS are responsible for adequate fire precautions in public buildings under their charge. An officer shall be designated as fire officer in respect of each building or group of buildings and it will be his duty to prepare instructions for fire drill to ensure that all members of the staff concerned are conversant with it and to see that all fire fighting equipment is both adequate for emergency use and is maintained in proper working order. Fire officers should not hesitate to seek the advice of the Chief Fire Officer regarding arrangements for fire precautions.
2. FIRE OFFICERS IN SHARED BUILDINGS. Where buildings are shared by more than one Department the fire officer will be appointed by the officer in charge of the Department occupying the greater part of the building subject to consultation with the Heads of all Departments concerned.

3. GOVERNMENT ADMINISTRATION BUILDING. The Fire Officer for the Administration Building will be the Maintenance and Security Coordinator. The Chief Secretary will appoint a Fire Officer for the Tower.
4. FIRE EXTINGUISHERS. All Government quarters will be provided with fire extinguishers either individually or in groups in accordance with the advice of the Chief Airport Fire Officer. The Chief Engineer shall be responsible for the provision and maintenance of fire extinguishers.
5. FIRE FIGHTING EQUIPMENT shall, as far as possible, be of a standard type unless fire risks in a particular case are of a special type. Where chemical extinguishers are not available, fire buckets shall be provided, which shall be painted red and filled with sand. Axes should be placed in positions convenient for use. The requisite materials should be available for the immediate re-charging of all discharged extinguishers.
6. THE FIRE SERVICE should be called immediately in case of fire whether there are fire extinguishers available for use or not.
7. KEYS Any keys or duplicate keys of buildings or offices shall be obtained only through the Public Works Department. The Chief Engineer will be responsible for ensuring that the request is reasonable and has been duly authorised.
8. SAFE KEYS Spare and duplicate keys of safes, strong boxes and strong rooms other than those used for the storage of classified material shall be deposited with the Accountant General in sealed and labelled envelopes. Copies of safe combinations will be similarly deposited. A return of safes, strong boxes and strong rooms shall be made to the Accountant General on 1st January each year, showing the type, make, makers reference number and disposition.
9. REGISTER OF KEYS Heads of Departments shall keep a register of all keys in their Departments. Officers taking personal possession of keys shall acknowledge receipt by signature in the register.
10. DUPLICATE KEYS of filing cabinets shall be kept in a safe manner as directed by the Head of Department.
11. LOSS OF KEYS The loss of a key shall be reported immediately to the Head of Department. An Officer who loses a key on his charge will be required to pay the cost of any replacement or change of lock unless he can satisfactorily establish that the loss did not arise from his negligence.
12. SPARE KEYS GOVERNMENT ADMINISTRATION BUILDING The Assistant Controller of Office Services shall be responsible for the safe keeping of spare keys for the Administration Building.
13. RECOMMENDATIONS OF FIRE OFFICER See para 15 of Chapter 10. supra.

## TRANSPORT

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13A. RULES FOR USE OF TRANSPORT. Heads of Departments are responsible for ensuring that Government transport in or allocated to their Departments is used in accordance with the following rules:-

- (a) the Traffic Laws must be complied with;
- (b) vehicles must be used economically and with out overloading.
- (c) vehicles may be used only on official duties unless otherwise directed by the Financial Secretary;
- (d) vehicles must bear clear government markings and the usual identification plates;
- (e) when not in use vehicles shall be parked only in official car parks prescribed by the Head of Dpartment and ignition keys shall be removed and held in safe custody. Vehicle doors shall be left locked;
- (f) where an officer may be required to use a vehicle in an emergency and he has no suitable personal transport in his possession, the Head of Department may permit him to garage a service vehicle at his private house, in which case he will be responsible for its safe-keeping during the period it is allocated to him. The vehicle will, nevertheless, be used only for duty journeys;
- (g) only government officers and Government drivers are authorised to drive government vehicles and only government employees or persons attending a course at a Government institution and engaged in authorised activities may travel in Government vehicles;
- (h) Heads of Department will arrange for a driver, when available, to be allocated permanently to each vehicle;
- (i) Heads of Departments shall ensure that log books are maintained for all vehicles on their charge. They will be submitted to the Director of Vehicle and Equipment Services once each month for scrutiny;
- (j) vehicles will be replenished with fuel only from the Public Works Department pump.

(k) It is not only a criminal offence but it is a serious disciplinary offence which can be punishable by dismissal for a Government driver to be driving a Government vehicle under the influence of alcohol or illicit drugs.

14. PURCHASE OF VEHICLES. All Government vehicles will be purchased through arrangements made by the Director of Vehicle and Equipment Services who will be responsible for ensuring that the most suitable type of vehicle for the purpose for which it is required, and at the most economical cost, is acquired. However there are highly specialised vehicles such as fire engines, ambulances, rescue trucks, garbage vehicles about the purchase of which the Director MUST consult the Head of the appropriate Department.
15. PURCHASE OF SPARE PARTS. All spares and other extras will be purchased by the Director of Vehicle and Equipment Services and held for issue in the departmental un-allocated stores.
16. HIRE OF TRANSPORT. Heads of Departments shall apply to the Director of Vehicle and Equipment Services for the use of transport on short or long term hire, in relation to the funds voted for that purpose in the annual estimates. If a Government vehicle is not available the Director may hire a vehicle at commercial rates provided that the Head of Department meets the full cost from his departmental vote.
17. MAINTENANCE OF VEHICLES. The Director of Vehicle and Equipment Services is responsible for the maintenance of Government vehicles and will arrange for their inspection and overhaul. Any mechanical failure must be notified to the Director as soon as possible and unauthorised persons must not be permitted to carry out repairs. Heads of departments should give him every assistance in ensuring that vehicles are maintained in good running order and that the daily maintenance requirements are understood and complied with by all members of their staff. The Director must consult the appropriate Head of Department if he has any doubt about the competence of the Vehicle and Equipment Services Department to maintain a specialised vehicle.
18. ACCIDENTS. Where a Government vehicle has been involved in an accident causing damage to the vehicle, the driver, or to the person or property of a third party, the officer concerned must report incident to his Head of Department and to the Police as soon as possible and in any case within twenty-four hours.
19. INVESTIGATION OF ACCIDENTS. The Heads of Departments shall within twenty four (2) hours or as soon as possible thereafter notify the Deputy Inspector of Insurance by Memorandum, giving:-
  - the date and time of the accident;
  - department to which the vehicle is assigned;
  - vehicle make and registration number; and
  - driver's name.

They shall also:-

- arrange for an immediate investigation to be made of the circumstances surrounding the accident and the damage sustained;
- request receipt within twenty four (24) hours, from the driver, of a full report of the accident, with statements from any witnesses;
- request the Officer-in-charge, Traffic Department, for a preliminary report of the accident and, possibly, a qualified opinion;
- request from the Director, Department of Vehicle and Equipment Services, an estimate of the cost of repairs to the departmental vehicle. If an insurance claim is to be made, the Director should be requested to prepare and provide the claim form and two estimates for repair costs; and
- request from the Chief Engineer, Public Works Department, an estimate of the cost of repairs to damage property, if applicable.

Within seven days following the investigation, Heads of Department shall submit a report to the Deputy Inspector of Insurance, with a copy to the Director, Vehicle and Equipment Services, the Auditor General and the Financial Secretary giving the following information:-

- (a) the place, time and nature of the accident;
- (b) the circumstances in which it occurred;
- (c) details of the damage to the persons, vehicles or property, both Government and third party;
- (d) an assessment of the cost of making good the damage to vehicles by the Director, Department of Vehicle and Equipment Services and to property by an officer of the Public Works Department, and a preliminary report from the Officer-in-charge, Traffic Department;
- (e) recommendations regarding the write-off of the vehicle if appropriate;
- (f) the name, age and occupation of the driver;
- (g) the names and addresses of any witnesses;
- (h) the names and addresses of any third parties involved;
- (i) recommendations with regard to the recovery of the whole or a part of the cost of making good the damage from any officer or officers bearing in mind that surcharges will normally be made where the officer has been guilty of negligence and/or

has disobeyed Government instructions with regard to the use of vehicles, or the use of the vehicle was not authorised in that particular case. (Reference: Chapter 16. 13A. (a) through (k) Transport)

Recommendation should also take into account all other requirements of General Orders, Financial and Stores Regulations 6.45.2, Colonial Regulations 210 and S.59 of the Police Law.

17□

## HURRICANE PRECAUTIONS

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1. APPOINTMENT OF A LIAISON OFFICER. At the commencement of each hurricane season the Chief Secretary will appoint a Hurricane Liaison Officer who shall be responsible for receiving and disseminating information regarding the progress of hurricanes. Should the designated officer not be available in emergency the Commissioner of Police will act as the Liaison Officer.
  
2. WARNINGS. When a hurricane is likely to affect the Cayman Islands warnings will be phased as follows:-
  - Phase 1 - Likely to strike within forty-eight hours
  - Phase 2 - Likely to strike within twenty-four hours
  - Phase 3 - Likely to strike within twelve hours.
  
3. BULLETINS giving information concerning the progress of the hurricane will be broadcast from Radio Cayman at not less than hourly intervals from Phase 2 onwards. In Phase 3 the station will remain on the air and broadcast information at the discretion of the Liaison Officer in consultation with the Director of Broadcasting. Radio Cayman broadcasts on wave lengths of 105.3 MHz FM and 1555 and 1205 kHz AM.
  
4. FLAG WARNINGS. The following flag warnings will also be flown by day at the Tower and the Post Office in George Town, the District Commissioner's office in Cayman Brac and at all Police Stations:-
  - Phase 1 - 1 red flag
  - Phase 2 - 1 red flag with a black square in the centre
  - Phase 3 - 2 red flags with black squares in the centre
  
5. DISTRIBUTION OF WARNINGS. The Liaison Officer will pass all warnings to the following, personally, by the most expeditious means:-

H.E. the Governor  
Chief Secretary  
Commissioner of Police  
District Commissioner  
Chief Medical Officer  
Director of Civil Aviation Authority  
Director of Broadcasting  
Chief Education Officer  
Other Members of the Executive Council  
General Manager, Cable & Wireless  
Red Cross Society  
Wardens of Emergency Centres

Chief Engineer  
Director, M.R.C.U.  
Collector of Customs  
Manager, Cayman Turtle Farm  
Permanent Secretaries  
Attorney General  
Postmaster  
Manager, Caribbean Utilities

6. AN EMERGENCY CONTROL CENTRE at Police Headquarters will be manned from Phase 2 onwards. The following Departments will be represented at the control centre which will be supervised by the Liaison Officer.

Administration  
Police  
Public Works Department  
Mosquito Research & Control Unit  
Health Department

7. RADIO NET. The Commissioner of Police will be responsible for maintaining an effective radio net between the control centre and the fire, ambulance and heavy rescue services, and emergency centres.
8. APPOINTMENT OF WARDENS. At the commencement of each hurricane season the Liaison Officer will appoint Wardens to control emergency centres at the following locations:-

George Town - Town Hall  
West Bay - Town Hall  
Bodden Town - Town Hall and School  
East End - Town Hall and School



North Side - Town Hall and School  
Old Man Bay - Home of Ms. Elery Miller  
Savannah - School  
Breakers - Church of God Gospel Hall  
South Sound - High School Hall

9. CANCELLATION OF WARNINGS. Hurricane warnings will not be relaxed or cancelled except on the authority of the Liaison Officer.
10. OFFICERS TO REMAIN INDOORS. During the course of a hurricane all personnel will remain indoors and maintain radio communication as far as possible by leaving receiving sets switched on. All naked lights must be extinguished.
11. SURVEY OF DAMAGE. The Commissioner of Police will be responsible for organising a comprehensive survey of damage done to persons, telephone communications and property. passed to the control centre where remedial action will be organised.
12. CONTENT OF REPORTS. Reports should include the following information:-
  - (a) persons killed or injured;
  - (b) persons in distress and homeless and their place of shelter;
  - (c) general condition of inhabitants with regard to food supplies, clothing and shelter;
  - (d) damage to residential accommodation, offices and business premises Government property, crops or other food supplies;
  - (e) animals or stock killed or injured;
  - (f) damage to communications:-
    - Roads-Airport
    - Telegraph
    - Telephone
    - Radio
  - (g) damage to ships and other vessels.

13. CONTROL COMMITTEES. In relation to the scale of damage caused, relief operations will be controlled by four committees, the chairmen and members of which will be appointed by the Liaison Officer at the commencement to each hurricane season, which will cover the following:-
- (a) heavy rescue and clearance operations;
  - (b) collection and distribution of food and water;
  - (c) collection and distribution of clothing;
  - (d) continuing rehabilitation
14. OTHER INSTRUCTIONS. These instructions are to be read in conjunction with any information disseminated by the Liaison Officer during any calendar year for the guidance of the general public.

18□

#### MEDICAL

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1. MEDICAL EXAMINATIONS Officers appointed to any office in the Public Service on any terms accept appointment on the following understanding -
- (1) if appointed on pensionable or contract terms their appointments are subject to a certificate of medical fitness completed on the prescribed form by a medical officer approved by the Chief Medical Officer, (Appendix I) The original Certificate shall in the case of local appointments be sent to the Chief Medical Officer, and in the case of overseas recruits it should be sent direct to the Secretary of the Public Service Commission.
  - (2) A contract officer whose contract is renewed must before proceeding on leave between contracts present himself to a medical officer approved by the Chief Medical Officer for medical examination the success of which is a pre-requisite to the renewal of his contract. This examination is on no particular form and it is at the discretion of the medical officer what tests, x-rays etc., he wants, if any, before signing the certificate of fitness.
  - (3) During his service any officer serving on any terms including hourly rates may be required by his Head of Department or by a Constable on the request of his Head of Department, without prior notice, to present himself at the Hospital for medical examination including such tests as the medical officer may think fit including tests for excessive blood alcohol or illicit use of drugs.
  - (4) Refusal to take tests or medical examinations, or positive alcohol or drugs tests could result in disciplinary action under Part V of Public Service Commission Regulations 1985 to the full extent of the punishments laid down in Regulation 45 thereof.

2. TREATMENT - ENTITLED OFFICERS. The categories of Public officers entitled to free medical, dental and optical treatment are as follows:
  - (1) officers in the pensionable establishment or on probation thereto;
  - (2) officers serving on local and overseas contracts;
  - (3) group employees and temporary officers who have completed 3 years continuous service including situations where the illness was contracted prior to the date of qualification for treatment.
3. EXTENT OF ENTITLEMENT The entitlement extends to an officer his/her spouse and children, provided that the treatment is necessary and not elective and that the necessity does not arise from the individual's own indiscretion or negligence.
4. DENTAL TREATMENT Free dental treatment includes fillings (not gold) and extractions, one half (1/2) the cost of dentures in plastic or chrome cobalt, (where in the opinion of the Dental Surgeon plastic would not be practical), crowns but not bridges. Cosmetic dentistry is not included in free dental treatment.
5. PRIVATE TREATMENT Government will not assume responsibility for the payment of bills if an officer or a member of his family chooses to consult a private practitioner. If an officer or a member of his family goes to a private practitioner he must meet the professional fees himself. Free hospitalisation and ancillary care will be provided in a government hospital whether the admitting practitioner is a government medical officer or not.
6. REFERENCE TO PRIVATE PRACTITIONERS. In some cases the Chief Medical Officer may find it necessary to refer a public officer or member of his family to a specialist who is practicing privately because the necessary expertise may not be available in the Government medical service. In these cases the Chief Medical Officer will make arrangements for the consultation and the Private Practitioner will forward his bill direct to PS/H&HS who controls the vote from which such bills are discharged.
7. OVERSEAS MEDICAL TREATMENT When an officer or member of his family is referred to a hospital overseas their referral and the arrangements for admission will be made by the Government Hospital. In certain cases arrangements are made on the request of the Chief Medical Officer by the Personnel Department for an officer to be admitted to a hospital in the United Kingdom. The Government will meet the cost of the air fare of the officer in his air fare grade of entitlement. The bills for treatment and hospitalisation are then sent direct by the admitting hospital to PS/H&HS. In any other circumstances Government will not meet the cost of the treatment, hospitalisation or accommodation and officers must not be surprised when Government refuses to pay a bill which has been incurred by the officer himself by going direct to a private practitioner or hospital without previous reference to the Chief Medical Officer.

8. OVERSEAS MEDICAL COSTS When an officer is referred to an overseas hospital he will not be required to reimburse any part of the cost of air fare, medical treatment, diagnostic tests, X-rays, etc., but the officer will have to pay the difference between the hospital accommodation cost in the treatment hospital and the prescribed accommodation rate in the George Town hospital. If the officer dies overseas Government will meet the transportation costs of returning his body to Cayman.

9. OVERSEAS OUTPATIENT TREATMENT. When an officer attends an overseas hospital as a result of his being referred by the Chief Medical Officer and he is treated as an outpatient the Government will not reimburse any part of his accommodation. However, in cases of serious debilitating disease where an officer is required to attend the hospital continuously as an outpatient for long periods, approval may be given by the Permanent Secretary (Personnel), on the recommendation of the Chief Medical Officer, for the patient to be accommodated in approved hospital outpatient facilities, or similar accommodation, to save the high cost of in-patient care.

10. PUBLIC OFFICER PENSIONERS. The rules in this Chapter apply to Public Service Pensioners.

11. OPTICAL TREATMENT. Once every two years (and six months in the case of ATCO's and Pilots in Government Service) an officer and his/her dependants as defined in Cap 18 2 are entitled to have their eyes tested at Government expense and if they need lenses Government will pay for lenses but NOT the glasses frames. The two years rule applies to ATCO and Pilots' dependants. Government will not pay for contact lenses but it will permit an officer to set off the cost of lenses as assessed by the optician against the cost of contact lenses.

12. WOMEN ATCOS. The Air Navigation (Overseas Territories) Order requires the practicing licence of a woman ATCO to be withdrawn immediately if she becomes pregnant. The licence will be restored after the birth of the child and the Medical Officer has declared the officer fit for duty. During this suspension period the officer will be transferred to other duties and if a relief officer is necessary the Director of Civil Aviation Authority should apply to the Financial Secretary for a supernumerary post.

13. INJURY ON DUTY. If any officer on whatever terms of service, is injured in the execution of his/her duty, it not being due to the officer's own negligence, he/she shall continue to receive full pay while recovering from his/her injury, he/she will be treated either in Cayman Government Hospitals or with the agreement of the Chief Medical Officer, in overseas Hospitals. This will be at Government expense and no part of the cost of hospitalisation or treatment will fall on the officer.

19□

GROUP EMPLOYEES

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1. APPLICATION This chapter of General Orders applies to Group Employees of Government. Group employees are the Government's temporary labour force which is subject to expansion and contraction according to Government needs. They are not therefore pensionable and their remuneration is expressed in hourly rates.
2. DEFINITION "Employing Officer" means any salaried officer who is responsible for the supervision of employees and designated as such in writing by his Head of Department.
3. HEADS OF DEPARTMENT - POWERS.
  - (1) the number of regular employees specified under the "wages" sub-head of the approved estimates may be employed by heads of departments;
  - (2) heads of departments may also employ the number of employees for which financial provision is made in any other vote except personal emoluments for the purpose of performing Government work from time to time.
  - (3) no expatriate employee shall be employed without the head of department first applying to the Chief Immigration officer on the appropriate form for permission to employ the expatriate employee and approval being given by the Chief Immigration Officer in writing;
  - (4) no head of department may employ any employee against provision for an established office or any financial savings from such an office or offices without the express consent of the Governor after seeking the Public Service Commission advice.
4. WRITTEN CONTRACTS OF EMPLOYMENT. A contract of employment in the form prescribed P 13 shall be completed on the engagement of every group employee by the Head of Department or an Employing Officer. These contract forms may be used only when persons are employed against Groups stated in the schedule hereto and must not be used to employed persons against established posts. (See the Third Schedule to PSC Regulations).
5. OCCUPATIONAL GROUPS. Tasks are classified according to skills or responsibilities and assigned to wage groups. The classification is shown in an appendix to the Approved Estimates. The current classification is repeated at Appendix 19.1 hereto.
6. TRADE TESTS. Employees may be engaged only against jobs listed in Appendix 19.1 and paid the group rate for that job. Where a job is defined as being of a trade test standard persons shall not be paid the group rate unless they have attained that standard.
7. CORRECT ALLOCATION OF GROUPS. It is the responsibility of Heads of Department and employing officers to ensure that duties being performed by employees are correctly described in the job designation against which they are being paid. Where there may be doubt

concerning the correct designation or a Head of Department wishes to change a designation or grading or where a new job has been created which is not listed in Appendix 19.1 the Head of Department may fix the Group and designation and inform the Permanent Secretary (Personnel) that he has done so giving the classification.

8. TRANSFERS. The transfer of an employee to a job in an alternative group requires the prior approval of the Head of Department.
9. RATES OF PAY. In determining the pay point within the group rate at which an employee may start in a particular job the employing officer may have regard to previous relevant experience. Increases in pay within the group may not be awarded oftener than once in each calendar year, on the basis of the employees satisfactory work, regular attendance and good conduct.
10. HOURS OF WORK. The normal working week shall be one of forty hours. An employing officer may arrange hours of work in accordance with the need of the Service.
11. OVERTIME. Employees may be paid overtime for all hours worked in excess of 40 hours in any one week whether an employee works a five or a six day week.
12. OVERTIME RATES. The rates for payment of over-time hours shall be as follows:-
  - (1) time-and-a-half for normal working days and Saturdays;
  - (2) double time for Sundays and Public Holidays
  - (3) Overtime must be approved in advance by the Head of Department
13. NOTICE OF TERMINATION. Group Employees shall be entitled to the following periods of notice depending on category:-
  - (1) those with less than six months service Day's end
  - (2) those with between six months and less than 3 years' service 7 clear calendar days
  - (3) those with 3 years' service and over 14 clear calendar days.
14. DISCIPLINE. The Head of Department may take disciplinary action against any employee in circumstances which the Head of Department considers detrimental to the public interest examples are:-
  - (1) where an employee is guilty of misconduct whether in the course of his duties or otherwise;

- (2) when an employee is wilfully disobedient of lawful orders given by a superior officer;
- (3) when an employee does not have the skill which he expressly or implicitly claimed he possessed;
- (4) for habitual or substantial neglect of duties;
- (5) for drunkenness of a kind liable to have a serious effect upon his work or for assault or other improper behaviour whether or not it leads to criminal proceedings;

15. DISCIPLINARY PROCEDURE. It is essentially in the interests of common justice -

- (1) that in any disciplinary action the employee is informed in writing of the charges brought against him and that he is given an opportunity to exculpate himself;
- (2) that if he requests it the employee is given an opportunity to appear before the Head of Department to explain his conduct and defend himself

16. ACTION BY A HEAD OF DEPARTMENT If the Head of Department considers that the employee has not given a satisfactory explanation of his conduct and has not exculpated himself the Head of Department may take one or more of the following courses of action:-

- (1) suspend the employee from duty without pay pending further investigation of the circumstances of the case.
- (2) warn the employee that any repetition of the conduct could jeopardise his employment or his prospects; such warnings must be in writing and a copy attached to the employee's record;
- (3) reprimand the employee in writing and attach a copy of the reprimand to the employee record;
- (4) demote the employee where he holds a supervisory post;
- (5) dismiss the employee in writing within 7 days of the decision being taken.

17. APPEAL. When disciplinary action has been taken by a Head of Department under para 14 above the employee may appeal against the decision of the head of Department to the Permanent Secretary of the appropriate Portfolio who may confirm, vary or increase the punishment at his discretion.

18. FIRST IN, LAST OUT. Government's policy when work is expanding is to take on Caymanians first given equal skills and then expatriate labour. When work is contracting the general rule will be LAST IN FIRST OUT

SAVE that given similar skills expatriate labour will be laid off before Caymanian labour.

19. SEVERANCE PAY is payable to an employee or in the case of (5) to his estate, at the rate of 10 working days' pay, at his current rate of pay, for each period of one year's (221 working days i.e. 365 - 104 Saturdays and Sundays - 10 public holidays) satisfactory service or part thereof up to a maximum of 10 years if his employment is terminated for one of the following reasons

- (1) on medical grounds that he is no longer fit by reason of infirmity of body or mind from giving further useful service;
- (2) on grounds of incapacity due to age;
- (3) in the public interest;
- (4) on grounds of redundancy;
- (5) where the employee dies while in the Service of Government;
- (6) on reaching 60 years of age and completing 5 years service;

20. PENSIONS. In those cases where the Caymanian employee has exceeded 10 years of full time continuous satisfactory service and his employment is terminated in any of the circumstances set out in para 19 above he will not be awarded severance pay but he will be entitled to the benefits of Pensions Regulation 26 i.e. an annual allowance.

21. RECORDS. To obtain the benefits of either para 12 or 13 above the employee's service record must be verified.

22. SUBSEQUENT EMPLOYMENT. A Caymanian employee who has received severance pay and is subsequently re-engaged is not thereby precluded from qualifying for an award on the subsequent occasion but may not receive a second award in respect of the same period.

23. ANNUAL LEAVE. Group employees shall be eligible, subject to the convenience of the Service, to the following leave:-

HOURLY RATES	UNDER 7 YEARS	7 YEARS & OVER
\$7.65 and below	12 days	18 days
\$7.97 - 12.44	18 days	23 days



Days = working days for leave purposes

24. RULES ABOUT LEAVE. The following rules apply to all awards of leave:-
- (1) no leave may be granted to any employee until he has completed six months continuous service;
  - (2) leave may not be deferred from one year to another;
  - (3) nothing in this regulation shall entitle any employee to leave as of right ;
  - (4) payment of wages in lieu of leave shall not be made.
25. PUBLIC HOLIDAYS An employee who is not required to work on a Public Holiday will be paid the basic wage he would normally have received for work performed on that day, provided he worked his scheduled work day immediately before and his scheduled work day immediately after the said public holiday. An employee who works on a public holiday will in addition to his basic wage for that day also be paid his normal rate of pay for each hour of work not in excess of his normal day, and double his normal rate of pay for each hour of work in excess of his normal work day.
26. A. SICK LEAVE After six months continuous service an employee may be granted by his Head of Department up to 10 days sick leave on full pay in each calendar year provided that:
- (1) the incapacity has not been caused by the employees misconduct or negligence;
  - (2) a continuous absence sick for more than three days requires a medical certificate endorsed by a Government Medical Officer.
- After 3 years continuous service an employee may be granted extended sick leave in accordance with the provisions of General Orders 5.24 relating to temporary officers.
- B. OTHER LEAVE
- (1) Compassionate leave - after 6 months continuous service an employee will be eligible for compassionate leave in accordance with the provisions of paragraph 5.37.
  - (2) Special Leave - after 3 years continuous service an employee will be eligible for special leave as provided in G.O. 5.18.

27. ACTION ON INJURY. When an employee sustains an injury while on the job he should be given such first aid treatment as is necessary and taken to hospital with all possible speed.
28. ACCIDENT REPORTS. Heads of Departments shall report all accidents, serious illness, or deaths occurring while an employee is on duty to the Permanent Secretary (Personnel) forthwith, giving the following details:-
- (1) Name of Department
  - (2) the place, time and nature of the accident
  - (3) the circumstances in which the accident occurred
  - (4) the Name, age, sex, occupation and address of the employee
  - (5) the names and addresses of any witnesses
29. INJURED ON DUTY An employee who is injured on duty or contracts illness as a result of duty shall be entitled to full pay during his absence while recovering from the injury or illness, free medical treatment including drugs and dressings, and hospital accommodation whatever the length of his/her service, until he/she is deemed fit to return to his/her normal duties or until his/her employment is terminated in accordance with GO 19 (a). Otherwise a Government employee will not be eligible for free medical treatment for herself/ himself his wife and children until he/she has completed 3 years continuous service.
30. RECORDS OF SERVICE. Heads of Department shall maintain records of Service on all employees in the form prescribed  
P16. On termination of an employee's service the card should be retain in case he is re-engaged. Where an employee transfers from one Department to another the card should be forwarded to his new Department. On first engagement all employees should be asked if they have any previous service with the Government to enable a continuous record to be maintained.
31. Sleep-in Allowance - An allowance of \$20 per night is payable to Community Care/Child Care Workers for each night during which they are required to sleep-in at a client's house between the hours of 11:00 p.m. and 7:00 a.m. in order to provide relevant care needed by the client.

## OCCUPATIONAL GROUPS AND RATES OF PAY

### GROUP A - SEMI AND UNSKILLED LABOUR

1991 1992

	OLD	NEW			
AA0001	4.25	4.46		0902 Caretaker	0913 Watchman
				0903 Messenger	0999 Cleaner
AA0002	4.43	4.65		0906 Porter	9106 Assistant Cook
				0912 Maid	
AA0003	4.61	4.84			
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AB0001	4.80	5.04		0915 Groundsman	9107 Street Cleaner
				0916 Head Caretaker	0904 Security Guard II
AB0002	5.00	5.25		0917 Head Cleaner	0922 Telephone Operator
				0918 Lab Attendant	0385 Nursing Attendant
AB0003	5.20	5.46		0919 Storeman	0923 Receptionist
				0921 Office Attend.II	
				0999 Cleaner	
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AC0001	5.42	5.69		0900 Office Attend. I	0928 Cook
				0905 Community Worker	0929 Nurseryman
AC0002	5.66	5.94		0907 Sub-Postmaster	0930 Spray Operator
				0925 Boatman	0931 Swamper
AC0003	5.88	6.17		0926 Chainman	0932 Warehouseman
				0927 Collector	0934 Library Asst.
				0917 Cleaner (Education Only)	
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AD0001	6.37	6.69		0911 Chief Cook	0941 Snr. Chainman
				0914 Chainsaw Oper.	0942 Tally Clerk
AD0002	6.63	6.96		(M.R.C.U)	
				0936 Butler	0943 Security Guard I
AD0003	6.91	7.26		0937 Fork Lift Oper.	0944 Warehouse Keeper
				0938 Foreman Swamper	0945 Jr. Port Disin-
AD0004	7.19	7.55		0939 Mntce. Asst.	Section Officer
				Plant Foreman	
AD0005	7.49	7.86		0991 Head Gardner	0990 Foreman (Smith
				(Gov't House)	
				Road farm)	
				0809 Senior Farm	
					Assistant

GROUP B - SKILLED LABOUR

	1991 OLD	1992 NEW	
BA0001	5.42	5.69	0946 Carpenter III 0947 Electrician III   0948 Labourer 0949 Mechanic III
BA0002	5.66	5.94	0952 Plumber III 0953 Driver   0954 Asphalt Worker
BA0003	5.88	6.17	
<hr/>			
BB0001	6.12	6.43	0801 Engineering Aide III 
BB0002	6.37	6.69	0955 Assistant Operator   0956 Heavy Vehicle Driver II
BB0003	6.63	6.96	
<hr/>			
BC0001	6.91	7.26	0920 Tile Layer II 0965 Welder II   0957 Carpenter II 0966 Machinist
BC0002	7.19	7.55	0958 Electrician II 0989 Painter II   0959 Heavy Equipment 0968 Mechanic II
BC0003	7.49	7.86	Operator II 0979 Air Conditioning   0961 Heavy Vhcl Drv.I Technician II
BC0004	7.80	8.19	0962 Mason II 0981 Roofer II   0963 Panel Beater II 0982 Sheetrock Hanger   0964 Steel Fixer 0808 Plumber II 0802 Engineering Aide II
<hr/>			
BD0001 Finisher	8.12	8.53	0969 Carpenter I 0983 Sheetrock   0971 Electrician I 0984 Roofer I
BD0002	8.45	8.87	0972 Heavy Equipment 0985 Tile Layer I   Operator I 0986 Cabinetmaker
BD0003	8.80	9.24	0973 Mason I 0987 Snr Tally Clerk   0974 Mechanic I 0988 Snr Warehouse

BD0004	9.17	9.63		0975 Panel Beater I	Clerk
				0976 Plumber I	0967 Painter I
				0977 Welder I	0803 Engineering Aide I
		0980 Air Conditioning		0805 Microfilm Technician	
		Technician I		0806 General Assistant	

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BE0001	9.94	10.44		0804 Engineering Assistant	
				0978 Foreman	
BE0002	10.35	10.87		0807 Photographic Technician	

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GROUP C - GOVERNMENT HOUSE

	1991	1992		
	OLD	NEW		
CA0001	5.42	5.69		
CA0002	5.66	5.94		0924 Maid (Governors)
				0992 Steward (Governors)
CA0003	5.88	6.17		

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CB0001	6.91	7.26		
CB0002	7.19	7.55		9110 House Manageress (Gov.)
CB0003	7.49	7.86		
CB0004	7.80	8.19		

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CC0001	9.94	10.44	
			9109 Chef/Supervisor (Gov.)
CC0002	10.35	10.87	

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## INDEX

### PART I: PRELIMINARY

REG.

1. Citation.
2. Interpretation.

### PART II: THE COMMISSION

3. Composition of The Commission.
4. Temporary membership.
5. Secretary.
6. Procedure, quorum, voting.
7. Record of meetings.
8. Circulation of papers .
9. Frequency of meetings.
10. Consultation.
11. Availability of documents.

12. Improper Influence.
13. False information.
14. Oath of office.
15. Unauthorised disclosure.
16. Privilege of documents.

### PART III: APPOINTMENTS, PROMOTIONS AND TRANSFERS

17. Functions of the Commission.
18. Supervision of recruitment.
19. Selection for promotion.
20. Selection for acting appointments.
21. Selection for training.
22. Selection for transfer.
23. Annual Confidential Reports.
24. Access to the Commission.
25. Procedure in case of urgency.

### PART IV: DETERMINATION OF APPOINTMENTS AND EXTENSION OF PROBATIONARY SERVICE.

26. Functions of the Commission.
27. Retirement after prescribed age.
28. Abolition of office
29. Retirement to improve organisation.
30. Premature termination of agreement etc.
31. Probationary appointments.

### PART V: DISCIPLINE

32. Functions of the Commission.
33. Procedure.
34. Prosecution.
35. No disciplinary action pending proceedings.
36. Discipline after acquittal.
37. Copies of evidence etc.
38. Appeals.
39. Administrative officers.
40. Delegation of powers.
41. Interdiction.
42. Suspension.
43. No salary on conviction.
44. Restriction of movement.

45. Penalties.
46. Financial Secretary powers.
47. Misconduct justifying dismissal.
48. Alternative to proceedings under regulation 47.
49. Conviction of a pensionable officer.
50. Proceedings against a contract officer.
51. Proceedings against a non-pensionable officer.
52. Absence without leave.
53. Withholding increments.
54. Restoration of increments.
55. Saving contractual position.
56. Request for renewal of contract.
57. Procedure.

## PART VI: REVOCATIONS

58. Revocation.

### THE PUBLIC SERVICE COMMISSION LAW, 1975

#### THE PUBLIC SERVICE COMMISSION REGULATIONS, 1985

In exercise of powers vested in the Governor in Council by Section 7 of the Public Service Commission Law 1975, the following Regulations are hereby made.

## PART I

### PRELIMINARY

1. CITATION. These Regulations may be cited as the Public Service Commission Regulations, 1985 .

2. INTERPRETATION. In these Regulations unless the context otherwise requires-

- |                        |   |
|------------------------|---|
| administrative officer | includes all Permanent Secretaries (other than the Chief Justice and the Attorney General), Senior Assistant Secretaries and Assistant Secretaries; |
| agreement              | shall not be deemed to include employment -<br>(a) on pensionable terms;  |



(b) in an office which is not enumerated in the personal emoluments sub-head of the approved Government estimates or a post the remuneration of which is paid from any savings thereunder;

(c) under a written contract in an office for a period of six months or less;

(d) in an office the remuneration of which is payable with reference to daily or hourly rates of pay;

appointment means (a) the engagement in a public office of a public officer whether or not subject to subsequent confirmation of a person not in the public service;

(b) the grant of pensionable terms of service in a public office to a non-pensionable public officer;

(c) the engagement in a public office on agreement terms of service for a further period of service on the conclusion of his previous period of engagement on agreement terms in the same or other public office; or

(d) the appointment of a public officer to act in any public office other than the office to which he is substantively appointed.

chairman means the chairman of the Commission and any person acting in that capacity;

common user post means a post in one of the following classes -  
- executive class  
- clerical class  
- stenographic class  
- typist class;

disciplinary control means includes control in so far as it relates to control dismissal;

Education Council means the Education Council appointed under Section 3 of the Education Law, 1983;

Head of Department means subject to regulation 39 in relation to any officer referred to in Column III of the First Schedule to these Regulations the officer respectively specified in Column II of that Schedule to be such Head:

Provided however that for the purpose of Parts I, II, III, and IV of these regulations the Permanent Secretary (Personnel) shall be the Head of Department for all officers in common user posts;

member means a member of the Commission and includes any person temporarily appointed as such under the provisions of these regulations;

office & public office have the same meaning as specified in the Cayman Islands (Constitution) Order 1972 s. 50 (1).

Permanent Secretary includes the Chief Justice, the Attorney General, the Financial Secretary, the Administrative Secretary the Deputy Financial Secretary, and the District Commissioner;

promotion means the conferment upon a person in the public service of a public office to which is attached a higher salary or higher scale than that attached to the public office to which he was last substantively appointed;

salary means basic salary;

salary grade with respect to a post means the salary grade applicable to that post in the annual estimates;

secretary means the Secretary of the Commission or any person discharging the duties thereof;

transfer means the conferment whether permanently or otherwise of some public office on a public officer other than that to which the officer was last substantively appointed which does not constitute a promotion and which does not refer to the posting of an officer between duty posts in the same grade.

## PART II

### THE COMMISSION

3. COMPOSITION OF THE COMMISSION. The Commission shall consist of a chairman and not less than four nor more than six other members to be appointed by the Governor and shall hold office at the pleasure of the Governor. The chairman shall be paid such allowance as shall be laid down by the Governor from time to time and the chairman and members shall be paid such subsistence and travelling allowances as the Governor shall from time to time decide. The chairman of the Commission shall at all times have direct access to the Governor.
4. TEMPORARY MEMBERSHIP. The Governor may appoint as deputy chairman one of the members and may also appoint a temporary chairman or a temporary member if for any reason the chairman, deputy chairman or a member is unable to perform the functions of his office.
5. SECRETARY. The Commission shall have a secretary appointed by the Governor provided that the Financial Secretary may appoint a temporary secretary if the secretary is unable to perform the functions of his office. The secretary who shall be a public officer shall not be a member of the Commission.

6. PROCEDURE, QUORUM, VOTING.

- (1) The chairman and two other members shall constitute a quorum:  
Provided that if at any meeting three members are present but the chairman and deputy chairman, if any, are absent, the members so present may appoint one of their number to act as chairman at that meeting and he and the other two members present shall form a quorum.
- (2) Save as provided in regulation 8 all decisions of the Commission shall be by majority vote of members present, provided that the chairman shall have a casting vote whenever the voting is equal.

7. RECORD OF MEETINGS. The secretary shall keep a record of the members present and of the business transacted at every meeting of the Commission. Any member who is present at a meeting when a decision is made shall be entitled to dissent therefrom and to have his dissent and his reasons therefor set out in the record of the meeting.

8. CIRCULATION OF PAPERS. Notwithstanding regulation 6 decisions may be made by the Commission without a meeting by circulation of the relevant papers to the chairman and the members and the expression of their views in writing and in such case the decision shall be the view of the majority as so expressed:

PROVIDED that -

- (a) agreement to proposals circulated shall be assumed if a member does not respond to the circulation of papers within forty eight hours of delivery of the proposals;
- (b) if the chairman or any member requires that a decision on a matter being dealt with by circulation of the relevant papers should be deferred until the subject matter may be considered at a meeting of the Commission no decision shall be made on that subject except at a meeting of the Commission;
- (c) where the chairman or a member dissents from a view recorded by a majority on papers circulated for a decision, the decision shall not be implemented until the dissenting chairman or member records the reasons for his view.

9. FREQUENCY OF MEETINGS. The Commission shall meet not less than twice monthly and at such intervals as are necessary in the opinion of the chairman to ensure the speedy dispatch of the Commission's business.

10. CONSULTATION.

- (1) The Commission may require any public officer (excluding the President of the Court of Appeal, a Justice of Appeal or a Judge of the Grand Court) to attend and give evidence before it concerning any matter which it is empowered to consider in exercise of its functions under these regulations and may require the production of any official documents relating to any such matter.
- (2) Any public officer who without reasonable excuse fails to appear before the Commission when required to do so or who fails to comply with any request made by

the Commission or with any requirements of these regulations shall be liable to disciplinary action.

11. AVAILABILITY OF DOCUMENTS. Any public officer who submits any matter for the consideration of the Commission shall ensure that all relevant documents and papers are made available to the Commission.
12. IMPROPER INFLUENCE. Any public officer who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or of the chairman or of any member shall be liable to disciplinary proceedings.
13. FALSE INFORMATION. Any public officer who in connection with any application by any person for employment or promotion in the public service or with any matter upon which it is the duty of the Commission to advise the Governor or to make any decision wilfully gives to the Commission, the chairman or any member thereof or to any person or body of persons required to assist the Commission in the exercise of its functions any information which he does not believe to be true by reason of the omission of any material particular or otherwise shall be liable to disciplinary proceedings.
14. OATH OF OFFICE.
  - (1) The chairman and other members of the Commission shall, as soon as possible after appointment take the oath set out in Form I of the Second Schedule.
  - (2) Every person appointed to be a member of the staff of the Commission shall as soon as possible after appointment take the oath set out in Form II of the Second Schedule.
15. UNAUTHORISED DISCLOSURE.
  - (1) Neither the chairman nor any member nor any person shall without the written permission of the Governor publish or disclose to any person otherwise than in the exercise of his functions under these regulations the contents of any document conversation or information whatsoever which has come to his notice in the course of his duties under these Regulations in respect of any matter referred to the Commission or dealt with by any officer holding delegated authority.
  - (2) If any public officer having possession of any information which to his knowledge has been disclosed in contravention of sub-regulation (1) publishes or discloses such information to any other person otherwise than for the purpose of any prosecution or proceedings under these Regulations he shall be liable to disciplinary proceedings.
16. PRIVILEGE OF DOCUMENTS
  - (1) Any report, statement or other communication or documents. record of any meeting inquiry or proceedings which the Commission may make in exercise of its functions or any member may make in performance of his duties or in discharge of any duty to the

Governor or to any public officer shall be privileged in that its production may not be used in any legal proceedings if the Governor certifies that such production is not in the public interest .

- (2) The chairman and members shall have such and the like protection and privilege in case of any actions or suits brought against him or them for any act done or omitted to be done in the execution of his or their duties as is by law given to acts done or words spoken by a Judge of the Grand Court in the exercise of his judicial office.

### PART III APPOINTMENTS, PROMOTIONS AND TRANSFERS

17. FUNCTIONS OF THE COMMISSION. The Commission shall advise the Governor on the following save that any matter relating to the offices in the Third Schedule shall not be considered by the Commission -
  - (a) appointments, promotions and transfers of public officers;
  - (b) petitions by public officers to the Governor against decisions made by him by Heads of Departments or by other public officers in respect of appointments, promotions or transfers;
  - (c) selection of public officers for training courses .
18. SUPERVISION OF RECRUITMENT.
  - (1) In order to perform its functions under regulation 17 the Commission shall advise on all schemes for admission to any public office;
  - (2) The Commission shall inform the Education Council of the needs of the Public Service;
  - (3) The Commission shall advise on all other methods of recruitment including the appointment and procedures of boards or committees for the selection of candidates;
  - (4) The Commission shall take into account the need to fill posts in the Public Service as quickly as possible with persons of Caymanian status and the need to maintain efficiency.
  - (5) Subject to sub-regulation (4), in considering the claims of persons for appointment to public offices the Commission shall take into account the claims of serving public officers before other persons.
  - (6) Subject to the Government's commitment to consider bonded students returning from overseas courses vacancies in the offices of assistant secretary and senior assistant secretary shall be advertised within the Service.
19. SELECTION FOR PROMOTION. In considering the claims of persons in the public service for promotion, ability, efficiency, experience, merit, qualifications and seniority shall be taken into account.
20. SELECTION FOR ACTING APPOINTMENTS. The principles for making an acting appointment shall be identical with those prescribed in regulation 19 for promotion, provided that when such an appointment is being made for under three months, to cover the temporary

absence of the substantive holder of an office, the Commission shall also take administrative convenience into account.

21. SELECTION FOR TRAINING.

(1) When it is desired to select any public officer for a special course of training which may enhance his qualifications for promotion or which is designed to fit him for a higher post, the selection principles shall be identical with those prescribed in regulation 19 for promotion. All courses lasting three months or longer shall for the purposes of this regulation be deemed special.

(2) The Permanent Secretary (Personnel) shall consult the Commission on in-service training courses, both local and overseas.

22. SELECTION FOR TRANSFER. In considering whether any public officer shall be transferred, the Commission shall take into account the needs of the public service, administrative convenience and the officer's own wishes.

23. ANNUAL CONFIDENTIAL REPORT. Heads of Departments shall 3 months before the anniversary of the date of appointment send the secretary confidential reports on all public officers serving in their Departments. The Commission may make provision for the safe custody of such reports.

24. ACCESS TO COMMISSION. A Permanent Secretary may by arrangement with the secretary appear before the Commission to supplement any written comment regarding matters to be considered by the Commission under this Part but will not take part in the deliberations of the Commission nor be present when any decision is made by the Commission.

25. PROCEDURE IN CASE OF URGENCY. When it is necessary to make an appointment promotion or transfer of a public officer the procedure laid down in this Part shall be followed except that where any delay is likely to cause serious public inconvenience the secretary shall report the matter to the chairman who may as a matter of urgency advise an acting or temporary appointment without regard to the procedure and shall report his action to the Commission at its next meeting. The normal procedure will then be followed.

#### PART IV

#### DETERMINATION OF APPOINTMENTS AND EXTENSION OF PROBATIONARY SERVICE.

26. FUNCTIONS OF COMMISSION. The Commission shall advise the Governor about matters under this part:

Provided that any such matters relating to the offices in the Third Schedule shall not be considered by the Commission.

27. RETIREMENT AFTER PRESCRIBED AGE.

- (1) If it appears to a Head of Department that there is reason why a public officer in his department who has attained the minimum age of retirement prescribed by any law applicable and who holds a pensionable office, should be called upon to retire from the public service, the Head of Department shall report the matter with a full statement of his reasons to the Financial Secretary, who shall, if he considers that there is on first appearance a case for such retirement, arrange for the Head of Department to inform the public officer in writing of the intention to recommend his retirement.
- (2) The public officer shall be given the opportunity to provide representations about the intention to retire him compulsorily and such representations shall be transmitted to the Commission by the Financial Secretary with his own observations and all other papers and documents. The Commission shall advise the Governor whether or not such public officer should be called upon to retire.
- (3) except with the approval of the Governor a pensionable officer having reached the age of fifty nine years and six months shall be called upon to retire from the public service on his sixtieth birthday by his Head of Department who shall advise the secretary and the Permanent Secretary (Personnel) of such action.

28. ABOLITION OF OFFICE. Where an office which is one of a number of such offices has been abolished but one or more offices remain, the Head of Department shall make a report through the Financial Secretary recommending with reasons, which substantive holder of such office should have his appointment terminated. The Financial Secretary shall forward such report to the secretary with his own recommendations and the Commission shall give its advice there on to the Governor.

29. RETIREMENT TO IMPROVE ORGANISATION.

- (1) If it appears to the Head of a Department that there is reason why a public officer in his department, who holds a pensionable office, should be called upon to retire from the public service for the purpose of facilitating improvement in the organisation of the department by which greater efficiency or economy may be effected, the Head of Department shall report the matter with a full statement of his reasons to the Financial Secretary who shall, if he considers that there is on first appearance a case for such retirement, arrange for the Head of Department to inform the public officer in writing of the intention to recommend his retirement.

- (2) The public officer shall be given the opportunity to forward representations about the intention to retire him compulsorily and such representations shall be transmitted to the Commission by the Financial Secretary with his own observations and all other relevant papers and documents. The Commission shall advise the Governor whether or not such public officer should be called upon to retire.
- (3) The Governor may at any time inform a public officer who holds a pensionable office that he wishes him to retire from the public service for the purposes of facilitating improvement in the organisation of his department and if the officer agrees in writing so to retire, the provisions of sub-regulation (1) and (2) shall not apply.

30. PREMATURE TERMINATION OF AGREEMENT ETC.

- (1) When a public officer is serving under an agreement which provides for the termination of that agreement by notice before the expiration of the period of service stipulated in the agreement and his Head of Department is of the opinion that the agreement should be terminated without due notice and/or without full inducement allowance earned the Head of the Department shall report the matter to the Financial Secretary with a full statement of his reasons. If the Financial Secretary considers that there is on first appearance a case for such termination, he shall arrange for the Head of Department to inform the public officer in writing of the intention to recommend the premature termination of this agreement. The public officer shall be given the opportunity to forward representations about the intention to terminate his agreement prematurely and such representations shall be transmitted to the Financial Secretary, with all other relevant papers and documents. The Financial Secretary shall then transmit such papers and documents to the secretary with his own observations thereon. The Commission shall advise the Governor whether or not such public officer's agreement shall be terminated:

Provided that when it appears to the secretary that there is any doubt whether under the terms of the agreement such termination can lawfully be effected he shall first refer the matter to the Attorney General for his advice.

- (2) Where a public officer is serving under an agreement which provides for the payment of an inducement allowance on completion of satisfactory service and his Head of Department is of the opinion that no inducement allowance or only part of such inducement allowance should be paid the Head of the Department shall report the matter to the Financial Secretary with a full statement of his reasons. If the Financial Secretary considers that there is on first appearance a case for non-payment or part payment of such inducement allowance he shall arrange for the Head of Department to inform the public officer in writing of the intention to recommend non-payment or part-payment. The public officer shall be given the opportunity to forward representations about such intention and such representations shall be transmitted to the Financial Secretary with all other relevant papers and documents. The Financial Secretary shall then transmit all such papers and documents to the secretary with his own observations thereon. The Commission shall give its advice thereon to the Governor.



31. PROBATIONARY APPOINTMENTS.

(1) The normal probationary period shall be one year and where a public officer holds a probationary appointment his Head of Department shall, three months before the expiration of such probationary appointment, consider whether a further period of probationary service is necessary to determine whether the officer shall be confirmed or whether the officer's appointment shall be terminated. If the Head of Department is of the opinion that the officer shall be confirmed in a pensionable office or that the period of probation shall be extended or terminated, he shall report the matter with his reasons to the secretary and the Commission shall give its advice thereon to the Governor.

(2) Where a public officer holds a probationary appointment and his Head of Department at any time during the period of such probationary appointment is of the opinion that it should be terminated the Head of Department shall follow the procedure required in sub-regulation (1).

(3) Before forwarding to the secretary any report recommending extension or termination of a probationary appointment the Head of Department shall call upon the public officer concerned to submit his representations on  
the matter and any such representations shall be forwarded to the secretary with the report.

PART V

DISCIPLINE

32. FUNCTIONS OF THE COMMISSION

(1) The Commission shall advise the Governor on such of the questions regarding the disciplinary control of public officers as are required to be submitted to the Governor for directions save that any matter relating to the offices in the Third Schedule shall not be considered by the Commission.

(2) The Commission shall advise the Governor on petitions by public officers against decisions made by him and on appeals against the orders of Heads of Departments or other public officers who exercise powers of disciplinary control under these Regulations in disciplinary matters.

(3) If in any case which comes to the attention of the Commission it is of opinion that disciplinary proceedings should be instituted against a public officer other than an officer holding an office in the Third Schedule the Commission may advise the Governor that such proceedings should be initiated:

Provided that before giving such advice in a case in which it appears that an offence against any law may have been committed the secretary shall refer the case to the Attorney General who shall inform the secretary whether a prosecution should be

instituted. If the Attorney General advises that a prosecution should be instituted, the Commission shall not before the conclusion of such prosecution advise the Governor to initiate disciplinary proceedings.

33. PROCEDURE.

(1) All acts of misconduct by a public officer other than an officer holding an office in the Third Schedule shall be dealt with under this part as soon as possible after the time of their occurrence.

(2) Any case not covered by this part excluding any case relating to an office in the Third Schedule shall be reported to the secretary and the Commission may advise the Governor as to how the case should be dealt with.

34. PROSECUTION. When a preliminary investigation or a disciplinary inquiry discloses that an offence against any law may have been committed by a public officer and action by the Police has not been or is not about to be taken his Head of Department shall consult the Attorney General as to whether a prosecution should be instituted and if he does not advise a prosecution whether disciplinary action should be taken or continued under this Part. In the latter case the charges framed against the officer shall be approved by the Attorney General before the officer is required to answer them or before the inquiry proceeds.

35. NO DISCIPLINARY ACTION PENDING PROCEEDINGS. If criminal proceedings are instituted against a public officer in any court, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken until the conclusion of the criminal proceedings and the determination of any appeal therefrom.

36. DISCIPLINE AFTER ACQUITTAL. A public officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished on any charge upon which he has been acquitted but nothing in this regulation shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter unless the charges raise substantially the same issues as those on which he has been acquitted.

37. COPIES OF EVIDENCE ETC. A public officer in respect of whom a disciplinary inquiry is to be held shall be entitled to receive a free copy of any documentary evidence relied on for the purpose of the inquiry or to be allowed access to it. He may also be given a copy of the evidence (including documents tendered in evidence) after the inquiry is closed:

Provided that no copies of office orders, minutes, reports or recorded reasons for decisions shall be issued to him.

38. APPEALS.

(1) A public officer may, by application made through the Commission, appeal to the Governor against an order made in relation to him in disciplinary proceedings by a Head of Department or other public officer exercising powers of disciplinary control under the provisions of this Part, except that no appeal shall be entertained in any case unless it is received within six weeks of the date upon which the decision is addressed to the officer:  
Provided that the Governor may entertain an appeal out of time if in his opinion the circumstances warrant it.

(2) Only one such appeal shall immediately be allowed:

Provided that a second appeal within one year of the date upon which the decision appealed against is addressed to the officer may be admitted if the Governor is satisfied that there appear in the second appeal new and material facts which might have affected the former decision and if adequate reasons for the non-disclosure of such facts at an earlier date are given.

(3) On communicating to an officer an award there shall also be communicated the fact that an appeal may be lodged within six weeks thereafter:

Provided that failure to communicate such fact shall not invalidate the award.

39. ADMINISTRATIVE OFFICERS. For the purposes of disciplinary control of Administrative Officers the Financial Secretary shall be deemed to be the Head of Department in respect of such officers and no other Head of Department shall exercise any function relating to the disciplinary control of such officers.

40. DELEGATION OF POWERS. A public officer in receipt of a salary of not less than twenty-four thousand four hundred and twenty dollars per annum may be appointed to exercise powers to hold disciplinary inquiries and investigations and to sit on disciplinary tribunals in accordance with the provisions of regulations 47 and 48:

Provided that such power shall not imply any power to reach any final decision or award punishment such decision and the award of punishment being made in accordance with this Part by the Head of Department except where as required by this Part it is to be made by an authority superior to the Head of Department.

41. INTERDICTION.

(1) If in any case the authority empowered by regulations 47 and 48 to institute proceedings to dismiss any public officer shall consider that the interests of the public service require that such officer should cease forthwith to exercise the powers and functions of his office, the authority may interdict him from the exercise of those powers and functions if proceedings for his dismissal are being taken or are about to be taken or if criminal proceedings are being instituted against him.

(2) Where in the opinion of the most senior public officer immediately available the interests of the public service require that another public officer who is responsible to

the same Head of Department should be interdicted from the exercise of his powers and functions and such senior public officer is also of opinion that a delay of forty-eight hours or more is liable to intervene before the sanction of the authority, who, under the provisions of sub-regulation (1) could so interdict such officer that public officer may order such junior officer to cease to exercise any of his powers and functions. The power to give such an order shall not be exercised by an officer who is in receipt of a salary of a grade below twenty thousand and eighty eight dollars. Where there is no senior departmental public officer available in the Lesser Islands the District Commissioner shall be deemed to be the senior public officer for the purposes of this regulation. On the giving of such an order such senior public officer shall forthwith report the giving of the order and the reasons therefor to the authority empowered under sub-regulation (1) to interdict the officer. If the authority to whom the report is made considers that the officer should be interdicted from the exercise of his powers and functions he shall inform the officer that he has been so interdicted and the interdiction shall date from the time of the order given under the provisions of this regulation and if the authority so empowered to interdict decides not to exercise such power he shall inform both the officer giving the order and the officer to whom the order is addressed that the order is cancelled.

(3) An officer who is interdicted shall subject to the provisions of regulation 43, receive such emoluments if any not being more than one half as the authority empowered to dismiss him shall think fit.

(4) If the disciplinary proceedings initiated against an officer who has been interdicted are not substantiated the whole of the emoluments withheld from him shall be restored to him.

(5) If the disciplinary proceedings initiated against an officer who has been interdicted are substantiated but do not result in the officer's dismissal the whole of the emoluments withheld from him shall be restored unless the punishment ordered as a result of the proceedings otherwise provides.

42. SUSPENSION. If upon considering the advice of the Commission the Governor is of the opinion that an officer holding an office appointment to which is subject to the approval of the Secretary of State for Foreign and Commonwealth Relations or who though not holding such an office was selected for appointment thereto by such Secretary of State should be dismissed, he shall forthwith suspend the officer from the exercise of his office and from the enjoyment of his salary and shall without loss of time report the matter to the Secretary of State transmitting the minutes of the Commission the report of the committee set up under sub-regulation (2) of regulation 47 and a copy of the evidence and of all material documents relating to the case together with a recommendation that the officer should be dismissed. An officer who has been suspended may, pending the decision of the Secretary of State thereon, be granted an alimentary allowance if the Governor shall consider him to be in need of such assistance.

43. NO SALARY ON CONVICTION. A public officer adjudged by a court to be guilty of a criminal charge serious enough to warrant a recommendation by his Head of Department under regulation 47 for the dismissal of the officer shall not receive any emoluments from the date of conviction pending the decision of the authority who is empowered to dismiss him.
44. RESTRICTION OF MOVEMENT. An officer who is under interdiction or suspension may not leave the Islands without the permission of the officer who interdicted or suspended him or of any superior officer having authority over the interdicted or suspended officer.
45. PENALTIES.

(1) The following are the punishments which may be ordered as a result of proceedings under this Part:

- (a) dismissal
- (b) reduction in rank
- (c) reduction in salary (which may be ordered to take effect from the start of any interdiction under regulation 41)
- (ca) where the officer concerned holds a probationary appointment - the extension of his period of probationary service
- (d) deferment of increment
- (e) stoppage of increment
- (f) reprimand
- (g) retirement for inefficiency
- (h) surcharge with an amount to be fixed by the Commission for any loss sustained by the Government as a result of any wilful act or negligence of an officer:

Provided that nothing in this regulation shall prevent a Head of Department from issuing a written reprimand or warning to an officer for a minor offence in the normal course of duty.

- (2) In every case of retirement for inefficiency the question of pension will be dealt with under the appropriate law but the Commission may record its opinion upon such question.
46. FINANCIAL SECRETARY POWERS. If the Financial Secretary so directs in writing the discretions powers and functions of a Head of Department under regulations 47 and 48 shall not be exercised by him in relation to any particular case of alleged misconduct specified in the direction but shall be exercised by the Financial Secretary. Any exercise or purported exercise by the Head of Department of any such discretion, power or function in regard to such specified case shall be void and without any effect.
47. MISCONDUCT JUSTIFYING DISMISSAL.
- (1) Whenever a Head of Department considers it necessary to institute proceedings against a pensionable public officer serving in his Department on the grounds of misconduct which if proved would justify his dismissal from the public service, he shall cause such

preliminary investigation as he considers necessary to be made and report the facts to the Financial Secretary together with his recommendations. The Financial Secretary shall, after considering the results of the preliminary investigation or of the report, as the case may be -

(a) if he considers that charges should be framed against the officer and after consulting the Attorney General as to the terms of the charge or charges, forward to the officer a statement of the charge or charges framed against him together with a brief statement of the allegations, insofar as they are not clear from the charges themselves, on which each charge is based, and shall call on the accused officer to state in writing before a day to be specified (which shall allow a reasonable interval for the purpose) any grounds on which he relies to exculpate himself; or

(b) if he considers that, if the offence is proved, some penalty other than dismissal is likely to be appropriate, arrange for the procedure described in regulation 48 to be followed.

- (2) If the officer furnishes a reply to the charge or charges forwarded under paragraph (a) of sub-regulation (1) within the period specified but, in the opinion of the Chief Secretary, he fails to exculpate himself the Chief Secretary shall refer the case to the secretary with his comments and recommendations, having consulted the Attorney General if he thinks fit. Thereupon the Commission shall advise the Governor on the appointment of a tribunal to consist of such persons as it shall specify being not less than two in number, to inquire into the matter; and the Governor may appoint a tribunal for such purpose. One member, who shall be chairman of the tribunal shall be a public officer with legal qualifications. Neither the Head nor any member of the officer's department shall be a member of the tribunal.
- (3) The tribunal shall inform the accused officer that on a specified day the charges made against him will be investigated by it and that he will be allowed or, if the tribunal shall so determine, will be required to appear before it to defend himself.
- (4) If witnesses are examined by the tribunal the accused officer shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.
- (5) The tribunal shall in its discretion permit the Financial Secretary or the accused officer to be represented by a public officer or a legal practitioner:  
Provided that where the tribunal permits the accused officer to be represented it shall permit the Financial Secretary to be so represented in the same manner.
- (6) If during the course of the inquiry grounds for the framing of additional charges against the accused officer are disclosed the tribunal shall inform the Financial Secretary of the same and if he thinks fit to recommend proceedings against the accused

officer upon such grounds the same procedure shall be followed in respect of additional charges as was adopted in respect of the original charges.

(7) The tribunal, having enquired into the matter, shall forward its report thereon to the Secretary, accompanied by the record of the charges framed, the evidence led, the defence and other proceedings relevant to the inquiry.

(8) The Commission, after consideration of the report of the tribunal may, if it is of opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the tribunal for further investigation and report. Otherwise the Commission shall forward the written proceedings of the inquiry to the Governor together with its advice. The Commission may advise such of the punishments specified in regulation 45 as it may deem appropriate in the circumstances. The decision on each charge preferred against the accused officer shall be communicated to him but not the reasons for the decision.

(9) If the officer -

(a) does not furnish a reply to the charge or charges forwarded under paragraph (a) of sub-regulation (1) within the period specified; or

(b) within that period admits he is guilty of the misconduct charged - the Commission shall forward to the Governor a report on the misconduct charged, which shall include details of all relevant evidence of the misconduct, together with its advice. The Commission may advise such of the punishments specified in regulations 45 as it may deem appropriate in the circumstances.

#### 48. ALTERNATIVE TO PROCEEDINGS UNDER REG.47.

(1) Where a Head of Department considers it necessary to institute disciplinary proceedings -

(a) for misconduct against a pensionable officer serving in his Department but is of the opinion that the misconduct alleged is not serious enough to warrant proceedings under regulation 47; or

(b) for inefficiency, he shall cause such preliminary investigation as he considers necessary to be made and report the facts to the Financial Secretary who shall after considering the results of the preliminary investigation or of the report as the case may be -

(i) if he considers that the facts on first appearance establish a case against the officer and is of the opinion that the misconduct alleged is not serious enough to warrant proceedings under regulation 47, forward to the officer a statement of the charge or charges against him and shall call upon him to state in writing before a day to be specified

(which shall allow a reasonable interval for the purpose) any grounds on which he relies to exculpate himself;

(ii) if the officer does not furnish a reply within the period specified or does not, in the opinion of the Financial Secretary exculpate himself, forward to the secretary copies of the reports on the case, the charges, the officer's reply, if any, together with his own comments.

- (2) If, on consideration of the reports, including the grounds, if any, upon which the officer relies to exculpate himself, the Commission is of the opinion that no further investigation is necessary, it shall advise the Governor as to the punishment, if any, other than dismissal, which should be inflicted on the officer.
  - (3) If the Commission on consideration of the report submitted to it by the Financial Secretary is of the opinion that the matter should be further investigated it shall advise the Governor as to the manner in which the allegations against the officer should be investigated.
  - (4) In any such investigation an officer to whom this regulation applies shall be entitled to know the whole case against him and shall have an adequate opportunity of making his defence.
  - (5) The results of such investigation shall be communicated to the Commission by the person conducting such investigation.
  - (6) The Commission may, if it considers the results of the investigation should be amplified in any way or that further investigation is desirable, refer the matter back to the person conducting the investigation for further inquiry and report.
  - (7) The Commission shall forward to the Governor the proceedings against the officer and shall advise the Governor as to what punishment, if any, other than dismissal but including retirement from the service, should be imposed on the officer.
  - (8) Notwithstanding the provisions of this regulation if at any stage during the proceedings taken under it, it appears to the Financial Secretary that the offence, if proved, would justify dismissal, such proceedings shall be discontinued and the procedure of regulation 47 shall be followed.
49. CONVICTION OF A PENSIONABLE OFFICER. If a pensionable public officer is convicted of a criminal offence, his Head of Department shall bring the matter together with his recommendation as to punishment to the notice of the Financial Secretary who shall report the matter to the secretary with his recommendation as to punishment. A copy of the charge or charges and of the judgment (and the proceedings of the court if available) shall be forwarded to the secretary. The Commission shall consider the judgment (and the proceedings of the court if available) and if it is of opinion that the officer should be dismissed or subjected to



disciplinary action for the offence of which he has been convicted, the Commission shall advise the Governor that such punishment should be imposed without following the procedure prescribed in regulations 47 and 48.

50. PROCEEDINGS AGAINST A CONTRACT OFFICER. Where it is considered necessary to institute disciplinary proceedings against a public officer serving under an agreement, whether after being convicted of a criminal offence or otherwise, the proceedings shall be in the form appropriate to a pensionable officer, save that the provisions of regulation 30 may be applied if deemed more appropriate by his Head of Department.

51. PROCEEDINGS AGAINST A NON-PENSIONABLE OFFICER.

(1) Disciplinary action including action for dismissal for disciplinary reasons and proceedings for removal from the public service for inefficiency against a non-pensionable public officer not serving under an agreement in respect of whom disciplinary control has been delegated may be taken by his Head of Department who may cause an investigation to be made in such manner as the investigating officer shall think fit, provided that the officer charged shall be entitled to know the whole case made against him and shall have an adequate opportunity throughout of making his defence.

(2) If a non-pensionable public officer not serving under an agreement in respect of whom disciplinary control has been delegated is convicted of a criminal offence, his Head of Department shall consider the judgment (and the proceedings if available) of the court on such charge and shall decide whether the officer should be dismissed or subjected to some lesser disciplinary punishment on account of the conviction for the offence of which he has been adjudged guilty without any of the proceedings prescribed in sub-regulation (1) being instituted.

52. ABSENCE WITHOUT LEAVE. Where any public officer is absent from duty without leave or reasonable cause for a period exceeding ten days and the officer cannot be traced within a period of twenty days of the commencement of such absence or if traced no reply to a charge of absence without leave is received from him within ten days after the despatch of the charge to him

- (a) in the case of a public officer in respect of whom disciplinary control has been delegated, the authority empowered to dismiss him may summarily dismiss him;
- (b) in any other case, the officer's Head of Department shall report the matter to the Financial Secretary who shall inform the secretary and the Commission shall advise the Governor thereon.

53. WITHHOLDING INCREMENTS.

Increments.

- (1) Awards within incremental scales may be paid to officers on completion of each year of satisfactory service.

- (2) If a Head of Department is of opinion that the annual increment of an officer should be granted, he shall, when sending the confidential report on the officer to the secretary in accordance with regulation 23, also send the appropriate form authorizing the Accountant General to pay the award when it becomes due.
- (3) The secretary shall send the authorization to the Accountant General and certify that the officer's confidential report has been received in accordance with regulation 23.
- (4) If a Head of Department is of the opinion that the annual increment of an officer should not be granted, he shall, when sending the confidential report on the officer to the secretary in accordance with regulation 23, send to the secretary and the officer a written notice specifying the reasons for his opinion.
- (5) A notice sent to an officer under sub-regulation (4) shall have affect as if it were an order made in relation to him in disciplinary proceedings, and accordingly the officer shall have a right of appeal under regulation 38.
- (6) The notice sent to an officer under sub-regulation (4) shall also inform the officer of his right to appeal under regulation 38.

54. RESTORATION OF INCREMENTS.

- (1) If a Head of Department is of opinion that an annual increment that has not been granted should be granted he shall send a report on the officer's performance to the secretary together with the appropriate form authorising the Accountant to pay the award, indicating whether the increment should be treated as stopped or deprived. The secretary shall send the authorisation to the Accountant General.

(2) If the increment is treated as stopped, the officer shall suffer the loss of the increment for the period between withholding and restoration and on restoration shall regain his previous incremental status and incremental date. If the increment is deferred the officer's incremental status shall be reduced in that he shall take as a new incremental date the date of restoration and the officer shall suffer the loss of seniority for the period of deferment.

55. SAVING CONTRACTURAL POSITION. Nothing in these regulation shall restrict the right of Governor to terminate an officer's agreement in accordance with the terms thereof.

56. REQUEST FOR RENEWAL OF CONTRACT. When a contract is nearing its end by effluxion of time and the officer has requested a renewal this shall not be refused until the Commission has advised the Governor on the request.

57. PROCEDURE. In carrying out its functions in relation to these Regulations the Commission shall follow such procedure as is laid down from time to time by the Governor in General Orders:

Provided that any action under these Regulations or General Orders shall not be invalidated by reason only of the fact that there was a failure in the administrative process or that any procedure prescribed thereunder was not followed.

PART VI

REVOCATIONS

58. REVOCATION. The Public Service Commission Regulations, 1975 are revoked.

Administration	The Governor	Chief Justice; Financial Secretary; Attorney General; Administrative Secretary; Auditor General; Commissioner of Police; Secretary, Public Service Commission.
Internal and External Affairs	Administrative Secretary	Chief Immigration Officer; Director of Broadcasting; Director of Prisons : All other officers in the Portfolio of Internal and External Affairs other than those specified hereinafter in this column, Administrative Officers and officers in common user posts.
Broadcasting Department	Director of Broadcasting	All officers in Department of Broadcasting in the Portfolio of Internal and External Affairs other than Administrative Officers and officers in common user posts.
Immigration Department	Chief Immigration Officer	All officers in the Department of Immigration in the Portfolio of Internal and External Affairs other than administrative officers and officers in common user posts .
Police Department	Commissioner of Police	All officers in the Royal Cayman Islands Police Force other than

administrative officers and  
officers in common user posts.

Prison Service		Director of Prisons	All officers in the Cayman Islands Prisons Service other than officers in common user posts.
Finance and Development Portfolio	Financial Secretary	Chief Accountant; Collector of Customs; Bank Inspector; Manager, Central Funding Scheme; Registrar of Companies; Superintendent of Insurance; Clerk of Legislative Assembly; Clerk of Executive Council; All Administrative Officers (other than the Administrative Secretary and the Secretary to the Public Service Commission). All other officers in the Portfolio of Finance and Development other than, those specified hereinafter in this Column and	officers
	in common user	posts.	
Legislative Department	Clerk of the Legislative Assembly	All officers in the Legislative Department of the Portfolio of Finance and Development other than administrative officers and officers in common user posts.	
Personnel and Office Services (Personnel)	Permanent Secretary	All officers of the Personnel and Office Services Division of the Portfolio of Finance and Development other than a	Administrative officers; All officers in common user posts throughout the public service.
Banking Department	Bank Inspector	All officers in the Banking Department of the Portfolio of Finance and Development other than	administrative officers and officers in common user posts.
Registrar of Companies Department	Registrar of Companies	All officers in the Registrar of Companies Department of the Portfolio of Finance and Development other than	officers with legal qualifications, administrative officers and officers in common user posts.
Treasury Chief Accountant	All officers in the Treasury of	the Portfolio of Finance and	

Development other than  
administrative officers and  
officers in common user posts.

Insurance Superintendent All officers in the Insurance  
Department of Insurance Department of the Portfolio of Finance and Development other  
than administrative officers and officers in common user posts.

Customs Collector of All Officers in the Customs  
Department Customs Department of the Portfolio of Finance and Development other than officers in  
common user posts.

Central Funding Manager All officers in the Central  
Scheme Funding Scheme of the Portfolio of Communications Works and District  
Administration other than officers in common user posts.

Judicial Dept Chief Justice Judge of the Grand Court;  
Magistrate;  
Clerk of the Court;

Clerk of All officers in the Judicial  
the Court Department other than the Chief Justice, any Judge of the Grand Court any  
Magistrate, administrative officers and officers in common user posts.

Legal Department Attorney General All officers in the Attorney General's Chambers other than  
administrative officers and officers in common user posts.

Health, Education Permanent Chief Education Officer;  
& Social Services Secretary Chief Medical Officer;  
(H.E.S.S.) Director of Social Services;  
All other officers in the portfolio of Health Education and Social Services other than  
those specified hereinafter in this column, administrative officers and officers in common user posts.

Education Chief All officers in the Department of  
Department Education Education of the Portfolio of Health  
Officer Education and Social Services other than administrative officers and officers in common  
user posts.

Personal Chief Medical All officers in the Personal Health  
Health Services Officer Services Department of the Portfolio of Health Education and Social Services  
other than officers in common user posts.

Social Services Director of All officers in the Social  
Department Social Services Department of the  
Services Portfolio of Health Education and  
Social Services other than  
officers in common user posts.

Development and Permanent Chief Agricultural & Veterinary  
Natural Resources Secretary Officer;  
(D. and N.R.) Registrar of Lands;  
Director of Mosquito Research and Control Unit;

Director of Planning;  
 Director of the Water Authority  
 All other officers in the Portfolio of Development and Natural  
 Resources other than those specified hereinafter in this column, Administrative Officers  
 and officers in common user posts.

Director of Planning;  
 Director of the Water Authority  
 All other officers in the Portfolio of Development and Natural  
 Resources other than those specified hereinafter in this column, Administrative Officers  
 and officers in common user posts.

Water Authority Director of All officers in the Water Authority of  
 Water the Portfolio of Development and  
 Authority Natural Resources other than officers in common user posts.

Agricultural and Chief All officers in the Agricultural  
 Natural Resources Agricultural and Veterinary Department of the  
 & Veterinary Portfolio of Development and  
 Officer Natural Resources other than  
 officers in common user posts.

Lands and Registrar All officer in the Lands and  
 Survey Department of Lands Survey Department of the Portfolio of Development and Natural  
 Resources other than officers in common user posts.

Mosquito Research Director of All officers in the Mosquito  
 and Control Unit Mosquito Research and Control Unit of the  
 Research Portfolio of Development and  
 Control Unit Natural Resources other than  
 officers in common user posts.

Planning Director of All officers in the Planning  
 Department Planning Department of the Portfolio of Development and Natural Resources other than  
 officers common user posts.

Tourism Aviation Permanent Director of Civil Aviation;  
 and Trade Secretary Director of Tourism;  
 (T.A.T.) Chief Fire Officer;  
 All other officers in the Portfolio of Tourism Aviation and Trade other than those  
 specified hereinafter in this column, administrative officers and officers in common user posts.

Civil Aviation Director of All other officers in the Civil  
 Department Civil Aviation Department except officers  
 Aviation in common user posts.

Department of Director of All officers in the Tourism  
 Tourism Tourism Department of the Portfolio of  
 Tourism Aviation and Trade except  
 officers in common user posts .

Fire Service Chief Fire All officers in the Cayman Islands  
 Department Officer Fire Service except officers in common user posts.

Communications Permanent Chief Engineer;

Works and Secretary Postmaster General;  
District Director of Ports;  
Administration. All other officers in the Portfolio of Communications  
and Works other than, those specified hereinafter in this column, administrative officers and  
officers in common user posts.

District All officers in the District  
Commissioner Administration in the Portfolio of Communications  
Works and District Administration other than administrative officers and officers in  
common user posts.

Postal Postmaster All officers in the Postal  
Department General Department of Portfolio of Communications Works and District Administration  
other than officers in common user posts.

Public Works Chief All officers in the Public Works  
Department Engineer Department of the Portfolio of  
Communications Works and District Administration other than officers in common user posts.

Audit Department Auditor All officers in the Audit Department  
General other than administrative officers and officers in common user  
posts.

Public Service Secretary All Officers in the Office of the  
Commission Public Service Commission.

FORM I

OATH TO BE TAKEN BY THE CHAIRMAN AND ANY MEMBER OF THE COMMISSION  
(Regulation 14(1))

I ....., swear that I will not directly or indirectly reveal to any unauthorised person or persons  
otherwise than in the course of the business of the Commission any information in connection with the  
business of the Commission which may come to my knowledge in the course of my duties as ( )  
of the said Commission.

Signed \_\_\_\_\_

Sworn before me, at ( ) this day of 19( ).

Signed \_\_\_\_\_  
Justice of the Peace

NOTE: The words "solemnly affirm" will be substituted for the word "swear" where an affirmation is made.

FORM II  
OATH TO BE TAKEN BY ANY MEMBER  
OF THE STAFF OF THE COMMISSION  
(Regulation 14(2))

I,....., swear that I will not directly or indirectly reveal to any unauthorised person or persons otherwise than in the course of the business of the Commission any information in connection with the business of the Commission which may come to my knowledge in the course of my duties as a member of the staff of the said Commission

Signed \_\_\_\_\_

SWORN before me, at \_\_\_\_\_, this \_\_\_\_\_ day of, \_\_\_\_\_ 19( )

Signed \_\_\_\_\_  
Justice of the Peace

NOTE: The words "solemnly affirm" will be substituted for the word "swear" where an affirmation is made.

OFFICES EXCLUDED FROM CONSIDERATION  
BY THE PUBLIC SERVICE COMMISSION  
(Regulations 17,26,32 and 33.)

1. The President of the Court of Appeal, Justices of Appeal, Chief Justice, Puisne Judge, any Magistrate, the Registrar of the Court of Appeal, Clerk of the Court and any other office subordinate to the Chief Justice for which a legal qualification is required.
2. Attorney General and any office subordinate to the Attorney General for which a legal qualification is required.
3. Auditor General.
4. Members of the Governor's personal staff.
5. Offices graded in the salary Scale SS 8 - 15.
6. Offices in the Royal Cayman Islands Police Force.
7. Offices in the Cayman Islands Prisons Service.
8. All offices the remuneration of which is not paid from provision made in the Estimates for an established office.

Made in Council this 29th day of October 1985

JENNY MANDERSON  
CLERK TO THE EXECUTIVE COUNCIL