



GENERAL ORDERS

(2005 REVISION)

Issued by the Governor in accordance with section 54 of the Constitution Order 1972.

Effective from 10 May 2005.

PREFACE TO GENERAL ORDERS (2005 REVISION)

The last major revision of General Orders occurred in 1985. Since that time the employment practices of the Government have evolved and the financial management system has been substantially reformed. In addition the requirements on employers in relation to pensions and medical benefits are now substantially different than they were in 1985.

This 2005 Revision modernises (and where possible simplifies) General Orders to reflect current practices and to bring them more into line with the decentralised philosophy of the Government's new output focused management system.

The major changes in this revision include:

- A new structure to General Orders based around the different public officers (Official Members, Chief Officers and staff of ministries and portfolios);
- Specification of the role and responsibilities of the Head of the Civil Service;
- Specification (for the first time) of personnel processes for salaried civil servants who do not fall within the purview of the Public Service Commission, namely Official Members, Chief Officers and certain ministry or portfolio staff;
- A change in the focus of General Orders from what Chief Officers can't do, to what Chief Officers are responsible for and can do subject to specified restrictions;
- The establishment of two categories of ministry or portfolio staff, salaried staff members and wage workers, to replace the old PPE and Group Employee distinction; and the establishment of common terms and conditions and (where the PSC Regulations allow it) common personnel practices, for all staff;
- The removal of the increment system and the authorising of Chief Officers (and where delegated to them, Heads of Departments) to determine the particular point within a wage or salary grade that a staff member is to be paid; together with the decentralisation of responsibility for determining eligibility for allowances and other elements of a staff member's remuneration;
- The requirement for both open-ended-tenure and fixed-term-tenure civil servants to have an employment agreement specifying the basis of their employment;
- The specification of the new annual performance agreement and performance assessment arrangements for civil servants; and
- The specification of Public Service Values and a Public Servant's Code of Conduct which establish the behaviours expected of civil servants.

Despite these changes, the key elements of the Government's existing personnel management system are unchanged by this revision. In particular the role and responsibilities of the Public Service Commission continue unchanged as these are determined by the Public Service Commission Law, 1975 and the Public Service Commission Regulations, 1985, both of which continue in force and are unaffected by this revision. Consequently, while this revision makes Chief Officers responsible for personnel matters and provides them with increased personnel authorities, these authorities continue to be subject to the ultimate authority of the Governor and Head of the Civil Service (as advised by the Public Service Commission). This is explicitly recognised in the performance assessment arrangements for Chief Officers.

Although the sections relating to terms and conditions of a civil servant's employment have been rewritten and simplified, the substantive content of these sections is not significantly different from that applying previously.

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CHAPTER 1

INTRODUCTION AND APPLICATION

1.1 Authority and Application of General Orders

This document is to be cited as “General Orders (2005 Revision)” and consists of instructions of the Crown exercisable through the Governor in accordance with section 54 of the Constitution Order 1972. General Orders apply (as relevant) to all civil servants.

1.2 Commencement

This revision of General Orders applies from 10 May 2005. All previous versions of General Orders are revoked from that date.

1.3 Interpretation

In interpreting General Orders:

- (a) words importing the masculine gender include the feminine and vice versa, where appropriate;
- (b) words in the singular, where appropriate, include the plural and words in the plural include the singular;
- (c) the decision of the Head of the Civil Service is final as to the correct interpretation of General Orders;
- (d) in the event of any conflict between General Orders and any law (including Regulations made under that Law), the law prevails.

1.4 Definitions

The following expressions used in these General Orders have the following meaning:

“appointing officer” means:

- (a) in the case of Official Members, the Auditor General, the Complaints Commissioner, and the Commissioner of Police and other gazetted Police Officers: the Governor;
- (b) in the case of chief officers of ministries and portfolios: the Head of the Civil Service;
- (c) in case of staff of a ministry, portfolio, the Audit Office or the Complaints Commissioner: the chief officer; or the head of department or other manager within the ministry or portfolio with delegated authority from the chief officer to make personnel decisions or who has such powers vested in them by a law relating to their civil service entity;

“Audit Office” means the department, including all of its staff and physical resources, of which the chief officer is the Auditor-General;

“Caymanian” means a person who possesses Caymanian status under the Immigration Law, 2003, or any earlier law providing for the same or similar rights and includes a person who acquired that status under Part III of the Immigration Law, 2003;

“chief officer” means:

- (a) in the case of a ministry, the Permanent Secretary of that ministry;
- (b)
 - (i) in the case of the Portfolio of Internal and External Affairs, such public officer in the Portfolio as may be designated by the Governor;
 - (ii) in the case of the Portfolio of Legal Affairs, such public officer in the Portfolio as may be designated by the Governor;
 - (iii) in the case of the Portfolio of Finance and Economics, such public officer in the Portfolio as may be designated by the Governor; and
 - (iv) in the case of the Portfolio of the Civil Service, such public officer in the Portfolio as may be designated by the Governor;
- (c) in the case of the Audit Office, the Auditor-General;
- (d) in the case of the judicial administration, the Court Administrator or such other suitable person as may be designated by the Chief Justice; and
- (e) in the case of the Office of the Complaints Commissioner, the Complaints Commissioner;

“child” means the offspring of the employee, a step-child, a child legally adopted or a foster child;

“civil servant” means a public officer (being a person employed by the Government other than an elected member of the Legislative Assembly) but does not include the Judiciary;

“civil service entity” means a ministry, portfolio, the Audit Office or the Office of the Complaints Commissioner;

“Constitution” means the Cayman Islands (Constitution) Order 1972 (as amended);

“dependent child” means the offspring of the employee, a step-child, a child legally adopted or a foster child who is:

- (a) under 18 years of age, unmarried and does not earn a living wage; or
- (b) aged 18 and over but under 23 years of age, unmarried and in full time education at a university or other tertiary education institution.

“employment agreement” means a written agreement between the employer and an employee by which a contract of service is instituted for either an open-ended or limited period.

“fixed-term-tenure” means employment is for a fixed period with a defined date of cessation;

“foster child” means a child who is cared for, and provided with accommodation by, someone other than:

- (a) a parent of his;

- (b) a person who is not a parent of his but who has parental responsibility for him; or
- (c) a relative of his.

“full-time study” means undertaking a full-time course at an approved educational institution either in the Cayman Islands or overseas while being absent from normal employment duties during the period of the course;

“judicial administration” means the Government department, including all of its staff and physical resources, which provides administrative support for the Judiciary;

“Judiciary” means the Chief Justice, judges of the Court of Appeal, judges of the Grand Court, and magistrates, including any persons acting in those positions;

“merit” means the person with the best combination of qualifications, skills, knowledge and experience for the position;

“minister” means a member of the Legislative Assembly who has been elected to the Cabinet in accordance with section 5 of the Constitution;

“ministry” means the whole of the division of government administration for the actions of which a minister is accountable to the Legislative Assembly and includes a departmental section or unit which forms part thereof, but does not include a statutory authority or government company, the Office of the Complaints Commissioner or the Audit Office;

“misconduct” means acting in a dishonest or illegal manner, failing to comply with the Public Servant’s Code of Conduct, failing to comply with conditions of employment, or failing to comply with workplace rules established by the chief officer; and comprises the following categories:

- (a) “gross misconduct” means misconduct that is of such a serious nature or magnitude that, in the opinion of the appointing officer, the employee should be dismissed with immediate effect;
- (b) “serious misconduct” means misconduct that is serious (non-minor) in nature or magnitude;
- (c) “minor misconduct” means misconduct that is significant but still relatively minor in nature or magnitude;

“Office of the Complaints Commissioner” means the department, including all of its staff and physical resources operating under the Complaints Commissioner Law, 2003;

“Official Member” means a member of the Cabinet who is not a minister;

“open-ended-tenure” means employment with no fixed date for the end of employment other than the date of retirement;

“part-time study” means undertaking a course by way of correspondence or distance learning, or at an educational institution in the Cayman Islands, on a part-time basis while also undertaking normal employment duties;

“permanent disability” means a disability which is likely to render a person incapable by reason of infirmity of mind or body of discharging the duties of his office, which infirmity is certified as likely to be permanent by the Chief Medical Officer.

“personnel arrangements” means matters relating to the employment, duties and management of employees.

“portfolio” means the whole of a division of government administration for which an official member is accountable to the Legislative Assembly, and includes:

- (a) a departmental section or unit which forms part thereof;
- (b) any staff in the Governor’s office (excluding the Governor) who are remunerated by Government;
- (c) the judicial administration;

but does not include a statutory authority or government company, the Office of the Complaints Commissioner or the Audit Office;

“public officer” means any person employed by the Government but does not include an elected member of the Legislative Assembly;

“salaried staff” means a civil servant, other than the chief officer, employed in a civil service entity who is paid on grades D to R as specified in Chapter 7;

“staff” or “staff member” means a civil servant, other than the chief officer, employed in a civil service entity and does not include an Official Member or member of the Judiciary;

“wage worker” means a civil servant, other than a chief officer, employed in a civil service entity who is paid on grades GAA, GBB, GCC, GDD and GFF as specified in Chapter 7.

CHAPTER 2

RESPONSIBILITIES OF THE GOVERNOR, THE HEAD OF THE CIVIL SERVICE AND THE PORTFOLIO OF THE CIVIL SERVICE

2.1 Responsibilities of the Governor

Overall responsibility for the civil service is vested in the Governor under sections 7, 54 and 55 of the Constitution and section 4 of the Public Service Commission Law (1976 Revision). The latter makes the Governor responsible for the appointment, promotion, transfer, dismissal and disciplinary control of all public officers.

The extent of the Governor's authority is reflected in section 6 of the Public Service Commission Law (1976 Revision) which, when read with the Third Schedule of the Public Service Regulations, requires him to refer an appointment, promotion, transfer, dismissal and disciplinary control matters relating to salaried staff to the Public Service Commission for advice.

An Instruction to the Governor issued by the Secretary of State on 30th June 2004 under sections 1 (2) and 9(1) of the Constitution allows the Governor to delegate his authorities for personnel matters.

2.2 Responsibilities of the Head of the Civil Service

The Head of the Civil Service¹ is responsible for overseeing all matters relating to the operation of the civil service including the following specific functions:

- (a) the development, promotion, review and evaluation of human resource policies and practices for the civil service as a whole;
- (b) succession planning for the positions of chief officer;
- (c) encouraging and assisting chief officers with succession planning for senior appointments in their civil service entities;
- (d) entering into annual performance agreements with chief officers of ministries and portfolios;
- (e) undertaking the annual performance assessments of chief officers of ministries and portfolios;
- (f) appointing chief officers of ministries and portfolios;
- (g) approving the appointment of salaried staff of civil service entities;
- (h) agreeing remuneration with chief officers of ministries and portfolios;
- (i) dismissing chief officers of ministries and portfolios;
- (j) approving the discipline or dismissal of salaried staff of civil service entities;

¹ Acting under a delegation from the Governor issued in accordance with an Instruction issued by the Secretary of State under section 9(1) of the Constitution.

- (k) recommending to the Governor the salaries, allowances or other benefits of: elected Members of Cabinet; the Speaker, Deputy Speaker and Members of the Legislative Assembly; chief officers appointed by the Governor (Auditor General, Complaints Commissioner); and members of boards or committees appointed by the Governor;
- (l) monitoring the human resource policies and practices of civil service entities; and
- (m) giving effect to an administrative rearrangement of ministries and portfolios.

2.3 Power to Transfer Personnel between Ministries, Portfolios and Statutory Authorities

In order to give effect to a re-arrangement of ministry or portfolio responsibilities, the Head of the Civil Service may:

- (a) transfer a civil servant from one ministry or portfolio to another by a determination in writing;
- (b) determine in writing that a civil servant ceases to be an employee of the government and becomes an employee of a statutory authority or government company;
- (c) engage any person who was previously an employee of a statutory authority or government company as a government employee in a specified ministry or portfolio.

2.4 Responsibilities of the Portfolio of the Civil Service

The Portfolio of the Civil Service is responsible for assisting the Governor and Head of the Civil Service in relation to civil service human resource matters, including:

- (a) providing assistance, administrative support and technical advice to the Head of the Civil Service and the Governor on civil service and human resource matters;
- (b) providing assistance, administrative support and technical advice to the Public Service Commission;
- (c) providing advice and technical assistance to civil service entities on human resource issues;
- (d) providing personnel services to civil service entities at their request;
- (e) promoting the Public Service Values and Public Servant's Code of Conduct;
- (f) undertaking periodic audits of personnel systems in civil service entities to establish the extent of compliance with the provisions of the Public Service Commission Law, the Public Service Commission Regulations and General Orders;
- (g) undertaking job evaluations for each position to be held by a salaried staff member or wage worker and allocating each position to a wage and salary grade;

- (h) inquiring into alleged breaches of the Public Servant's Code of Conduct by chief officers and reporting to the Head of the Civil Service, or in the case of the chief officers of the Audit Office and the Office of the Complaints Commissioner, the Governor, on the results of such enquiries (including, where relevant, recommendations for sanctions);
- (i) assisting the Governor with the appointment of Official Members;
- (j) preparing a shortlist for the appointment of chief officers for submission to the Head of the Civil Service, or in the case of the chief officers of the Audit Office and the Office of the Complaints Commissioner, the Governor;
- (k) such other investigations and human resource related services as the Governor, the Head of the Civil Service or the Public Service Commission may from time to time request.

2.5 Investigative Powers of the Portfolio of the Civil Service

For the purposes of undertaking periodic audits of personnel systems in civil service entities, or inquiring into alleged breaches of the Public Servant's Code of Conduct by chief officers, the Portfolio of the Civil Service has the power to request information concerning human resource practices from civil service entities, and they must comply with such requests.

2.6 Obligation on Head of the Civil Service and Portfolio of the Civil Service to be Fair and Open

In undertaking their responsibilities in accordance with these General Orders, there is an overriding obligation on the Head of the Civil Service or Portfolio of the Civil Service, as the case may be, to ensure that open and fair employment process operate as follows:

- (1) In the case of appointment or promotion, an open and fair process is one which provides an opportunity for any suitably qualified person to apply for the position, all persons applying are considered for appointment in an unbiased manner, and the person appointed is the person whose skills, qualifications and experience (rather than other factors) make them most suitable for the position taking into account the requirement to give preference to Caymanians.
- (2) In the case of discipline, dismissal, retirement or redundancy, an open and fair process is one which provides an opportunity for any staff member subject to disciplinary, dismissal, retirement or redundancy action to be fully aware of all matters or concerns relating to his performance or employment and have an opportunity to present his views in an environment which is neutral and unbiased towards that staff member.

CHAPTER 3

PERSONNEL ARRANGEMENTS FOR OFFICIAL MEMBERS

3.1 Governor Responsible for Personnel Arrangements for Official Members

The Governor² is responsible for the personnel arrangements for Official Members and does so without reference to the Public Service Commission³.

3.2 Basis of Employment of Official Members

- (1) Official Members are employees of the government and are to be employed on the basis of an employment agreement prepared in accordance with Chapter 6. If an Official Member is dismissed (under General Order 3.5) or retires on medical grounds (under General Order 3.6), the Official Member's employment with the government is terminated concurrently.
- (2) The tenure of employment is to be open-ended (meaning there is no fixed date for the end of employment other than the date of retirement).
- (3) The salary of an Official Member is to be within the salary grade established for the position in accordance with the procedures in Chapter 7. The specific salary point within the grade will be agreed from time to time between the Governor and the Official Member concerned.
- (4) Subject to the Constitution, the terms and conditions of employment of an Official Member are to be those specified in Chapter 8.

3.3 Appointment of Official Members

- (1) The Governor (with assistance from the Portfolio of the Civil Service as required) will appoint Official Members as follows:
 - (a) the Chief Secretary and the Financial Secretary will be appointed by the Governor acting in his discretion in exercise of his powers under section 7(1)(c)(v) of the Constitution; and
 - (b) the Attorney General will be appointed by the Governor acting in his discretion in accordance with section 55A of the Constitution.
- (2) Before finalising the appointment, the Governor will agree an employment agreement, a specific salary level and other terms and conditions of employment with the Official Member in accordance with the requirements of this Chapter.

3.4 Reappointment of Official Members Aged 60 or Over

If the Governor wishes to reappoint an Official Member who has attained the mandatory retirement age of 60 years, the following process will apply:

² Acting in accordance with his powers under section 7 of the Constitution and section 4 of the Public Service Commission Law (1976 Revision).

³ The Third Schedule of the Public Service Commission Regulations excludes the Public Service Commission from involvement in personnel arrangements for Official Members.

- (1) The Official Member is to obtain a certificate of medical fitness following a medical examination by a Government Medical Officer.
- (2) The Governor will consider the medical report along with the reasons why the Official Member should be reappointed (including evidence that his previous performance is adequate and that he is fully capable).
- (3) If the Governor decides to reappoint the Official Member he will agree a new employment agreement with a fixed-term tenure of no more than two years, a specific salary level and other terms and conditions of employment with the reappointed Official Member in accordance with the requirements of this Chapter;
- (4) If Governor wishes to further reappoint an Official Member over age 60 who has come to the end of a fixed-term tenure agreement, the procedures in paragraphs 1 to 3 will be followed again.

3.5 Dismissal of Official Members

- (1) Except where the Constitution specifically provides for the dismissal of an Official Member (in which case those provisions apply), the Governor may dismiss an Official Member but may do so only on the basis of:
 - (a) serious misconduct; or
 - (b) significant inadequate performance over a reasonable period of time (compared to agreed performance agreements).
- (2) Before dismissing an Official Member under paragraph (1), the Governor will:
 - (a) collect evidence of the actions of the Official Member which are the subject of concern;
 - (b) advise the Official Member of the concerns, both orally and in writing, allow him to provide an explanation, and (if the explanation is not satisfactory) provide a warning that if there is not corrective action dismissal could result;
 - (c) provide a reasonable period of time, and reasonable amount of support, for the Official Member to take corrective action;
 - (d) reassess the actions of the Official Member after the period of time.
- (3) Notwithstanding paragraph (2), in the case of gross misconduct, except where the Constitution specifically provides for the dismissal of an Official Member (in which case those provisions apply), the Governor may dismiss the Official Member forthwith, but before doing so will:
 - (a) collect evidence of the actions of the Official Member which are the subject of concern;
 - (b) advise the Official Member of the concerns, both orally and in writing, and advise him that these are grounds for instant dismissal;
 - (c) provide an opportunity for the Official Member to explain his position;

- (d) reassess the situation in light of the Official Member's explanation.

3.6 Retirement of Official Members on Medical Grounds

Except where the Constitution specifically provides for the retirement on medical grounds of an Official Member (in which case those provisions apply), the Governor may require an Official Member to take retirement on medical grounds where the Official Member has a permanent disability.

3.7 Performance Agreements for Official Members

- (1) The Governor will enter into a performance agreement with each Official Member for each financial year and the agreement is to specify the performance expected of the Official Member for that financial year.
- (2) The performance agreement may be modified during the financial year to which it relates with the agreement of the parties to it.

3.8 Performance Assessments of Official Members

- (1) The performance of an Official Member will be reviewed at the end of each financial year by means of an annual performance assessment undertaken by the Governor and involving the Official Member.
- (2) In undertaking the performance assessment, the Governor will base his assessment on a factual comparison of actual performance with that specified in the performance agreement for the financial year, together with any modifications of that agreement made during the year.
- (3) Before completing a performance assessment, the Governor will consult the Official Member about the extent to which the Official Member concerned has achieved the performance specified in the performance agreement for the year.
- (4) The performance assessment will be completed within 30 days after the end of the financial year.

CHAPTER 4

PERSONNEL ARRANGEMENTS FOR CHIEF OFFICERS

4.1 Responsibility for Personnel Arrangements for Chief Officers

- (1) The Head of the Civil Service⁴ is responsible for the personnel arrangements for chief officers of ministries and portfolios and may do so without reference to the Public Service Commission⁵.
- (2) The Governor⁶ is responsible for the personnel arrangements for the Auditor General (the chief officer of the Audit Office) and the Complaints Commissioner (the chief officer of the Office of the Complaints Commissioner) and does so without reference to the Public Service Commission⁷.

4.2 Basis of Employment of Chief Officers

- (1) Chief Officers are employees of the government and are to be employed on the basis of an employment agreement prepared in accordance with Chapter 6. If a chief officer is dismissed (under General Orders 4.7 or 4.8) or retires on medical grounds (under General Order 4.9), the chief officer's employment with the government is terminated concurrently.
- (2) The tenure of employment is to be as follows:
 - (a) Caymanians are to be employed on the basis of open-ended-tenure (meaning there is no fixed date for the end of employment other than the date of retirement); and
 - (b) Non-Caymanians appointed to salaried positions are to be employed on the basis of fixed-term-tenure (meaning the employment is for a fixed period with a defined date of cessation) for a period of no more than three years;
- (3) Notwithstanding paragraph (2), the tenure of employment of the Complaints Commissioner is to be in accordance with the provisions of the Complaints Commissioner Law, 2004, namely fixed-term-tenure for a period of five years.
- (4) The salary of a chief officer is to be within the salary grade established for the position in accordance with the procedures in Chapter 7. The specific salary point within the grade is to be agreed from time to time between the Head of the Civil Service (or in the case of the Auditor General and the Complaints Commissioner, the Governor) and the chief officer concerned.
- (5) The terms and conditions of employment of a chief officer are to be those specified in Chapter 8.

⁴ Acting under a delegation from the Governor issued in accordance with an Instruction issued by the Secretary of State under section 9(1) of the Constitution.

⁵ The Third Schedule of the Public Service Commission Regulations excludes the Public Service Commission from involvement in personnel arrangements for Chief Officers.

⁶ Acting in accordance with his powers under section 7 of the Constitution and section 4 of the Public Service Commission Law (1976 Revision).

⁷ The authority is vested directly in the Governor under sections 49N and 55B of the Constitution

4.3 Appointment of Ministry or Portfolio Chief Officers

When there is a vacancy or an impending vacancy in the position of a chief officer of a ministry or portfolio, the Head of the Civil Service (with the assistance of the Portfolio of the Civil Service as required) is to appoint a new chief officer in accordance with the following procedures:

- (1) The Head of the Civil Service must, following consultation with the Official Member or Minister responsible for the ministry or portfolio to which a chief officer is to be appointed, define the duties of the position and the skills and attributes required of the appointee in a job description.
- (2) The Head of the Civil Service must then advertise the vacancy within the civil service and, if the Head of the Civil Service considers suitable candidates may not be found from within the existing civil service, in the local media and internationally as follows:
 - (a) Advertisements are to be placed in whatever medium the Head of the Civil Service thinks fit provided that they provide ample opportunity for potentially interested applicants inside the civil service (and, where appropriate, outside the civil service) to become aware of the vacancy;
 - (b) Advertisements are to include a summary of the duties, the skills and attributes required of applicants, the salary range, the information to be provided by applicants, and the time and place that applications close; and
 - (c) The time between the placement of the advertisement and the closing date for applications is to be no less than 14 calendar days.
- (3) Upon the closing of applications, the Head of the Civil Service must prepare a shortlist of suitable candidates for interview. The short-list is to consist of at least two persons who, in the opinion of the Head of the Civil Service, have the:
 - (a) skills and knowledge to carry out the duties required for the position in a highly competent manner; and
 - (b) integrity to carry out the duties in a politically neutral manner.
- (4) In placing persons on the shortlist, the Head of the Civil Service is to take into account only the attributes set out in paragraphs 3(a) and (b). If the Head of the Civil Service is of the opinion that no candidate satisfies all the requirements of paragraphs 3(a) and (b), he must re-advertise the position in accordance with paragraph (2).
- (5) All candidates on the shortlist are to be interviewed by a panel chaired by the Head of the Civil Service using a comparable interviewing approach for each applicant.
- (6) Following the interviews, and after consultation with the Governor, the Head of the Civil Service may appoint the candidate from the shortlist that in his opinion best satisfies all the criteria set out in paragraphs 3(a) and (b); and where two or more persons are ranked broadly similarly on the basis of the criteria, Caymanians are to be given preference.
- (7) Before finalising the appointment, the Head of the Civil Service is to agree an employment agreement, a specific salary level and other terms and conditions of

employment with the preferred applicant in accordance with the requirements of this Chapter.

- (8) Once the appointment of the preferred applicant has been finalised, the Head of the Civil Service is to advise all unsuccessful applicants in writing.
- (9) In appointing a chief officer, there is an overriding obligation on the Head of the Civil Service to ensure that an open and fair process operates. An open and fair process is one which provides an opportunity for any suitably qualified person to apply for the position, all persons applying are considered for appointment in an unbiased manner, and the person appointed is the person whose skills, qualifications and experience (rather than other factors) make them most suitable for the position, taking into account the requirement to give preference to Caymanians.

4.4 Appointment of the Auditor General and Complaints Commissioner

Where there is a vacancy for the position of Auditor General or Complaints Commissioner, General Order 4.3 applies except that the functions of the Head of the Civil Service will be undertaken by the Governor.

4.5 Procedures for the Reappointment of Chief Officers with Fixed-Term Tenure

Chief Officers employed on fixed-term-tenure may, in accordance with their employment agreement and six months prior to the end of the tenure period, apply to be reappointed for a further fixed-term period. Where this occurs, the following procedures are to apply:

- (1) The Head of the Civil Service (or in the case of the Auditor General or the Complaints Commissioner, the Governor), is to consider whether or not he wishes to reappoint the chief officer for a further fixed-term period, taking into account the performance of the chief officer to date, other possible candidates for the position, the requirement of General Order 4.3 (6) that Caymanians be given preference, and any other factors the Head of the Civil Service (or where applicable, the Governor) thinks relevant.
- (2) Following consultation with the Governor (where applicable), the Head of the Civil Service (or in the case of the Auditor General or the Complaints Commissioner, the Governor), may agree either:
 - (a) to reappoint the chief officer for a further fixed-term-tenure, in which case the Head of the Civil Service (or the Governor as the case may be) is to agree a new employment agreement, a specific salary level and other terms and conditions of employment with the reappointed chief officer in accordance with the requirements of this Chapter; or
 - (b) to declare the position vacant and advertise the position, in which case the provisions of General Orders 4.3 and 4.4 are to apply.

4.6 Reappointment of Chief Officers Aged 60 or Over

If the Head of the Civil Service (or in the case of the Auditor General or the Complaints Commissioner, the Governor) wishes to reappoint a chief officer who has attained the mandatory retirement age of 60 years, the following process is to apply:

- (1) The chief officer is to obtain a certificate of medical fitness following a medical examination by a Government Medical Officer.
- (2) The Head of the Civil Service (or where applicable, the Governor) is to consider the medical report along with the reasons why the chief officer should be reappointed (including evidence that his previous performance is adequate and that he is fully capable) and how the reappointment will not reasonably impede the promotion of younger staff members.
- (3) Following consultation with the Governor (where applicable), the Head of the Civil Service (or in the case of the Auditor General or the Complaints Commissioner, the Governor), may decide either:
 - (a) to reappoint the chief officer, in which case the Head of the Civil Service (or the Governor as the case may be) is to agree a new employment agreement with a fixed-term tenure of no more than two years, a specific salary level and other terms and conditions of employment with the reappointed chief officer in accordance with the requirements of this Chapter;
 - (b) to declare the position vacant and advertise the position, in which case the provisions of General Orders 4.3 and 4.4 are to apply.
- (4) If the Head of the Civil Service (or in the case of the Auditor General or the Complaints Commissioner, the Governor) wishes to further reappoint a chief officer over age 60 who has come to the end of a fixed-term tenure agreement, the procedures in paragraphs 1 to 3 are to be followed again.

4.7 Dismissal of Chief Officers

- (1) The Head of the Civil Service (or in the case of the Auditor General and the Complaints Commissioner, the Governor⁸) may dismiss a chief officer but may do so only on the basis of:
 - (a) serious misconduct; or
 - (b) significant inadequate performance (compared to established performance agreements) over a period of at least 12 months.
- (2) Before dismissing a chief officer, the Head of the Civil Service, or the Governor as the case may be, (with the assistance of the Portfolio of the Civil Service as required) must:
 - (a) consult with the Official Member or Minister responsible for the ministry or portfolio to which the chief officer is appointed;
 - (b) collect evidence of the actions of the chief officer which are the subject of concern;
 - (c) advise the chief officer of the concerns, both orally and in writing, allow him to provide an explanation, and (if the explanation is not satisfactory) provide a warning that if there is not corrective action dismissal could result;

⁸ Acting in accordance with sections 55B and 49N of the Constitution.

- (d) provide a reasonable period of time, and reasonable amount of support, for the chief officer to take corrective action;
- (e) if insufficient corrective action is taken, advise the chief officer of the ongoing concern both orally and in writing and issue a second and final warning that if corrective action is not taken dismissal could occur;
- (f) provide a further reasonable period of time, and reasonable amount of support, for the chief officer to take corrective action;
- (g) reassess the actions of the chief officer after the second period of time.

4.8 Dismissal of Chief Officers with Immediate Effect

In the case of gross misconduct by a chief officer, the Head of the Civil Service (or the Governor⁹ as the case may be) may dismiss a chief officer with immediate effect but before doing so must (with the assistance of the Portfolio of the Civil Service as required):

- (a) consult with the Official Member or Minister responsible for the ministry or portfolio to which the chief officer is appointed;
- (b) collect evidence of the actions of the chief officer which are the subject of concern;
- (c) advise the chief officer of the concerns, both orally and in writing, and advise him that these are grounds for instant dismissal;
- (d) provide an opportunity for the chief officer to explain his position; and
- (e) reassess the situation in light of the chief officer's explanation.

4.9 Retirement of Chief Officers on Medical Grounds

- (1) The Head of the Civil Service (or in the case of the Auditor General and the Complaints Commissioner, the Governor¹⁰) may require a chief officer to take retirement on medical grounds where the chief officer has a permanent disability.
- (2) Before retiring a chief officer on medical grounds, the Head of the Civil Service or the Governor as the case may be (with the assistance of the Portfolio of the Civil Service as required) must:
 - (a) consult with the Official Member or Minister responsible for the ministry or portfolio to which the chief officer is appointed;
 - (b) collect evidence to show that the chief officer's disability is preventing the required duties from being performed in a substantial way;
 - (c) advise the chief officer of the concerns, both orally and in writing;

⁹ Acting in accordance with sections 55B and 49N of the Constitution.

¹⁰ Acting in accordance with sections 55B and 49N of the Constitution.

- (d) provide a reasonable period of time, and reasonable amount of support, for the chief officer to show that he is able to perform the required duties satisfactorily;
- (e) if insufficient improvement occurs, advise the chief officer that:
 - (i) he will be required to appear before a medical board to have his disability assessed and;
 - (ii) that if the board confirms the disability is permanent and likely to prevent the chief officer from satisfactorily carrying out his duties, the chief officer will be required to take retirement on medical grounds;
- (f) arrange with the Chief Medical Officer to convene a medical board and assess the chief officer;
- (g) ensure that the chief officer is advised in writing of the results of the medical board in a timely manner;
- (h) if the Chief Medical Officer confirms the disability is permanent and likely to prevent the chief officer from satisfactorily carrying out his duties, advise the chief officer that he is required to take retirement on medical grounds.

4.10 Performance Agreements for Chief Officers of Ministries and Portfolios

- (1) Prior to the commencement of each financial year, a chief officer of a ministry or portfolio is to prepare and agree with the Head of the Civil Service, an annual performance agreement which is to include:
 - (a) The period to be covered by the performance agreement;
 - (b) The performance expected of the chief officer's ministry or portfolio as specified in the Annual Budget Statement of the ministry or portfolio for that financial year prepared in accordance with the provisions of the Public Management and Finance Law (2003 Revision), including the outputs to be purchased by the Cabinet and the ownership performance expected of the ministry or portfolio;
 - (c) The internal outputs that the chief officer is to produce during the performance period;
 - (d) The personal behaviours expected of the chief officer during the performance period;
 - (e) Any training or skills development or personal development that the chief officer is expected to undertake during the performance period;
 - (f) Any other performance expectations as may be specified and agreed between the chief officer and Head of the Civil Service;
 - (g) The procedures for changing the performance agreement during the year;
 - (h) An acknowledgement by both parties to the agreement (the Chief Officer and the Head of the Civil Service) that they have discussed and agreed the

performance agreement, together with the date on which that discussion and agreement occurred.

- (2) The performance agreement may be modified during the financial year to which it relates with the agreement of the parties to it.

4.11 Performance Assessment of Chief Officers of Ministries and Portfolios

- (1) The performance of a chief officer of a ministry or portfolio is to be reviewed at the end of each financial year by means of an annual performance assessment undertaken by the Head of the Civil Service (assisted by the Portfolio of the Civil Service as required), in consultation with the Official Member or Minister responsible for the ministry or portfolio to which the chief officer is appointed, and involving the chief officer.
- (2) In undertaking the performance assessment, the Head of the Civil Service is to base his assessment on a factual comparison of actual performance as reported in the quarterly and annual reports of the ministry or portfolio with that specified in the performance agreement for the financial year (together with any modifications of that agreement made during the year), and taking into account the extent to which recommendations of the chief officer (or persons with delegated authority from the chief officer) on personnel matters were accepted by the Public Service Commission and the Head of the Civil Service (or Governor, as the case may be).
- (3) Before completing the performance assessment, the Head of the Civil Service must consult with the chief officer concerned and any other persons the Head of the Civil Service or the chief officer thinks relevant about their views on the extent to which the chief officer has achieved the performance specified in the performance agreement for the year.
- (4) The performance assessment is to be completed within 30 days of the annual report of the chief officer's ministry or portfolio being tabled in the Legislative Assembly, the tabling being in accordance with the provisions of the Public Management and Finance Law (2003 Revision).

4.12 Appeals by Applicants for Chief Officer Positions

- (1) A person applying for a chief officer's position may appeal decisions made by the Head of the Civil Service in accordance with General Order 4.3 by applying to the Governor via the chief officer of the Portfolio of the Civil Service.
- (2) Upon receiving an appeal the Governor will decide whether or not to reverse the decision that is subject to the appeal and then advise the applicant of his decision, and that decision is final.

4.13 Appeals by Chief Officers

- (1) Chief officers may appeal decisions made by the Head of the Civil Service in accordance with General Orders 4.7, 4.8, 4.9, and 4.11 by applying to the Governor via the chief officer of the Portfolio of the Civil Service.

- (2) Upon receiving an appeal the Governor will decide whether or not to reverse the decision that is subject to the appeal and then advise the chief officer of his decision, and that decision is final.

CHAPTER 5

PERSONNEL ARRANGEMENTS FOR STAFF

5.1 Responsibility for Personnel Arrangements for Staff of Ministries, Portfolios, Audit Office and the Office of the Complaints Commissioner

The responsibility for the personnel arrangements for staff of civil service entities (civil service entities being ministries, portfolios, the Audit Office and the Office of the Complaints Commissioner; and staff being the civil servants other than the chief officer in a civil service entity) is as follows:

- (1) The Governor¹¹ is responsible for the appointment, promotion, transfer, dismissal or disciplinary control of gazetted police officers; and does so without reference to the Public Service Commission¹².
- (2) The Head of the Civil Service¹³ is responsible for the appointment, promotion, transfer, dismissal or disciplinary control of all salaried staff (being civil servants, other than the chief officer, employed in a civil service entity who are paid on grades D to R as specified in Chapter 7) except Police Officers and any other staff for which the appointment (or where relevant discipline or dismissal) is vested in the Head of Department by a law relating to that civil service entity; but must seek the advice of the Public Service Commission except in relation to the following staff¹⁴:
 - (a) officers of the Cayman Island Prison Service;
 - (b) staff of the Portfolio of Legal Affairs for whom a legal qualification is required;
 - (c) staff of the Judicial Administration for whom a legal qualification is required;
 - (d) the Governor's personal staff;
 - (e) staff of the Office of the Complaints Commissioner;
 - (f) staff of the Financial Reporting Authority; and
 - (g) staff of the Cayman Islands Cadet Corp.

¹¹ Acting in accordance with his powers under section 7 of the Constitution, section 4 of the Public Service Commission Law (1976 Revision) and section 8 of the Police Law (1995 Revision).

¹² The Third Schedule of the Public Service Commission Regulations excludes the Public Service Commission from involvement in personnel arrangements for offices in the Royal Cayman Islands Police Force.

¹³ Acting under a delegation from the Governor issued in accordance with an Instruction issued by the Secretary of State under section 9(1) of the Constitution.

¹⁴ These civil servants are excluded from the purview of the Public Service Commission by the Third Schedule of the Public Service Commission Regulations, the Complaints Commissioner Law, 2004, the Proceeds of Criminal Conduct Law (2004 Revision), or the Cadet Corps Law, 2003.

- (3) Chief Officers¹⁵ are responsible for:
- (a) All personnel arrangements for salaried staff (being civil servants, other than the chief officer, employed in a civil service entity who are paid on grades D to R as specified in Chapter 7), subject to:
 - (i) the ultimate authority of the Governor or Head of the Civil Service for appointment, promotion, transfer, dismissal or disciplinary control decisions as specified in paragraphs 1 and 2; and
 - (ii) the provisions of any law relating to their civil service entity that vests appointment (or discipline or dismissal) authorities in a Head of Department.
 - (b) All personnel arrangements relating to wage workers (being a civil servant, other than a chief officer, employed in a civil service entity who is paid on grades GAA, GBB, GCC, GDD and GFF as specified in Chapter 7); and are not required to refer to the Head of the Civil Service or the Public Service Commission¹⁶.
- (4) Heads of Department and other managers in a civil service entity (such as unit or section heads) are responsible for such personnel functions as are:
- (a) delegated to them in writing by their chief officer (such functions falling within the responsibility of the chief officer under paragraph 3); or
 - (b) vested in them by a law relating to their civil service entity.
- (5) (a) The Head of the Civil Service may, by advising the chief officer concerned in writing, direct that a particular chief officer may:
- (i) not exercise one or more personnel functions, powers or authorities that the chief officer has under General Orders, or;
 - (ii) only exercise a personnel function, power or authority under such conditions as the Head of the Civil Service may set.
- (b) The Head of the Civil Service may only issue a direction under sub-paragraph (a) if he has reason to believe that the chief officer is not complying with the requirements of General Orders or is not undertaking personnel functions in a fair or reasonable manner.
- (c) If the Head of the Civil Service issues a direction under sub-paragraph (a), the authority that may be delegated to Heads of Department and other managers in the civil service entity for personnel functions is limited to the same extent, and any existing delegated authority is consequentially automatically reduced to the extent necessary to comply with the direction by the Head of the Civil Service.
- (d) If a chief officer is prohibited from exercising a personnel function as a result of a direction issued under sub-paragraph 1, that function is to be exercised by the Head of the Civil Service.

¹⁵ In accordance with the authority provided by these General Orders.

¹⁶ The Third Schedule of the Public Service Commission Regulations excludes the Public Service Commission from involvement in personnel arrangements for wage workers (who were previously referred to as Group Employees).

5.2 Basis of Employment of Staff

- (1) All staff of a civil service entity, regardless of whether they are salaried staff or wage workers, are employees of the government and are to be employed on the basis of an employment agreement prepared in accordance with Chapter 6. If a staff member is dismissed under General Orders 5.13 or 5.19, retires, retires early or compulsorily under General Orders 5.14, 5.15 or 5.16, or if his employment agreement is terminated early under General Order 5.17, or if he is made redundant under General Order 5.18, the staff member's employment with the government is terminated concurrently.
- (2) The tenure of employment is to be as follows:
 - (a) Caymanians, regardless of whether they are salaried staff or wage workers, are to be employed on the basis of open-ended-tenure (meaning there is no fixed date for the end of employment other than the date of retirement) except where:
 - (i) the appointment is a probationary appointment (see General Order 5.5), in which case the appointment is to be a 12 month fixed-term-tenure appointment; or
 - (ii) the duties of the position to which the appointment relates have a finite life, in which case the appointment is to be a temporary appointment for fixed-term-tenure equal to the life of the duties;
 - (iii) the staff member is past the normal retirement age, in which case the appointment is to be fixed-term-tenure appointment of no more than two years; and
 - (b) Non-Caymanians (including residents with the right to work), regardless of whether they are salaried staff or wage workers, are to be employed on the basis of fixed-term-tenure (meaning the employment is for a fixed period with a defined date of cessation) for a period of no more than three years.
- (3) The wages or salary of staff members are to be within the wage and salary grade established for the position in accordance with the procedures in Chapter 7. The specific wage or salary point within the grade is to be agreed from time to time between the appointing officer and the staff member concerned.
- (4) The terms and conditions of employment of staff are to be those specified in Chapter 8.
- (5) Where a civil servant is transferred by the Head of the Civil Service from one civil service entity to another civil service entity as part of an administrative rearrangement under General Order 2.3, the civil servant is to be treated as an uninterrupted employee of the government and the tenure and terms and conditions of employment are to be unaffected by the transfer.
- (6) Where a civil servant applies for and is appointed to a position in a civil service entity, the civil servant is to be treated as an uninterrupted employee of the government but the tenure and terms and conditions of employment are to be determined by the civil servant's new chief officer in accordance with this Chapter.

5.3 Appointment, Promotion or Transfer of Salaried Staff

- (1) Except in relation to Police Officers, or where a law relating to a civil service entity provides otherwise (in which case the provisions of that law apply), a chief officer may appoint, promote or transfer a salaried staff member in his civil service entity but may only do so:
 - (a) with the approval of the Head of the Civil Service (who, where relevant, must also seek the advice of the Public Service Commission); and
 - (b) in accordance with the procedures in General Orders 5.4 to 5.8.
- (2) A chief officer may delegate in writing his authority under paragraph 1 to a Head of Department or other manager in his civil service entity and there is a presumption that he will do so unless there are good reasons to the contrary.
- (3) The appointment, promotion and transfer of salaried Police Officers are to be made in accordance with section 8 of the Police Law (1995 Revision) and any Regulations made under that Law; and, in the case of gazetted Police Officers are to be approved by the Governor (see General Order 5.1) and the procedures specified in General Orders 5.4 to 5.8 are to apply, except that reference to the Head of the Civil Service is to be read as reference to the Governor.

5.4 Procedures for the Appointment, Promotion or Transfer of Salaried Staff

- (1) Before any action is taken to fill a vacancy (either by appointment, promotion or transfer) the appointing officer is to ensure that the duties of the position, and the skills and attributes required of the appointee, are defined and documented in a job description.
- (2) The appointing officer must submit the job description to the Portfolio of the Civil Service, which shall then undertake a job evaluation, assign the position to a grade in accordance with Chapter 7, and notify the appointing officer accordingly.
- (3) The appointing officer must then advertise the vacancy within the civil service and, if he considers suitable candidates may not be found from within the existing civil service, in the local media and internationally as follows:
 - (a) Advertisements are to be placed in whatever medium the appointing officer thinks fit provided that they provide ample opportunity for potentially interested applicants inside the civil service (and where appropriate outside the civil service) to become aware of the vacancy;
 - (b) Advertisements are to include a summary of the duties, the skills and attributes required of applicants, the salary range, the information to be provided by applicants, and the time and place that applications close; and
 - (c) The time between the placement of the advertisement and the closing date for applications is to be no less than 14 calendar days.
- (4) Upon the closing of applications, the appointing officer must prepare a shortlist of suitable candidates for interview. The short-list is to be prepared on the basis of merit and is to consist of at least two persons who, in the opinion of the appointing officer, have the skills and attributes necessary for the position. If the appointing officer is of the opinion that no candidate satisfies the requirements for the position,

the appointing officer must re-advertise the position in accordance with paragraph (3).

- (5) (a) The appointing officer is to appoint an interview panel of no less than two persons who –
 - (i) have an understanding of the duties, skills and attributes of the position;
 - (ii) have no conflict of interest; and
 - (iii) are able to act in an independent and unbiased manner in relation to the appointment concerned.
- (b) Where the appointment is subject to the advice of the Public Service Commission (see General Order 5.1), the interview panel is to be appointed in consultation with the Public Service Commission in accordance with PSC Regulation 18(3), such consultation to be via the Secretary of the Commission.
- (6) All candidates on the shortlist are to be interviewed by the interview panel using a comparable interviewing approach for each applicant. The interview panel is to establish which applicant has the best qualifications, skills and experience for the position:
 - (a) based on the information provided by the applicants, the results of the interviews, personal knowledge of the applicants, any other information the interview panel considers relevant; and
 - (b) taking into account the factors in PSC Regulations 18(4), 18(5), 19 and 22 (where the appointment is subject to the advice of the Public Service Commission (see General Order 5.1)).
- (7) Following the interviews, the interview panel is to prepare a short report outlining the process undertaken, the candidates interviewed, the preferred candidate and the reasons therefore. The panel report is to be submitted to the Public Service Commission or, where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1), submitted directly to the Head of the Civil Service.
- (8) Unless the preferred applicant is already a civil servant and is known to the interview panel, the interview panel is to obtain reference checks on the preferred applicant to satisfy themselves of the candidate's suitability and these checks are to be completed before the panel report is submitted.
- (9) Following receipt of the panel report the Public Service Commission (or in the case of urgency the chairman of the Commission acting under PSC Regulations 25) will consider the report in accordance with the provisions of the Public Service Regulations and make a recommendation to the Head of the Civil Service accordingly.
- (10) The Head of the Civil Service will consider the advice of the Public Service Commission (or, where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1), the panel report submitted directly to him) and, if he sees fit:

- (a) approve the appointment, promotion or transfer; and
 - (b) advise the appointing officer that he (the appointing officer) is authorised to make the appointment or, where relevant, make a probationary appointment in accordance with General Order 5.5.
- (11) Before finalising the appointment, the appointing officer is to:
- (a) (if the appointee is not an existing civil servant), obtain from the appointee:
 - (i) a pre-employment medical certificate from a registered medical practitioner indicating that the employee's physical and mental condition is satisfactory for the position; and
 - (ii) a completed declaration of secrecy in the specified format; and
 - (b) agree an employment agreement, a specific salary level and other terms and conditions of employment with the appointee in accordance with the requirements of this Chapter.
- (12) Once the appointment of the preferred applicant has been finalised, the appointing officer is to advise all unsuccessful applicants in writing.

5.5 Appointment of Salaried Staff on Probation and Procedures for Confirming the Appointment

Caymanians appointed to open-ended-tenure salaried positions in the civil service for the first time are to be initially appointed on probation, unless they have previously completed at least two years of satisfactory service as a limited-term salaried employee or as a wage worker. The procedures for probationary appointments are as follows:

- (1) The process for appointment is that specified in General Order 5.4 but the period of appointment is to be a probationary period of 12 months during which period the suitability of the staff member for permanent employment is to be assessed by the appointing officer.
- (2) Three months prior to the end of the probationary period (or at any time prior to that if termination is to be recommended), the appointing officer is to:
 - (a) prepare a report on the staff member's performance during the probationary period, including a recommendation as to whether the appointment should be confirmed, the probation extended or employment terminated;
 - (b) provide a copy of the report to the staff member concerned and discuss it with him; and
 - (c) provide adequate opportunity for the staff member to state his position.

Note: Where the appointment is subject to the advice of the Public Service Commission (see General Order 5.1) this process is to comply with the requirements of PSC Regulation 31.

- (3) The probationary report is to be submitted to the Public Service Commission, or where the appointment is not subject to the advice of the Public Service

Commission (see General Order 5.1) submitted directly to the Head of the Civil Service.

- (4) The Public Service Commission will consider the report in accordance with the provisions of the Public Service Regulations and make a recommendation to the Head of the Civil Service accordingly.
- (5) The Head of the Civil Service, will consider the advice of the Public Service Commission (or where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1) the probationary report submitted directly to him) and confirm the appointment, extend the probation or terminate employment as he sees fit; provided that an extension of probation is to occur only once and is not to exceed 1 year.
- (6) The Head of the Civil Service is to advise the appointing officer of his decision and the appointing officer is to advise the staff member accordingly. If the appointment is to be confirmed, the appointing officer is to agree a new employment agreement (reflecting the open-ended-tenure of the appointment) with the appointee in accordance with the requirements of this Chapter.

5.6 Appointment of Salaried Staff to Acting Positions

- (1) An appointing officer may appoint a salaried staff member to act in a position for a period of three months or less without reference to the Head of the Civil Service (or in the case of gazetted Police Officers, the Governor) but in doing so must appoint the person with the best combination of qualifications, skills and experience from amongst the available candidates.
- (2) If a salaried staff member is to act in a position for a period longer than three months, the approval of the Head of the Civil Service (or in the case of gazetted Police Officers, the Governor) is to be obtained in accordance with the following procedures:
 - (a) The appointing officer is to prepare a report recommending the acting appointment, the reasons for it, and the qualifications and experience of the staff members to undertake the duties of the position.
 - (b) The acting report is to be submitted to the Public Service Commission, or where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1) submitted directly to the Head of the Civil Service (or in the case of gazetted Police Officers, the Governor).
 - (c) The Public Service Commission will consider the report in accordance with PSC Regulation 20 and make a recommendation to the Head of the Civil Service accordingly.
 - (d) The Head of the Civil Service (or in the case of gazetted Police Officers, the Governor) will consider the advice of the Public Service Commission (or, where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1), the report submitted directly to him) and confirm or decline the acting appointment as he sees fit.

5.7 Procedures for the Reappointment of Salaried Staff with Fixed-Term Tenure

Salaried staff employed on fixed-term-tenure may, in accordance with their employment agreement and six months prior to the end of the tenure period, apply to be reappointed for a further fixed-term period. Where this occurs, the following procedures are to apply and no indication of reappointment (or otherwise) is to be provided to the staff member until the process is completed:

- (1) The appointing officer is to prepare a report on whether or not he wishes to reappoint the staff member for a further fixed-term period and the associated reasons for his recommendation.
- (2) The reappointment report is to be submitted to the Public Service Commission, or where the reappointment is not subject to the advice of the Public Service Commission (see General Order 5.1) submitted directly to the Head of the Civil Service (or in the case of gazetted Police Officers, the Governor).
- (3) The Public Service Commission will consider the report in accordance with PSC Regulation 56 and make a recommendation to the Head of the Civil Service accordingly.
- (4) The Head of the Civil Service (or, in the case of gazetted Police Officers, the Governor) will consider the advice of the Public Service Commission (or where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1) the report submitted directly to him) and confirm or decline the reappointment as he sees fit.
- (5) The Head of the Civil Service (or, in the case of gazetted Police Officers, the Governor) is to advise the appointing officer of his decision and the appointing officer is to advise the staff member accordingly. If the staff member is to be reappointed, the appointing officer is to agree a new employment agreement, a specific salary level and other terms and conditions of employment with the reappointed staff member in accordance with the requirements of this Chapter.

5.8 Reappointment of Salaried Staff Aged 60 or Over

If an appointing officer wishes to reappoint a salaried staff member who has attained the mandatory retirement age of 60 years, the following process is to apply:

- (1) The appointing officer is to prepare a report outlining the reasons why the staff member should be reappointed (including evidence that his previous performance is adequate and that he is fully capable) and showing how the reappointment will not reasonably impede the promotion of younger staff members;
- (2) The staff member is to obtain a certificate of medical fitness following a medical examination by a Government Medical Officer;
- (3) The reappointment report, together with the certificate of medical fitness is to be submitted to the Public Service Commission, or where the reappointment is not subject to the advice of the Public Service Commission (see General Order 5.1) submitted directly to the Head of the Civil Service (or, in the case of gazetted Police Officers, the Governor).
- (4) The Public Service Commission will consider the report and make a recommendation to the Head of the Civil Service accordingly.

- (5) The Head of the Civil Service (or, in the case of gazetted Police Officers, the Governor) will consider the advice of the Public Service Commission (or, where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1), the report submitted directly to him) and confirm or decline the reappointment as he sees fit.
- (6) The Head of the Civil Service (or, in the case of gazetted Police Officers, the Governor) is to advise the appointing officer of his decision and the appointing officer is to advise the staff member accordingly. If the staff member is to be reappointed, the appointing officer is to agree a new employment agreement with a fixed-term tenure of no more than two years, a specific salary level and other terms and conditions of employment with the reappointed staff member in accordance with the requirements of this Chapter.
- (7) If an appointing officer wishes to further reappoint a salaried staff member over age 60 who has come to the end of a fixed-term tenure agreement, the procedures in paragraphs 1 to 6 are to be followed again.

5.9 Appointment of Wage Workers

- (1) Except where a law relating to a civil service entity provides otherwise (in which case the provisions of that law apply), a chief officer may appoint, promote or transfer a wage worker in his civil service entity but may do so only in accordance with the following procedures:
 - (a) Before any action is taken to fill a vacancy (either by appointment, promotion or transfer) the appointing officer is to ensure that the duties of the position, and the skills and attributes required of the appointee, are defined and documented in a job description.
 - (b) The appointing officer must submit the job description to the Portfolio of the Civil Service, which shall then undertake a job evaluation, assign the position to a grade in accordance with Chapter 7, and notify the appointing officer accordingly.
 - (c) The appointing officer must then advertise the vacancy within the civil service and, if he considers suitable candidates may not be found from within the existing civil service, in the local media and internationally as follows:
 - (i) Advertisements are to be placed in whatever medium the appointing officer thinks fit provided that they provide ample opportunity for potentially interested applicants inside the civil service (and where appropriate outside the civil service) to become aware of the vacancy;
 - (ii) Advertisements are to include a summary of the duties, the skills and attributes required of applicants, the salary range, the information to be provided by applicants, and the time and place that applications close; and
 - (iii) The time between the placement of the advertisement and the closing date for applications is to be no less than 14 calendar days.
 - (d) Upon the closing of applications, the appointing officer must prepare a shortlist of suitable candidates for interview. The short-list is to be prepared on the basis of merit and is to consist of persons who, in the opinion of the

appointing officer, have the skills and attributes necessary for the position. If the appointing officer is of the opinion that no candidate satisfies the requirements for the position, the appointing officer must re-advertise the position in accordance with paragraph (3).

- (e) If he deems it necessary, the appointing officer is to interview short-listed applicants using a comparable interviewing approach for each applicant.
 - (f) If the preferred applicant is not known to the interview panel, the appointing officer is to obtain reference checks on the preferred applicant to satisfy himself of the candidate's suitability and these checks are to be completed before any appointment is made.
 - (g) Following the interviews (if applicable) and reference checks the appointing officer may appoint the applicant who has the best qualifications, skills and experience for the position, provided that where two candidates are ranked equally on merit, preference is to be given to Caymanians.
 - (h) Before finalising the appointment, the appointing officer is to:
 - (i) (if the appointee is not an existing civil servant), obtain from the appointee:
 - (I) a pre-employment medical certificate from a registered medical practitioner indicating that the employee's physical and mental condition is satisfactory for the position; and
 - (II) a completed declaration of secrecy in the specified format;
 - (ii) agree an employment agreement, a specific wage level and other terms and conditions of employment with the appointee in accordance with the requirements of this Chapter; and
 - (iii) if the appointee is non-Caymanian, obtain written approval from the Chief Immigration Officer to employ the person concerned.
 - (i) Once the appointment of the preferred applicant has been finalised, the appointing officer is to advise all unsuccessful applicants in writing.
- (2) A chief officer may delegate in writing his authority under paragraph 1 to a head of department or other manager in his civil service entity and there is a presumption that he will do so unless there are good reasons to the contrary.

5.10 Training of Staff

Chief officers are responsible for the training of their staff. If an appointing officer wishes to approve a salaried staff member attending a course of full-time study lasting three months or longer, the following procedures will apply:

- (1) Before enrolment in the course occurs, an application to approve the training is to be submitted to the Public Service Commission, or where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1), submitted directly to Head of the Civil Service (or in the case of Police Officers, the Governor).

- (2) The Public Service Commission will consider the application in accordance with PSC Regulation 21 and advise the Head of the Civil Service accordingly.
- (3) The Head of the Civil Service (or, in the case of training by gazetted Police Officers, the Governor) will consider the advice of the Public Service Commission (or, where the appointment is not subject to the advice of the Public Service Commission (see General Order 5.1), the application from the appointing officer), approve or decline the application as he sees fit, and advise the appointing officer accordingly.
- (4) Upon approval by the Head of the Civil Service (or the Governor as the case may be) the appointing officer may authorise the enrolment of the staff member in the approved course.

5.11 Discipline of Salaried Staff

- (1) Except in relation to Police Officers (in which case paragraph 5 applies), or where a law relating to a civil service entity provides otherwise (in which case the provisions of that law apply), salaried staff may be disciplined only on the following grounds:
 - (a) minor misconduct; or
 - (b) inadequate performance (compared to established performance agreements) over a period of at least 12 months.
- (2) An appointing officer may issue a written reprimand to a staff member guilty of a disciplinary offence but may do so only after:
 - (a) collecting evidence of the actions of the staff member which are the subject of the reprimand; and
 - (b) advising the staff member of the concerns orally;
 - (c) providing the staff member with an opportunity to explain his position; and
 - (d) stating his decision and providing the staff member with a written summary of the meetings and discussion held.
- (3) If an appointing officer wishes to discipline a staff member other than by way of written reprimand and the position held by the staff member is subject to the advice of the Public Service Commission (see General Order 5.1):
 - (a) the procedures established by PSC Regulation 48 (or where relevant PSC Regulation 50) are to be followed;
 - (b) upon receiving advice from the Public Service Commission, the Head of the Civil Service is to decide whether or not to discipline the staff member (and the disciplinary action to be taken) and then advise the appointing officer accordingly; and
 - (c) the appointing officer is to notify the staff member at the earliest opportunity and, if discipline is approved, make arrangements with the staff member for the specified discipline action to take effect.

- (4) If an appointing officer wishes to discipline a salaried staff member other than by way of written reprimand and the position held by the staff member is not subject to the advice of the Public Service Commission (see General Order 5.1), the following process is to apply:
- (a) the appointing officer must:
 - (i) collect evidence of the actions of the staff member which are the subject of concern;
 - (ii) advise the staff member of the concerns both orally and in writing and provide a warning that if there is not corrective action disciplinary action could result;
 - (iii) provide a reasonable period of time, and reasonable amount of support, for the staff member to take corrective action;
 - (iv) if insufficient corrective action is taken, advise the staff member of the ongoing concern both orally and in writing and issue a second warning that, if corrective action is not taken, a request for disciplinary action will be made to the Head of the Civil Service;
 - (v) provide a further reasonable period of time, and reasonable amount of support, for the staff member to take corrective action;
 - (vi) assess the actions of the staff member after the second period of time and if insufficient corrective action has been taken, prepare a report for the Head of the Civil Service outlining the case for disciplinary action, the specific disciplinary action requested (being an action specified in PSC Regulation 45) and the actions taken by the appointing officer to comply with subparagraphs (i) to (v);
 - (b) the Head of the Civil Service is to consider the report from the appointing officer, together with any representations from the staff member concerned, and decide whether or not to discipline the staff member (and the disciplinary action to be taken) and then advise the appointing officer accordingly; and
 - (c) the appointing officer is to notify the staff member at the earliest opportunity and, if discipline is approved, make arrangements with the staff member for the specified discipline action to take effect.
- (5) The discipline of salaried Police Officers is to be carried out in accordance with Part VI of the Police Law (1995 Revision) and any Regulations made under that Law.

5.12 Dismissal or Retirement of Salaried Staff

- (1) Except in relation to Police Officers (in which case paragraph (3) applies), or where a law relating to a civil service entity provides otherwise (in which case the provisions of that law apply), a chief officer may dismiss a salaried staff member, retire a salaried staff member on medical grounds, compulsorily retire a salaried staff member who has reached the minimum retirement age, retire a salaried staff member to improve efficiency in his civil service entity, prematurely terminate a fixed-tenure salaried staff member, or make a salaried staff member redundant but may only do so:

- (a) with the approval of the Head of the Civil Service (who, where relevant, must also seek the advice of the Public Service Commission); and
 - (b) in accordance with the procedures in General Orders 5.13 to 5.18.
- (2) A chief officer may delegate in writing his authority under paragraph 1 to a head of department or other manager in his civil service entity and there is a presumption that he will do so unless there are good reasons to the contrary.
- (3) The dismissal, retirement, termination or redundancy of salaried Police Officers are to be approved by the Governor (see General Order 5.1) and the procedures specified in Part III and Part VI of the Police Law (1995 Revision) and any Regulations made under that Law, are to apply.

5.13 Dismissal of Salaried Staff for Misconduct or Inadequate Performance

- (1) Salaried staff may be dismissed only on the following grounds:
- (a) gross or serious misconduct;
 - (b) significant inadequate performance (compared to established performance agreements) over a period of at least 12 months; or
 - (c) absence without leave or reasonable cause for a period exceeding ten days.
- (2) If an appointing officer wishes to dismiss a salaried staff member and the position held by the staff member is subject to the advice of the Public Service Commission (see General Order 5.1):
- (a) the procedures established by PSC Regulation 47 (or where relevant PSC Regulations 49, 50 or 52) are to be followed;
 - (b) upon receiving advice from the Public Service Commission (which is to take into account PSC Regulations 34, 35 and 36), the Head of the Civil Service will decide whether or not to dismiss the staff member and then advise the appointing officer accordingly; and
 - (c) if dismissal is approved, the appointing officer is to notify the staff member at the earliest opportunity and make arrangements with the staff member for the dismissal to take effect;
 - (d) if an alternative penalty is decided upon by the Head of the Civil Service in accordance with PSC Regulation 47(8) or (9), the Head of the Civil Service will advise the appointing officer accordingly and the appointing officer is to notify the staff member at the earliest opportunity and make arrangements with the staff member for the alternative penalty to take effect.
- (3) If an appointing officer wishes to dismiss a salaried staff member on grounds other than gross misconduct and the position held by the staff member is not subject to the advice of the Public Service Commission (see General Order 5.1), the following process is to apply:

- (a) the appointing officer must:
 - (i) collect evidence of the actions of the staff member which are the subject of concern;
 - (ii) advise the staff member of the concerns both orally and in writing, allow him to provide an explanation, and (if the explanation is not satisfactory) provide a warning that if there is not corrective action dismissal could result;
 - (iii) provide a reasonable period of time, and reasonable amount of support, for the staff member to take corrective action;
 - (iv) if insufficient corrective action is taken, advise the staff member of the ongoing concern both orally and in writing and issue a second warning that if corrective action is not taken a request for dismissal will be made to the Head of the Civil Service;
 - (v) provide a further reasonable period of time, and reasonable amount of support, for the staff member to take corrective action;
 - (vi) assess the actions of the staff member after the second period of time and if insufficient corrective action has been taken, prepare a report for the Head of the Civil Service outlining the case for dismissal and the actions taken by the appointing officer to comply with subparagraphs (i) to (v);
 - (b) the Head of the Civil Service will consider the report from the appointing officer, together with any representations from the staff member concerned, and decide whether or not to dismiss the staff member and then advise the appointing officer accordingly; and
 - (c) if dismissal is approved, the appointing officer is to notify the staff member at the earliest opportunity and make arrangements with the staff member for the dismissal to take effect.
- (4) If an appointing officer wishes to dismiss a salaried staff member with immediate effect on the grounds of gross misconduct, and the position held by the staff member is not subject to the advice of the Public Service Commission (see General Order 5.1), the following process is to apply:
- (a) the appointing officer is to:
 - (i) collect evidence of the actions of the staff member which are the subject of concern;
 - (ii) advise the staff member of the concerns, both orally and in writing, and advise him that these are grounds for instant dismissal;
 - (iii) provide an opportunity for the staff member to explain his position; and
 - (iv) reassess the situation in light of the staff member's explanation and, if insufficient explanation has been provided, prepare a report for the Head of the Civil Service outlining the case for dismissal and the

actions taken by the appointing officer to comply with subparagraphs (i) to (iii);

- (b) the Head of the Civil Service will consider the report from the appointing officer, together with any representations from the staff member concerned, and decide whether or not to dismiss the staff member with immediate effect and then advise the appointing officer accordingly; and
 - (c) if dismissal is approved, the appointing officer is to notify the staff member at the earliest opportunity and make arrangements with the staff member for the dismissal to take effect.
- (5) If an appointing officer considers that a salaried staff member who is subject to dismissal proceedings should be interdicted:
- (a) and the position held by the staff member is subject to the advice of the Public Service Commission (see General Order 5.1), he is to take action in accordance with PSC Regulation 41;
 - (b) and the position held by the staff member is not subject to the advice of the Public Service Commission (see General Order 5.1), he is to take action in following the procedures specified in PSC Regulation 41 but reporting directly to the Head of the Civil Service without the involvement of the Public Service Commission.

5.14 Retirement of Salaried Staff on Medical Grounds

If an appointing officer wishes to retire a salaried staff member on medical grounds because the staff member is incapable of performing his duties due to a permanent disability, the following procedures are to apply:

- (1) The appointing officer must:
 - (a) collect evidence to show that the staff member's disability is preventing in a substantial way the required duties from being performed;
 - (b) advise the staff member of the concerns, both orally and in writing;
 - (c) provide a reasonable period of time, and reasonable amount of support, for the staff member to show that he is able to perform the required duties satisfactorily;
 - (d) if insufficient improvement occurs, advise the staff member that:
 - (i) he will be required to appear before a medical board to have his disability assessed and;
 - (ii) that if the board confirms the disability is permanent and likely to prevent the staff member from satisfactorily carrying out his duties, the staff member will be required to take retirement on medical grounds;
 - (f) arrange with the Chief Medical Officer to convene a medical board and assess the staff member;

- (g) ensure that the staff member is advised in writing of the results of the medical board in a timely manner;
- (2) If the Chief Medical Officer confirms the disability is permanent and likely to prevent the staff member from satisfactorily carrying out his duties, the appointing officer is to prepare a report and submit it to the Head of the Civil Service (or in the case of a member of gazetted Police Officers, the Governor) seeking his approval of the retirement on medical grounds.
- (3) The Head of the Civil Service (or the Governor as the case may be) will consider the report and approve or decline the request for retirement on medical grounds as he sees fit (the Head of the Civil Service or Governor is not required to seek the advice of the Public Service Commission in the case of early retirement on medical grounds).
- (4) If the retirement on medical grounds is approved, the appointing officer is to notify the staff member at the earliest opportunity and provide three months notice of it taking effect.

5.15 Compulsory Retirement of Salaried Staff Who Have Reached the Minimum Retirement Age

If an appointing officer wishes to compulsorily retire a salaried staff member who has reached the minimum retirement age, the following procedures are to apply:

- (1) In the case of positions subject to the advice of the Public Service Commission (see General Order 5.1):
 - (a) the procedures established by PSC Regulations 27 are to be followed by the appointing officer and the Public Service Commission;
 - (b) upon receiving advice from the Public Service Commission, the Head of the Civil Service will decide whether or not to require the staff member to compulsorily retire and then advise the appointing officer accordingly; and
 - (c) if the retirement is approved, the appointing officer is to notify the staff member at the earliest opportunity and provide three months notice of it taking effect.
- (2) In the case of positions not subject to the advice of the Public Service Commission (see General Order 5.1):
 - (a) the appointing officer is to prepare a report to the Head of the Civil Service (or, in the case of gazetted Police Officers, the Governor) on the reasons for the requested compulsory retirement;
 - (b) the Head of the Civil Service (or the Governor as the case may be) will consider the report, together with representations from the staff member concerned, and decide whether or not to require the staff member to compulsorily retire and then advise the appointing officer accordingly; and
 - (c) if the retirement is approved, the appointing officer is to notify the staff member at the earliest opportunity and provide three months notice of it taking effect.

5.16 Retirement of Salaried Staff to Improve the Organisation

If an appointing officer wishes to retire a salaried staff member in order to improve the efficiency or economy of the civil service entity, the following procedures are to apply:

- (1) In the case of positions subject to the advice of the Public Service Commission (see General Order 5.1):
 - (a) the procedures established by PSC Regulation 29 are to be followed by the appointing officer and the Public Service Commission;
 - (b) upon receiving advice from the Public Service Commission, the Head of the Civil Service is to decide whether or not to require the staff member to retire and then advise the appointing officer accordingly; and
 - (c) if the retirement is approved, the appointing officer is to notify the staff member at the earliest opportunity and provide three months notice of it taking effect.
- (2) In the case of positions not subject to the advice of the Public Service Commission (see General Order 5.1):
 - (a) the appointing officer is to prepare a report to the Head of the Civil Service (or in the case of gazetted Police Officers, the Governor) on the reasons for the requested retirement and the efficiencies to be achieved;
 - (b) the Head of the Civil Service (or the Governor as the case may be) is to consider the report, together with representations from the staff member concerned, and decide whether or not to require the staff member to retire and then advise the appointing officer accordingly; and
 - (c) if the retirement is approved, the appointing officer is to notify the staff member at the earliest opportunity and provide three months notice of it taking effect.

5.17 Premature Termination of Fixed-Tenure Employment Agreements

If an appointing officer wishes to prematurely terminate a fixed-tenure salaried staff member without due notice and the employment agreement with that staff member allows for early termination, the following procedures are to apply:

- (1) In the case of positions subject to the advice of the Public Service Commission (see General Order 5.1):
 - (a) the procedures established by PSC Regulation 30 are to be followed by the appointing officer and the Public Service Commission;
 - (b) upon receiving advice from the Public Service Commission, the Head of the Civil Service is to decide whether or not to prematurely terminate the staff member and then advise the appointing officer accordingly; and
 - (c) if the termination is approved, the appointing officer is to notify the staff member at the earliest opportunity and provide one month's notice of termination to the staff member.

- (2) In the case of positions not subject to the advice of the Public Service Commission (see General Order 5.1):
 - (a) the appointing officer is to prepare a report to the Head of the Civil Service (or in the case of gazetted Police Officers, the Governor) on the reasons for the requested premature termination;
 - (b) the Head of the Civil Service (or the Governor as the case may be) is to consider the report, together with representations from the staff member concerned, and decide whether or not to prematurely terminate the staff member and then advise the appointing officer accordingly; and
 - (c) if the termination is approved, the appointing officer is to notify the staff member at the earliest opportunity and provide one month's notice of termination to the staff member.

5.18 Redundancy of Salaried Staff Members

If an appointing officer wishes to make a salaried position in his civil service entity redundant, the following procedures are to apply:

- (1) The appointing officer is to prepare a report to the Head of the Civil Service (or, in the case of a member of the Royal Cayman Islands Police Force, the Governor):
 - (a) outlining why the duties and functions assigned to the post held by the salaried staff member are no longer required by the civil service entity and certifying that those duties and functions will not substantively be transferred to another person or position in the civil service entity; and
 - (b) identifying vacant positions in the civil service entity and whether any of these positions are suitable for the staff member to be transferred into;
- (2) The Head of the Civil Service (or the Governor as the case may be) is to consider the report and decide whether or not to make the position redundant and then advise the appointing officer accordingly. Note: the Head of the Civil Service is not required to seek the advice of the Public Service Commission in the case of redundancy other than in relation to paragraph 4 below.
- (3) If the Head of the Civil Service agrees to make the position redundant, the appointing officer is to:
 - (a) advise the staff member both orally and in writing of his post being declared unnecessary and of the other positions (if any) that he could be transferred to, and allow him adequate opportunity to state his position;
 - (b) provide a reasonable period of time, and reasonable amount of support, for the staff member to consider whether he wishes to be transferred to a suitable vacant post (if available);
 - (c) if the staff member agrees to be transferred to a suitable vacant post (if available), arrange the transfer; and
 - (d) if the staff member declines to be transferred to a suitable vacant post, or there is no suitable vacant post in the civil service entity, advise the staff

member (orally and in writing) that he is being made redundant and provide three months notice of that taking effect.

- (4) If the position to be abolished is one of a number of such positions and one or more of those positions are to remain, and the position to be abolished is subject to the advice of the Public Service Commission (see General Order 5.1), then the procedure established by PSC Regulations 28 is to apply.

5.19 Discipline or Dismissal of Wage Workers for Misconduct or Inadequate Performance

- (1) Except where a law relating to a civil service entity provides otherwise (in which case the provision of that law apply), wage workers may be disciplined only on the following grounds:
 - (a) minor misconduct; or
 - (b) inadequate performance (compared to established performance agreements) over a reasonable period of time.
- (2) Except where a law relating to a civil service entity provides otherwise (in which case the provisions of that law apply), wage workers may be dismissed only on the following grounds:
 - (a) gross or serious misconduct; or
 - (b) significant inadequate performance (compared to established performance agreements) over a reasonable period of time.
- (3) An appointing officer may issue a written reprimand to a staff member guilty of a disciplinary offence but may do so only after:
 - (a) collecting evidence of the actions of the staff member which are the subject of the reprimand; and
 - (b) advising the staff member of the concerns orally.
- (4) If an appointing officer wishes to discipline a wage worker other than by way of written reprimand, or dismiss a wage worker (other than on grounds of gross misconduct), the following process is to apply:
 - (a) the appointing officer must:
 - (i) collect evidence of the actions of the staff member which are the subject of concern;
 - (ii) advise the staff member of the concerns both orally and in writing, allow him to provide an explanation, and (if the explanation is not satisfactory) provide a warning that if there is not corrective action disciplinary action could result;
 - (iii) provide a reasonable period of time, and reasonable amount of support, for the staff member to take corrective action;

- (iv) if insufficient corrective action is taken, advise the staff member of the ongoing concern both orally and in writing and issue a second warning that if corrective action does not occur disciplinary action will be taken;
 - (v) provide a further reasonable period of time, and reasonable amount of support, for the staff member to take corrective action;
 - (vi) assess the actions of the staff member after the second period of time to determine if sufficient corrective action has occurred.
- (b) if insufficient corrective action has occurred the appointing officer may take one of the following disciplinary actions:
- (i) suspend the employee without pay pending further investigation of the case;
 - (ii) demote the employee where he holds a supervisory post; or
 - (iii) dismiss the employee by notification to the employee in writing.
- (5) An appointing officer may dismiss a wage worker with immediate effect on the grounds of gross misconduct, but before doing must:
- (a) collect evidence of the actions of the staff member which are the subject of concern;
 - (b) advise the staff member of the concerns, both orally and in writing, and advise him that these are grounds for instant dismissal;
 - (c) provide an opportunity for the staff member to explain his position; and
 - (d) reassess the situation in light of the staff member's explanation.

5.20 Termination of Wage Workers for Reasons Other Than Dismissal

Except where a law relating to a civil service entity provides otherwise (in which case the provision of that law apply), an appointing officer may retire a wage worker on medical grounds where the staff member has a permanent disability, compulsorily retire a wage worker who has reached the minimum retirement age, terminate a wage worker to improve efficiency in his civil service entity, make a wage worker redundant, or terminate the wage worker as a result of a contraction in work but must do so in accordance with the following procedures:

- (1) In the case of retirement on medical grounds, the appointing officer must:
 - (a) collect evidence to show that the staff member's disability is preventing in a substantial way the required duties from being performed;
 - (b) advise the staff member of the concerns both orally and in writing;
 - (c) provide a reasonable period of time, and reasonable amount of support, for the staff member to show that he is able to perform the required duties satisfactorily;
 - (d) if insufficient improvement occurs, advise the staff member that:

- (i) he will be required to appear before a medical board to have his disability assessed and;
 - (ii) that if the board confirms the disability is permanent and likely to prevent the staff member from satisfactorily carrying out his duties, the staff member will be required to take retirement on medical grounds;
- (f) arrange with the Chief Medical Officer to convene a medical board and assess the staff member;
- (g) ensure that the staff member is advised in writing of the results of the medical board in a timely manner and if the Chief Medical Officer confirms the disability is permanent provide three months' notice of it taking effect.;
- (2) In the case of compulsorily retirement of a wage worker who has reached the minimum retirement age, the appointing officer must:
- (a) discuss the intention to retire the staff member with the staff member concerned;
 - (b) advise the staff member in writing of the requirement to retire and provide three months notice of it taking effect.
- (3) In the case of the termination of a wage worker to improve efficiency in the civil service entity, or in the case of redundancy, the appointing officer must:
- (a) discuss the intention to terminate the staff member or make him redundant with the staff member concerned;
 - (b) advise the staff member in writing of the termination or redundancy and provide three months notice of it taking effect.
- (4) In the case of the termination of a wage worker as a result of a contraction in work, termination is to occur on a first in, last out basis with preference given to the retention of Caymanians, and the appointing officer must:
- (a) discuss the intention to terminate the staff member with the staff member concerned;
 - (b) advise the staff member in writing of the termination and organise for it to take effect.

5.21 Appeals by Salaried Staff

- (1) Salaried staff, whose positions are subject to the advice of the Public Service Commission (see General Order 5.1), may (in accordance with PSC Regulations 17 and 38) appeal decisions made in accordance with General Orders 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17 and 5.18 by applying to the Public Service Commission.
- (2) Salaried staff, whose positions are not subject to the advice of the Public Service Commission (see General Order 5.1), may appeal decisions made in accordance with General Orders 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17 and 5.18 by applying to Head of the Civil Service via the chief officer of the Portfolio of the Civil Service.

- (3) Upon receiving advice from the Public Service Commission (or in the case of appeals not subject to Public Service Commission advice, the appeal directly from the staff member) the Head of the Civil Service is to decide whether or not to reverse the decision that is subject to the appeal, and then advise the appointing officer accordingly; and
- (4) The appointing officer is to notify the staff member of the results of the appeal at the earliest opportunity and then agree with the staff member the arrangements for giving effect to the appeal decision as appropriate.

5.22 Appeals by Wage Workers

- (1) Wage workers may appeal decisions made in accordance with General Orders 5.9, 5.19 and 5.20 by applying to Head of the Civil Service via the chief officer of the Portfolio of the Civil Service.
- (2) Upon receiving the appeal the Head of the Civil Service is to decide whether or not to reverse the decision that is subject to the appeal, and then advise the appointing officer accordingly; and
- (3) The appointing officer is to notify the staff member of the results of the appeal at the earliest opportunity and then agree with the staff member the arrangements for giving effect to the appeal decision as appropriate.

5.23 Obligation on Appointing Officer to be Fair and Open

- (1) In appointing, promoting, transferring or reappointing a staff member there is an overriding obligation on the appointing officer to ensure that an open and fair process operates. An open and fair process is one which provides an opportunity for any suitably qualified person to apply for the position, all persons applying are considered for appointment in an unbiased manner, and the person appointed is the person whose skills, qualifications and experience (rather than other factors) make them most suitable for the position taking into account the requirement to give preference to Caymanians.
- (2) In taking any actions involving disciplining or dismissing a staff member, retiring a staff member on medical grounds, compulsorily retiring a staff member who has reached the minimum retirement age, retiring a staff member to improve efficiency in his civil service entity, prematurely terminating a fixed-tenure staff member, or making a salaried staff member redundant there is an overriding obligation on the chief officer to ensure that an open and fair process operates. An open and fair process is one which provides an opportunity for any staff member subject to disciplinary, dismissal, retirement or redundancy action to be fully aware of all matters or concerns relating to their performance or employment and have an opportunity to present their views in an environment which is neutral and unbiased towards that staff member.

5.24 Performance Agreements for Staff

- (1) Prior to the commencement of each financial year, a chief officer is to enter into a performance agreement with each head of department and any other staff member

reporting directly to the chief officer, and that agreement is to reflect the relevant aspects of the chief officer's performance agreement.

- (2) Prior to the commencement of each financial year, a head of department or other manager is to enter into a performance agreement with each staff member for whom he is responsible, and that agreement is to reflect the relevant aspects of the head of department's or other manager's performance agreement.
- (3) A performance agreement for a head of department or other staff member is to include:
 - (a) The name of the staff member;
 - (b) The name of the person the staff member reports to;
 - (c) The period to be covered by the performance agreement;
 - (d) The external and internal outputs (or parts thereof) that the staff member is to produce during the performance period;
 - (e) The ownership performance (or aspects thereof) that the staff member is to be responsible for during the performance period;
 - (f) The personal behaviours expected of the staff member during the performance period;
 - (g) Any training or skills development or personal development that the staff member is expected to undertake during the performance period;
 - (h) The procedures for changing the performance agreement during the year;
 - (i) An acknowledgement by both parties to the agreement that they have discussed and agreed the performance agreement, together with the date on which that discussion and agreement occurred
- (4) A performance agreement may be modified during the financial year to which it relates with the agreement of the parties to it.

5.25 Performance Assessment of Staff

- (1) The performance of a head of department or other staff member reporting directly to the chief officer is to be reviewed at the end of each financial year by means of an annual performance assessment undertaken by the chief officer and involving the head of department or other staff member concerned.
- (2) The performance of all other staff members is to be reviewed at the end of each financial year by means of an annual performance assessment undertaken by the relevant head of department or other manager, and the staff member concerned.
- (3) In undertaking the annual performance assessment of a head of department or other manager, performance is to be assessed against the staff member's performance agreement for the financial year (together with any modifications of that agreement made during the year), and taking into account the extent to which recommendations of the head of department or other manager on personnel

matters were accepted by the chief officer, the Public Service Commission and the Head of the Civil Service (or Governor, as the case may be).

- (4) In undertaking the annual performance assessment of staff other than a head of department or other manager, performance is to be assessed against the staff member's performance agreement for the financial year, together with any modifications of that agreement made during the year.
- (5) Before completing the performance assessment, the chief officer, or head of department, section or unit (as the case may be), must consult with the staff member concerned and any other persons the chief officer, head of department, section or unit thinks relevant about their views on the extent to which the staff member has achieved the performance specified in their performance agreement for the year.
- (6) The performance assessment is to be completed as soon as possible after information about the performance of the staff member is available and no later than 30 days after the ministry or portfolio's annual report has been tabled in the Legislative Assembly, the tabling being in accordance with the provisions of the Public Management and Finance Law (2003 Revision).
- (7) Completion of a Performance Assessment satisfies the requirement of PSC Regulation 23 for an "annual confidential report" for each staff member.

5.26 Assistance from the Portfolio of the Civil Service

Chief Officers and other appointing officers may, at their discretion and cost, obtain assistance from the Portfolio of the Civil Service in undertaking their duties under this or any other Chapter.

CHAPTER 6

EMPLOYMENT AGREEMENTS

6.1 Employment Agreement to be Prepared

An appointing officer is to prepare and agree an employment agreement for a civil servant (including Official Members and chief officers) following their appointment but prior to the commencement of duties; and an original copy of the agreement is to be provided to the employee.

6.2 New Employment Agreement When Appointed to Different Position

As the employment agreement is specific to an employee's position, a new agreement is to be prepared and agreed whenever a person is appointed, transferred or promoted to a new or different position; this includes civil servants who are already employed within the civil service entity, and civil servants already employed in another civil service entity.

6.3 New Employment Agreement When Circumstances Change

In addition to the requirements of General Order 6.2, whenever there is a change in circumstances that render an employment agreement at variance with those circumstances (e.g. a change in tenure or a change in terms and conditions specified in General Orders), a new employment agreement is to be prepared and agreed with the employee.

6.4 Signatories to Employment Agreements

Employment agreements are to be signed by the employee and the following appointing officers:

- (a) In the case of employment agreements with Official Members, the Auditor General, the Complaints Commissioner, the Commissioner of Police and other gazetted Police Officers: the Governor;
- (b) In the case of employment agreements with chief officers of ministries and portfolios: the Head of the Civil Service;
- (c) In the case of employment agreements with staff of a civil service entity: the chief officer.

6.5 Form and Content of Employment Agreements

The employment agreement is to be in the form shown in Schedule 1 (Template for Employment Agreements for Civil Servants) and is to contain the following information:

- (a) The name of the employee;
- (b) The name of the employer as the Cayman Islands Government;
- (c) The position appointed to;
- (d) The period of appointment (tenure);

- (e) The place of work;
- (f) The start date;
- (g) The employee's wages or salary and other remuneration (such as allowances);
- (h) The terms and conditions of employment (a copy of the standard terms and conditions current at the time the employment agreement is entered into is to be attached to the agreement);
- (i) A requirement to comply with the Public Servant's Code of Conduct & work place rules;
- (j) A requirement to participate in the performance management system including the preparation of annual performance agreements and assessments;
- (k) A requirement that the employee must not engage in any private gainful activity without the written agreement of the chief officer;
- (l) An outline of disciplinary and termination processes.

6.6 Transitional Employment Agreement Arrangements for Existing Civil Servants

- (1) This Chapter applies in full to all persons appointed to a position in the civil service for the first time on, or after, 10 May 2005.
- (2) Existing civil servants on 10 May 2005 (the date this Revision comes into force) are not required to enter into a new employment agreement in the form required by General Order 6.5 until such time as the civil servant is appointed to a different position (see General Order 6.2), the circumstances of his employment changes (see General Order 6.3), or his probationary appointment is confirmed (see General Order 5.5) from which time the provisions of this Chapter will apply in full to that civil servant.

CHAPTER 7

REMUNERATION LEVELS

7.1 Allocating Positions to Wage and Salary Grades

All civil service positions are to be allocated to one of the wage and salary grades specified in General Order 7.5 by the Portfolio of the Civil Service using an objective job-evaluation methodology and having regard to:

- (a) The duties, responsibilities and accountabilities of the position;
- (b) The qualification, knowledge, skills and experience required; and
- (c) The relevant internal and external market rates for similar positions.

7.2 Agreeing Specific Salary or Wage Levels

The specific point within a grade (established under General Order 7.1) on which a civil servant is to be paid:

- (a) is to be agreed between the civil servant concerned and the appointing officer upon the civil servant's appointment to a position; and
- (b) may be adjusted from time-to-time during the civil servant's employment in a position by agreement between the appointing officer and the civil servant concerned.

7.3 Requests for Allocation to a Wage and Salary Grade

An appointing officer:

- (a) must submit a job description for a new position to the Portfolio of the Civil Service for allocation to a wage and salary grade before commencing the appointment process for the position; and
- (b) may request that an existing allocation be reviewed by Portfolio of the Civil Service whenever he feels that any of the factors in General Order 7.1 have changed sufficiently to warrant a re-evaluation of the grading.

7.4 Approval of Allowances

An appointing officer may, from time to time determine by agreement with the staff member concerned, which of the following allowances are to be paid to a staff member, provided that the amount of the allowance is to be no more than that specified in the General Order 8.3(1)(b):

- (a) Acting allowance;
- (b) Extra duty allowance;
- (c) Standby and call-out allowance;
- (d) Entertainment allowance;

- (e) Motorcar upkeep allowance;
- (f) Police allowances (Police Officers only);
- (g) Fire Service allowance (Fire Officers only);
- (h) Prison Service allowances (Prison Officers only);
- (i) Sleep-in allowance.

7.5 Wage and Salary Grades

(1) The wage grades are as follows:

Wage Grades (Hourly Wage)													
Grade	PT 1	PT 2	PT 3	PT 4	PT 5	PT 6	PT 7	PT 8	PT 9	PT 10	PT 11	PT 12	PT 13
GAA	\$7.87	\$8.09	\$8.28	\$8.50	\$8.70								
GBB	\$9.43	\$9.69	\$9.93	\$10.18	\$10.42								
GCC	\$10.98	\$11.28	\$11.56	\$11.85	\$12.14								
GDD	\$12.54	\$12.87	\$13.20	\$13.53	\$13.86								
GEE	\$14.09	\$14.47	\$14.84	\$15.22	\$15.59								
GFF	\$15.66	\$16.07	\$16.48	\$16.89	\$17.30								

(2) The salary grades are as follows:

Salary Grades (Monthly/Annual Salary)													
Grade	PT 1	PT 2	PT 3	PT 4	PT 5	PT 6	PT 7	PT 8	PT 9	PT 10	PT 11	PT 12	PT 13
A	\$11,773	\$12,067	\$12,370	\$12,677	\$12,995								
	\$141,276	\$144,804	\$148,440	\$152,124	\$155,940								
B	\$11,205	\$11,485	\$11,773	\$12,067	\$12,369	\$12,677							
	\$134,460	\$137,820	\$141,276	\$144,804	\$148,428	\$152,124							
C	\$9,075	\$9,303	\$9,536	\$9,774	\$10,018	\$10,268	\$10,525						
	\$108,900	\$111,636	\$114,432	\$117,288	\$120,216	\$123,216	\$126,300						
D	\$7,776	\$7,969	\$8,169	\$8,373	\$8,582	\$8,797	\$9,017	\$9,243					
	\$93,312	\$95,628	\$98,028	\$100,476	\$102,984	\$105,564	\$108,204	\$110,916					
E	\$7,090	\$7,268	\$7,449	\$7,636	\$7,826	\$8,022	\$8,223	\$8,428	\$8,639				
	\$85,080	\$87,216	\$89,388	\$91,632	\$93,912	\$96,264	\$98,676	\$101,136	\$103,668				
F	\$6,508	\$6,670	\$6,838	\$7,008	\$7,184	\$7,364	\$7,548	\$7,736	\$7,928	\$8,127			
	\$78,096	\$80,040	\$82,056	\$84,096	\$86,208	\$88,368	\$90,576	\$92,832	\$95,136	\$97,524			
G	\$5,717	\$5,861	\$6,008	\$6,157	\$6,311	\$6,470	\$6,631	\$6,797	\$6,966	\$7,141	\$7,320	\$7,502	\$7,690
	\$68,604	\$70,332	\$72,096	\$73,884	\$75,732	\$77,640	\$79,572	\$81,564	\$83,592	\$85,692	\$87,840	\$90,024	\$92,280
H	\$5,110	\$5,237	\$5,369	\$5,503	\$5,641	\$5,782	\$5,927	\$6,074	\$6,226	\$6,382	\$6,542	\$6,705	\$6,873
	\$61,320	\$62,844	\$64,428	\$66,036	\$67,692	\$69,384	\$71,124	\$72,888	\$74,712	\$76,584	\$78,504	\$80,460	\$82,476
I	\$4,504	\$4,617	\$4,732	\$4,851	\$4,973	\$5,096	\$5,224	\$5,354	\$5,489	\$5,625	\$5,767	\$5,910	\$6,059
	\$54,048	\$55,404	\$56,784	\$58,212	\$59,676	\$61,152	\$62,688	\$64,248	\$65,868	\$67,500	\$69,204	\$70,920	\$72,708
J	\$3,928	\$4,027	\$4,128	\$4,230	\$4,336	\$4,445	\$4,556	\$4,669	\$4,786	\$4,906	\$5,029	\$5,154	\$5,284
	\$47,136	\$48,324	\$49,536	\$50,760	\$52,032	\$53,340	\$54,672	\$56,028	\$57,432	\$58,872	\$60,348	\$61,848	\$63,408
K	\$3,495	\$3,596	\$3,674	\$3,765	\$3,859	\$3,955	\$4,055	\$4,156	\$4,260	\$4,367	\$4,476	\$4,587	\$4,702
	\$41,940	\$43,152	\$44,088	\$45,180	\$46,308	\$47,460	\$48,660	\$49,872	\$51,120	\$52,404	\$53,712	\$55,044	\$56,424
L	\$3,131	\$3,210	\$3,289	\$3,372	\$3,457	\$3,543	\$3,632	\$3,723	\$3,815	\$3,911	\$4,009	\$4,109	\$4,212
	\$37,572	\$38,520	\$39,468	\$40,464	\$41,484	\$42,516	\$43,584	\$44,676	\$45,780	\$46,932	\$48,108	\$49,308	\$50,544
M	\$2,809	\$2,879	\$2,952	\$3,026	\$3,102	\$3,179	\$3,258	\$3,339	\$3,424	\$3,510	\$3,597	\$3,687	\$3,779
	\$33,708	\$34,548	\$35,424	\$36,312	\$37,224	\$38,148	\$39,096	\$40,068	\$41,088	\$42,120	\$43,164	\$44,244	\$45,348
N	\$2,539	\$2,601	\$2,667	\$2,734	\$2,801	\$2,872	\$2,944	\$3,018	\$3,092	\$3,169	\$3,249	\$3,330	\$3,414
	\$30,468	\$31,212	\$32,004	\$32,808	\$33,612	\$34,464	\$35,328	\$36,216	\$37,104	\$38,028	\$38,988	\$39,960	\$40,968
O	\$2,301	\$2,359	\$2,418	\$2,477	\$2,541	\$2,602	\$2,668	\$2,736	\$2,803	\$2,874	\$2,946	\$3,021	\$3,096
	\$27,612	\$28,308	\$29,016	\$29,724	\$30,492	\$31,224	\$32,016	\$32,832	\$33,636	\$34,488	\$35,352	\$36,252	\$37,152
P	\$2,081	\$2,133	\$2,186	\$2,241	\$2,297	\$2,354	\$2,414	\$2,473	\$2,535	\$2,598	\$2,664	\$2,730	\$2,798
	\$24,972	\$25,596	\$26,232	\$26,892	\$27,564	\$28,248	\$28,968	\$29,676	\$30,420	\$31,176	\$31,968	\$32,760	\$33,576
Q	\$1,859	\$1,905	\$1,953	\$2,001	\$2,052	\$2,103	\$2,156	\$2,210	\$2,265	\$2,321	\$2,380	\$2,438	\$2,500
	\$22,308	\$22,860	\$23,436	\$24,012	\$24,624	\$25,236	\$25,872	\$26,520	\$27,180	\$27,852	\$28,560	\$29,256	\$30,000
R	\$1,307	\$1,340	\$1,375	\$1,408	\$1,444	\$1,479	\$1,516	\$1,554	\$1,593	\$1,633	\$1,674	\$1,716	\$1,759
	\$15,684	\$16,080	\$16,500	\$16,896	\$17,328	\$17,748	\$18,192	\$18,648	\$19,116	\$19,596	\$20,088	\$20,592	\$21,108

CHAPTER 8

TERMS AND CONDITIONS OF EMPLOYMENT

8.1 Standard Terms and Conditions

- (1) The standard terms and conditions of employment for persons employed by the government are to be those specified in General Orders 8.2 to 8.20. They apply to all civil servants (Official Members, chief officers, salaried staff and wage workers) including those employed on fixed-term-tenure or on a part-time basis.
- (2) An appointing officer and the employee concerned may agree, in the employee's employment agreement, terms and conditions that are additional to the standard terms and conditions (other than in relation to wages or salary levels which must conform with Chapter 7), provided that all terms and conditions comply with the minimum standards.

8.2 Attendance

- (1) The normal hours of work for full-time salaried employees are 37½ hours per week and for part-time salaried employees are as agreed between the appointing officer and the employee concerned.
- (2) The normal hours of work for full-time wage workers are 40 hours per week and for part-time wage workers are as agreed between the appointing officer and the employee concerned.
- (3) An employee may take a reasonable amount of time for medical, optical or dental visits if these occur during normal working hours but shall provide evidence of such visits, if required by the appointing officer to do so, provided that:
 - (a) prior notification is provided to the appointing officer; and
 - (b) the normal requirement of service to the public is not adversely affected.
- (4) If an employee is a member of the Cayman Islands Civil Service Association, the employee may attend meetings of the Executive held during normal working hours, provided that:
 - (a) prior notification is provided to the appointing officer; and
 - (b) the normal requirement of service to the public is not adversely affected.
- (5) An employee is entitled to a rest break of at least fifteen minutes and a meal break of at least 30 minutes in every working day of 7.5 hours or longer, provided that no remuneration is payable during a meal break.
- (6) An employee who is absent from work without approval from his appointing officer will not receive remuneration for the period of absence and, in the case of civil service entity staff members, may also be subject to disciplinary action in accordance with General Orders 5.11 and 5.19.

8.3 Remuneration

- (1) An employee's remuneration is to be made up as follows:
 - (a) Wages or salary within the grade assigned by the Portfolio of the Civil Service, and at a point within that grade agreed between the appointing officer and the employee in accordance with Chapter 7 of General Orders. The wages or salary of part-time employees is the pro-rated portion of the equivalent full-time position.
 - (b) Such of the following allowances as are agreed between the appointing officer and the employee in accordance with Chapter 7 of General Orders, at the following rates:
 - (i) Acting allowance if the employee is acting in another position. An acting allowance is payable for a maximum period of six months per financial year and the amount of the allowance is the difference between the amount of the employee's normal wages or salary and the wages and salary applying to the position he is acting in;
 - (ii) Extra duty allowance if the employee undertakes duties that are substantially in excess of, or substantially more onerous than, those of his normal position. The amount of the allowance is to be determined by the appointing officer but is to be reflective of the scope and magnitude of the extra duties.
 - (iii) Standby and call-out allowance if the employee is required to standby in case of emergency or is subject to call-out in normal off duty hours. The amount of the allowance is to be determined by the appointing officer but is to be reflective of the extent of standby or call-out expected of the employee.
 - (iv) Entertainment allowance if the employee is required to entertain as part of his official duties. The amount of the allowance is to be determined by the appointing officer but is to be reflective of the amount and cost of entertainment expected of the employee.
 - (v) Motorcar upkeep allowance if the employee regularly uses his personal motor vehicle as part of his official duties. The amount of the allowance is to be \$1,500 per year.
 - (vi) Police allowances for Police Officers as follows:
 - (I) Allowances as specified in the Schedule to the Police Regulations;
 - (II) Beat officers' allowance of \$150 per month.
 - (vii) Fire Service allowances for firemen as follows:
 - (I) Laundry allowance: \$25 per month;
 - (II) Little Cayman allowance: \$400 per month.

- (viii) Prison Service allowances for Prison Officers as follows:
 - (I) Laundry allowance: \$25 per month;
 - (II) Housing allowance: \$125 per month.
- (ix) Sleep-in allowance of \$20 per night for community care and child care workers who are required to sleep-in at a client's house to provide relevant care to the client.

(c) The following special supplements (may only be paid to employees already receiving these supplements on 10 May 2005 - the date this Revision comes into force):

- (i) Contracted officers supplement of 15% of salary;
- (ii) Five-year cash grant paid at the end of every five years of employment for an employee, his spouse and one additional person at the following rates:

<i>Salary Grade on 1 October 1980</i>	<i>Amount of Five Year Grant</i>
M 11 and above	\$1,250
M 30 - 12	\$350
M 31 and above	\$160

- (d) Overtime or time-in-lieu for any hours worked in excess of the normal number of working hours in a week as follows:
 - (i) for salaried employees on grade H or above: no overtime is payable but time-off-in-lieu on a 1:1 basis may be granted at the discretion of the appointing officer;
 - (ii) for salaried employees on grade I or below: overtime at time-and-a-half of the normal hourly rate (which is calculated by dividing the normal monthly salary by 163.13 (the standard hours worked per month)); alternatively time-off-in-lieu on a 1:1 basis may be taken at the discretion of the appointing officer;
 - (iii) for wage workers: overtime at time-and-a-half for normal working days (including Saturdays) and double time for Sundays.
- (e) Public holiday pay for employees on grade I or below or who are wage workers, and who are required to work on a public holiday (see General Order 8.4), the pay being:
 - (i) the employee's normal hourly rate for any normal hours not worked during a public holiday;
 - (ii) double the employee's normal hourly rate for any normal hours worked during a public holiday; and
 - (iii) triple the employee's normal hourly rate for any hours worked in excess of the hours worked in a normal day; or

- (iv) alternatively time-off-in-lieu may be taken on a 1:1 basis at the discretion of the appointing officer.
 - (f) Pension contributions for employees who are members of the Public Service Pension Scheme and required to contribute to it in accordance with the provisions of the Public Service Pension Law, as follows:
 - (i) the employing civil service entity will make an employee pension contribution at the rate of 6% of wages or salary plus pensionable allowances (this contribution being in addition to the employee's wages or salary) and remit this each pay period to the Public Service Pensions Board in the name of the employee; and
 - (ii) the employing civil service entity will make an equivalent 6% employer contribution and remit this each pay period to the Public Service Pensions Board in the name of the employee.
- (2) The pay period and method of payment of remuneration (other than pension contributions) is to be as follows:
- (a) Remuneration for salaried employees will be paid in arrears monthly by direct deposit into the employee's bank account;
 - (b) Remuneration for wage workers will be paid in arrears either fortnightly or monthly as agreed between the employee and the appointing officer, and paid by direct deposit into the employee's bank account or, if requested, by cheque;
 - (c) Where the employee has, for whatever reason, only worked for part of a pay period, the remuneration for that period will be calculated and paid on a pro-rated basis.
- (3) Wages or salary and other elements of remuneration will be payable from the date on which the employee takes up the duties to which the remuneration relates.

8.4 Paid Holiday Entitlements

An employee is entitled to all Public Holidays on full pay (or in the case of wage workers the basic wage he would have received if he had normally worked on that day), namely:

- (a) New Year's Day (or equivalent weekday);
- (b) National Heroes Day;
- (c) Ash Wednesday;
- (d) Good Friday;
- (e) Easter Monday;
- (f) Discovery Day;
- (g) Queens Birthday;

- (h) Constitution Day;
- (i) Remembrance Day;
- (j) Christmas Day (or equivalent weekday);
- (k) Boxing Day (or equivalent weekday); and
- (l) Elections Day (every four years).

8.5 Annual Leave Entitlement

(1) An employee is entitled to annual leave at the following rates:

(a) For full-time employees, other than police officers and teachers:

Grade	Years of Service			
	< 4 years	4 to 7 years	7 to 10 years	> 10 years
A, B, C, D, E, F, G, H, I, J, K	25 work days	25 work days	28 work days	28 work days
L, M, N, O, P, Q, GCC, GDD, GEE, GFF	18 work days	18 work days	23 work days	23 work days
R, GAA, GBB	12 work days	15 work days	18 work days	20 work days

(b) For full-time Police Officers:

- (i) Constable: 165 hours;
- (ii) Sergeant: 187.5 hours;
- (iii) Assistant/Inspector: 210 hours;
- (iv) Chief Inspector and above: 232.5 hours

(c) For teachers (including school principals): no annual leave but they may take school holidays, subject to the Chief Education Officer requiring them 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. Teachers who commence work during the year will receive pro-rated summer leave pay.

(d) For part-time employees: full-time employee entitlement prorated for the proportion of a full-time position worked.

(e) For employees on full-time study, no annual leave but may take normal course vacations while undertaking the course.

- (2) The following conditions apply to annual leave entitlements:
- (a) The annual leave year is the calendar year and the annual entitlement accrues to the employee at the beginning of the year, provided that on first appointment or on leaving the employment of the government, the employee's annual leave entitlement is to be pro-rated to the completed months of service.
 - (b) The employee may take annual leave at times agreed with his appointing officer.
 - (c) Annual leave must be taken by the end of the annual leave year, except that the appointing officer may approve the carrying forward of leave to the following leave period in such amount as the appointing officer may determine; in making such approvals an appointing officer will not unreasonably deny a request for a carry forward of leave if the employee has been prevented from taking leave during the year.
 - (d) If the employee becomes ill during his annual leave, he will be regarded as being on sick leave during the period of illness in accordance with General Order 8.6.
 - (e) On leaving the employment of the government, the employee is entitled to a payment equal to the amount of any leave due but not taken on the date employment ceases, and if he has taken annual leave in excess of the entitlement he will refund, by deduction from final salary or wages, the excess number of days pay.

8.6 Sick Leave Entitlement

An employee is entitled to sick leave as follows:

- (a) In the event of illness or injury to the employee, the employee is entitled to 10 working days paid sick leave per leave year, together with sufficient additional unpaid sick days as necessary.
- (b) In the event of serious illness or injury to the employee, the treatment of which would normally occur over a period of 10 calendar days or more, the employee, upon providing a medical certificate from a registered medical practitioner, is entitled to additional sick leave (as necessary) up to a maximum of 125 working days on full-pay and a further 135 working days on half-pay per annum.
- (c) Regardless of paragraphs (a) and (b) if the employee suffers an injury or contracts an illness as a result of his duties, he is entitled to sick leave on full pay for the period of the injury or illness or until his employment is terminated.
- (d) If required to do so by the appointing officer, an employee is to provide a medical certificate from a registered medical practitioner to support any period of sick leave.

8.7 Other Leave Entitlements

An employee is entitled to other leave as follows:

- (1) Maternity and Paternity Leave:
 - (a) A female employee who has completed at least twelve months continuous service is entitled to 90 days maternity leave surrounding the birth or adoption of a child and this is to be made up of their annual leave (not applicable to teachers), 30 working days on full pay, and the remainder without pay;
 - (b) A male employee who has completed at least twelve months continuous service is entitled to paternity leave of two working weeks surrounding the birth or adoption of a child and this is to be made up of one week on full pay and one week without pay.
- (2) Jury Leave: If the employee receives a summons to serve on a jury, the employee is entitled to a paid leave of absence for the time involved in jury selection or jury service, but the employee must pay over to his civil service entity any juror allowance received by the employee.

8.8 Discretionary Leave

An employee is entitled to the following types of leave at the discretion of the appointing officer:

- (1) Part-Time Study Leave: An employee undertaking a course of part-time study that is related to his employment may be granted a reasonable amount of paid study leave to attend classes and prepare for and sit examinations.
- (2) Full-Time Study Leave: Any employee undertaking a course of full-time study may be granted paid study leave, leave without pay, or a combination thereof during the period of study, provided that paid study leave will only be granted if the course of study directly relates to the employee's duties and the course of study is necessary to advance the civil service career of the employee.
- (3) Bereavement and Compassionate Leave:
 - (a) An employee may be granted paid bereavement leave of up to 10 working days per year upon the death of a member of his immediate family (being the employee's spouse, child, father, mother, brother or sister).
 - (b) In the event of a serious illness or other calamitous occurrence to a member of the employee's immediate family (being the employee's spouse, child, father, mother, brother or sister), the employee may be granted compassionate leave on full pay of up to 7 working days per year.
- (4) Special Leave: If the employee is selected to represent the Cayman Islands as a manager or member of a sporting or cultural body at a national meet, the employee is entitled to up to 10 working days per year of special leave with pay to attend the meet, provided that only employees who have six month's continuous service are entitled to paid special leave.
- (5) Required Leave: The employee may be required to go on leave on full pay for such period as his appointing officer deems necessary, if the appointing officer deems it

to be in the public interest for the employee to do so; provided that the Head of the Civil Service is to be consulted if the period of leave is to be more than 30 days .

- (6) Leave Without Pay: The employee is may apply to take unpaid leave but it will only be granted in exceptional circumstances at the discretion of the appointing officer.

8.9 Medical, Dental and Optical Benefits

An employee, his spouse and dependent children are entitled to the following medical, dental and optical benefits, provided that the Cayman Islands Government is the employee's principal employer (as defined by the Health Insurance Law (2003 Revision), namely the employer (amongst two or more) who employs a person for more than 15 hours a week, or if no employer does this, the employer who first employed the employee:

- (a) Medical treatment:
- (i) Free non-elective medical treatment in accordance with the health insurance coverage provided by the Cayman Islands National Insurance Company (CINICO); in all other circumstances the responsibility for the cost of medical treatment rests with the employee.
 - (ii) Where the employee or family member is referred to an overseas hospital the patient is also entitled to free transportation to and from the overseas hospital, and, if being treated as an outpatient, to the reimbursement of any accommodation costs incurred during treatment, in accordance with the health insurance coverage provided by the Cayman Islands National Insurance Company (CINICO);
 - (iii) If the employee, or family member who is normally resident in the Cayman Islands, dies while being treated overseas, the Government will meet the transportation costs of returning the body to the Cayman Islands or, if the employee was recruited overseas, the country of residence.
- (b) Dental treatment: free dental treatment other than cosmetic dentistry (as determined by the Chief Dental Officer), in accordance with the health insurance coverage provided by the Cayman Islands National Insurance Company (CINICO);
- (c) Optical Benefit: the testing of eyes once every two years (six months in the case of pilots and twelve months for Scenes of Crime staff) and the cost of lenses once every two years, in accordance with the health insurance coverage provided by the Cayman Islands National Insurance Company (CINICO);

8.10 Reimbursement of Costs for Employees Recruited Overseas

An employee domiciled overseas at the time of his recruitment is entitled to the payment or reimbursement of the following costs:

- (a) Expenses incurred in relocating the employee (and the employee's spouse and dependent children if they are also relocating to the Cayman Islands with the employee) to the Cayman Islands:

- (i) The costs of return air travel from the country of residence to the Cayman Islands, together with 10 kilos per person of excess baggage or such other reasonable amount as the appointing officer may determine;
 - (ii) The cost of packing, transporting by sea, and insuring in transit 120 cubic feet or 1,000 pounds (which ever is the greater) of personal effects, or such other reasonable amount as the appointing officer may determine;
 - (iii) Up to 7 days subsidised hotel accommodation upon arrival in the Cayman Islands and 2 days hotel accommodation prior to departure from the Cayman Islands at the end of employment;
 - (iv) A settlement allowance equal to one month's salary payable during the first week of resident service.
- (b) In the case of the death of the employee's spouse, child or parent who is not domiciled in the Cayman Islands, return air travel from the Cayman Islands to the country of residence for the purposes of arranging and/or attending the funeral.
 - (c) Other reasonable costs relating to his relocation to, or employment in, the Cayman Islands as are agreed by the appointing officer.

8.11 Reimbursement of Costs Incurred in Course of Duties

- (1) An employee is entitled to the reimbursement of the following reasonable employment-related costs incurred in the course of his duties:
 - (a) The following costs of travel undertaken for official business (including business within the Islands):
 - (i) air travel in a class approved by the appointing officer;
 - (ii) reasonable accommodation costs as approved by the appointing officer;
 - (iii) reasonable meal, communication, laundry, taxi and other miscellaneous costs as approved by the appointing officer; alternatively the appointing officer may agree to pay the employee a flat daily per diem allowance to cover these costs at a rate determined by the appointing officer but reflective of the cost of meals etc. in the city (or cities) the employee is to visit.
 - (b) The following course or conference costs (or the topping up to this level when these costs are covered in part by another organisation or sponsor) when attending a course or conference as part of official duties:
 - (i) course or conference fees;
 - (ii) air travel (where relevant) in a class approved by the appointing officer;
 - (ii) reasonable accommodation costs as approved by the appointing officer;

- (iii) reasonable meal, communication, laundry, taxi and other miscellaneous costs as approved by the appointing officer; alternatively the appointing officer may agree to pay the employee a flat daily per diem allowance to cover these costs at a rate determined by the appointing officer but reflective of the cost of meals etc. in the city (or cities) the employee is to visit.
- (c) The following costs incurred as a result of a transfer between the Islands:
 - (i) transportation costs for the employee and his family;
 - (ii) transportation costs for the employee and his family's personal effects and motor vehicles;
 - (iii) other reasonable miscellaneous relocation costs as approved by the appointing officer;
 - (iv) the rental cost of a house (of reasonable standard) on the Island transferred to, for a period of three years from the date of transfer;
- (d) Mileage reimbursement for the pre-approved use of personal vehicles for official purposes by employees not receiving the motorcar upkeep allowance. The mileage reimbursement is to be paid at a per mile rate of 50 cents on Grand Cayman and 53 cents on Cayman Brac and Little Cayman.
- (2) Claims for reimbursement are to be made to the appointing officer and include receipts or other evidence to support the claim.
- (3) Notwithstanding paragraphs (1) and (2):
 - (a) the level of reimbursements for Official Members and chief officers may be determined by the Official Member or chief officer concerned rather than by his appointing officer provided that the basis for reimbursement established by paragraph (1) is complied with; and
 - (b) an Official Member or chief officer may approve the reimbursement for himself rather than referring it to his appointing officer.

8.12 Reimbursement of Study Costs

- (1) An employee undertaking part-time or full-time study with the approval of his appointing officer is entitled to the reimbursement of study costs at the discretion of the appointing officer as follows:
 - (a) In the case of an employee undertaking part-time study that is related to his employment: the tuition and examination fees for courses approved by the appointing officer, upon passing the course;
 - (b) In the case of an employee undertaking full-time study, such portion of the following costs as the appointing officer considers to be a reasonable contribution by the employer (provided that these costs are incurred by the employee and not covered by another organisation or sponsor);

- (i) Tuition fees, book allowances and other expenses directly related to the course of study;
 - (ii) Accommodation costs, including the cost of food, up to an amount equal to the cost of staying in the Institution's halls of residence;
 - (iii) Return airfares at the cheapest rate for the employee and his spouse and dependent children (if they are accompanying the employee during his study), together with reasonable taxi charges to and from the airport and the employee's accommodation;
 - (iv) The cost of up to 20 kilos of excess airline baggage going to the course and of up to 60 kilos by sea on returning from the course;
 - (v) A personal allowance for day-to-day necessities;
 - (vi) A hardship supplement where the employee can show financial hardship will occur (applies to courses over one year only).
- (2) Claims for reimbursement are to be made to the appointing officer and include receipts or other evidence to support the claim.
 - (3) Notwithstanding paragraph 2, an Official Member or chief officer may approve the reimbursement for himself rather than referring it to his appointing officer.

8.13 Other Conditions of Employment

- (1) An employee, as a condition of employment, is required to:
 - (a) comply with the Public Servant's Code of Conduct specified in Chapter 9 in the course of his employment with the government,
 - (b) provide the name and address of his next-of-kin to his appointing officer at the time of appointment and to update that information if it changes;
 - (c) submit to a medical examination if required to do so by his appointing officer to establish his fitness for duty or to test for excessive blood alcohol or use of illicit drugs.
- (2) Failure to comply with these conditions of employment is grounds for discipline or dismissal.

8.14 Terms and Conditions Protected if Transferred to a Statutory Authority or Government Company

- (1) If a civil servant becomes an employee of a statutory authority or government company as a result of a restructuring in accordance with General Order 2.3, the employee is entitled to remuneration and other terms and conditions of employment that are not less favourable than those to which the employee was entitled immediately before ceasing to be a civil servant.
- (2) Paragraph (1) will cease to have effect on the next occasion when there is a variation in remuneration and conditions in the statutory authority or government company.

8.15 Re-Employment at the End of Fixed-Tenure

- (1) If an employee who is employed for a fixed-tenure wishes to seek re-employment for a further fixed-tenure period, he must notify this intention to his appointing officer no later than six months before the end of his fixed-tenure period, and his application for re-employment will be considered in accordance with General Orders 3.4 (Official Members), 4.5 or 4.6 (chief officers), and 5.7 or 5.8 (staff members) as applicable.
- (2) If an employee is re-employed for a further fixed-tenure period, the re-employment is a separate employment relationship from the initial employment and the terms and conditions of the first employment agreement will not automatically roll-over to the second or subsequent employment agreements; except that years of service under previous open-ended or fixed-tenure employment agreements are to be taken into account when establishing the leave entitlement of a fixed-tenure employee under General Order 8.5(1).
- (3) Where an employee is re-employed for a further fixed-tenure period, entitlements to reimbursement of travel costs at the end of his fixed-tenure will apply at the end of each fixed-tenure employment agreement.

8.16 Re-Employment of an Employee Who Becomes a Caymanian

If a non-Caymanian employee becomes a Caymanian (by virtue of gaining Caymanian Status), the employee will be re-employed in the same position but with open-ended tenure and under the terms and conditions applying to resident Caymanians. Any entitlements applying to the employee prior to becoming a Caymanian that are in excess of those applying to a resident Caymanian (including reimbursement of travel costs at the end of his tenure and contracted officers supplement (where relevant)) will be forfeited from the date he becomes a Caymanian.

8.17 Discipline of an Employee

Employees who are civil service entity staff members may be disciplined by an appointing officer on the basis of minor misconduct or inadequate performance over a reasonable period of time in accordance with General Orders 5.11 or 5.19.

8.18 Retirement Age and Benefits

- (1) The compulsory retirement age is 60 years, or in the case of non-gazetted Police Officers is 55 years; provided that a civil servant may be re-employed after reaching this age on a fixed-tenure basis in accordance with General Orders 3.4, 4.6 or 5.8 as applicable.
- (2) An employee, together with his spouse and dependent children, are entitled to medical, dental and optical benefits as specified in General Order 8.9 for the period from his retirement to his death, or in the case of his spouse from the time of his retirement to the death of the spouse, or in the case of dependent children from the time of his retirement to the end of eligibility as a dependent child, provided that:
 - (a) at the time the employee retired from government employment:
 - (i) he was entitled to a pension under the Public Service Pensions Law (2003 Revision); or

- (ii) if he was not a member of the Public Service Pension Scheme, he retired at an age where he would have been eligible for a pension under that scheme if he had been a member of the scheme; and
- (b) the government was the employee's principal employer for 10 consecutive years; a principal employer being as defined by the Health Insurance Law (2003 Revision), namely the employer (amongst two or more) who employs a person for more than 15 hours a week, or if no employer does this, the employer who first employed the employee.

8.19 Termination of Employment by Employee

- (1) An Official Member or chief officer may terminate his employment by giving three month's written notice of his resignation, or in the case of retirement by giving six month's written notice of his retirement date, to his appointing officer.
- (2) Other employees on open-ended tenure may terminate their employment by giving one month's written notice of their resignation, or in the case of retirement by giving six month's written notice of their retirement date, to their appointing officer.
- (3) Other employees on fixed-term-tenure may terminate their employment by giving one month's written notice to their appointing officer.
- (4) If the employee fails to give adequate notice, he must make a payment in lieu of notice of an amount equal to the normal wage or salary for the period of short notice.

8.20 Termination of Employment by Employer

- (1) An appointing officer may terminate an employee's employment on the basis of:
 - (a) dismissal for gross misconduct, serious misconduct or significant inadequate performance over a reasonable period of time in accordance with General Orders 3.4 (Official Members); 4.7 or 4.8 (chief officers); or 5.12 and 5.13 or 5.19 (staff members) as applicable; or
 - (b) retirement on medical grounds in accordance with General Orders 3.5 (Official Members); 4.9 (chief officers); or 5.12 and 5.14 or 5.20 (staff members) as applicable.
- (2) An appointing officer may also terminate the employment of an employee who is a civil service entity staff member on the basis of:
 - (a) compulsory retirement upon reaching the minimum retirement age in accordance with General Orders 5.12 and 5.15 or 5.20;
 - (b) retirement to improve the organisation in accordance with General Orders 5.12 and 5.16 or 5.20;
 - (c) premature termination of a fixed-tenure employment agreement in accordance with General Orders 5.12 and 5.17;
 - (d) redundancy in accordance with General Orders 5.12 and 5.18 or 5.20; or

- (e) contraction in work (in the case of wage workers) in accordance with General Orders 5.12 and 5.20.

Note: a fixed-tenure employment agreement coming to the end of its natural term is not a termination of an employment agreement.

- (3) The period of notice to be given by the appointing officer to the employee on termination of employment is as follows:
 - (a) dismissal for gross or serious misconduct or significant inadequate performance over a reasonable period of time: no notice;
 - (b) retirement on medical grounds: three months;
 - (c) compulsory retirement upon reaching the minimum retirement age: three months;
 - (d) retirement to improve the organisation: three months;
 - (e) premature termination of a fixed-tenure agreement: one month;
 - (f) redundancy: three months;
 - (g) contraction of work:
 - (i) wage workers with less than six months service: 24 hours;
 - (ii) wage workers with between six months and three years' service: 7 calendar days;
 - (iii) wage workers with over three years' service: 14 calendar days.
- (4) An appointing officer may terminate an employee prior to the end of the period of notice established by paragraph (3) by paying the employee the sum that he would have earned had he worked up to the end of the period of notice.
- (5) (a) An employee is entitled to severance pay if:
 - (i) his employment is terminated on the basis of redundancy or any other reason (other than dismissal); or
 - (ii) he retires, or dies while employed by the government, and he:
 - (I) is not eligible for a pension under the Public Service Pensions Law (2003 Revision);
 - (II) has not received a contracted officers supplement; and
 - (III) has completed at least twelve months' continuous service.
- (b) Severance pay will be calculated in accordance with the following:

- (i) in the case of a salaried employee: one week's salary for each completed twelve-month period of employment with the government up to a maximum of 12 years; or
- (ii) in the case of a wage worker: ten working days pay at his current rate of pay for each completed year (221 working days) of employment up to a maximum of 10 years; and
- (iii) in the case of part-time employees: the pro-rated amount of the relevant full-time entitlement.

CHAPTER 9

PUBLIC SERVICE VALUES AND CODE OF CONDUCT

9.1 Public Service Values

The values to which the civil service is to aspire and which are to govern the management and operation of the civil service are as follows:

- (a) To serve diligently the government of the day and the public in an apolitical, impartial and courteous manner and to deliver high-quality policy advice and services;
- (b) To uphold the proper administration of justice and the principles of natural justice, and to support public participation in the democratic process;
- (c) To strive continually for efficiency, effectiveness and value for money in all government activities;
- (d) To adhere to the highest ethical, moral and professional standards at all times;
- (e) To encourage creativity and innovation and recognise the achievement of results;
- (f) To be an employer that cares, is non-discriminatory, makes employment decisions on the basis of merit, and recognises the aims and aspirations of its employees, regardless of gender or physical disabilities;
- (g) To be an employer that encourages workplace relations that value communication, consultation, co-operation and input from employees (either individually or collectively) on matters that affect their workplace and conditions of service;
- (h) To provide a safe and healthy working environment.

9.2 Public Servant's Code of Conduct

The Public Servant's Code of Conduct, with which a civil servant must comply during the course of his employment as a civil servant, is as follows:

- (a) A civil servant must behave honestly and conscientiously, and fulfil his duties with professionalism, integrity and care;
- (b) A civil servant must be courteous and respectful to the Governor, Official Members, Ministers, Members of the Legislative Assembly, other public servants (being civil servants and employees of statutory authorities and government companies), and members of the public, and treat everyone with impartiality and without harassment of any kind;
- (c) A civil servant must be politically neutral in his work and must serve the government of the day in a way that ensures that he maintains the confidence of the government, while also ensuring that he is able to establish the same professional and impartial relationship with future governments;

- (d) A civil servant, as a member of the public, has the right to be politically informed but must ensure that his participation in political matters or public debate or discussions, does not conflict with his obligation as a civil servant to be politically neutral;
- (e) A civil servant must not at any time engage in any activity that brings his ministry or portfolio, the civil service, or the government into disrepute;
- (f) A civil servant must obey the law and comply with all lawful and reasonable directions, including work place rules given by his chief officer or a person with delegated authority from the chief officer;
- (g) A civil servant must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) with his duties as a civil servant, and must not use his official position for personal or familial gain;
- (h) A civil servant must treat all official information and any dealings with the Governor, an Official Member or Minister as confidential, and, unless authorised in writing to do so, must not give or disclose, directly or indirectly, any information about official business or anything of which he has official knowledge;
- (i) A civil servant must not use official resources (including electronic or technological resources) offensively, or for other than very limited private purposes.

CHAPTER 10

MISCELLANEOUS

10.1 Chief Officer to be Good Employer

A chief officer is to operate a personnel policy that complies with the principle of being a good employer. A "good employer" is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including:

- (a) good and safe working conditions;
- (b) the impartial selection of suitably qualified persons for appointment;
- (c) recognition of the need for the advancement of Caymanians in all parts of the civil service;
- (d) opportunities for the enhancement of the abilities of individual employees;
- (e) recognition of the employment requirements of women; and
- (f) recognition of the employment requirements of persons with disabilities.

10.2 Workplace Conditions and Safety

A chief officer is to establish procedures within his civil service entity to ensure that the health safety and welfare of staff at or around workplaces used by the civil service entity are protected and in particular that:

- (1) In relation to workplace conditions, the workplace:
 - (a) is clean;
 - (b) is not overcrowded;
 - (c) has reasonable temperatures, if the workplace is indoors;
 - (d) has adequate ventilation and lighting;
 - (e) has adequate drainage and plumbing;
 - (f) has adequate electrical infrastructure;
 - (g) has sanitary drinking facilities with an adequate supply of drinking water;
 - (h) implements hurricane rules and procedures as may be promulgated from time to time;
 - (i) implements fire hazard rules and procedures as may be promulgated from time to time;
 - (j) has, in the event of emergencies, adequate means and avenues of escape;

- (k) has adequate and well-maintained facilities for employees to sit, when appropriate, during their work day;
 - (l) has adequate and well-maintained on-site first aid equipment;
 - (m) has adequate restrooms;
 - (n) has appropriate waste disposal procedures and storage facilities for hazardous materials;
 - (o) has reasonable access to a source of food or has a canteen; and
 - (p) has such other facilities as are reasonably necessary for the health; safety and welfare of employees in that civil service entity's line of business.
- (2) In relation to workplace safety:
- (a) machinery used in the workplace is operated and maintained in a manner consistent with safety and in compliance with the standards and guidelines recommended by the manufacturer.
 - (b) staff members are protected from poisonous, noxious or toxic substances used or present in the workplace, including the prevention of consumption of food or drink in areas where such substances are used or are present, and the provision of emergency wash-down facilities;
 - (c) suitable safety gear is required to be worn and is in fact worn when staff members are using or are around machines or processes in relation to which the use of such gear is recommended;
 - (d) suitable goggles or other protective gear is worn when there is a risk of eye injury;
 - (e) suitable protective equipment is worn when there is a reasonable risk of bodily injury from any process or equipment used;
 - (f) where staff members are involved in a process involving injurious or offensive substances or to conditions exposing them to wet or cold conditions, suitable protective gear and clothing are provided, worn and maintained;
 - (g) where a process involves exposure to heat or steam, facilities to protect workers appropriately are provided and maintained; and
 - (h) misuse of equipment or space within the workplace is prohibited by warning signs.

10.3 Personnel Records

- (1) A chief officer is to ensure that adequate records are provided to the Portfolio of the Civil Service to allow it to maintain complete and accurate employment and performance management records for each civil servant including:
 - (a) a personnel file for each staff member containing employment agreements, correspondence with the employee over personnel and employment matters,

all remuneration and payroll documentation, the staff member's annual performance agreements and assessment, and any other personnel related matters relating to the staff member;

- (b) leave records for each staff member including leave entitlements, leave taken and leave available for each type of leave the staff member is entitled to;
 - (c) a record of hiring dates for each staff member;
 - (d) general records relating to employment arrangements, recruitment, appointment, remuneration and terms and conditions, performance assessment, discipline and dismissal, and appeal processes.
- (2) The records (in all media) are to be held in a manner that such records can be readily accessed for:
- (a) operational purposes;
 - (b) audit by the Portfolio of the Civil Service;
 - (c) audit by the Cayman Islands Audit Office in accordance with its powers under the Public Management and Finance Law (2003 Revision);
 - (d) submission to the Public Service Commission or a tribunal appointed by the Commission.
- (3) The records required by this section must meet or exceed any record keeping standard established by the Director of the National Archive and notified in writing to chief officers.

10.4 Instructions by Chief Officers

A chief officer may from time to time issue instructions to staff members on the performance of their duties and tasks and these are to be observed by the staff members in the civil service entity.

10.5 Workplace Rules

- (1) A chief officer may from time to time issue rules governing the conduct of staff members in the work place and these work place rules are to be observed by all staff members in the civil service entity.
- (2) All Government premises and vehicles are designated "No Smoking Areas" and smoking is prohibited in those areas.
- (3) A civil servant is not to:
 - (a) consume alcohol in the workplace (other than at official functions);
 - (b) take illegal substances in the workplace; or

- (c) report for duty under the influence of alcohol or an illegal substance, such that it has a deleterious effect on the civil servant's ability to carry out his duties.
- (4) A chief officer is to ensure that work place rules (and any amendments thereof) are promulgated to staff in his civil service entity in such a manner that all staff can be reasonably expected to be aware of the rules.

10.6 Recognition of Cayman Islands Civil Service Association

The Cayman Islands Government recognises the Cayman Islands Civil Service Association as the duly appointed representative of the civil service and the Head of the Civil Service, the Portfolio of the Civil Service and chief officers are to similarly recognise the Association and liaise with it as appropriate over the human resource matters for which they are responsible.

10.7 Engagement of Consultants on Contracts for Service

- (1) A consultant or other professional advisor engaged on a contract for service by a chief officer (or person with delegated authority from a chief officer) is not an employee of the Government and none of the provisions of General Orders (other than this General Order) apply to the consultant or advisor.
- (2) The services to be provided and the terms and conditions of engagement (including the fees or other forms of consideration to be paid to the consultant or advisor) are to be established in a contract of service to be agreed between the chief officer (or delegate) and the consultant or advisor prior to the services being provided.
- (3) If the period of engagement of the consultant or advisor is to be for a period longer than three months the approval of the Head of the Civil Service is to be obtained before the contract of service is entered into with the consultant or advisor. To seek the approval of the Head of the Civil Service, the chief officer is to submit a written request to the Portfolio of the Civil Service outlining the functions to be undertaken by the consultant or advisor, the nature of the expertise required and why it needs to be bought in, the period of engagement and the terms and conditions of engagement.

SCHEDULE 1

TEMPLATE FOR EMPLOYMENT AGREEMENTS FOR CIVIL SERVANTS

CAYMAN ISLANDS GOVERNMENT

EMPLOYMENT AGREEMENT

AGREEMENT made on *[insert date]*

BETWEEN *[insert name and title of appointing officer]* on behalf of the Government of the Cayman Islands of *[insert address of appointing officer's civil service entity]* (hereafter referred to as "the employer")

And

[insert name of employee] of *[insert address of employee]* (hereafter referred to as "the employee").

Appointment

1. The employer agrees to employ the employee in the position of *[insert name of position]* in *[insert name of civil service entity]* and the employee agrees to undertake the duties of the position diligently and faithfully.

Employee's Duties

2. The general duties of the position are specified in the Job Description attached to this Agreement, together with such other reasonable duties as may be specified by the employee's supervisor, and may be modified from time to time at the discretion of the employer. *[Attach Job Description to back of employment agreement]*

Duration of Employment

3. The employee's employment will commence on *[insert day, month and year]* and is for *[select relevant period]* an indefinite period of time (open-ended-tenure) *[or]* a fixed period ending on *[insert day, month and year]* (fixed-term-tenure) *[or]* a probationary period of 12 months ending on *[insert day, month and year]*.

Place of Work

4. The employee's standard place of work will be *[insert name and address of place of work]* but may be varied at the discretion of the employer.

Remuneration

5. The employee's remuneration will be as follows:
 - (a) Wages or Salary in the following grade: *[insert grade and dollar range]*. Upon appointment the employee will be paid at the following point *[insert grade and point]* being *[insert \$ amount]* but may be paid at a higher point in the grade during the course of his/her employment at the discretion of the employer and dependent on the employee's performance;

- (b) The following allowances: *[insert name and amount of any allowances to be paid to the employee – if none exclude this subparagraph];*
- (c) The following special supplements: *[insert name and amount of any special supplements to be paid to the employee – if none exclude this subparagraph];*
- (d) Overtime or time-in-lieu (where applicable) as established in the terms and conditions of employment specified in Chapter 8 of General Orders, a copy of which is attached to this Agreement;
- (e) Public holiday pay (where applicable) as established in the terms and conditions of employment specified in Chapter 8 of General Orders, a copy of which is attached to this Agreement; and
- (f) Pension contributions (where applicable) as established in the terms and conditions of employment specified in Chapter 8 of General Orders, a copy of which is attached to this Agreement.

Terms and Conditions of Employment

- 6. The terms and conditions of employment are as specified in Chapter 8 of General Orders and as amended from time to time, and that Chapter is to be read and construed as part of this Agreement. A copy of Chapter 8 of General Orders, current at the date this Agreement was entered into, is attached to this Agreement. *[Attach a copy of Chapter 8 of General Orders to the back of employment agreement]*
- 7. The employee will in other respects also be subject to General Orders (and as amended from time to time), Public Service Commission Regulations (where relevant and as amended from time to time), and any other Regulations and conditions of service in force from time to time, provided that where they conflict with the terms of this Agreement the latter will prevail.

Additional Undertakings by the Employee

- 8. The employee agrees to:
 - (a) comply with the Public Servant's Code of Conduct specified in Chapter 9 of General Orders and work place rules and as amended from time to time. A copy of these documents, current at the date this Agreement was entered into, is attached to this Agreement; *[Attach a copy of Chapter 9 of General Orders and work place rules for the civil service entity concerned to the back of employment agreement]*
 - (b) participate in the employer's performance management system including the preparation of annual performance agreements and annual performance assessments;
 - (c) not engage in any private gainful activity without the written agreement of his/her chief officer.

Disciplinary and Termination Arrangements

- 9. The employer may discipline the employee or terminate his/her employment in accordance with the terms and conditions of employment as specified in Chapter 8 of General Orders, a copy of which is attached to this Agreement.

No Liability of Governor

- 10. Nothing in this Agreement is to impose any liability on the Governor of the Cayman Islands acting in his personal capacity.

Interpretation

- 11. This Agreement is to be interpreted in accordance with the laws of the Cayman Islands and in the event of a dispute the laws of the Cayman Islands will apply.

Agreement Contains All Terms

- 12. Except for any provision that applies by virtue of law, this document constitutes the entire agreement between the employer and the employee and replaces all previous Employment Agreements between the employer and the employee.

Amendments

- 13. No amendments or modifications to this Agreement will be valid or binding unless made in writing, signed by both the employer and the employee and specifying the date in which they are to come into operation.

SIGNED (on behalf of the employer)

.....
[Signature of Appointing Officer]

.....
Date

SIGNED (employee)

.....
[Signature of Employee]

.....
Date

SCHEDULE 2

PUBLIC SERVICE COMMISSION REGULATIONS

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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-

(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:

includes control in so far as it relates to 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 therefore 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)

(c-a) 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 discretion, 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 judgement (and the proceedings of the court if available) shall be forwarded to the secretary. The Commission shall consider the judgement (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 authorising the Accountant General to pay the award when it becomes due.

(3) The secretary shall send the authorisation 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 effect 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 regulations 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 Cabinet;
* 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

Permanent Secretary
(Personnel) * 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 Department

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

Customs Department

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

Central Funding Scheme

Manager * All officers in the Central 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 the Court * All officers in the Judicial 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 & Social Services

Permanent Secretary (H.E.S.S.)* Chief Education Officer;
* Chief Medical Officer;
* 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 Department

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

Personal Health Services

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

Social Services Department

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

Development and Natural Resources

Permanent Secretary (D. and N.R.) * Chief Agricultural & Veterinary Officer;
* 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 Water Authority * All officers in the Water Authority of the Portfolio of Development and Natural Resources other than officers in common user posts.

Agricultural and Natural Resources

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

Lands and Survey Department

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

Mosquito Research and Control Unit

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

Planning Department

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

Tourism Aviation and Trade

Permanent Secretary (T.A.T.) * Director of Civil Aviation;
* Director of Tourism;
* 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 Department

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

Department of Tourism

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

Fire Service Department

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

Communications Works and District Administration

Permanent Secretary * Chief Engineer;
* Postmaster General;
* Director of Ports;
* 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 Commissioner * All officers in the District Administration in the Portfolio of Communications Works and District Administration other than administrative officers and officers in common user posts.

Postal Department

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

Public Works Department

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

Audit Department

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

Public Service Commission

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

PSC REGULATIONS - SECOND SCHEDULE

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 (.....), (....).

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 (.....), (....).

Signed _____
Justice of the Peace

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

PSC REGULATIONS - THIRD SCHEDULE

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 CABINET

