

CAYMAN ISLANDS



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**THE PUBLIC SERVICE MANAGEMENT LAW
(2009 REVISION)**

THE PERSONNEL (AMENDMENT) REGULATIONS, 2009

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THE PERSONNEL (AMENDMENT) REGULATIONS, 2009

In exercise of the powers conferred by section 67 of the Public Service Management Law (2007 Revision), the Governor in Cabinet, on the advice of the Head of the Civil Service, makes the following Regulations-

1. (1) These Regulations may be cited as the Personnel (Amendment) Regulations, 2009. Citation and commencement

- (2) These Regulations shall come into force on the day that the Cayman Islands Constitution Order 2009 comes into force. UKSI 1379 of 2009

2. The Personnel Regulations, 2006, in these Regulations referred to as the “principal Regulations” are amended in regulation 2 as follows - Amendment of regulation 2 - interpretation
 - (a) in the definition of “civil service entity”, by inserting after “Audit Office” the words “Cabinet Office, Office of Public Prosecution, Judicial Administration”; and
 - (b) by deleting “Public Service Management Law, 2005” and substituting “Public Service Management Law (2009 Revision).

3. The “principal Regulations”, are amended in regulation 3(2) by deleting “1 July, 2009” and substituting “1 July, 2010”. Amendment of regulation 3 - application

4. The principal Regulations are amended in regulation 9 as follows - Amendment of regulation 9 - Official Member’s employment agreement
 - (a) by repealing paragraph (2); and
 - (b) by deleting the number “(1)” in the remaining paragraph.

5. The principal Regulations are amended by repealing regulation 28(1)(b) and substituting the following paragraph - Amendment of regulation 28 - actions to finalise appointment of staff

“(b) obtain from the appointee (if the appointee is not already a civil servant) a medical certificate from a registered medical doctor indicating that the employee’s physical and mental condition is satisfactory for the position;”.

- Amendment of regulation 40 - suspending and dismissing staff for gross misconduct involving criminal activity in the workplace
6. The principal Regulations are amended in regulation 40 as follows -
- (a) in paragraph (2)(ii) by deleting “half-pay” and substituting “full-pay”;
 - (b) by repealing paragraph (3);
 - (c) in paragraph (5) by deleting the words “and any pay withheld from the staff member during the period of suspension shall be paid to the staff member as soon as practicable”; and
 - (d) by inserting after paragraph (5) the following paragraph -
“ (6) Where a staff member has been suspended in accordance with paragraph (2), an appointing officer shall provide the Head of the Civil Service with a summary of the status of the criminal case and suspension, and such summaries shall be provided every twelve months until the matter is resolved in accordance with paragraph (4) or (5).”.

- Amendment of regulation 41 - Suspending and dismissing staff for gross misconduct involving criminal activity outside the workplace
7. The principal Regulations are amended in regulation 41 as follows -
- (a) in paragraph (2) by deleting the words “without pay” wherever they occur and substituting the words “with pay” ;
 - (b) in paragraph (4) by deleting the words “and any pay withheld from the staff member during the period of suspension shall be paid to the staff member as soon as practicable”; and
 - (c) by inserting after paragraph (4) the following paragraph -
“ (5) Where a staff member has been suspended in accordance with paragraph (2), an appointing officer shall provide the Head of the Civil Service with a summary of the status of the criminal case and suspension, and such summaries shall be provided every twelve months until the matter is resolved in accordance with paragraph (3) or (4).”.

- Insertion of sections 54 - disclosure of information; Retention of property
8. The principal Regulations are amended by inserting after regulation 53 the following regulation -

- “Retention of government property
54. A public officer who ceases to hold office shall forthwith deliver up to his supervising officer -
- (a) all documents and other government property to which he has had access, or issued or entrusted to him, including an identity card; and
 - (b) any dye, seal or stamp of, or belonging to, or used, made or provided by government,

but a head of department, chief officer or Head of the Civil Service may, in his discretion, permit a long serving officer to retain any article of equipment, clothing or appointment, by way of a memento of his service.”.

9. The principal Regulations are amended as follows -
- (a) in clause 5(1)(a) of Schedule 1, in the heading of the table, by deleting “Years of Service” and substituting “Continuous Years of Service”; and
 - (b) in clause 13(1)(b) by deleting “next-of-kin” and substituting “next-of-kin and dependants”.
10. The principal Regulations are amended in Schedule 1 by inserting after paragraph 17 the following heading and paragraph -
- “Disclosure of information
- 17A. In accordance with section 5(1)(h) of the Law, a public servant shall not disclose to an unauthorised person information obtained in the course of employment unless authorised to do so -
- (a) under the terms of his employment; or
 - (b) by or under the Freedom of Information Law, 2007.”.
11. The principal Regulations are amended in Schedule 2 by repealing paragraph 1 and substituting the following paragraph -
- “1. The remuneration bands referred to in paragraph 3(1)(a) of Schedule 1 are such as may be approved from time to time by the Deputy Governor.”.
12. The principal Regulations are amended in the Annex to Schedule 4 by deleting in clause 6(c) and (d) “1 July, 2009” wherever it occurs and substituting “1 July, 2010”.
13. The principal Regulations are amended by repealing Schedule 5.

Amendment of Schedule 1 - standard terms and conditions of employment

Amendment of Schedule 1 - disclosure of information

Amendment of Schedule 2 -remuneration bands

Amendment of Annex to Schedule 4 - template for employment agreements for civil servants

Repeal of Schedule 5 - TEMPLATE FOR DECLARATION OF SECRECY BY CIVIL SERVANTS

Made in Cabinet the 13th day of October, 2009.

Kim Bullings

Acting Clerk of the Cabinet.