

PUBLIC SERVICE MINISTRY

CIRCULAR MEMORANDUM

FROM: Permanent Secretary,
Public Service Ministry

TO: All Permanent Secretaries,
Heads of Departments and
Regional Executive Officers

DATE: 11th May, 1979

SUBJECT:

Revised procedures dealing with the suspension of employees who for disciplinary purposes fall under the Permanent Secretary or Head of Department.

I forward herewith for consideration copy of a memorandum received from the Permanent Secretary, Ministry of Works and Transport in which he is proposing, commendably, certain improvements in the condition under which employees, who for disciplinary purposes fall under your jurisdiction, are suspended from duty for cause.

2. Under the instrument delegating the disciplinary powers of the Public Service Commission, the employees over whom you exercise disciplinary authority are determined by their salary ranges and not according to whether they are pensionable, non-pensionable or Open Vote.

3. In considering this matter, I should be glad if you would not confine yourself only to the specific proposals made by the Permanent Secretary, Ministry of Works and Transport, but also look at the wider aspect of equating, as far as possible, the conditions under which employees who are disciplined through delegated authority, are suspended, with those relevant to the interdiction of Public Servants by the Public Service Commission.

4. Your comments and suggestions on this matter are therefore requested. In order to bring about its conclusion in the not too distant future, it would be appreciated if your comments and suggestions are sent not later than 20th June, 1979.

Sgd. D.Dahari,
For Permanent Secretary,
Public Service Ministry.

PUBLIC SERVICE MINISTRY

REFERENCE NO. GN-11/1

FROM: Permanent Secretary,
Ministry of Works & Transport (W)

TO: Permanent Secretary,
Public Service Ministry

DATE: 11th January, 1979.

SUBJECT:

Revised disciplinary procedure dealing with the suspension of open vote employees.

As you know existing rules applying to the disciplinary action in the Public Service taken against persons who hold appointments made by the Public Service Commission provide for circumstances where if the Public Service Commission consider that the public interest requires that an officer should cease to exercise the powers and functions of the office instantly, they may interdict the officer from duty provided that proceedings for his dismissal are being taken or are about to be taken, or that criminal proceedings are being instituted against him. Where the officer is interdicted from duty he is allowed to receive a portion of his salary. If the officer is acquitted of the criminal proceedings taken against him he is normally reinstated with effect from the date on which he had interdicted and he is refunded such portion of his salary as was withheld as a result of his interdiction.

2. The position of persons who are employed in the public service by authority other than the Public Service Commission in relation to the circumstances which give rise to the interdiction of the public officer is very nearly the same except that the employee is rarely, if ever, interdicted. He is normally suspended from duty. He is suspended from duty not only if criminal proceedings are being taken against him but also if investigations are to be or are being conducted by the Police and the circumstances are such that the public interest requires that he should cease to function in his job during those investigations.

3. The unhappy circumstances in which both the public officer appointed by the Public Service Commission and the person employed by a Permanent Secretary when criminal proceedings have been institute against them find themselves in that so very often there is a considerable lapse in time between the date of interdiction of suspension and the date of any acquittal, particularly so, generally speaking, is this lapse in time long in the case of the public officer.

4. However, whereas the public officer in these circumstances is very blessed to receive all his salary tin relation to the period of his interdiction, that is, while he renders no service to his employer and in some cases has been known to have obtained other paid employment during that period, the employee, also in a position to obtain other paid employment during the period of his suspension, is not blessed to receive any emoluments in relation to the period of his suspension when he is reinstated. It is this deficiency that this memorandum seeks, by its proposals to recommend a correction.

5. I should be grateful, therefore, if you would approve of the following principles:-

- (1) If any case a Permanent Secretary or a Head of Department not under the control of a Ministry considers that it is necessary that such an employee should cease to discharge the duties of his official position in the public service instantly he may suspend the employee from the discharge of his official duties provided that
 - (a) proceedings for his dismissal are being taken or are about to be taken; or
 - (b) criminal proceedings are being instituted against him; or
 - (c) investigations are being made by the Police that could lead to criminal proceedings being instituted against him.

- (2) Where an employee with not less than seven (7) years effective service is suspended he shall not be entitled to receive any wages or salary and every effort shall be made without loss of time to have the proceedings taken against him concluded and considered so that it could be decided whether the employee should be dismissed or some lesser penalty should be imposed on him provided that
- (a) where the investigations or proceedings being taken from the date of suspension extends to a period of more than six (6) months; and
 - (b) if the Permanent Secretary or Head of Department not under the control of a Ministry considers the employee to be in need of assistance the employee may be granted an allowance equivalent to 25% of his day's pay with retroactive effect from the date of suspension.
- (3) Where the proceedings taken against an employee with not less than seven (7) years effective service do not result in his dismissal, the employee shall be reinstated forthwith and shall be entitled to receive the full wages or salary which he would have received if he had not been suspended less any allowance paid to him provided that the employee.
- (a) accepts reinstatement; and
 - (b) continues to serve satisfactorily for a period equivalent to the period he was suspended.

6. It is hoped that since paragraph 5 above is an improvement on the present situation and merely seeks to establish formality for ease of operation a reasonable prompt reply can be expected.

Sgd. H.R. MITCHELL,
For Permanent Secretary.