

“THE YEAR OF CONTINUITY, INNOVATIVE ACTION AND SUPREME CONFIDENCE”

PUBLIC SERVICE MINISTRY

CIRCULAR NO. 6/1991

REFERENCE NO. PS: 8/0/11^{III}

FROM: Permanent Secretary,
Public Service Ministry

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

SUBJECT:

**Discipline – Amendment No.16 to Public Service Rules.
1987.**

DATE: 1991-02-07

Arising out of a Conference of Permanent Secretaries to consider the revision of the General Orders (now Public Service Rules) in the 1970s, a Committee was appointed to consider and make recommendations in connection with Disciplinary Procedures in the Public Service and to submit a Report thereon. Since then, a new Disciplinary Code for Public Servants has been formulated and published in the Official Gazette (Legal Supplement) of 12th December, 1987. It sets out 38 offences with penalties to be imposed in respect of the 1st, 2nd and 3rd breaches therein, and the authority to administer sanctions.

2. In this regard, the 1987 Public Service Rules are hereby amended by the inclusion of the attachment as Section G – Rules G1 to 3, and Appendix G1.
3. Any questions regarding the operation of the Disciplinary Procedures for Public Servants should be referred to the Secretary, Public Service Commission for Clarification.
4. The contents of this Circular are to be read in conjunction with Public Service Commission's Circulars Nos. 2/1988 dated 1988-04-21 – “Delegation by the Public Service Commission of its Disciplinary Functions” and 6/1989 dated 1989-05-22 “Procedures in Disciplinary matters against Public Officers.”
5. Please bring this Circular to the attention of all staff in your organization particularly those attached to the Personnel Unit.

J. E. Sinclair
Permanent Secretary
Public Service Ministry.

SECTION G

DISCIPLINE

Definition of "Discipline"

G1.

- 1) "Discipline" shall be construed to mean the taking of corrective/punitive measures against a Public Servant guilty of official misconduct as well as for certain breaches of the laws of Guyana.
- 2) Certain offences for which a Public Servant may be disciplined and the corresponding penalties are listed in Appendix G1.

Definition of "Disciplinary Authority"

G2.

"Disciplinary Authority" means the level at which discipline is being exercised under the disciplinary code, as set down at Rule G3 herein (i.e. by the Public Service Commission, Permanent Secretary, Head of Department not under Ministerial Control or Deputy regional Executive Officer).

Delegation of Disciplinary Powers

G3.

By virtue, and in exercise of the powers vested in it by Article 201 (2) of the Constitution of the Co-operative Republic of Guyana (1980) the Public Service Commission, with the consent of the Cde, Prime Minister, has delegated to Permanent Secretaries, Heads of Departments (not under Ministerial Control) and Deputy Regional Executive Officers, the power to exercise disciplinary control over persons appointed to, or acting in, public offices, in relation to specific offences. A comprehensive instrument of delegation in respect of the Disciplinary Code was published in the Official Gazette (Legal Supplement) of December 12, 1987. (Please see Appendix G1). The Schedule in Appendix G1 embodies the Code.

**DIRECTION
UNDER
ARTICLE 201(2) OF THE CONSTITUTION
DELEGATING THE POWER OF THE PUBLIC SERVICE COMMISSION
TO EXERCISE DISCIPLINARY CONTROL TO PUBLIC OFFICERS**

By virtue, and in exercise of the powers vested in it by Article 201 (2) of the Constitution, the Public Service Commission, hereby delegates, with the consent of the Prime Minister, to the public officers mentioned in the first column of the Schedule hereto the power to exercise disciplinary control over persons holding or acting in the public offices mentioned in the corresponding entry in the second column in respect of offences mentioned by reference to numbers in the corresponding entry in the third column of that Schedule and fully set out in the Table of Offences and Penalties hereto.

The particulars of each offence referred to by a number in the third column of the Schedule and the penalties therefore are stated in the item in the Table aforesaid bearing the number similar to that mentioned in the third column of the Schedule.

The delegation made by instrument dated 3rd April, 1962 relating to appointment, dismissal and disciplinary control of public officers shall continue to be in force to the extent that it is not inconsistent with this delegation.

Schedule

| Public Officers | Persons holding or Acting in Public Offices | Offences |
|---|---|--|
| 1) Permanent Secretaries, Heads of Departments not under ministerial control or Deputy Regional Executive Officers. | All grades of public servants | Nos. 1 and 17, in respect of all breaches. |
| 2) Permanent Secretaries, Heads of Departments not under ministerial control or Deputy Regional Executive Officers. | Public servants on the GS5 grade salary scale and below, except those holding or acting in the following public offices: Trainee Accountant Recruitment and Placement Officer Statistical Officer Transport Project Officer I Clerk of Works II Assistant Quantity Surveyor Superintendent of Works II Safety Officer, PM & HD Senior Photographer Steam Maintenance Superintendent Agricultural Assessor II First Marshal II Supervisor of Craft and Design | Nos. 2 and 16, And 18 to 36 in respect of all breaches |

| Public Officers | Persons holding or Acting in Public Offices | Offences |
|---|---|---|
| | Craft Production and Design Officer II Welfare Officer Probation and Welfare Officer I Theatre Supervisor Occupational Therapist Audiometry Technician (Ear, Nose and Throat) Georgetown Hospital Respiratory Therapist Social Worker (Health) Social Welfare Officer (Psychiatry) Master/Mistress I Education Welfare Officer Education Technician III Test Production Officer Films Laboratory Supervisor Senior Films Processing Technician Senior Audio-Visual Technician Cameraman II Information Officer I Research Officer (information) Information Officer II Analytical Technician Mechanical Superintendent II | |
| 3) Permanent Secretaries, Heads of Departments not under ministerial control or Deputy Regional Executive Officers. | Public servants on the GS6 grade salary scale and above and those holding or acting in the public offices: excepted in item (2) above. | Nos 3,5,9,10,14, 16,18,,21,22,24, 25,26,28,37 and 38, in respect of of first and second breaches only |

Note:

- (a) Public Service Commission, on the recommendation of the Permanent Secretary, Heads of Department not under ministerial control or Deputy Regional Executive Officers concerned shall exercise disciplinary control over public servants on the GS6 grade salary scale and above and those holding or acting in the public offices excepted in item (2) above in respect of offences nos. 3, 5, 9, 10, 14, 16, 18, 21, 22, 24, 25, 26, 28, 37 and 38, in respect of 3rd and subsequent breaches.
- (b) Public Service Commission shall exercise , disciplinary control over public servants on the GS6 grade salary scale and above and those holding or acting in the public offices excepted in item (2) above in respect of offences nos. 2, 4, 6, to 8, 11 to 13, 15, 19, 20, 23, 27 and 29 to 36, in respect of all breaches.

TABLES OF OFFENCES AND PENALTIES

| No. | Offences | 1 st breach of offence | 2 nd breach of offence | 3 rd breach of offence |
|-----|--|---|-----------------------------------|-----------------------------------|
| 1. | Persistent Unpunctuality | Warning | Fine | Dismissal |
| 2. | Absence from duty without leave and without adequate excuse | Warning, fine or dismissal, depending on the circumstances | Fine or dismissal | Dismissal |
| 3. | Leaving the country without notification | Warning, fine or dismissal, depending on the circumstances | As for 1 st breach | As for 1 st breach |
| 4. | Disobedience or dismissal or any lawful order made or given by any | Depending on consequences of disobedience, written warning, fine or | As for 1 st breach | As for 1 st breach |

| No. | Offences | 1st breach of offence | <u>2nd breach of offence</u> | <u>3rd breach of offence</u> |
|------------|--|---|--|--|
| | person having authority | dismissal | | |
| 5. | Inefficiency or incompetence | Depending on consequences, written warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 6. | Negligence | Depending on consequences, written warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 7. | Violation of an oath or affirmation of office | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 8. | Failure to discharge duties of post | Depending on consequences, written warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 9. | Failure to observe known safety rules | Warning, fine or dismissal, depending on the circumstances | As for 1 st breach | As for 1 st breach |
| 10. | Insubordination | Warning, fine or dismissal, depending on the circumstances | As for 1 st breach | As for 1 st breach |
| 11. | Contravention of the provisions of enactment relating to official secrets. | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 12. | Divulging official information of a secret of confidential nature where the duties do not require a public servant to do so. | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 13. | Suppression of records | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 14. | Being at work under the influence of drinks or drugs | Warning | Fine | Dismissal |
| 15. | Immoral or obscene conduct on duty | Warning, fine or dismissal, depending on the circumstances | As for 1 st breach | As for 1 st breach |
| 16. | Disorderly conduct and foul language on duty | Warning | Warning or fine | Fine or dismissal |
| 17. | Lack of courtesy and politeness | Warning | Warning or fine | Fine or dismissal |
| 18. | Fighting on the job | Warning or fine | Fine or dismissal | Dismissal |
| 19. | Assault | Warning, fine or dismissal, depending on the circumstances | As for 1 st breach | As for 1 st breach |
| 20.. | Sleeping on the job | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |

| No. | Offences | 1st breach of offence | <u>2nd breach of offence</u> | <u>3rd breach of offence</u> |
|------------|---|--|--|--|
| 21. | Intimidation (attempting to obtain favours by menaces) | Fine | Fine or dismissal | Dismissal |
| 22. | Threatening behaviour | Warning | Fine | Dismissal |
| 23. | Inciting employees to riot or to create disorder | Warning, fine or dismissal, depending on the circumstances | As for 1 st breach | As for 1 st breach |
| 24. | Drinking alcohol or gambling on job | Fine or dismissal | Fine or dismissal | Dismissal |
| 25. | Willful idling or loafing on the job or malingering | Warning | Fine | Dismissal |
| 26. | Misusing official property including using vehicle without authority | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 27. | Damage to or loss of Government property | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 28. | Driving or using Government vehicles in a careless reckless or dangerous manner | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 29. | Paying money or giving gifts in consideration of favours | Dismissal | - | - |
| 30. | Proffering or acceptance of bribe for special favours | Dismissal | - | - |
| 31. | Receiving gifts or rewards for official service rendered | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 32. | Rendering professional services to private persons or firms and accepting remuneration without the permission of Government | Warning | Fine | Dismissal |
| 33. | Conviction on criminal charges | Warning, fine or dismissal, depending on the circumstances | As for 1 st breach | As for 1 st breach |
| 34. | Stealing | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |
| 35. | Malpractices with fraudulent intent | Dismissal | - | - |
| 36. | Imprisonment for failure to comply with order of the court | Warning, fine or dismissal | As for 1 st breach | As for 1 st breach |

| No. | Offences | 1 st breach of offence | <u>2nd breach of offence</u> | <u>3rd breach of offence</u> |
|-----|---------------------------------|--|---|---|
| 37. | Dishonesty in official dealings | Warning, fine or dismissal | Warning, fine or dismissal | Warning, fine or dismissal |
| 38. | Improper conduct | Warning, fine or dismissal, depending on the circumstances | As for 1 st breach | As for 1 st breach |

N.B

1. Regarding offence No.36

An employee who serves a prison sentence for affiliation arrears may be re-engaged without loss of his previous service on the first such occasion, but should be warned to avoid a recurrence of such conduct. On the second or any subsequent occasion, he may be re-employed but treated as having voluntarily terminated his previous employment by breaking his contract of service. In this event, he would lose his previous service.

2. Fines for Offence

TYPE

For minor offences
For serious offences
For major offences depending on the gravity of the particular offences

FINE

One (1) to four (4) days' pay
Five (5) to eight (8) days' pay
Over eight (8) days' pay but not exceeding fifteen (15) days' pay.

Made this 6th day of November, 1987.

Archibald A. Moore

Chairman, Public Service Commission

Samuel T. Luke J. P

Deputy Chairman Public Service Commission

Frank Emery

Member, Public Service Commission

Sybil A. Patterson AA

Member, Public Service Commission

Ramkarran

Member, Public Service Commission

Rowena Bacchus

Member, Public Service Commission