

PUBLIC SERVICE MINISTRY

CIRCULAR No. 1 of 2004

FROM: Permanent Secretary
Public Service Ministry

REFERENCE No. PS: 16/0^{VIII}

TO: All Permanent Secretaries
Heads of Departments and
Regional Executive Officer

SUBJECT
Processing of Matters Relative to
Appointments and Acting
Appointments

DATED: January 22, 2004

With the re-constitution of the Public Service Commission on 2003-12-30, it has now become necessary for certain guidelines to be issued on how requests for the filling of positions in the Public Service, whether by substantive appointment or in acting capacity, should now be processed.

2. It should be borne in mind that the filling of vacancies within the Public Service consists of two (2) components as follows:

- (i) The authority to fill a position (whether substantively or by an acting arrangement).*
- (ii) The actual filling of the position through an appointment, (whether substantively or by acting appointment).*

3. In the case of (i) above, the Office of the President, acting in conjunction with the Public Service Ministry retains the authority for authorizing the filling of any public office. The Public Service Commission will not fill any position therefore unless such approval is first issued by the Public Service Ministry.

4. In the case of (ii) above, it is the Public Service Commission that is constitutionally authorised to “make appointments to public offices.”

5. *Permanent Secretaries, Heads of Departments and Regional Executive Officers therefore will continue to approach the Public Service Ministry(PSM) with requests to fill vacancies through the following arrangements:*

- (i) *For Permanent Appointment*
- (ii) *For Contract Engagements*
- (iii) *For “Acting for convenience”:- This is when a Senior Officer proceeds on leave for twenty-one (21) days and over*
- (iv) *For” Acting with a view to Appointment”:- In this case the acting is for a prolonged period in a vacant position.*

6. *When submitting recommendations for the filling of a vacancy through an acting appointment however, the following matters must be taken care of before the request is sent to the Public Service Ministry.*

- a. *When an officer proceeds on leave for twenty-one (21) days and over, care should be taken to ensure the next most Senior Officer within the **department** is recommended. There should only be deviation from this practice if the agency has proper and adequate **documentary** evidence to justify supercession.*
- b. *When the recommendation is for some one to act for an indefinite period against a vacant position then care should be exercised to ensure that the most senior person across the entire service is recommended. When dealing with this aspect, the Permanent Secretary, the Head of Department or Regional Executive Officers is expected to approach the Secretary, Public Service Commission who will determine, the most senior candidate and at the same time indicate the person’s willingness to take up the acting appointment in the particular agency.*
- c. *No public officer should be recommended to act more than three (3) positions above his/her substantive appointment.*
- d. *With respect to the appointment of new employees on the fixed establishment of for any employee on contractual basis, the request should continue to be submitted to the PSM for its approval prior to the employment of anyone in the aforementioned categories. The Public*

Service Ministry will continue to liaise with the Office of the President in connection with these matters.

It must be emphasized that the approval of PSM is a pre-requisite before any of the abovementioned positions is filled whether temporarily or substantively.

7. When the approval from the PSM is received, the Public Service Commission should then be requested to take action in the case of (i), (iii) and (iv) of paragraph 5 above as is necessary.

8. You are reminded that under no circumstances should anyone be placed to either act or appointed whether substantively or on contract without the prior approval of PSM.

9. Please bring the contents of this Circular to the attention of all employees within your agency especially those who work in the Personnel and Accounting Units.

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*DR. N. K. GOPAUL
PERMANENT SECRETARY
PUBLIC SERVICE MINISTRY*