

REGULATORY FRAMEWORK FOR THE MANAGEMENT OF EMPLOYEE PERFORMANCE



LAWS OF TRINIDAD AND TOBAGO

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[Subsidiary]

PUBLIC SERVICE COMMISSION REGULATIONS

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for appointment to that particular service may be exempted from further medical examination as a candidate on appointment to any other service in the public service.

CHAPTER IV

STAFF REPORTS

34. (1) A Permanent Secretary or Head of Department shall forward to the Director in each year— Staff Reports.

- (a) in respect of all officers who are within the scale of pay, a staff report not later than sixty days before an increment is due to an officer; and
- (b) in respect of all officers who are at the maximum in the scale of pay or who receive a fixed pay, a staff report not later than the anniversary of the date of appointment of an officer to the office.

(2) A staff report shall relate to the period of service during the immediately preceding twelve months.

(3) In the preparation of a staff report, the Permanent Secretary or Head of Department shall be guided by his own deliberate judgment and shall in such report—

- (a) make an unbiased assessment of the officer's performance and conduct over the past twelve months; and
- (b) give an indication of the future prospects of the officer.

(4) A staff report shall be in such form as may from time to time be prescribed by the Commission and shall be made in respect of every officer whether he holds an acting appointment, a temporary appointment or is employed for a specified period.

35. In order that an officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months' period of service to be reported on, a Permanent Secretary or Head of Department shall— Officer to be informed of adverse report.

- (a) as and when such shortcomings are noticed, cause the officer to be informed in writing thereof;

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- (b) when adverse markings are included in the staff report, cause the officer to be informed in writing thereof before he submits the report to the Director.

36. (Revoked by LN 282/1998).

CHAPTER V

PROBATIONARY APPOINTMENTS

Period of
probation on
first
appointment.

37. Except as otherwise provided in this Chapter, an officer on first appointment to the public service shall be required to serve on probation for a period of two years.

Period of
probation on
appointment.

38. (1) Where an officer is to be appointed to an office in which he has satisfactorily performed the duties, whether in an acting or temporary capacity or on secondment for periods of equal or longer duration than the period of probation prescribed by regulation 39, the officer shall not be required to serve on probation.

(2) Where an officer is appointed on promotion to an office in which he has acted satisfactorily for periods of less duration than the period of probation prescribed by regulation 39, not more than one year and not less than six months acting service shall be offset against the period of probation.

(3) Where an officer is appointed on probation to an office in which he has not acted satisfactorily, the Commission shall determine the period of probation to be served.

Period of
probation on
promotion.

39. (1) Subject to regulation 38, an officer who is appointed on promotion to an office shall be required to serve on probation for one year in the office to which he is promoted.

(2) Subject to subregulation (3), where within two years immediately preceding his promotion an officer has served in an acting appointment in the office to which he is promoted, the period of probation shall be abated by the extent of the aggregate of service in such acting appointment unless the Commission otherwise directs.

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efficiency of two or more officers, shall give consideration to the relative seniority of the officers available for promotion to the vacancy.

(2) The Commission, in considering the eligibility of officers under subregulation (1) for an appointment on promotion, shall attach greater weight to—

- (a) seniority, where promotion is to an office that involves work of a routine nature, or
- (b) merit and ability, where promotion is to an office that involves work of progressively greater and higher responsibility and initiative than is required for an office specified in paragraph (a).

(3) In the performance of its functions under subregulations (1) and (2), the Commission shall take into account as respects each officer—

- (a) his general fitness;
- (b) the position of his name on the seniority list;
- (c) any special qualifications;
- (d) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);
- (e) the evaluation of his overall performance as reflected in annual staff reports by any Permanent Secretary, Head of Department or other senior officer under whom the officer worked during his service;
- (f) any letters of commendation or special reports in respect of any special work done by the officer;
- (g) the duties of which he has had knowledge;
- (h) the duties of the office for which he is a candidate;
- (i) any specific recommendation of the Permanent Secretary for filling the particular office;
- (j) any previous employment of his in the public service, or otherwise;

L.R.O. 1/2006



SECRETARY TO
PUBLIC PERSONNEL OFFICERS
24/3/14

CIRCULAR MEMORANDUM

B 15/2014

TO: Permanent Secretaries and Heads of Departments
SUBJECT: Performance Appraisals of officers in the Public Service
DATE: 1st March, 2014

I invite your attention to the provisions of Chapter IV - Regulations 34 and 35 of the Public Service Commission Regulations - which require Permanent Secretaries and Heads of Departments to submit Staff Reports/Performance Appraisals on Public Officers to the Director of Personnel Administration on an annual basis.

The Public Service Commission has no remit over the design of Performance Appraisal Forms. This falls within the jurisdiction of the Personnel Department. Such forms, however, when completed by respective Permanent Secretaries and Heads of Departments, must be submitted on time and regularly as they impact on the constitutional responsibility which resides in the various Service Commissions for the permanent appointment, promotion and confirmation of Public Officers.

Permanent Secretaries and Heads of Departments would be well aware that appointments, promotions and confirmations, as appropriate, are based on principles outlined in the pertinent regulations. These include, inter alia, the determination of merit and ability, general fitness and an evaluation of the

overall performance of officers. In this context, any failure by Permanent Secretaries or Heads of Departments to submit in a timely manner Performance Appraisals on serving officers hinders the ability of the various Service Commissions to efficiently carry out their constitutional responsibilities.

The Public Service Commission also wishes to remind Permanent Secretaries and Heads of Departments that its mandate under Section 121(1) of the Constitution of the Republic of Trinidad and Tobago includes the exercise of disciplinary control and the enforcement of standards of conduct on persons holding or acting in offices in the Public Service. The regular receipt of Performance Appraisals represents a most potent tool in the Commission's goal to meet this aspect of its mandate.

The non-receipt of Performance Appraisals is detrimental to the effectiveness of the various Service Commissions in a variety of ways. Recent experiences of the Public Service Commission in particular, have forced the adoption of the practice of delaying appointments and promotions pending the receipt of up-to-date appraisals. Such delays force the reliance on extended acting or temporary appointments to facilitate the performance of duties where no permanent appointment or promotion can be made.

Confirmations, usually dealt with under delegated authority, require the preparation of probationary performance appraisals for action and eventual transmission to the Service Commissions for record. Appraisals submitted during and beyond the probationary period enable the Commissions to oversee the progress of serving officers and allow some degree of control over the maintenance of acceptable performance standards. The regular submission of appraisals also enables the Commissions to monitor the adherence of officers to the Codes of Conduct which govern their employment.

Recent developments within the public sector have seen the provision in all public service agencies of officers holding specialised positions within the Human Resource Series - the intention being to strengthen the organisations' ability to handle and effectively manage human behaviours in the workplace. Part of the rationale of this strategy would be the more dedicated and efficient management of the human resource function in the Public Service. The Commission therefore expects that there would be increased attention to the management, preparation and timely submission of Performance Appraisals in the interest of public service efficiency.

The Public Service Commission invites Permanent Secretaries and Heads of Departments to immediately review and institute measures within their respective organizations to secure the proper management of the reporting systems in place and to ensure that steps are immediately taken to:-

- (i) forward all outstanding Performance Appraisals on officers serving within their agencies; and
- (ii) maintain the timely submission of such appraisals over time to facilitate the continuous and expeditious handling of appointments, promotions and confirmations, as well as, the review of performance standards and the monitoring of adherence by officers to the Code of Conduct of their agencies.

The Public Service Commission looks forward to the co-operation of all Permanent Secretaries and Heads of Departments in these matters.


Director of Personnel Administration

MEMORANDUM

PD(HRMS): 2/4/18

FROM : Chief Personnel Officer
TO : Permanent Secretary
DATE : December 14, 2004
SUBJECT : Supervision of officers of the Civil Service by
Contract Staff

I refer to correspondence on the captioned subject resting with your memorandum MSTTE: 9/1/6 dated July 26, 2004.

2. Since my memorandum to you dated February 06, 2004, the matter has been thoroughly re-examined. In this regard, I am to clarify that the Personnel Department is of the view that it is not inappropriate for persons employed on contract, to supervise employees who are public officers.

3. It is to be noted that, by virtue of Section 85(1) of the Constitution, a Permanent Secretary has responsibility for the supervision of his Ministry and this of course includes all matters of human resource management.

4. The Permanent Secretary has the authority to ensure that all persons within his jurisdiction fulfil the requirements of their respective positions including supervision of subordinates on an on-going basis regardless of whether they are employed on contract or otherwise.

5. In respect of the completion of the performance appraisal report by persons employed on contract, consultation has been had with the Director of Personnel Administration and it is now advised that the senior public officer should prepare the report after consultation with the contract employees who are the immediate supervisors of the public officers.

6. In the circumstances, the advice in my memorandum dated February 6, 2004, is hereby amended.

[Signature]
.....
for Chief Personnel Officer (Ag)

PERSONNEL DEPARTMENT CIRCULAR NO.9 OF 2001

COPY

PD(HRMS):2/4/5

FROM : Chief Personnel Officer

TO : Permanent Secretaries, Heads of Departments,
The Chief Administrator, Tobago House of Assembly and
Heads of Statutory Authorities subject to the
Statutory Authorities Act, Chapter 24:01

DATED : November 21, 2001

SUBJECT : Implementation of the Performance Management and
Appraisal System

Previous correspondence ending with my Circular Memorandum dated September 20, 1999 on the above subject refers. Circular Memorandum dated November 1996 from the Permanent Secretary to the Prime Minister and Head of the Public Service and Minister of Finance Circular Memorandum No. 12 dated 27th October 1998 are also relevant.

2. As you know, the new Performance Management and Appraisal System provides an objective and equitable method for assessing employee performance and redounds to the benefit of both the employee and the employer as exemplified by the following:

- (1) It fosters a performance culture by placing emphasis on the setting of objective standards of performance and monitoring, encouraging and facilitating their attainment.
- (2) It encourages continuing dialogue, creative problem-solving, team work and equitable performance assessment.
- (3) It creates an environment of trust and mutual respect between managers/supervisors and their subordinates.
- (4) It embraces a philosophy and culture which accept the need for employee development and continuous improvement of the organization.

3. Moreover, the system not only provides a major platform for the transformation of the Personnel Administration function to the more modern Human Resource Management System in the Public Service, which is a policy directive of the Government, but also, is the basis for the payment of increments in the Public Service.

4. Accordingly, as a prelude to the implementation of the new system, Permanent Secretaries and Heads of Departments were asked to ensure that:

- 1) position descriptions are written in respect of all positions;
- 2) all staff have been trained and sensitized/refreshed as to the elements and requirements of the system;
- 3) span of supervising control is re-examined;
- 4) managers/supervisors are fully conversant with the requirements of the system;
- 5) forms that are needed to record the periodic appraisal discussions are finalized. (A specimen of this form was included in the manual "*Shaping Performance*.")

5. Considerable effort has been expended over the years by way of training to prepare Ministries/Departments/ Agencies to implement the new system. In addition, the establishment of Human Resource Management Units in Ministries/Departments/Agencies should also have provided the necessary impetus to full implementation of the Performance Management and Appraisal System.

6. I am now pleased to inform you that on September 27, 2001, agreement was reached between the Chief Personnel Officer and the Public Services Association on the implementation of the new system of performance management by January 1, 2002 in respect of members of the Civil Service and in Statutory Authorities that are subject to the Statutory Authorities Act Chapter 24:01.

7. In the light of the foregoing, Permanent Secretaries, Heads of Departments, Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01 and the Chief Administrator, Tobago House of Assembly are accordingly advised that with effect from January 1, 2002:

- 1) all performance appraisals are to be conducted in accordance with the new system which involves periodic assessments and the use of the new forms devised for the purpose, copies of which have previously been provided to you; and
- 2) any appraisal conducted using the previous format of the confidential staff report will not be accepted and will not confer eligibility for training, promotion or the award of increments!

8. The Personnel Department will continue to provide support for full implementation of this system and in this regard the Human Resource Management Services Division of the Personnel Department will be responsible for coordinating the thrust toward such full implementation and will provide all consultancy services that are required. Enquiries and / or requests for assistance may be directed to the following officers :

Mr. Chrisendath Mahabir	-	625-8534
Mr. Roland Graham	-	625-4703

SANDRA MARCHACK
Chief Personnel Officer

CIRCULAR MEMORANDUM

FROM : Chief Personnel Officer

TO : Permanent Secretaries, Heads of Departments,
The Chief Administrator, Tobago House of Assembly
and Heads of Statutory Authorities subject to the
Statutory Authorities Act, Chapter 24:01

DATED : September 20, 1999

SUBJECT : *Implementation of the Performance Management
And Appraisal System*

You will recall that by Circular Memorandum dated November, 1996, the Permanent Secretary to the Prime Minister and Head of the Public Service mandated Permanent Secretaries, Heads of Departments, Heads of Statutory Authorities and the Clerk (now Chief Administrator), Tobago House of Assembly to put in place all the systems needed to support the introduction of the new Performance Management and Appraisal System which would replace the existing system of Staff Reporting in the Public Service.

2. As you know, the new system of Performance Appraisal places emphasis on the setting of objectives and, standards of performance, and on the monitoring, encouraging and facilitating of their attainment. The system provides for continuous dialogue, joint creative problem solving, team work, team building, leadership and equity in the assessment of performance.

3. In preparation for the introduction of the new system, manuals were produced and circulated to provide information on the elements and requirements of the system, and training sessions were, and continue to be, conducted continuously throughout the Public Service and in Statutory Authorities.

4. While it was envisaged in Minister of Finance Circular No. 12 of 1998 that the new system would begin from January 1, 1999, with eligibility for the award of increments for service from that date being determined on the basis of performance that is assessed under the new appraisal system, for several reasons, there has not been full scale implementation to date.

5. It has accordingly been decided that in areas where the groundwork for the introduction of the new system has been laid but implementation has not yet taken place, a start-up date of November 1, 1999 should be targeted. In these areas, eligibility for the award of increments up to October 31, 1999 should be determined on the basis of the existing system of confidential staff reporting while eligibility for the award of increments thereafter, should be determined on the basis of performance assessed under the new appraisal system.

6. Where, however, the start-up date of November 1, 1999 cannot be realized for reason that the requirements have not been met or have not been completely addressed, eligibility for increments may continue to be determined on the basis of the existing system of staff reporting with action being taken immediately to facilitate conversion to the new system without delay and certainly, by February 1, 2000. In this regard, the instructions/requirements contained in the Circular Memorandum referred to at paragraph 1 above are relevant.

7. Permanent Secretaries, Heads of Departments, the Chief Administrator, Tobago House of Assembly and Heads of Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01 are accordingly requested to commence implementation of the new system with effect from November 1, 1999 and in this context to ensure that:-

- (i) position descriptions are written in respect of all positions;
- (ii) all staff have been trained and sensitized/refreshed as to the elements and requirements of the system;

- (iii) span of supervising control is re-examined;
- (iv) managers/supervisors are fully conversant with the requirements of the system;
- (v) forms that are needed to record the periodic appraisal discussions are finalized. (A specimen of this form was included in the manual "Shaping Performance").

8. Performance Appraisal Report forms may be obtained upon request from the Government Printer, Government Printery, Tragarete Road, Port of Spain.

9. The Personnel Department will continue to provide training and other assistance that may become necessary. Enquiries and/or requests for assistance may be directed to Ms. Margaret Richardson at the Personnel Department, telephone number 623-1621-5 Ext. 411.

SANDRA MARCHACK
Chief Personnel Officer.

From: MINISTER OF FINANCE

To: ALL PERMANENT SECRETARIES; HEADS OF DEPARTMENTS; CHIEF ADMINISTRATOR, TOBAGO HOUSE OF ASSEMBLY AND HEADS OF STATUTORY AUTHORITIES SUBJECT TO THE STATUTORY AUTHORITIES ACT, CHAP. 24:01

Subject:

Re-introduction of the Payment of Increments in the Public Service

I wish to inform you that the payment of increments to monthly-paid and daily-rated employees in the Public Service is to be re-introduced with effect from January 1, 1997.

2. In this regard you are advised that—

- (i) payment of increments to eligible monthly-paid employees of your organization in respect of the years 1997 and 1998 will be based on the existing system of confidential staff reports and that such payments should be made only where the employee's work and conduct are certified, on the prescribed annual staff report form, to have been satisfactory;
- (ii) with respect to daily-rated employees, the usual methods would be used to satisfy the requirement in the relevant Collective Agreements between the Chief Personnel Officer and the respective recognised Unions that the employee's service has been effective and satisfactory.

3. With the re-introduction of increments in the Public Service the existing principles governing the payment of increments and the determination of incremental dates must be applied. In this regard, the incremental date of an employee who benefitted from the provisions of Minister of Finance Circular No. 5 of 1996 must be the date of eligibility for the incremental payment authorised by that Circular.

4. The payment of increments in acting positions can also be treated as having been re-introduced with effect from January 1, 1997, that is to say, eligibility for the award of an increment in an acting position would be reckoned in respect of continuous acting service commencing on or after January 1, 1996.

5. You are advised further that a new system of performance appraisal will be introduced in the Public Service with effect from January 1, 1999 and the award of increments for service from that date would be based on performance that is assessed as satisfactory utilizing the new system. Further communication in this regard will be issued separately.


 BRIAN KUEI TUNG
 Minister of Finance

CPO...

(2)

CIRCULAR MEMORANDUM



From : Permanent Secretary to the Prime Minister
and Head of the Public Service

To : All Permanent Secretaries, Heads of Departments and
Clerk, Tobago House of Assembly.

Dated : November, 1996

Subject : Performance Management and Appraisal

You will be aware that action has been taking place with the objective of replacing the existing system of Staff Reporting with a modern system of Performance Management and Appraisal.

2. Members of your staff occupying managerial/supervisory positions would have received training organised for this purpose by the Central Training Unit of the Personnel Department and would have received copies of three manuals entitled:-

Shaping Performance
Discussion Performance and
Training for Performance

3. Managers and Supervisors throughout the Public Service would also have been exposed to the techniques of formulating the essential documents on Position Descriptions and Standards of Performance to enable them to make the transition smoothly and seamlessly from the existing system of Performance Appraisal to the one now to be introduced.

4. The implementation of the projected system of Performance Management and Appraisal is critical to the development of our Public Service as one providing a level of service delivery that is consistent with the demands of a competitive and rapidly advancing economy.

5. In addition, the design of the system reflects the premises on which it rests and which are exemplified by the following:-

1. emphasis on the setting of objective standards of performance and monitoring, encouraging and facilitating their attainment.
2. continuing dialogue, creative problem-solving, team leadership, team building, team work and equitable performance assessment.
3. creation of an environment of trust and mutual respect between managers/supervisors and their subordinates.
4. evolution of a philosophy and culture which accept the need for employee development and continuous improvement of the organisation.

6. Consequently, it is imperative that the main elements of the system, viz:

- Performance Planning
- Performance Support
- Performance Review

be fully internalised by all Managers/Supervisors so as to make their effective application a hallmark of their own behaviour while bearing in mind the provisions for:

- Equity Assessment, and
- Equity Appeal

which are the mechanisms for ensuring fairness and transparency in the operation of the system.

7. The groundwork for the launching of this system of Performance Management and Appraisal has now been laid and it has been decided that the system should be brought fully into operation early in 1997. To this end Permanent Secretaries, Heads of Departments and the Clerk, Tobago House of Assembly are to take steps to ensure that:-

- (a) Managers/Supervisors are fully conversant with the requirements of the system.
- (b) Joint Consultative Committees are functioning. (Personnel Department Circular No. 1 of 1973 and CPO Circular Memorandum of December 17, 1987 which refer are attached).
- (c) Spans of control of managers and supervisors are such as to permit them to implement the system efficiently.
- (d) Human Resource Management Units have been established.

8. The official date for the start of implementation by Ministries is Wednesday January 01, 1997, but the period up to Monday March 31, 1997 is to be utilised by all Heads in addressing the needs of the system and ensuring that all requirements are met. Where problems are encountered these should be referred to the Permanent Secretary, Ministry of Public Administration and Information who will deal with them appropriately, drawing on the expertise of the Service Commissions Department, the Personnel Department and/or the Organisation and Management Division where necessary.

9. Requests for training programmes, including refresher courses for personnel who participated in Performance Management Training of Trainers should be sent to the Director of Training, Training Division, Personnel Department.

10. During the intervening period abovementioned, the Personnel Department will also be holding consultations with the appropriate recognized associations representing public officers and you will be informed of the outcome of these discussions.

11. It is intended that when it is fully established the system will form the basis for the administration of increments/merit increases. It is therefore extremely important that there should be complete understanding of its principles and familiarity with its various processes.

12. Utilisation of the system as the method of determining entitlement to increments/merit increases will necessitate amendments to regulations. This will be the responsibility of the Personnel Department to be discharged in collaboration with the Service Commissions Department.

13. On or before March 31, 1997 each Permanent Secretary, Head of Department and the Clerk, Tobago House of Assembly should advise the Permanent Secretary, Ministry of Public Administration and Information when the revised system of Performance Management and Appraisal is being applied efficiently and effectively.

14. Based on this information the date will be set for the application of the system in respect of increments/merit increases.

15. This Circular Memorandum is to be brought to the attention of all Managers/Supervisors in your Ministry/Département.



Permanent Secretary to the Prime Minister
and Head of the Public Service

CIRCULAR MEMORANDUM

From: Director of Personnel Administration
To: Permanent Secretary and Heads of Departments
Dated: 3rd April, 1991
Subject: **MANAGEMENT OF HUMAN RESOURCES AND
STAFF REPORTING IN THE PUBLIC SERVICE**

Representations received from officers holding positions at various levels indicate that there is a fairly high level of dissatisfaction and frustration across the Service because of failure on the part of supervisory officers to adhere to the provisions of Regulation 35 of the Public Service Commission Regulations, Chapter 1:01.

In my Circular Memorandum Ref: P:26/3 dated 5th April, 1990 your attention was drawn to the necessity to comply with the requirements of Regulation 35 which states:-

In order that an officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months' period of service to be reported on, a Permanent Secretary or Head of Department shall –

- (a) as and when such shortcoming are noticed, cause the officer to be informed in writing thereof;*
- (b) when adverse markings are included in the staff report cause the officer to be informed in writing thereof before he submits the report to the Director.*

The Public Service Commission wishes to point out that the rationale underlying the procedures set out in Regulation 35 is the inherent responsibility of senior officers for the development of their staff and the preparation of their juniors for advancement in the Service. Benefits accrue to both the Ministry/Department and the officers when the latter, having been alerted to their deficiencies at the appropriate time and given on-the-job or further training as the need arises, exhibit improved performance and conduct and show themselves fit for promotion.

The procedure at Regulation 35 (a) is geared to pre-empt the necessity for adverse markings to be made in the annual staff reports as set out at Regulation 35 (b). The Commission has therefore decided that in future, when officers are not informed in accordance with Regulation 35 of the existence of weaknesses but such weaknesses are reflected in their Staff Reports, the reports in question should not preclude these officers from being considered for advancement in the Service.

The Commission suggests that Permanent Secretaries/Heads of Departments should place a new focus on the development of human resources in the Services with a view to raising morale and increasing the effectiveness and productivity of the Service. Supervisors should be encouraged to use a management style that is clear, open and straightforward so that their junior officers would be aware of the assessment of their work and the reasons (for such an assessment).

Special mention is necessary in respect of the grading of 'Box 3' in the Staff Reports. The Staff Report Form 'D' defines this grading as indicative of a level of productivity and general effectiveness which meets the standards of the officer's position and of an output which is satisfactory for the position in quality and quantity. The same applies, although not specifically stated, to Staff Report Form 'A'. This grading, therefore, does not by itself indicate any capability on the part of the officer who has been so graded to perform the duties of a higher position even in an acting capacity.

In the circumstances, the Commission considers that officers whose assessments are at the level of Box 3 should be advised that there is the need to improve their performance in order to merit advancement. This procedure is particularly urgent in cases where junior officers in the same group as the officer who has earned the grading of 'Box 3', perform in a superior manner and merit Box 2 or Box 1 gradings in their Staff Reports.

Officers whose performance is merely satisfactory must understand what they need to do or to learn in order to merit higher gradings similar to those given to their juniors.

However, Box 1 or Box 2 gradings relating to performance in an officer's substantive post do not necessarily mean that the officer is capable of performing at the next higher level. Therefore, in cases where officers so graded are assessed as not yet ready to perform the duties or to accept the responsibilities of the next higher post, such officers should be alerted to that position and given assistance to enable them to overcome their shortcomings.

The Commission is in the process of updating its Regulations. One of the amendments proposed will provide for a greater emphasis to be placed on merit than on seniority when considerations being given to acting appointments in higher posts as well as to promotion. The Commission recognises however, that such a provision can only be effective in an environment where officers are fully aware of the assessment made of their conduct and performance by their supervisors and they are afforded the opportunity of training to assist them to overcome whatever deficiencies exist.

Further, clarification has been sought as to the point at which officers should be invited to read and initial their staff reports as directed in my Circular Memorandum dated 5th April, 1990.

The Commission has instructed that this activity should take place before the Staff Reports are submitted to the Service Commissions Department i.e. when they have been completed. However, in cases where the office of the Reporting Officer is in a different location from the office of the Countersigning Officer and difficulties and/or delays may be occasioned, if the Staff Reports have to be returned to the Reporting Officer for the information of the officers, the Staff Reports can be seen and initialled by officers after they are completed by the Reporting Officer and before they are forwarded to the Countersigning Officer. Nevertheless, it is expected that if the Countersigning Officer and/or the Permanent Secretary/Head of Department do not agree with the assessment of the Reporting Officer and amend the report to indicate the existence of weaknesses, the officer should also be informed of such input.

In cases where the officer reads the report before completion by the Countersigning Officer and/or the Permanent Secretary/Head of Department, the officer should initial the report and indicate that he has seen the assessment up to that point and has not seen the completed report.

I also draw to your attention that the draft revised Civil Service (Conditions of Service) Regulations, 1991 contemplate that an officer should be provided with a copy of his/her Staff Report before it is forwarded to the Service Commissions Department. These instructions are therefore intended to stand as an interim arrangement pending the proposed Circular to be issued by the Chief Personnel Officer on the subject of Performance Appraisal and Staff Reporting and the revision of the Civil Service (Conditions of Service) Regulations.

Kindly ensure that this Circular is given the fullest possible circulation among the staff of your Ministry.

J. MARSHALL
DIRECTOR OF PERSONNEL ADMINISTRATION

D(cs)26/4 Temp.

CIRCULAR MEMORANDUM

FROM : Chief Personnel Officer
TO : All Permanent Secretaries, Heads of Department
and Heads of Statutory Authorities Subject
to the Statutory Authorities Act, Chapter 24:01
DATED : December 17, 1987

SUBJECT:

Establishment of Consultative Machinery
in the Public Service

... I invite your attention to the attached copy of Personnel Department Circular No. 1 of 1973 dated 12th January, 1973 on the subject:

- (i) Establishment of Consultative Machinery in the Public Service; and
- (ii) Grievance Procedure.

2. The objects of this Circular, which was issued following agreement with the Public Services Association that consultative machinery should be established throughout the Civil Service, were:-

- (a) to fill the need for a systematic channel of communication between Management and Staff;
- (b) to provide for participation by staff in Management's decision-making within specified limits; and
- (c) to set up a grievance procedure for discussion of cases where a recognised association wished to make representations.

3. In that regard, your attention is also invited to the terms of my Circular Memorandum PD(cs)26/4T dated 12th January, 1973 on the subject "Establishment of Consultative Machinery in the Public Service" (which accompanied the Circular abovementioned) and, in particular, to paragraph 3 thereof which reads as follows:-

"Experience has shown that morale tends to be higher when members of staff can participate in making decisions that relate to their well being, with the result that authority is more effective and discipline better maintained. These very desirable objectives can best be achieved through a continuous exchange of ideas and viewpoints between Management and Staff, and this system of Joint Consultation is intended to be the medium for such exchange."

4. I wish to re-emphasize the importance of Management's role in securing the observance and proper operation of the Grievance Procedure and the system of Joint Consultation set out in the Circular under reference, (No. 1 of 1973 dated 12th January, 1973).

5. Accordingly, Permanent Secretaries, Heads of Departments and Heads of Statutory Authorities, subject to the Statutory Authorities Act, Chapter 24:01, are urged to ensure, not only adherence to the procedures specified but, also, appreciation of the spirit of participation inherent in the aforementioned Circular so as to promote and maintain harmonious relationships, mutual confidence and higher levels of efficiency in the Public Service.

Roland G. Baptiste
Chief Personnel Officer

COPY

C I R C U L A R M E M O R A N D U M

FROM: DIRECTOR OF PERSONNEL ADMINISTRATION
TO: All Permanent Secretaries and Heads of Departments
DATED: 2nd April, 1975

S U B J E C T:

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Use of Staff Reports as the basis for the grant of annual Increments:

I wish to refer to my Circular Memorandum P:26/25 dated 20TH December, 1966 concerning 'Use of Staff Reports as the basis for the award of annual increments' (Copy attached for ease of reference) and to inform you that the Public Service Commission has again expressed concern about the status of officers who are being called upon to prepare and sign Confidential Staff Reports as Reporting Officers. For instance, in a recent case a Messenger II was required to sign as Reporting Officer.

2. In this connection, your attention is invited to the undermentioned provisions of paragraphs 13 and 34A of the Code of Instructions on staff reporting which was issued with Secretariat Circular Staff No. 1 of 1956:-

"13. All markings on reports will be the direct responsibility of the Reporting Officer. He should consult the immediate supervisor of the officer being reported upon, but he should at the same time rely on his own judgment. In no circumstances should he have access to reports on the same officer by other Reporting Officers. Where the officer to be reported upon has worked under the Reporting Officer for only a short time, that is less than four months - the present Reporting Officer should prepare his report to the best of his ability and insert prominently at the head of the form: "Previous Reporting Officer to be consulted." The Secretariat will, if necessary obtain the view of the previous Reporting Officer."

"34A. The Confidential Report should normally be completed and signed by the officer's immediate superior or supervisor, who should be at least one grade above the officer reported on, if necessary, after consultation on with any senior officers to whom the individual has worked directly during the period to which the report related. The Countersigning Officer should normally be the Head of a Branch (i.e. the officer in charge of a substantial block or work) and at least two grades above the officer reported on. Where the Reporting Officer is himself the Head of the Branch, the report will be countersigned by an Officer of senior status to whom the Reporting Officer is responsible."

3. Please note that as indicated in the Code of Instructions it was always intended that Reporting Officers should be of senior status and if necessary, should consult with the immediate supervisors of the persons reported on, but had to accept full responsibility for what was reported.

4. Since, however, the position seems to require clarification, paragraph 34A of the Code of Instruction issued with Secretariat Circular Staff No. 1 of 1956 is hereby amended to read as follows:-

“The Confidential Report should normally be completed and signed by the Officer’s immediate supervisor or superior, who should be at least one grade above the officer reported on and a level no lower than the grade of Clerk IV (Range 30) or an officer of equal status. Where the grade of the immediate supervisor or superior is lower, the Reporting Officer should be an officer of appropriate rank who may consult with whom the individual has worked directly during the period to which the report relates. The Countersigning Officer should normally be the Head of a Branch (i.e. the Officer in charge of a substantial block or work and at least two grades above the officer reported on but of a higher grade than the Reporting Officer where the Reporting Officer is himself the Head of a Branch, the report will be countersigned by an officer of senior status to whom the Reporting Officer is responsible.”

A copy of the relevant Code of Instructions is attached for your information.

5. I shall be grateful therefore if you will ensure that Reporting Officers and Countersigning Officers are of the appropriate rank who in addition, are fully able to report on the work and conduct of the officers concerned.

WILFRED MC KELL
DIRECTOR OF PERSONNEL ADMINISTRATION

PERSONNEL DEPARTMENT CIRCULAR NO. 1 OF 1973

FROM : Chief Personnel Officer
TO : All Permanent Secretaries and Heads
of Departments
DATED : 12th January, 1973

SUBJECT:

- (i) Establishment of Consultative Machinery
in the Public Service
- (ii) Grievance Procedure

I have to inform you that, in consultation with the Public Services Association, it has been decided that consultative machinery should be established throughout the Civil Service with a view to providing a means of communication between Management and Staff, and staff participation in Management decisions within the limits defined in this circular.

2. This Consultative Machinery shall comprise a central committee in each Government Ministry/Department consisting of representatives of management and staff representatives. Where, depending on the size, location and administrative structure of the units which comprise the Ministry/Department, there is need for more than one body, sub committees shall be set up in the discretion and under the direction of the central committee. The representatives of Management shall be determined by the Permanent Secretary or Head of Department and those of the staff shall be selected by the Members of the Public Services Association and/or appropriate recognised Associations.

Membership:

The central consultative committee shall be called the Consultative Committee of the Ministry/Department and shall normally comprise no more than 12 members each representing equally Management and the Association.

4. The Permanent Secretary or Head of Department shall be Chairman of all meetings of the Committee, but he may delegate the senior of his representatives to be Chairman of any meeting in his absence.
5. The Association's side shall normally comprise six members elected annually by Association members in the Department or Ministry. The Association's side as soon as possible after it is elected, shall elect a Chairman and Secretary and shall be at liberty to co-opt other members for any specific purpose if in its opinion, such a course of action is necessary.
6. Neither side shall be bound to nominate its full complement of members on the Committee. Notwithstanding paragraph (3) and provided that prior notice is given to the other side, either side may increase its complement on the Committee by the inclusion of Advisors if it is of the opinion that the circumstances of the particular department or any particular subject being dealt with so require.
7. Where a Head of Department receives notification from the Association Side of the intention to increase the number of representatives and he objects to such increase, he shall inform the Association Side of the grounds of his objection and shall, within 7 days of receipt of the notice referred to at paragraph 6 above, summon a meeting of the Committee for the purpose of discussing the matter.
8. If no agreement is reached, either side may refer the matter to the Chief Personnel Officer for settlement.
9. The Permanent Secretary or Head of Department may, if he so desires at any time, include among management's representative, any person, whether such person be a public officer or not.
10. The Association Side may, if it so desires at any time include among its representatives an officer of the Public Services Association.
11. In electing members of the Association Side, members of the particular Ministry or Department should, as far as possible, ensure that the widest possible representation is achieved.
12. There shall be a Secretary to the Committee who shall be appointed by the Permanent Secretary or Head of Department.
13. A quorum for a meeting shall be constituted as long as there are present two representatives of the Management (including the Chairman or his nominee) and any two members of the Association Side.

14. Each Committee shall hold regular meetings at fixed periods so however, that meetings are held at least once in every three months.

15. Notwithstanding the fact that a fixed date may be agreed upon for regular meetings, special meetings may be held on the request of either side to deal with any matter which may be considered sufficiently urgent and important.

16. The objects of the Committee shall be to secure the greatest measure of co-operation between the Administration and the Staff in matters affecting the Ministry or Department, with a view to increasing efficiency and providing for the well being of the staff by bringing together the different points of view respecting conditions of service within the Department. They shall specifically include:-

- (a) provision of the best means of utilising the ideas and experience of the staff;
- (b) means of securing to the staff a greater share in, and responsibility for the determination and conditions under which their duties are carried out;
- (c) application of the principles governing established conditions of service, e.g. recruitment, hours of work, promotion, discipline, tenure, remuneration and superannuation in so far as they relate to the Department.

17. Decisions:

- (a) Decisions of the Committee shall be arrived at by agreement between the two sides. They shall be signed by the Chairman of the Committee and the Chairman of the Association Side and thereupon shall become operative in respect of those matters on which the Ministry, Department, Division or Institution concerned has final authority;
- (b) Where agreement has been reached on a matter which is not within the final authority of the particular Ministry or Department, the Permanent Secretary or Head of Department shall, within 7 days of such agreement, refer the matter to the Chief Personnel Officer for his consideration.

18. Office Committees:

Where a Ministry/Department/Division or Institution consists of more than one office, the Committees concerned may agree to the establishment of a Sub committee in each office.

19. Minutes:

A Committee set up under the provisions of this Circular shall keep minutes of its proceedings. These shall be prepared by the Secretary of the Committee and shall be signed by the Chairman of the Committee and the Chairman of the Association Side. Copies of all minutes shall be forwarded to the Chief Personnel Officer.

20. Meetings of Members of Recognised Associations:

- (a) Members of the recognised associations are permitted to hold meetings outside of official working hours at the offices in which they work, whether such meetings include officials of the Association or not, and provided that:
 - (i) reasonable notice of time and place at which such meeting is to be held is given;
 - (ii) the purpose of the meeting is stated; and
 - (iii) the Permanent Secretary or Head of Department has no objection to such meetings. Such meetings may be attended by Executive Members of the Association, but persons who are not public officers or officials of the Association must not be present.
- (b) Where the Permanent Secretary or Head of Department objects to any meeting being held, he shall inform the Secretary or Chairman of the Association Side of his reasons therefore, and an effort shall be made to agree upon an alternative time and place.
- (c) Where the Association Side had been unable to come to agreement with the Permanent Secretary or Head of Department for the holding of any meeting, it may refer the matter to the Chief Personnel Officer.

21. Notwithstanding paragraph 20 above, where a Ministry/ Department, Division or Institution operates on a 24 hour basis or where a shift system of any nature is being worked, agreement may be arrived at between the Permanent Secretary or Head of Department, and the Association Side for the holding of Staff Meetings during official working hours provided that such agreement does not unduly interfere with the smooth and efficient functioning of the Ministry/Department, Division or Institution. This agreement may include arrangements whereby persons on duty at the time of the meeting may be permitted to attend. Such arrangements will be at the absolute discretion of the Permanent Secretary or Head of Department, Division or Institution.

22. The Administration shall bear the cost of travelling and subsistence allowances payable in accordance with existing travelling regulations for all members attending meetings of the Committee.

23. It is to be understood that the establishment of Consultative Machinery is in no way intended to hinder Management's consulting with staff where this is appropriate, but such consultation between Management and Staff should at no time serve as a substitute for the use of the Consultative Machinery.

24. The Personnel Department should be informed of the progress being made in the setting up and actual functioning of the Consultative Machinery in each Ministry/Department.

Grievance Procedure:

25. I also have to inform you that it has been agreed that the following machinery should be set up for discussion of cases where a recognised association wishes to make representations:-

- (i) Representations should be made first of all by the Public Services Association or the recognised staff Association to the Head of the Division or Institution in which the officer or officers concerned is/are employed, or if a particular incident is involved, to the Head of the Division or Institution where the incident took place.
- (ii) In the event that no action is taken on these representations within 7 days, the matter should then be reported by the Association to the Permanent Secretary of the Ministry or to the Head of Department concerned;

(iii) If the Association is unable to obtain action on (ii) above within 14 days, the matter should then be raised with the Chief Personnel Officer in which event, the Association should submit a note, setting out the facts of the case.

26. If, however, the Permanent Secretary or Head of Department finds that due to extraordinary circumstances, action cannot be taken within the prescribed time, he should so advise the Association, notifying the Association of the reasons for the delay and requesting an extension. An extension may be agreed to at any stage with the Association.

27. This circular is issued with the concurrence of the Public Services Association.

Hilton H. Cupid
Chief Personnel Officer