



Judicial Administration

Human Resource Management Policies and Procedures Manual

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Judicial Administration
HR Policies and Procedures Manual

Part A: Purpose and Responsibilities

1. Introduction

Purpose of Manual

Under the Public Service Management Law 2005 and the Personnel Regulations approved by Cabinet on the 1st January 2007, ministries and portfolios are responsible for HR (human resource) management within the parameters established by the Law and Regulations.

This manual establishes the specific HR management policies and procedures approved by the Chief Officer for use within the Judicial Administration. In doing so it:

- specifies human resource policies applying to staff of the Administration; and
- establishes the procedures to be used in managing human resource and personnel matters relating to Judicial Administration staff.

The manual should be read in conjunction with the Public Service Management Law and the Personnel Regulations.

The policies and procedures in this manual relate only to internal HR management within the Administration. It does not apply to the range of HR related outputs provided by the Administration to the Governor, Head of the Civil Service and client government agencies.

Compliance

All managers within the Administration who have a delegation from the Chief Officer to act as an “appointing officer” are expected to comply with the policies and procedures specified in this manual as well as the requirements of the Law and Regulations (insofar as they apply to them).

Other persons within the Administration who have responsibility for, or involvement with, Administration HR matters are similarly expected to comply with the policies and procedures specified in this manual.

Queries and Assistance

While the Chief Officer has overall responsibility for HR management within the Administration, day-to-day HR matters are the responsibility of the HR Manager. The HR Manager is responsible for advising the Chief Officer on strategic HR issues relating to the Administration, overseeing internal HR activity, and providing HR advice, assistance and support to managers in the Administration. Queries about the application of this manual or assistance with internal Administration HR matters should therefore be addressed to the HR Manager.

2. HR Roles and Responsibilities within the Judicial Administration

General Roles

Chief Officer

The Chief Officer has overall responsibility for all HR management activity within the Administration. This results from a delegation to the Chief Officer issued by HE the Governor on 1 January 2007 in accordance with section 7(1) (b) of the Public Service Management Law, 2005. The delegation requires the Chief Officer to manage personnel arrangements for staff in the Administration in accordance with Part VII of the Law, the Regulations and any written instructions issued from time to time by the Head of the Civil Service.

Manager HR

The HR Manager is responsible for:

- strategic HR advice to the chief officer including in relation to HR policies for the Administration, staff training and capability development within the Administration, and succession planning within the Administration;
- providing guidance, assistance and support to the appointing officers;
- overseeing and administrating performance agreements and performance assessments within the Administration;
- payroll, leave and recruitment administration for Judicial Administration staff.

Section Managers

Subject to the oversight and direction of the Chief Officer, section managers are responsible for the day-to-day supervision of their staff including:

- the assignment of duties and the monitoring of their achievement;
- establishing performance agreements with, and undertaking performance assessments for, each staff member in their section;
- attendance and time management
- approving annual and sick leave for staff within their section;
- developing the skills and capabilities of staff within their section through training and on-the-job support relevant to the staff member's duties;
- motivating and encouraging staff to deliver timely, high quality work in a highly productive manner;
- encouraging compliance with the Public Service Values, the Public Servant's Code of Conduct, and Portfolio of Civil Service workplace rules amongst staff within the section.

Recruitment, discipline or dismissal of staff in the section is to be undertaken by the section manager only in conjunction with the relevant appointing officer.

Specific Responsibilities

Recruitment

Staff recruitment is to be initiated by section managers and/or appointing officers but is to be coordinated through the HR Manager in accordance with policy and procedure 15 on page 16.

Payroll

All payroll related matters are to be referred by section managers and/or appointing officers to the **HR Manager** who is responsible for ensuring they get actioned in a timely manner in accordance with policy and procedure 41 on page 162.

Note: Payroll changes are currently actioned in HRIRS by the Portfolio of the Civil Service in conjunction with Treasury. From 1 January 2007 this function was [will be] delegated to ministries and portfolios.

Personnel Files and Leave Records

All personnel files and leave records for Judicial Administration staff are to be maintained by the HR Manager in accordance with policy and procedures 39 and 40 on pages 154 and 159. The HR Manager is responsible for keeping these files and records secure at all times and for ensuring they are adequately protected in case of hurricane warnings or other emergency situation.

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Part B: General HR Policies

3. The Administration's HR Management Philosophy

The Judicial Administration is fully committed to being the type of organisation reflected in the Public Service Values and in particular an organisation that:

- services diligently the government of the day in an apolitical, impartial and courteous manner;
- delivers high quality policy advice and services;
- strives continuously for efficiency, effectiveness and value for money in all its activities;
- adheres to the highest ethical, moral and professional standards at all times;
- encourages creativity and innovation and recognises the achievement of results;
- is non-discriminatory, makes employment decisions on the basis of merit, and recognises the aims and aspirations of its staff;
- values communication, consultation and co-operation in the workplace; and
- provides a safe and healthy working environment.

With this in mind, the Administration will *strive to be an employer that expects high levels of performance, recognises and values that performance, and actively supports its staff in achieving it.* This statement encapsulates the Administration's overall HR management philosophy.

The Administration recognises that its staff is its primary resource and it wants to act in a manner which recognises the needs of individual staff members while still expecting high levels of performance.

While fully committed to 100% compliance with all centrally defined rules and procedures established in the Public Service Management Law and Personnel Regulations, the Administration does not wish to have a rule-bound management culture. The Administration therefore wishes to deal with HR matters in a flexible and common sense manner that recognises an employee's commitment to the work of the Administration and the Administration's support for its staff.

In this context, the Administration is in the business of delivering professional services and wants to operate a professional work environment commensurate with that operating in a private sector professional services firm. This "professional" approach should be reflected in all aspects of the Administration's activities, including the behaviour of staff who is expected to behave in a courteous and professional manner.

4. Terms and Conditions of Employment in the Judicial Administration

The standard terms and conditions of employment for all staff of the Administration are the minimum terms and conditions specified in Schedule 1 of Personnel Regulations. As a matter of policy, the Administration does not appoint staff on terms and conditions in excess of those specified in Schedule 1 unless there are overwhelming reasons to do so, and those situations are expected to be rare. Accordingly, all and every variation from the standard terms and conditions requires the explicit written approval of the Chief Officer.

- In relation to remuneration, the Administration recognises that different staff has different needs and is therefore open to negotiating a remuneration package for staff that reflects the staff member's needs.

The Judicial Administration is in possession of four vehicles for the use of the Judiciary and Bailiffs. Two of the vehicles will be provided as part of the Bailiff's remuneration package.

5. Work Hours and Attendance

- The normal hours of work for all staff of the Portfolio are 37½ per week.

The standard hours of attendance are 8.30am to 5pm with a one hour lunch break. Staff may have different hours of attendance to the standard hours (i.e. flexi-time) with the agreement of their section manager provided that:

- A minimum of 7½ hours per day is worked; and
- The hours of attendance incorporate the core hours of 9am to 4pm.

The timing of the lunch break is to be agreed between staff members and their section manager.

6. Pay Periods and Method

All Judicial Administration salaried staff will be paid on a monthly basis by direct deposit into their bank account.

All Judicial Administration waged staff will be paid on a bi-weekly basis by direct deposit to their bank account.

Salary Advances will be made to staff provided the Chief Officer is satisfied that:

The advances are for routine household purposes or if the officer is off island on payday. The full amount must be repaid within one month;

Applicants are limited to a number of advances within a one year period (recommended 2 per year);

There are sufficient funds in the Judicial Administration entity bank account to cover the advance;

There is a signed salary deduction authorization form;

The applicant does not have any other outstanding debt with the Government;

The repayment of the salary advance will not financially impede the applicant;

Documentation and justification for the advance is retained for audit purposes.

7. Portfolio Workplace Rules

The workplace rules for the Judicial Administration are specified in the Annex on page 175 of this Manual. All staff of the Administration is expected to comply with these rules. In accordance with the Public Service Management Law and Personnel Regulations, failure to comply with the rules is a disciplinary offence.

8. Performance Management in the Administration

All staff is required to enter into a performance agreement (using the prescribed format) with their manager no later than 30 June each year. The procedure to be followed in preparing these agreements is specified in policy and procedure 19 on page 35.

As a reflection of the Administration's HR management philosophy, managers are expected to provide staff members with regular feedback on their performance. This should occur on a day-to-day basis as part of the normal supervision of staff.

Managers are required to undertake a formal interim (half-year) assessment with each staff member in the period 15 January to 15 February each year, and a formal annual assessment with each staff member in the period 15 July to 15 August each year. The procedure to be followed in undertaking these assessments is specified in sections 20 and 21 on pages 38 and 41.

Managers are also expected to have informal performance feedback sessions with each staff member on a quarterly basis.

9. Training and Capability Development in the Administration

Maintaining and/or enhancing the skills and abilities of Administration staff are essential to ensuring that the Administration has the capability it needs to produce its outputs now and in the future. Maintaining this capability is a mandatory ownership performance requirement of the Administration.

The Administration also recognises that capability development is also important for a staff member's own personal growth, and for succession planning purposes.

In light of these perspectives, the Administration's training and development policy is to provide and/or support training opportunities that will enhance the skills, knowledge and abilities of individual staff members for the job they are currently doing, or for another job within the Administration that they might do in the future.

In order to ensure that training and development is proactively considered, the Administration requires a training and development plan to be developed annually for each staff member as part of the performance assessment process for that staff member. As part of its internal budget process, the Administration will work to ensure that adequate budgetary provision is made for agreed training and development needs.

The Administration encourages staff members to consider ways in which their own skills, knowledge and abilities can be developed and provide these suggestions to their manager, either as part of the performance agreement and assessment processes or at any other time. However, in line with the above policy, the Administration will only support individual development in areas that are directly related to the nature and scope of business of the Administration, and for which a tangible pay-back to the Administration (in terms of its overall capability) is likely.

The specific policies and procedures relating to staff development are specified in section 33 on page 122.

10. Induction of Staff New to the Judicial Administration

The Administration recognises the importance of helping staff who are new to the Administration understand their new role, how the Administration operates, and what it expects of them. Accordingly, as a matter of policy the Supervisor, in association with the appointing officer, is to develop and provide induction training to **all** new, transferred or promoted staff in the Administration.

The objective of the induction is to integrate the staff member into the Administration and/or their new role as quickly as possible by:

- providing sufficient, relevant information in a creative and informative manner that addresses the staff member's immediate and short-term needs;
- removing 'unknowns' and ease any worries and anxieties a staff member may experience; and
- equipping and enabling the staff member to adequately carry out their role.

The specific policies and procedures relating to staff induction are specified in section 35 on page 135.

11. Access to Personnel Files

As part of its HR management processes the Administration maintains a personnel file for each Administration staff member. These files contain the employment and performance management records and correspondence the Administration is required to retain under the Public Service Management Law and Personnel Regulations.

Personnel files are maintained by the **HR Manager** and appointing officers and section managers may have unlimited access to the personnel files for their staff when the need arises. All relevant documentation is to be maintained on the personnel file and managers are not to keep their own separate personnel files for their staff members.

Although the personnel files belong to and are the property of the Administration, as part of its commitment to being a good employer, the Administration will allow staff members to review their own personnel file if there are good reasons for them to do so. Staff member wishing to review their file should make a request to the **HR Manager**, together with the reason they wish to see the file.

Staff reviewing files are not permitted to add or remove any document from the file or to alter the file's contents in any way. Accordingly, access to files will be subject to the supervision of the **HR Manager**.

12. Health and Safety in the Judicial Administration

The Administration operates in a **relatively low risk environment** from a health and safety point of view. Nevertheless risks do exist and need to be minimised.

The Administration will organize periodical health and safety audits as a means of determining where health and safety improvements can be made. These audits will involve discussions with some or all Administration staff about the workplace environment and work practices. Staff are encouraged to present their views to the auditors in a free and frank, but professional, manner.

Managers within the Administration are expected to be cognizant of workplace health and safety issues and not expose their staff to unnecessary risks within their control.

Staff are encouraged to discuss any health and safety issues with their manager.

The specific policies and procedures relating to management of injuries in the work place (should they occur) are specified in section 45 on page 171.

13. Promotion of Values, Code of Conduct and Workplace Rules in the Administration

As members of the Administration management team, appointing officers and Supervisors are expected to lead by example by managing their Divisions/sections in a manner consistent with the Public Service Values specified in the Public Service Management Law and the Administration's HR management philosophy as outlined in section 3 above.

In relation to their own personal behaviour, appointing officers and Supervisors are expected to behave in a manner that is demonstrably consistent with the Public Servant's Code of Conduct and the Portfolio's workplace rules.

Appointing officers and Supervisors are also expected to promote the workplace rules (and the Public Servant's Code of Conduct) amongst their staff and to encourage compliance.

14. The Administration's Relationship with CICSA

The Administration recognises the Cayman Islands Civil Service Association (CICSA) as the duly appointed representative of its members employed in the Administration.

Accordingly, the Administration will liaise with CICSA over HR issues relating to the staff of the Administration and which affect its members.

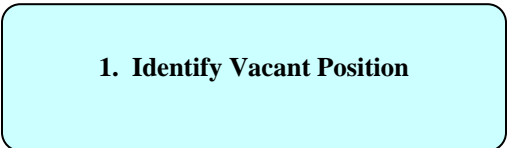
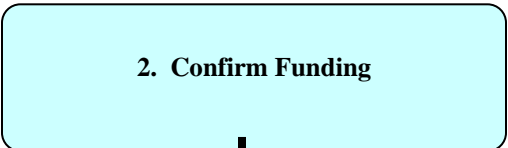
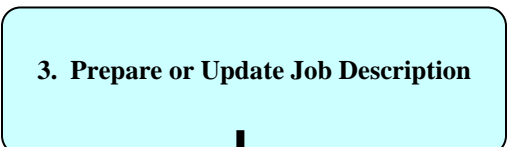
As a matter of policy, all liaison with CICSA is to be undertaken only by the Chief Officer, or the **HR Manager** in consultation with the Chief Officer.

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Part C: Specific HR Procedures and Related Policies

15. Recruitment and Appointment of Staff to Positions within the Judicial Administration

This policy and procedure applies to the recruitment and appointment of staff to positions within the Administration. It applies to all appointments in the Administration including those involving: the recruitment of new staff from within the Cayman Islands; the recruitment of new staff from overseas; the appointment of existing staff to new positions by way of promotion or transfer; the appointment of staff to short-term positions; and the appointment of staff on fixed-term employment agreements. Section 40 of the Public Service Management Law, 2005 provides appointing officers with this authority. Section 41 of the Law and Personnel Regulations 25, 26, 27, 30A and 30B specify the minimum procedures that are to be used and the minimum employment terms and conditions that are to apply.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>1. Identify Vacant Position</p> <p>↓</p> </div>	<ul style="list-style-type: none"> Supervisor identifies a vacant (or impending vacant) position within his/her section and considers whether the position needs to be filled. Appointing Officer approves the filling of the vacant position. 	<ul style="list-style-type: none"> Positions are only to be filled where the workload or skill set requirements warrant it. If appropriate part-time or short-term appointments are to be considered. Where it is known that a position will become vacant in the future, where-ever possible the position is to be filled <u>before</u> the incumbent leaves.
<div style="text-align: center;">  <p>2. Confirm Funding</p> <p>↓</p> </div>	<p>Appointing Officer agrees with the CO (who in this Administration is the budget holder the maximum remuneration package that is available to offer for the vacancy.</p>	<p>Remuneration for all positions within the Division is to fall within the parameters established by the budget holder's budget unless compensatory savings have been found and agreed by the Chief Officer.</p>
<div style="text-align: center;">  <p>3. Prepare or Update Job Description</p> <p>↓</p> </div>	<ul style="list-style-type: none"> Supervisor prepares and/or updates (if necessary) the Job Description for the position. Appointing officer approves the Job Description 	<p>Job description is to follow the template circulated by the Portfolio of the Civil Service.</p>

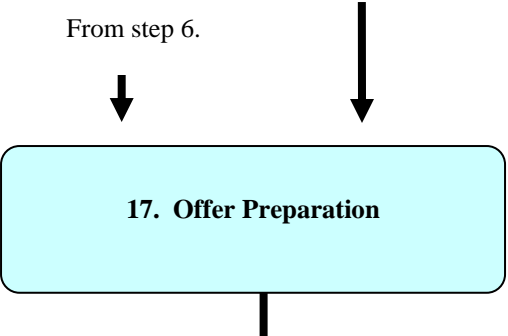
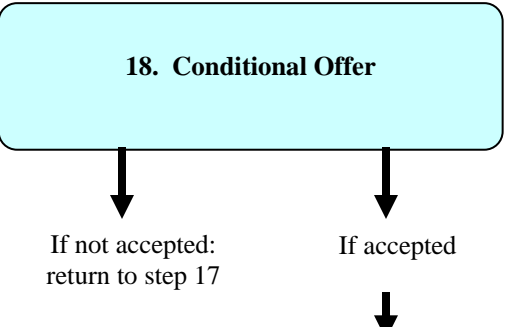
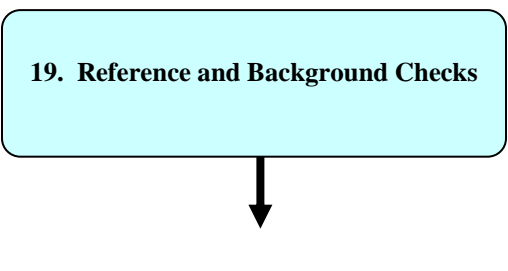
Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 4. Remuneration Banding </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Chief Officer submits updated Job Description to the Strategic HR section of the Portfolio of the Civil Service for evaluation. • Strategic HR section of the Portfolio of the Civil Service notifies Chief Officer of Remuneration Band for the position. 	
<div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 5. Establish Whether Exemption from Normal Process Applies </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>↓</p> <p>If exemption applies: go to step 6.</p> <p>↓</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If exemption does not apply: go to step 7.</p> <p>↓</p> </div> </div>	<ul style="list-style-type: none"> • Appointing officer determines whether the position to be filled is one exempted from an open competitive appointment process under Personnel Regulations. <p><i>[Personnel Regulation 30A allows a person to be appointed without following the normal process if:</i></p> <ul style="list-style-type: none"> • <i>The person is returning from study on a Government scholarship and is being appointed to the civil service for the first time;</i> • <i>The person is being appointed to a position lasting three months or less and has not previously been appointed to that or a similar position; or</i> • <i>The appointment is so urgent complying with the normal processes is not feasible or practical.</i> <p><i>Personnel Regulation 30B allows a staff member to be transferred to another position without the normal process applying where it is in the public interest.]</i></p> <ul style="list-style-type: none"> • If chief officer agrees exemption applies: go to step 6. • If exemption does not apply: go to step 7. 	<p>In considering whether the criteria established by the two Regulations apply to a vacancy, a strict interpretation is to be applied. In accordance with the Portfolio's HR philosophy, open appointment processes are to apply unless there are exceptional circumstances and those comply with the Regulations. Exemption situations are expected to be very rare in the Portfolio and a presumption of normal appointment processes will apply.</p> <p>The express agreement of the chief officer is required before a decision to follow an exempted process is made. The Regulations also require that the approval of the Head of the Civil Service be obtained.</p>

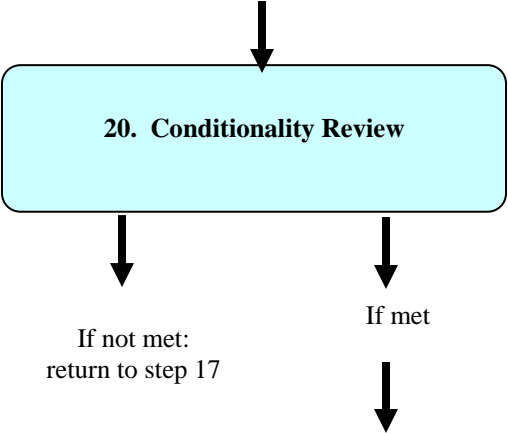
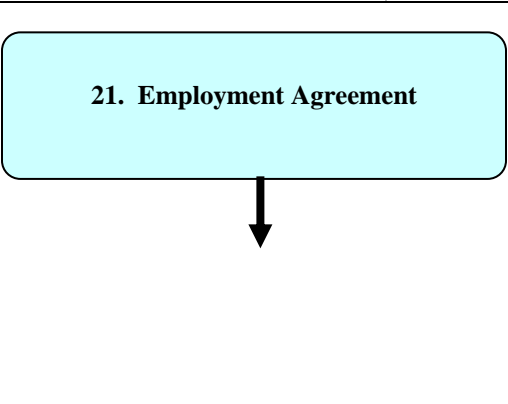
Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">6. Exemption Report</p> <p>If approved: go to step 17. If declined: go to step 7.</p>	<p>Appointing officer prepares an appointment process exemption report and submits it to the Head of the Civil Service via the chief officer.</p> <p>If the report is approved, proceed to step 17. If the report is declined, proceed to step 7.</p>	<p>Exemption report to outline:</p> <ul style="list-style-type: none"> • The position to be filled; • Which of the criteria from the Regulations applies and how it applies; • The person to be appointed; • How the appointment will not unreasonably prejudice the ability of other persons to be considered for the position.
<p style="text-align: center;">7. Advertise Vacancy</p>	<ul style="list-style-type: none"> • The section manager advises the HR Manager that the position is ready to be advertised and agrees the wording for the advert. • HR Manager advertises the position, ensuring that the content of the advert complies with Regulation 25. 	<ul style="list-style-type: none"> • All vacancies are to be advertised within the Civil Service and maybe advertised elsewhere at the discretion of the appointing officer. • The advertising media used is to be selected so as to maximise coverage and minimise cost. • All advertisements should encourage the submission of electronic applications.
<p style="text-align: center;">8. Receipt & Acknowledgement of Applications</p>	<ul style="list-style-type: none"> • HR Manager receives applications • HR Manager provides applicants with written (preferably electronic) acknowledgement of applications, the next steps and expected timing 	<p>This step is to be completed within 2 working days of application being received.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 9. Collation of Applications </div> <p style="text-align: center;">↓</p>	<p>HR Manager collates applications and provides them to the Supervisor and the appointing officer <i>electronically</i>.</p>	<p>This step is to be completed within 1 working day of application deadline.</p>
<div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 10. Interviewing Short listing </div> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">If no suitable applicants: If sufficient suitable applicants, proceed return to step 7.</p> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> Appointing officer and supervisor review applications. If no (or insufficient) suitable applications: re-advertise (return to step 7). If suitable applications: establish an interview shortlist HR Manager advise candidates not short listed in writing (electronically) that they are unsuccessful. 	<ul style="list-style-type: none"> The shortlist must comply with section 41 (5) & (6) of the Law i.e. have the necessary qualifications/skills/experience and be based on merit. The shortlist must consist of at least 2 persons (to comply with section 41(5) of the Law) and as a general rule should be no more than 5 persons. If the appointing officer considers it appropriate candidates may be pre-screened by phone conversations or other means to reduce the travel costs associated with interviews.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; width: fit-content; margin: 0 auto;"> 11. Appoint Interview Panel </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Appointing Officer appoints an interview panel consisting of: <ul style="list-style-type: none"> ○ Appointing Officer ○ Supervisor (where applicable) ○ Any other persons the appointing officer selects 	<ul style="list-style-type: none"> • The Interview Panel is to consist of at least three persons (to comply with Regulation 26) and unless exceptional circumstances apply should be no more than four persons. • The attributes of the Interview Panel must comply with Regulation 26 (appropriate understanding, no conflict of interest, able to act independently). • The HR Manager is not required to sit on interview panels but (at the discretion of the appointing officer) may be in attendance as a note taker.
<div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; width: fit-content; margin: 0 auto;"> 12. Interviews Arranged </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Appointing officer establishes the date and location for interviews to be held in conjunction with the interview panel. • HR Manager notifies applicants of interview dates and agrees interview times with them. • HR Manager organizes interview logistics including venue, refreshments and travel. 	<ul style="list-style-type: none"> • Wherever possible interviews are to be in Grand Cayman. Where it is more economical (in terms of both direct cost and time of the interviewers) for interviews to be held elsewhere another location may be established with the specific approval of the Chief Officer.
<div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; width: fit-content; margin: 0 auto;"> 13. Interview Panel Preparation </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Interview panel agrees the interview approach and the basis for assessing applicants 	<p>If logistics require it and all panel members agree, this step may be undertaken immediately prior to the first interview, but the appointing officer is to ensure it occurs as a specific step.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 14. Interviews Conducted </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Interview panel conduct interviews 	<ul style="list-style-type: none"> • Interviews to be consistent with the requirements of section 41(7)(a) of the Law i.e. using a comparable approach for each candidate.
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 15. Preferred Candidate Selected </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>↓</p> <p>If no suitable candidates: return to step 7.</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If suitable candidate: proceed</p> <p>↓</p> </div> </div>	<ul style="list-style-type: none"> • Interview panel analyses suitability of applicants based on applications, interviews and other information available. • Interview panel selects preferred and second choice candidate. • If no candidate has the required qualifications/skills/experience, re-advertise (return to step 7). 	<p>Candidates to be ranked, and preferred candidate selected in accordance with section 41(7)(b) of the Law i.e. person with best mix of qualifications, skills, knowledge and experience, and with Caymanians being given preference when ranked broadly at the same level.</p>
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 16. Appointment Report Prepared </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Appointment report drafted by HR Manager (or other person so tasked by appointing officer) • Interview Panel Members agree & sign report • Appointing Officer sign report as approved. 	<p>The appointment report to contain:</p> <ul style="list-style-type: none"> • For each short-listed candidate: <ul style="list-style-type: none"> ○ Brief biographical details ○ Summary of responses to each question/topic ○ Assessment of qualifications, skills, knowledge and experience compared to job description • Recommendation for appointment.



Process Step	Procedure to be Followed	Policy to be Applied
<p>From step 6.</p>  <p style="text-align: center;">17. Offer Preparation</p>	<p>Appointing Officer in consultation with HR Manager:</p> <ul style="list-style-type: none"> • establish remuneration package to offer to preferred candidate; and • whether a background check is appropriate/required given the risks associated with the position. 	<p>Offered package must comply with:</p> <ul style="list-style-type: none"> • Administration's terms and conditions & remuneration policies; • The budgetary limit established in step 1; and • The remuneration band established in step 4.
 <p style="text-align: center;">18. Conditional Offer</p> <p>If not accepted: return to step 17</p> <p>If accepted</p>	<ul style="list-style-type: none"> • Appointing officer (or delegated to HR Manager) contacts preferred candidate and makes/negotiates conditional oral offer and confirms this in writing (preferably electronically) • If preferred candidate accepts conditional offer proceed to step 19. • If preferred candidate rejects conditional offer then return to step 17 for second choice candidate. 	<p>Conditional offers should:</p> <ul style="list-style-type: none"> • specify the remuneration & other terms and conditions being offered; • be conditional on a satisfactory reference check, background check (where applicable), and medical certificate (new civil servants only).
 <p style="text-align: center;">19. Reference and Background Checks</p>	<p>HR Manager (on behalf of Appointing Officer):</p> <ul style="list-style-type: none"> • undertake reference checks (if applicable) & background checks (if required). • obtain medical certificate, proof of qualification and Declaration of Secrecy from the candidate. 	<ul style="list-style-type: none"> • Reference checks <u>from previous employer(s)</u> are to be obtained in all cases required by section 41(9) of the Law i.e. unless the candidate is known to the interview panel. • Background checks and other information are to be obtained in accordance with Regulation 27. • Declaration of Secrecy is to conform to the template contained in Regulations.

Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">20. Conditionality Review</p> <p>If not met: return to step 17</p> <p style="text-align: center;">If met</p>	<ul style="list-style-type: none"> • HR Manager advises Appointing Officer whether all the preconditions for appointment (step 19) have been met. • If met, appointing officer approve that the appointment process be completed. • If not met: <ul style="list-style-type: none"> ○ Appointing Officer/HR Manager advise candidate in writing that conditions have not been met and the conditional offer is therefore withdrawn; ○ Return to step 17 with second choice candidate. 	<p>Appointments are not to be finalised unless all conditionality requirements specified in step 19 are met.</p>
 <p style="text-align: center;">21. Employment Agreement</p>	<ul style="list-style-type: none"> • HR Manager prepares employment agreement reflecting remuneration and terms & conditions agreed with candidate. • Appointing Officer signs employment agreement. • HR Manager: <ul style="list-style-type: none"> ○ sends signed employment agreement to candidate; ○ obtains signed copy in return; ○ agrees starting date with employee (in conjunction with section manager). 	<p>The Employment Agreement is to reflect the template contained in Regulations.</p> <p>The staff member is not to take up the appointment, commence any of the duties involved in the appointment or begin work in the work place before this step is completed.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 22. Notify Unsuccessful Candidates </div> <p style="text-align: center;">↓</p>	<p>HR Manager notifies unsuccessful interviewed candidates in writing (email).</p>	
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 23. Employment Data Processing </div> <p style="text-align: center;">↓</p>	<p>HR Manager sends copy of signed employment agreement and other information required by Regulation 45(4) to the Portfolio of the Civil Service.</p>	<p>This step to be completed within 5 working days of receiving signed employment agreement from employee.</p>
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 24. Load HR IRIS </div>	<p>HR Manager loads data for the employee into HR IRIS and sets up payroll.</p> <p><i>Note: This data entry responsibility will not be delegated to the Portfolio until 1 January 2007. Until that time it will be undertaken by the Portfolio of the Civil Service.</i></p>	<p>This step is to be completed no later than 5 working days before the employee's first payroll.</p>

16. Reappointment of Staff on Fixed-Term Employment Agreements

This policy and procedure applies to the reappointment of existing staff who have reached the end of a fixed-term employment agreement. Section 40 of the Public Service Management Law, 2005 provides appointing officers with this authority. Section 41 (10) of the Law and Personnel Regulation 28 specify the minimum procedures that are to apply.



Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="94 574 596 722" style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center;"> <p>1. Data Maintained in IRIS</p> </div> <div data-bbox="310 722 342 792" style="text-align: center;">  </div>	<p>HR Manager ensures the information held in HR IRIS is up-to-date and accurate, particularly that relating to the date on which the fixed-term expires.</p>	<p>Data about fixed-term appointments is held in HR IRIS along with all other employee data (see P&P 41)</p> <p>HR Manager is to ensure that it accurately records data for all persons on fixed-term employment agreements in accordance with Regulation 31(2), namely:</p> <ul style="list-style-type: none"> • Non-Caymanians; • Caymanians past the normal retirement age; • Other Caymanians holding positions with a finite life or for which the appointing officer has determined there are good reasons to appoint on fixed-term.
<div data-bbox="94 1062 596 1209" style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center;"> <p>2. Expiration Notification</p> </div> <div data-bbox="310 1209 342 1279" style="text-align: center;">  </div>	<p>HR Manager:</p> <ul style="list-style-type: none"> • Runs “contract expiry report” from HR IRIS on a monthly basis; • notifies/reminds section manager and the appointing officer of impending expiration of fixed-term contract. 	<p>This step is to be completed no later than 6 months before the employment agreement expiring.</p>

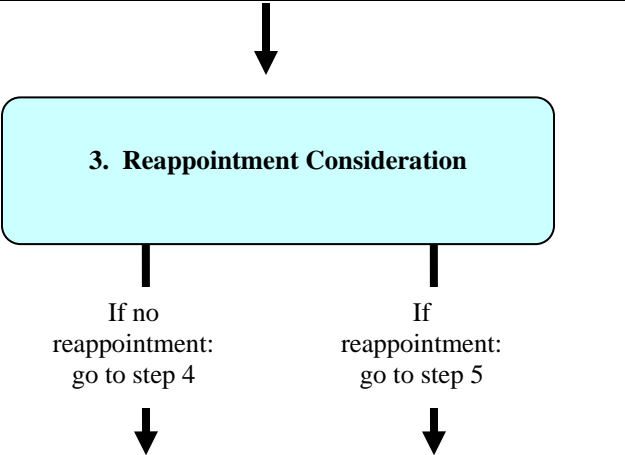
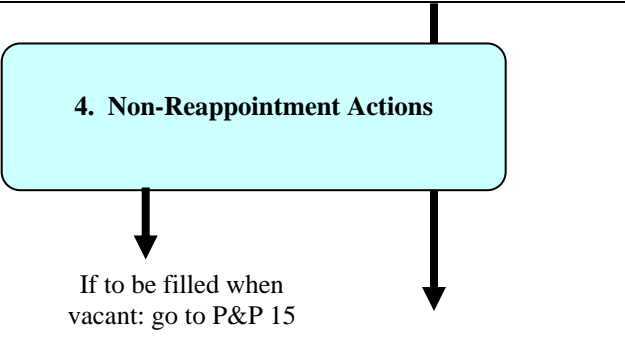
Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;"> <p>3. Reappointment Consideration</p> <p>If no reappointment: go to step 4</p> <p>If reappointment: go to step 5</p> </div>	<ul style="list-style-type: none"> • Section manager, in consultation with appointing officer, considers whether he/she wishes to reappoint the staff member for a further fixed-term. • If decide not to reappoint: proceed to step 4. • If decide to reappoint: proceed to step 5. 	<ul style="list-style-type: none"> • Consideration to take into account the factors specified in Regulation 28(a) namely: <ul style="list-style-type: none"> ○ Performance to date ○ Other possible candidates ○ Requirement that Caymanians be given preference ○ Other relevant factors. • This step is to be completed no later than 3 months before the employment agreement expires.
<div style="text-align: center;"> <p>4. Non-Reappointment Actions</p> <p>If to be filled when vacant: go to P&P 15</p> </div>	<ul style="list-style-type: none"> • If decide not to reappoint, Appointing Officer: <ul style="list-style-type: none"> ○ meets with employee and discusses non-reappointment and then confirms in writing ○ prepares & signs a “Non-reappointment Report” & submits it to HR Manager. • If the position is to be filled when it becomes vacant, commence recruitment and appointment actions in accordance with the procedures specified in P&P 15. 	<ul style="list-style-type: none"> • Non-reappointment Report to document: <ul style="list-style-type: none"> ○ The factors taken into account in step 3 in deciding not to reappoint and the assessment of these factors in the case of the employee; and ○ The process followed. • New appointment processes should be commenced in time to have the replacement staff member in place before the employee’s fixed-term expires.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> 5. Reappointment Actions </div> <p style="text-align: center;">↓</p>	<p>If decide to reappoint, appointing officer and section manager:</p> <ul style="list-style-type: none"> • establish remuneration package to offer the staff member (in consultation with HR Manager); • meets with staff member, and discusses reappointment and agrees new remuneration package; • prepares & signs a reappointment report & submits it to HR Manager. 	<ul style="list-style-type: none"> • Offered package must comply with: <ul style="list-style-type: none"> ○ Portfolio's terms and conditions & remuneration policies; ○ The budgetary limits established by the budget holder. • As a general policy, there is a presumption that the new package will be similar to the old package. • This step is to be completed no later than 2 months before the employment agreement expires.
<div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> 6. Employment Agreement </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • HR Manager prepares new employment agreement reflecting remuneration and terms & conditions agreed with staff member. • Appointing Officer & employee sign new employment agreement. 	<p>Employment agreement is to reflect the template contained in Regulations.</p>
<div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> 7. Employment Data Processing </div>	<p>HR Manager sends copy of signed employment agreement and other information required by Regulation 45(4) to the Portfolio of the Civil Service.</p>	<p>This step to be completed within 5 working days of receiving signed employment agreement from employee.</p>
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> 8. Load HR IRIS </div>	<p>HR Manager loads data for the employee into HR IRIS and sets up payroll.</p> <p><i>Note: This data entry responsibility will not be delegated to the Portfolio until 1 January 2007.</i></p>	<p>This step is to be completed no later than 5 working days before the employee's first payroll.</p>

17. Reappointment of Staff Who Have Reached Retirement Age

This policy and procedure applies to the reappointment of existing staff who, having reached the compulsory retirement age, have retired or are about to retire. Section 40 of the Public Service Management Law, 2005 provides appointing officers with this authority. Section 41 (11) of the Law and Personnel Regulation 29 specify the minimum procedures that are to apply.

Process Step	Procedure to be Followed	Policy to be Applied
<p data-bbox="121 586 569 613">1. Retirement Data Maintained in IRIS</p> 	<p data-bbox="737 542 1358 662">HR Manager ensures the information held in HR IRIS is up-to-date and accurate, particularly that relating to the age of staff on open-tenure employment.</p> <p data-bbox="737 695 1358 753">HR Manager advises section manager & appointing officer of impending retirements.</p>	<p data-bbox="1383 542 2005 600">Employee data, including that about the age of civil servants, is held in HR IRIS (see P&P 41).</p> <p data-bbox="1383 634 1598 662">HR Manager is to:</p> <ul data-bbox="1383 667 2005 818" style="list-style-type: none"> • ensure that it accurately records data for all persons on open-ended tenure; and • periodically interrogate IRIS data to identify staff who are reaching the compulsory retirement age. <p data-bbox="1383 850 2005 909">Notification to occur at least 12 months prior to retirement date.</p>
<p data-bbox="142 989 546 1016">2. Application for Re-employment</p> 	<p data-bbox="737 943 1358 1063">Existing staff member who is nearing the compulsory retirement age notifies his/her section manager and appointing officer of his/her desire to continue in his/her position after reaching that age.</p>	<p data-bbox="1383 943 2005 1032">Applications for re-employment after retirement are only to be considered where they are provided to the appointing officer in writing.</p>

Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">3. Reappointment Consideration</p> <p style="text-align: center;">If no reappointment: go to step 4</p> <p style="text-align: center;">If reappointment: go to step 5</p>	<ul style="list-style-type: none"> • Appointing officer, in consultation with section manager, considers whether he/she wishes to reappoint the staff member for a fixed-term. • If decide not to reappoint: proceed to step 4. • If decide to reappoint: proceed to step 5. 	<ul style="list-style-type: none"> • Consideration to take into account the factors specified in Regulation 29, namely: <ul style="list-style-type: none"> ○ Performance to date ○ Capability ○ Whether reappointment will inappropriately impede younger Caymanian staff members.
 <p style="text-align: center;">4. Non-Reappointment Actions</p> <p style="text-align: center;">If to be filled when vacant: go to P&P 15</p>	<ul style="list-style-type: none"> • If decide not to reappoint, Appointing Officer: <ul style="list-style-type: none"> ○ meets with employee and discusses non-reappointment and then confirms in writing ○ prepares & signs a Non-reappointment Report & submits it to HR Manager. • If position to be filled when it becomes vacant, commence recruitment and appointment actions in accordance with the procedures specified in P&P 15. 	<ul style="list-style-type: none"> • Non-reappointment Report to document: <ul style="list-style-type: none"> ○ The factors taken into account in step 3 in deciding not to reappoint and the assessment of these factors in the case of the employee; and ○ The process followed. • New appointment processes should be commenced in time to have the replacement staff member in place before the employee's fixed-term expires.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> 5. Reappointment Actions </div> <p style="text-align: center;">↓</p>	<p>If decide to reappoint, appointing officer and section manager:</p> <ul style="list-style-type: none"> • establish remuneration package to offer to preferred candidate (in consultation with HR Manager) • meets with staff member, and discusses reappointment and agrees new remuneration package • prepares & signs a reappointment report & submits it to HR Manager. 	<ul style="list-style-type: none"> • Offered package must comply with: <ul style="list-style-type: none"> ○ Portfolio's terms and conditions & remuneration policies; ○ The budgetary limits established by the budget holder. • As a general policy, there is a presumption that the new package will be similar to the old package. • This step is to be completed no later than 3 month before the staff member's retirement date.
<div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> 6. Employment Agreement </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • HR Manager prepares new employment agreement reflecting remuneration and terms & conditions agreed with staff member. • Appointing Officer & employee sign new employment agreement. 	<p>Employment agreement is to reflect the template contained in Regulations.</p>
<div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> 7. Employment Data Processing </div> <p style="text-align: center;">↓</p>	<p>HR Manager sends copy of signed employment agreement and other information required by Regulation 45(4) to the Portfolio of the Civil Service.</p>	<p>This step to be completed within 5 working days of receiving signed employment agreement from employee.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; width: 100px; height: 40px; margin: 20px auto; background-color: #e0ffff; display: flex; align-items: center; justify-content: center;"> <p>8. Load HR IRIS</p> </div>	<p>HR Manager loads data for the employee into HR IRIS and sets up payroll.</p> <p><i>Note: This data entry responsibility will not be delegated to the Portfolio until 1 January 2007. Until that time it will be undertaken by the Portfolio of the Civil Service.</i></p>	<p>This step is to be completed no later than 5 working days before the employee's first payroll.</p>

18. Appointment of Staff to Acting or Interim Positions within the Portfolio

This policy and procedure applies to the appointment of staff to short-term acting positions or longer-term interim positions. Section 40 of the Public Service Management Law, 2005 provides appointing officers with this authority. Section 41 (12) of the Law and Personnel Regulation 30 specify the minimum procedures that are to apply.


Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>1. Identification of Acting or Interim Position</p> </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>↓</p> <p>If acting: go to step 2</p> <p>↓</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If interim: go to step 6</p> </div> </div>	<ul style="list-style-type: none"> • Section manager and/or appointing officer: <ul style="list-style-type: none"> ○ identify position that needs to be filled on an acting or interim basis; ○ establish the likely period for which the position needs to be filled and therefore whether it is to be filled as an acting appointment or as an interim appointment. • If acting appointment go to step 2. • If interim appointment go to step 6. 	<ul style="list-style-type: none"> • Position may be filled on acting or interim basis only where the criteria in section 41(12) of the Law apply, namely: <ul style="list-style-type: none"> ○ substantive holder of the position is absent; or ○ the position is temporarily vacant. • In accordance with the requirements of Regulation 30, appointments: <ul style="list-style-type: none"> ○ for 12 months or less are to be treated as “acting appointments” ○ for a period of more than 12 months are to be treated as “interim appointments”.
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>2. Identification of Best Acting Candidate</p> </div> <div style="text-align: center; margin-top: 20px;"> <p>↓</p> </div>	<p>If the appointment is an acting appointment:</p> <ul style="list-style-type: none"> • Appointing officer: <ul style="list-style-type: none"> ○ identifies potential candidates from within existing portfolio staff; and ○ selects the best candidate to act in the position. • Appointing officer (in conjunction with section manager where applicable) establish whether the selected candidate will carry out existing as well as acting duties or whether someone else will carry out the existing duties under Regulation 30(3). • If someone else to carryout existing duties, begin process again at step 1 for that position. 	<ul style="list-style-type: none"> • Candidates are to be identified and selected in accordance with the requirements of section 41(12)(a) of the Law, namely the person from within the Portfolio that has the best mix of qualifications, skills, knowledge and experience to act in the position. • A staff member may only carry out both existing and acting duties where: <ul style="list-style-type: none"> ○ the workload is such that both sets of duties can be carried out satisfactorily; or ○ there are no other practical options; and ○ the staff member expressly agrees to carry out both sets of duties.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 3. Appointment to Acting Position </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Appointing officer meets with selected candidate and discusses/ agrees the: <ul style="list-style-type: none"> ○ acting appointment ○ period of acting ○ acting duties ○ carrying out of normal duties as well (where applicable) ○ acting allowance to be paid • Appointing officer prepares (or has prepared) and signs an Acting Appointment Report and submits to HR manager. 	<ul style="list-style-type: none"> • Acting allowance is to be equal to the difference between the staff member's current remuneration and the remuneration normally assigned to the position they are acting in. This may be less than the remuneration of the incumbent if that person's remuneration is higher than the normal amount for the position. • Acting Appointment report to document: <ul style="list-style-type: none"> ○ The staff members considered for the acting appointment ○ The justification for selecting the selected candidate based on the criteria from the Law applied in step 2.
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 4. Document Acting Appointment </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • HR Manager prepares letter of appointment to staff member. • Appointing officer signs and transmits letter of appointment to staff member. 	<ul style="list-style-type: none"> • Letter of appointment to cover: <ul style="list-style-type: none"> ○ period of appointment ○ duties and responsibilities ○ acting allowance. • This step to be completed before the staff member begins acting in the position.
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 5. Load HR IRIS </div>	<p>HR Manager loads acting allowance for employee into HR IRIS up payroll.</p> <p><i>Note: This data entry responsibility will not be delegated to the Portfolio until 1 January 2007. Until that time it will be undertaken by the Portfolio of the Civil Service.</i></p>	<p>This step is to be completed no later than 5 working days before the employee's first payroll after commencing acting duties.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From step 1</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> <p>6. Appointment to Interim Position</p> </div> <p style="text-align: center;">↓</p>	<p>If the appointment is an interim appointment, the appointing officer commences recruitment and appointment actions in accordance with the procedures specified in P&P 15.</p>	
<div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> <p>7. Assess Flow-On Implications</p> </div>	<ul style="list-style-type: none"> • As part of the appointment of a civil servant to an interim position in step 6, appointing officer considers whether the civil servant should take a leave of absence from his/her normal position in accordance with Regulation 30(4). • If leave of absence is required and the position is within the Portfolio, commence the process from step 1 for that position. 	<p>A leave of absence is required where:</p> <ul style="list-style-type: none"> • the interim position is a role that requires the dedicated full-time attention of the employee; • the carrying out of the duties of the interim position would be unacceptably impacted by the carrying out of the normal duties; • there is a conflict or incompatibility between the normal position and the interim position; or • the employee's normal position is outside the Portfolio.

19. Preparation of Annual Performance Agreements

This policy and procedure applies to the preparation and agreement of performance agreements with Portfolio staff. Section 49 of the Public Service Management Law, 2005 requires these agreements to be prepared annually. That section also specifies the minimum content of the agreement and the minimum process to be used.



Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="94 479 594 625" style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center;"> <p>1. Draft Performance Agreement Prepared</p> </div> <div data-bbox="321 618 348 690" style="text-align: center;">  </div>	<ul style="list-style-type: none"> • Deputy Chief Officers prepare draft of their own performance agreement. • Section Managers prepare draft of their own performance agreement. • Section Managers prepare draft performance agreements for each staff member and/or may ask staff member to prepare the draft <p><i>Note: If a staff member joins the Portfolio during the year or is promoted to a new position within the Portfolio during the year, a new performance agreement is to be prepared at that time.</i></p>	<ul style="list-style-type: none"> • Performance agreements are to be prepared using the templates distributed by the Portfolio of the Civil Service. • The performance agreement for a DCO is to reflect that portion of the Chief Officer's performance agreement for which the DCO is responsible, together with internal outputs and personal behaviours specific to the DCO. • The performance agreement for a section manager is to reflect that portion of the DCO's performance agreement for which the section manager is responsible, together with internal outputs and personal behaviours specific to the section manager. • The performance agreement for a section staff member is to reflect that portion of the section manager's performance agreement for which the staff member is responsible, together with internal outputs and personal behaviours specific to the section manager. • <i>This step is to be completed no later than 10 June each year.</i>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 2. Draft Performance Agreement Discussed & Agreed </div> <p style="text-align: center;">↓</p>	<p>The draft performance agreement is discussed and agreed between the staff member and his/her manager. Similarly between the manager and his/her DCO and the DCOs and the CO</p>	<p>The discussion is to be an open-one designed to get:</p> <ul style="list-style-type: none"> • clarity as to what performance is expected of the staff member; • agreement as to the reasonableness & acceptability of the agreement.
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 3. Performance Agreement Finalised & Signed </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • The draft performance agreement is amended (where applicable) to reflect the results of the discussion. • The finalised performance agreement is signed <ul style="list-style-type: none"> ○ In the case of section staff: the staff member, his/her section manager and the responsible DCO ○ In the case of section managers: the section manager, responsible DCO and the CO ○ In the case of DCOs, the DCO and the CO. 	
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 4. Signed Performance Agreement Submitted </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Signed agreement submitted to the HR Manager who will keep all agreements on file • Managers and staff should also retain a copy of the signed agreement 	<p><i>This step is to be completed no later than 25 June each year.</i></p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">5. Performance Agreement Amended, Discussed, Agreed & Signed</p> </div>	<ul style="list-style-type: none"> • Revisions to performance agreement prepared based on revised chief officer performance agreement or other changes in circumstances. • Revisions discussed and agreed between staff member and manager concerned • Revision signed by same persons signing original agreement. • Signed revision submitted to HR Manager who appends revision to original agreement; Manager & staff members do likewise with their copies. 	<p>Performance agreements for staff, section managers or DCOs are to be amended whenever:</p> <ul style="list-style-type: none"> • the chief officers performance agreement is amended and that affects the outputs or ownership performance of the person concerned; or • there is a change to the responsibilities or duties of the person concerned resulting from other factors.

20. Conduct of Interim (Half-Year) Performance Assessments

This policy and procedure applies to the conducting of interim performance assessments for Portfolio staff. Interim assessments are not required by the Public Service Management Law, 2005 or the Personnel Regulations. However, they are good management practice and as a matter of policy the Portfolio requires them to be conducted at least once during the year.



Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>1. 2nd Quarters Report Prepared & Finalised (internally)</p>  </div>	<p>Report prepared as part of normal management & budgeting reporting</p>	
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>2. Draft Interim (Half-Year) Performance Assessment Prepared</p>  </div>	<p>A draft interim performance assessment for each staff member is prepared by the staff member's manager.</p>	<ul style="list-style-type: none"> • The interim assessment is to be prepared using the template provided by the Portfolio of the Civil Service • Performance for the half-year is to be assessed against the agreed performance agreement (as revised) on the basis of performance achieved in that period as reflected in the 1st and 2nd Quarter reports for the Portfolio. • Where elements of the staff member's performance are not directly reflected in the quarterly reports the assessment of that performance is to be based on other objective evidence gathered by the manager and shared with the employee. • The interim assessment is to have a significant forward looking component that focuses on the performance to be achieved in the remainder of the year. • <i>This step is to be completed no later than 10 February each year.</i>




Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 3. Interim Self Assessment Prepared </div> <p style="text-align: center;">↓</p>	<p>Staff member prepares his/her own interim self assessment of his/her performance for the period and the performance focus for the remainder of the year.</p>	<p>The self assessment is personal and confidential to the staff member concerned. Staff members are not to be required to provide a copy to their manager.</p>
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 4. Draft Interim Performance Assessment Discussed </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Manager provides staff member with copy of the interim assessment • Manager and staff member meet and discuss interim assessment 	<p>Assessment discussion is to be conducted in an open manner which allows the staff member as well as the manager to discuss his/her point of view.</p>
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 5. Interim Assessment Finalised & Signed </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • The draft interim performance assessment is amended (where applicable) to reflect the results of the discussion. • The finalised interim performance assessment is signed <ul style="list-style-type: none"> ○ In the case of section staff: the staff member, his/her section manager and the responsible DCO ○ In the case of section managers: the section manager, responsible DCO and the CO ○ In the case of DCOs, the DCO and the CO. 	


Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">6. Finalised Interim Assessment Submitted</p> </div>	<ul style="list-style-type: none"> • Signed interim assessments submitted to the HR Manager who will keep all interim assessments on file • Managers and staff should also retain a copy of the signed interim assessment 	<p><i>This step is to be completed no later than 28 February each year.</i></p>

21. Conduct of Annual Performance Assessments

This policy and procedure applies to the annual performance assessment process with Portfolio staff. Section 50 of the Public Service Management Law, 2005 requires these assessments be conducted annually and specifies the minimum process to be used.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>1. Annual Report Prepared & Finalised (internally)</p>  </div>	<p>Report prepared as part of normal management & budgeting reporting</p>	
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>2. Draft Annual Performance Assessment Prepared</p>  </div>	<p>A draft annual performance assessment for each staff member is prepared by the staff member's manager.</p>	<ul style="list-style-type: none"> • The annual assessment is to be prepared using the template provided by the Portfolio of the Civil Service • Performance for the year is to be assessed against the agreed performance agreement (as revised) on the basis of performance achieved in that period as reflected in the quarterly and annual reports for the Portfolio. • Where elements of the staff member's performance are not directly reflected in the quarterly and annual reports the assessment of that performance is to be based on other objective evidence gathered by the manager and shared with the employee. • <i>This step is to be completed no later than 31 August each year.</i>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">3. Self Assessment Prepared</p> 	<p>Staff member prepares his/her own self assessment of his/her performance for the year.</p>	<p>The self assessment is personal and confidential to the staff member concerned. Staff members are not to be required to provide a copy to their manager.</p>
<p style="text-align: center;">4. Draft Annual Assessment Discussed</p> 	<ul style="list-style-type: none"> • Manager provides staff member with copy of the draft assessment • Manager and staff member meet and discuss draft assessment 	<p>Assessment discussion is to be conducted in an open manner which allows the staff member as well as the manager to discuss his/her point of view.</p>
<p style="text-align: center;">5. Annual Assessment Finalised & Signed</p> 	<ul style="list-style-type: none"> • The draft annual performance assessment is amended (where applicable) to reflect the results of the discussion. • The finalised annual performance assessment is signed <ul style="list-style-type: none"> ○ In the case of section staff: the staff member, his/her section manager and the responsible DCO ○ In the case of section managers: the section manager, responsible DCO and the CO ○ In the case of DCOs, the DCO and the CO. 	

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  6. Finalised Annual Assessment Submitted </div>	<ul style="list-style-type: none"> • Signed annual assessments submitted to the HR Manager who will keep all annual assessments on file • Managers and staff should also retain a copy of the signed annual assessment 	<ul style="list-style-type: none"> • <i>This step is to be completed no later than 15 September each year.</i> • If a staff member leaves the Portfolio during the year, or is promoted to a new position within the Portfolio during the year, an “annual” assessment” is to be completed at that time. done at time of leaving

22. Assessment and Payment of Performance Related Pay

[to be added for 2009/10]

23. Determining Which Disciplinary, Dismissal or Other Termination Action To Initiate

Section 44 of the Public Service Management Law provides appointing officers with the authority to take disciplinary, dismissal or other termination action. However, the specific action that can be taken depends on the nature of the issue.



This policy and procedure provides a decision-tree for determining which action to initiate. P&P 24 to 32 specify the policies and procedures to be applied for each of the actions.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">1. Concern/Problem Identified</p> <p style="text-align: center;">↓</p>	<p>Section manager identifies a concern about a staff member's performance or behaviour</p>	<p>Section manager should ascertain the basic facts of the situation</p>
<p style="text-align: center;">2. Nature of Potential Action Identified</p> <p style="text-align: center;">↓</p> <p style="text-align: center;">To appropriate P&P</p>	<p>Section manager considers which type of potential action the concern relates to:</p> <ul style="list-style-type: none"> • If minor misconduct or inadequate performance: go to P&P 24; • If serious misconduct or significant inadequate performance go to P&P 25; • If gross misconduct not involving criminal activity go to P&P 26; • If gross misconduct involving criminal activity within the workplace go to P&P 27; • If gross misconduct involving criminal activity outside the workplace go to P&P 28; • If involves a permanent disability go to P&P 29; • If involves improving the efficiency of the entity go to P&P 30; • If involves redundancy go to P&P 31; • If involves loss of qualification, license or certification go to P&P 32. 	<p>Definitions for each of these situations are provided in the various P&P sections.</p> <p>If the section manager is uncertain, the HR Manager is to be consulted for advice about which is the appropriate action to initiate.</p>

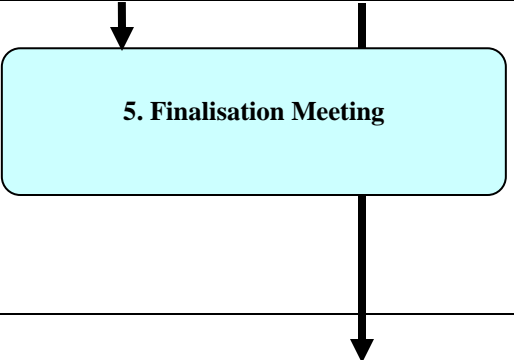
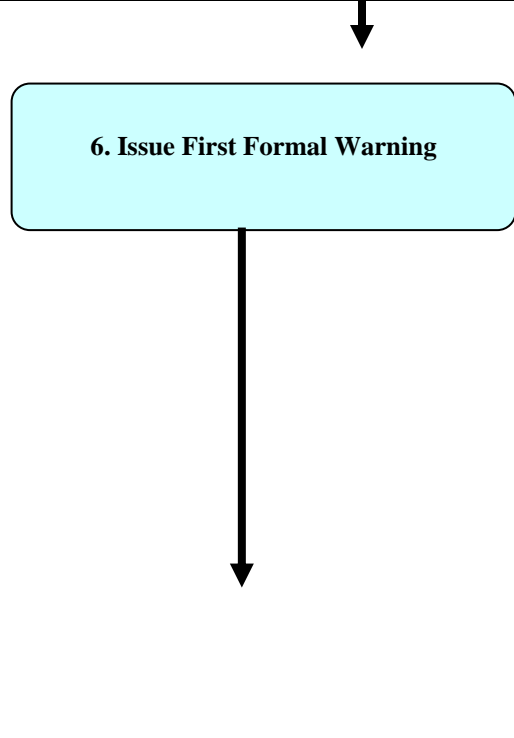
24. Disciplining Staff for Minor Misconduct or Inadequate Performance

This policy and procedure applies to the discipline of staff on the grounds of *minor* misconduct, or inadequate performance over a reasonable period of time. Minor misconduct is misconduct other than gross or serious misconduct. Most acts of misconduct will fall into this category, for example regular lateness or failing to perform specified tasks. However, continued and repeated minor misconduct after a reasonable period of warnings could progress to serious misconduct.



Section 44(3) of the Public Service Management Law provides appointing officers with this authority and Personnel Regulation 34 specifies the disciplinary actions that may be taken and the minimum process that must be followed.



Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>1. Collection of evidence</p>  </div>	<ul style="list-style-type: none"> • Section manager collects evidence to establish there is a case of poor performance or minor misconduct. • Appointing officer reviews evidence and satisfies him/herself that poor performance or minor misconduct exists. • Appointing officer consults with the Chief Officer and obtains his approval to move to step 2. 	<ul style="list-style-type: none"> • Evidence must: <ul style="list-style-type: none"> ○ be either written or documented in writing; and ○ relate directly to the performance or misconduct issue and the period in which it occurred.
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>2. Inform the Staff Member</p>  </div>	<p>Appointing officer advises the staff member of the concerns as follows:</p> <ul style="list-style-type: none"> • Appointing officer (or manager) prepares a letter outlining the concerns. • Appointing officer gives the staff member the letter in a short face-to-face meeting with the staff member and advises the staff member of its contents. 	<ul style="list-style-type: none"> • The letter should: <ul style="list-style-type: none"> ○ Outline the concerns; ○ Indicate a meeting location and time to discuss the concerns; ○ Advise the staff member that he/she may be accompanied by a friend, colleague or CICS representative. ○ Provide copies of any documents/evidence to be discussed at the meeting. • The meeting date and time should be established in liaison with the staff member and should allow reasonable preparation time for the staff member.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 3. Meeting to Discuss the Concerns </div> <p style="text-align: center;">↓</p>	<p>Appointing officer holds meeting with staff member to:</p> <ul style="list-style-type: none"> • discuss the performance or misconduct concerns and the evidence that supports those concerns; • allow the staff member to provide an explanation, ask questions and present evidence of his/her own. 	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers. • Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to express his/her views in a non-threatened way. • The appointing officer is to maintain an open mind going into the meeting and be open to the staff member's explanation. Accordingly, the appointing officer is not to make a decision as part of the meeting but to advise the staff member that he (the appointing officer) will consider the staff member's representations and then meet with the staff member again.
<div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 4. Appointing Officer Decision </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>↓</p> <p>No case: go to step 5</p> <p>↓</p> </div> <div style="text-align: center;"> <p>↓</p> <p>Case: go to step 6</p> <p>↓</p> </div> </div>	<ul style="list-style-type: none"> • The appointing officer (in consultation with the section manager) is to: <ul style="list-style-type: none"> ○ consider the explanation provided by the staff member in light of the concerns and evidence established in step 1; and ○ decide whether the concern about misconduct or poor performance is justified. • If the appointing officer considers the staff member's explanation is satisfactory, then proceed to step 5. • If the appointing officer considers that minor misconduct or poor performance has occurred, then proceed to step 6. 	<p>In making this decision the appointing officer is to act as independently as possible and is to avoid underweighting the staff member's explanations merely because the appointing officer was involved in step 1.</p> <p>If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p>



Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">5. Finalisation Meeting</p>	<ul style="list-style-type: none"> • Appointing officer meets with the staff member and: <ul style="list-style-type: none"> ○ advises him/her that the explanation is accepted and the matter is now at an end and that applicable documentation will be removed from the personal file; and ○ provides the staff member with a letter confirming this decision. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision; • thank the staff member for his/her cooperation.
 <p style="text-align: center;">6. Issue First Formal Warning</p>	<ul style="list-style-type: none"> • The appointing officer prepares a draft first warning letter. • The appointing officer then meets with the staff member and advises him/her: <ul style="list-style-type: none"> ○ that the appointing officer is satisfied that misconduct or poor performance has occurred; ○ that this meeting constitutes a first warning that if corrective action is not taken on the part of the staff member, disciplinary action could be taken; ○ that a staff member will be provided with a reasonable amount of time and a reasonable amount of support to take corrective action, and exactly what that time and resources are; ○ of the disciplinary action that will be taken if corrective action does not occur • Following the meeting the appointing officer issues the first warning letter confirming the discussion at the meeting. 	<p>The first warning letter is to set out:</p> <ul style="list-style-type: none"> • the nature of the misconduct or performance problem; • the improvement that is required; • the timescale for achieving the improvement and the review date; • the nature of the support that will be provided to assist the staff member achieve the improvement; and • the disciplinary action that will be taken if there is inadequate improvement. <p>The disciplinary options available under Personnel Regulation 34 are:</p> <ul style="list-style-type: none"> ○ issue a written reprimand; ○ re-assign the staff member to alternate duties; ○ suspend the staff member either without pay, or up to half pay, for a period of no more than one month (provided that no criminal activity in the workplace is alleged). <p>A written reprimand is to be used in minor cases. Other actions may be used in more serious cases.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 7. First Warning Review: Appointing Officer Decision </div> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>↓</p> <p>Sufficient improvement: go to step 8</p> <p>↓</p> </div> <div style="text-align: center;"> <p>↓</p> <p>Insufficient improvement: go to step 9</p> <p>↓</p> </div> </div>	<ul style="list-style-type: none"> • The appointing officer (in consultation with the section manager) is to: <ul style="list-style-type: none"> ○ consider the conduct/performance of the staff member over the review period in light of the concerns documented in step 6; and ○ decide whether sufficient improvement has occurred. • If the appointing officer considers sufficient improvement has occurred, then proceed to step 8. • If the appointing officer considers that insufficient improvement has occurred, then proceed to step 9. 	<p>In making this decision the appointing officer is to act as independently as possible.</p> <p>If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 8. Finalisation Meeting with Staff Member </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;">  If no further warning: stop </div> <div style="text-align: center;">  If further warning: go to step 16. </div> </div>	<ul style="list-style-type: none"> • Appointing officer meets with the staff member and advises him/her that there has been sufficient improvement during the warning period and that either: <ul style="list-style-type: none"> ○ the warning period has expired and documentation is being removed from the personal file; or ○ the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in disciplinary action. • Following the meeting the appointing officer is to provide the staff member with a letter confirming this decision. • If a further warning period is set, go to step 16. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>A further warning period is only to be used if the appointing officer has reasonable grounds to believe the improvement during the warning period was an aberration and the staff member is likely to revert to misconduct or poor performance as soon as the warning is removed.</p> <p>The confirmation letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision and the basis for it; • confirm that either the documentation is being removed from the personal file; or the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in disciplinary action. • thank the staff member for his/her cooperation.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <div style="border: 1px solid black; background-color: #e0f7fa; border-radius: 10px; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">9. Issue Second and Final Warning</p> </div>  </div>	<ul style="list-style-type: none"> • The appointing officer prepares a draft final warning letter and provides a copy to the staff member together with details of the meeting to discuss the letter. • The appointing officer then meets with the staff member and <ul style="list-style-type: none"> ○ advises him/her: <ul style="list-style-type: none"> ○ that the appointing officer is not satisfied that adequate improvement has occurred during the first warning period; ○ that this meeting constitutes a second and final warning that if corrective action is not taken immediately, disciplinary action will be taken; ○ that the staff member will be provided with a reasonable amount of time and a reasonable amount of support to take corrective action, and exactly what that time and resources are; ○ of the disciplinary action that will be taken if corrective action does not occur ○ Allows the staff member to provide an explanation and ask questions. • Following the meeting the appointing officer issues the second warning letter confirming the discussion at the meeting. 	<p>The second and final warning letter is to set out:</p> <ul style="list-style-type: none"> • the nature of the misconduct or performance problem; • the failure to improve over the first warning period and the basis for/evidence to support this conclusion; • the fact that this is a second and final warning; • the improvement that is required immediately; • the timescale for achieving the improvement and the second & final review date; • the nature of the support that will be provided to assist the staff member achieve the improvement; and • a reminder of the disciplinary action that will be taken if there is inadequate improvement. <p>The planned disciplinary action is to be the same as that advised with the first warning.</p> <p>The length of the second warning period is to be sufficient to allow the improvement but as a general rule should be shorter than the first warning period.</p> <p>A second person from the management team is <i><u>always</u></i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; margin: 10px auto; width: 80%; text-align: center;"> <p>10. Second Warning Review: Appointing Officer Decision</p> </div> <p style="text-align: center;">↓ ↓</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Sufficient improvement: go to step 11</p> </div> <div style="text-align: center;"> <p>Insufficient improvement: go to step 12</p> </div> </div>	<ul style="list-style-type: none"> • The appointing officer (in consultation with the section manager) is to: <ul style="list-style-type: none"> ○ consider the conduct/performance of the staff member over the second review period in light of the concerns documented in steps 6 & 9; and ○ decide whether sufficient improvement has occurred. • If the appointing officer considers sufficient improvement has occurred, then proceed to step 11. • If the appointing officer considers that insufficient improvement has occurred, then proceed to step 12. 	<p>In making this decision the appointing officer is to act as independently as possible.</p> <p>If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="94 354 598 500" style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center;"> <p>11. Finalisation Meeting with Staff Member</p> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;">  <p>If no further warning: stop</p> </div> <div style="text-align: center;">  <p>If further warning: go to step 16.</p> </div> </div>	<ul style="list-style-type: none"> • Appointing officer meets with the staff member and advises him/her that there has been sufficient improvement during the second warning period and that either: <ul style="list-style-type: none"> ○ the warning periods have now expired and documentation is being removed from the personal file; or ○ the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in disciplinary action. • Following the meeting the appointing officer is to provide the staff member with a letter confirming this decision. • If a further warning period is set, go to step 16. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>A further warning period is only to be used if the appointing officer has reasonable grounds to believe the improvement during the warning period was an aberration and the staff member is likely to revert to misconduct or poor performance as soon as the warning is removed.</p> <p>The confirmation letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision and the basis for it; • confirm that either the documentation is being removed from the personal file; or the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in disciplinary action. • thank the staff member for his/her cooperation.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 12. Disciplinary Meeting with Staff Member </div> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">If no disciplinary action: go to step 13.</p> <p style="text-align: center;">↓</p> <p style="text-align: center;">If disciplinary action:, go to step 14.</p> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • The appointing officer prepares a draft disciplinary letter and provides a copy to the staff member together with details of the meeting to discuss the letter. • The appointing officer then meets with the staff member and <ul style="list-style-type: none"> ○ advises him/her: <ul style="list-style-type: none"> ○ that the appointing officer is not satisfied that adequate improvement has occurred during the second warning period together with the basis for/evidence to support that opinion; ○ of the disciplinary action that will be taken if the staff member cannot provide an adequate explanation. ○ Allows the staff member to provide an explanation and ask questions. • After considering the staff member's explanation, the appointing officer then decides whether to undertake disciplinary action or not. • If action is not to be taken, go to step 13. • If action is to be taken go to step 14. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The disciplinary letter is to set out:</p> <ul style="list-style-type: none"> • the nature of the misconduct or performance problem; • the failure to improve over the first and second warning period and the basis for/evidence to support this conclusion; • the disciplinary action that will be taken and the specific details of that action, for example: <ul style="list-style-type: none"> ○ for a reassignment of duties: the new duties, supervisor and commencement date. ○ for a suspension: the dates of suspension, and applicable pay rates. <p>The planned disciplinary action is to be the same as that advised with the first and second warnings.</p> <p>In making the final disciplinary decision after hearing the staff member's explanation the appointing officer is to act as independently as possible. This may require an adjournment of the meeting to allow an objective consideration. If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p>



Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">13. Finalisation Meeting with Staff Member</p> <p>If no further warning: stop</p> <p>If further warning: go to step 16</p>	<ul style="list-style-type: none"> • If disciplinary action is not to be taken, the appointing officer continues or reconvenes the meeting with the staff member and: <ul style="list-style-type: none"> ○ advises the staff member of his decision and the reason for it; and ○ that either: <ul style="list-style-type: none"> ○ the warning has now expired and documentation is being removed from the personal file; or ○ the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in disciplinary action. • Following the meeting the appointing officer is to provide the staff member with a letter confirming this decision and acknowledging that the draft disciplinary letter provided in step 12 will not now be issued. • If a further warning period is set, go to step 16. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The confirmation letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision and the basis for it; • confirm that either the documentation is being removed from the personal file; or the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in disciplinary action. • thank the staff member for his/her cooperation.
<p style="text-align: center;">14. Final Disciplinary Meeting with Staff Member</p>	<ul style="list-style-type: none"> • If disciplinary action is to be taken the appointing officer continues or reconvenes the meeting with the staff member and: <ul style="list-style-type: none"> ○ advises the staff member of his decision and the reason for it; and ○ the disciplinary action that will be taken, the details of that action and the effective date. • Following the meeting the appointing officer is to provide the staff member with a finalised disciplinary letter. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The final disciplinary letter is to be the draft disciplinary letter issued to the staff member in step 12, updated for any new information arising as part of that step.</p> <p>The letter is to be firm but courteous and respectful in tone.</p>

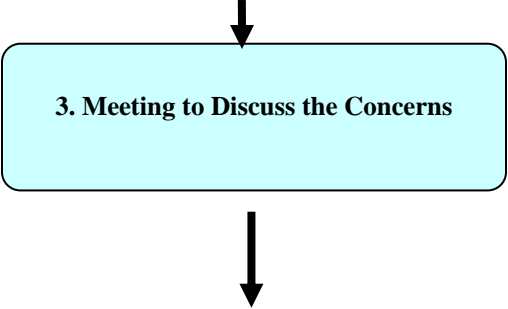
Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 15. Take Disciplinary Administrative Action </div>	<p>The appointing officer (in consultation with the HR Manager) undertakes the administrative actions necessary to give effect to the disciplinary decision i.e.:</p> <ul style="list-style-type: none"> • For written warning: write and deliver the letter. • For re-assignment of duties: arrange the change in duties. • For suspension: arrange the suspension and implement the change in pay. <p>The HR Manager ensures that the disciplinary actions are documented and recorded on the staff member's personal file.</p>	<p>No administrative action to effect the disciplinary action is to be undertaken before step 14 is completed. Once step 14 has been completed the administrative actions should occur as quickly as possible.</p>
<p style="text-align: center;">From steps 8, 11 & 13</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 16. Appointing Officer Considers Further Instances </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>↓</p> <p>If not a disciplinary offence: stop</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If not a disciplinary offence: go to step 12.</p> </div> </div>	<ul style="list-style-type: none"> • Section manager collects evidence to establish there is a further instance of poor performance or minor misconduct has occurred during the further warning period. • Appointing officer reviews evidence and satisfies him/herself that a further instance has occurred and that this justifies disciplinary action. • If not a disciplinary offence: no further action. • If a disciplinary offence and action to be taken: go to step 12 	<p>This step only applies to staff members who have been advised of a further warning period in steps 8, 11 or 13.</p>

25. Dismissing Staff for Serious Misconduct or Significant Inadequate Performance

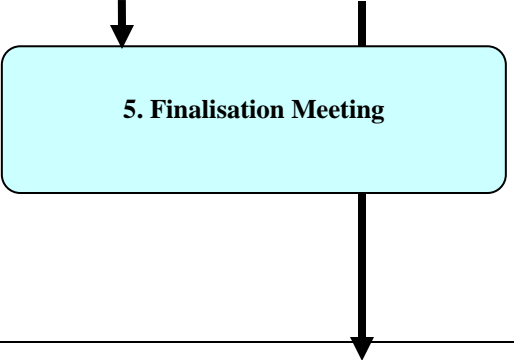
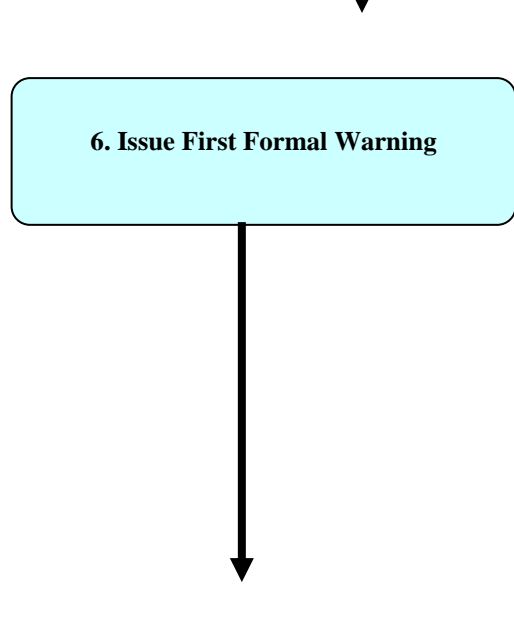
This policy and procedure applies when dismissing staff members on the grounds of *serious* misconduct, or *significant* inadequate performance over a reasonable period of time. Serious misconduct is misconduct that is serious in nature or magnitude but is not so severe as to be gross misconduct.

Section 44 (4) of the Public Service Management Law provides appointing officers with this dismissal authority. Personnel Regulation 38 specifies the minimum process that is to be used.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Collection of Evidence</p>  </div>	<ul style="list-style-type: none"> • Section manager collects evidence to establish there is a case of significant inadequate performance or serious misconduct. • Appointing officer reviews evidence and satisfies him/herself that significant inadequate performance or serious misconduct exists. • Appointing officer consults with the Chief Officer and obtains his approval to move to step 2. 	<ul style="list-style-type: none"> • Evidence must: <ul style="list-style-type: none"> ○ be either written or documented in writing; and ○ relate directly to the performance or misconduct issue and the period in which it occurred.
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>2. Inform the Staff Member</p>  </div>	<p>Appointing officer advises the staff member of the concerns as follows:</p> <ul style="list-style-type: none"> • Appointing officer (or manager) prepares a letter outlining the concerns. • Appointing officer gives the staff member the letter in a short face-to-face meeting with the staff member and advises the staff member of its contents. 	<ul style="list-style-type: none"> • The letter should: <ul style="list-style-type: none"> ○ Outline the concerns; ○ Advise that this is a dismissible offence; ○ Propose a meeting location and time to discuss the concerns; ○ Advise the staff member that he/she may be accompanied by a friend, colleague or CICS representative. ○ Provide copies of any documents/evidence to be discussed at the meeting. • The meeting date and time should be established in liaison with the staff member and should allow reasonable preparation time for the staff member.



Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>3. Meeting to Discuss the Concerns</p> </div>	<p>Appointing officer holds meeting with staff member to:</p> <ul style="list-style-type: none"> • discuss the performance or misconduct concerns and the evidence that supports those concerns; • warn that it is a dismissible offence; • allow the staff member to provide an explanation, ask questions and present evidence of his/her own. 	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers. • Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to express his/her views in a non-threatened way. • The appointing officer is to maintain an open mind going into the meeting and be open to the staff member's explanation. Accordingly, the appointing officer is not to make a decision as part of the meeting but to advise the staff member that he (the appointing officer) will consider the staff member's representations and then meet with the staff member again.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">4. Appointing Officer Decision</p> <p>No case: go to step 5</p> <p>Case: go to step 6</p> <p>If minor misconduct: go to P&P 24</p>	<ul style="list-style-type: none"> • The appointing officer (in consultation with the section manager) is to: <ul style="list-style-type: none"> ○ consider the explanation provided by the staff member in light of the concerns and evidence established in step 1; and ○ decide whether the concern about misconduct or inadequate performance is justified. • If the appointing officer considers: <ul style="list-style-type: none"> ○ the staff member's explanation is satisfactory, then proceed to step 5; ○ that serious misconduct or significant inadequate performance has occurred, then proceed to step 6; ○ that only minor misconduct or inadequate performance has occurred, then proceed to P&P 24. 	<p>In making this decision the appointing officer is to act as independently as possible and is to avoid underweighting the staff member's explanations merely because the appointing officer was involved in step 1.</p> <p>If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p>



Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">5. Finalisation Meeting</p>	<ul style="list-style-type: none"> • Appointing officer meets with the staff member and: <ul style="list-style-type: none"> ○ advises him/her that the explanation is accepted and the matter is now at an end and that applicable documentation will be removed from the personal file; and ○ provides the staff member with a letter confirming this decision. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision; • thank the staff member for his/her cooperation.
 <p style="text-align: center;">6. Issue First Formal Warning</p>	<ul style="list-style-type: none"> • The appointing officer prepares a draft first warning letter. • The appointing officer then meets with the staff member and advises him/her: <ul style="list-style-type: none"> ○ that the appointing officer is satisfied that serious misconduct or significant inadequate performance has occurred; ○ that this meeting constitutes a first warning that if corrective action is not taken on the part of the staff member, dismissal action could be taken; ○ that a staff member will be provided with a reasonable amount of time and a reasonable amount of support to take corrective action, and exactly what that time and resources are; • Following the meeting the appointing officer issues the first warning letter confirming the discussion at the meeting. 	<p>The first warning letter is to set out:</p> <ul style="list-style-type: none"> • the nature of the misconduct or performance problem; • the improvement that is required; • the timescale for achieving the improvement and the review date; • the nature of the support that will be provided to assist the staff member achieve the improvement; and • that failure to improve will result in dismissal. <p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 7. First Warning Review: Appointing Officer Decision </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <p>↓</p> <p>Sufficient improvement: go to step 8</p> <p>↓</p> </div> <div style="text-align: center;"> <p>↓</p> <p>Insufficient improvement: go to step 9</p> </div> </div>	<ul style="list-style-type: none"> • The appointing officer (in consultation with the section manager) is to: <ul style="list-style-type: none"> ○ consider the conduct/performance of the staff member over the review period in light of the concerns documented in step 6; and ○ decide whether sufficient improvement has occurred. • If the appointing officer considers sufficient improvement has occurred, then proceed to step 8. • If the appointing officer considers that insufficient improvement has occurred, then proceed to step 9. 	<p>In making this decision the appointing officer is to act as independently as possible.</p> <p>If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p>

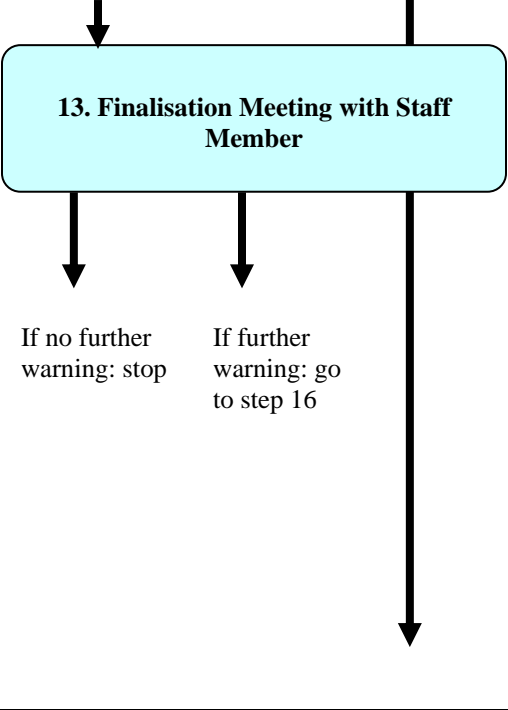
Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> <p>8. Finalisation Meeting with Staff Member</p> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>↓</p> <p>If no further warning: stop</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If no further warning: go to step 16.</p> </div> </div>	<ul style="list-style-type: none"> • Appointing officer meets with the staff member and advises him/her that there has been sufficient improvement during the warning period and that either: <ul style="list-style-type: none"> ○ the warning period has expired and documentation is being removed from the personal file; or ○ the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in dismissal. • Following the meeting the appointing officer is to provide the staff member with a letter confirming this decision. • If a further warning period is set, go to step 16. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>A further warning period is only to be used if the appointing officer has reasonable grounds to believe the improvement during the warning period was an aberration and the staff member is likely to revert to misconduct or poor performance as soon as the warning is removed.</p> <p>The confirmation letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision and the basis for it; • confirm that either the documentation is being removed from the personal file; or the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in disciplinary action. • thank the staff member for his/her cooperation.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <div style="border: 1px solid black; background-color: #e0f7fa; border-radius: 10px; padding: 10px; display: inline-block;"> 9. Issue Second and Final Warning </div>  </div>	<ul style="list-style-type: none"> • The appointing officer prepares a draft final warning letter and provides a copy to the staff member together with details of the meeting to discuss the letter. • The appointing officer then meets with the staff member and <ul style="list-style-type: none"> ○ advises him/her: <ul style="list-style-type: none"> ○ that the appointing officer is not satisfied that adequate improvement has occurred during the first warning period; ○ that this meeting constitutes a second and final warning that if corrective action is not taken immediately, dismissal action will be taken; ○ that the staff member will be provided with a reasonable amount of time and a reasonable amount of support to take corrective action, and exactly what that time and resources are. ○ Allows the staff member to provide an explanation and ask questions. • Following the meeting the appointing officer issues the second warning letter confirming the discussion at the meeting. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The second and final warning letter is to set out:</p> <ul style="list-style-type: none"> • the nature of the misconduct or performance problem; • the failure to improve over the first warning period and the basis for/evidence to support this conclusion; • the fact that this is a second and final warning; • the improvement that is required immediately; • the timescale for achieving the improvement and the second & final review date; • the nature of the support that will be provided to assist the staff member achieve the improvement; and • a reminder that dismissal action will be taken if there is inadequate improvement. <p>The length of the second warning period is to be sufficient to allow the improvement but as a general rule should be a shorter than the first warning period.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">10. Second Warning Review: Appointing Officer Decision</p> <p style="text-align: center;">Sufficient improvement: go to step 11</p> <p style="text-align: center;">Insufficient improvement: go to step 12</p>	<ul style="list-style-type: none"> • The appointing officer (in consultation with the section manager) is to: <ul style="list-style-type: none"> ○ consider the conduct/performance of the staff member over the second review period in light of the concerns documented in steps 6 & 9; and ○ decide whether sufficient improvement has occurred. • If the appointing officer considers sufficient improvement has occurred, then proceed to step 11. • If the appointing officer considers that insufficient improvement has occurred, then proceed to step 12. 	<p>In making this decision the appointing officer is to act as independently as possible.</p> <p>If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 11. Finalisation Meeting with Staff Member </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;">  If no further warning: stop </div> <div style="text-align: center;">  If further warning: go to step 16. </div> </div>	<ul style="list-style-type: none"> • Appointing officer meets with the staff member and advises him/her that there has been sufficient improvement during the second warning period and that either: <ul style="list-style-type: none"> ○ the warning periods have now expired and documentation is being removed from the personal file; or ○ the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in dismissal. • Following the meeting the appointing officer is to provide the staff member with a letter confirming this decision. • If a further warning period is set, go to step 16. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>A further warning period is only to be used if the appointing officer has reasonable grounds to believe the improvement during the warning period was an aberration and the staff member is likely to revert to misconduct or poor performance as soon as the warning is removed.</p> <p>The confirmation letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision and the basis for it; • confirm that either the documentation is being removed from the personal file; or the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in dismissal. • thank the staff member for his/her cooperation.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 12. Dismissal Meeting with Staff Member </div> <p style="text-align: center;">↓ ↓</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center; width: 45%;"> <p>If no disciplinary action: go to step 13.</p> <p style="text-align: center;">↓</p> </div> <div style="text-align: center; width: 45%;"> <p>If disciplinary action:, go to step 14.</p> <p style="text-align: center;">↓</p> </div> </div>	<ul style="list-style-type: none"> • The appointing officer prepares a draft dismissal letter and provides a copy to the staff member together with details of the meeting to discuss the letter. • The appointing officer then meets with the staff member and <ul style="list-style-type: none"> ○ advises him/her: <ul style="list-style-type: none"> ○ that the appointing officer is not satisfied that adequate improvement has occurred during the second warning period together with the basis for/evidence to support that opinion; ○ that dismissal will occur if the staff member cannot provide an adequate explanation. ○ Allows the staff member to provide an explanation and ask questions. • After considering the staff member's explanation, the appointing officer then decides whether to dismiss or not. • If action is not to be taken, go to step 13. • If action is to be taken go to step 14. 	<p>The dismissal letter is to set out:</p> <ul style="list-style-type: none"> • the nature of the misconduct or performance problem; • the failure to improve over the first and second warning period and the basis for/evidence to support this conclusion; • that the staff member is therefore being dismissed in accordance with the his employment agreement; • the date of the dismissal; and <p>In making the final dismissal decision after hearing the staff member's explanation the appointing officer is to act as independently as possible. This may require an adjournment of the meeting to allow an objective consideration. If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p> <p>A second person from the management team is <i><u>always</u></i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>

Process Step	Procedure to be Followed	Policy to be Applied
 <p data-bbox="94 354 598 500">13. Finalisation Meeting with Staff Member</p> <p data-bbox="94 630 262 690">If no further warning: stop</p> <p data-bbox="304 630 430 722">If further warning: go to step 16</p>	<ul style="list-style-type: none"> • If dismissal is not to occur, the appointing officer continues or reconvenes the meeting with the staff member and: <ul style="list-style-type: none"> ○ advises the staff member of his decision and the reason for it; and ○ that either: <ul style="list-style-type: none"> ○ the warning has now expired and documentation is being removed from the personal file; or ○ the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in dismissal. • Following the meeting the appointing officer is to provide the staff member with a letter confirming this decision and acknowledging that the draft dismissal letter provided in step 12 will not now be issued. • If a further warning period is set, go to step 16. 	<p data-bbox="1312 337 2003 462">A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p data-bbox="1312 490 2003 516">The confirmation letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision and the basis for it; • confirm that either the documentation is being removed from the personal file; or the warning will remain in force for a further period (specify the period and review date) and that further instances during this time will result in dismissal. • thank the staff member for his/her cooperation.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>14. Final Dismissal Meeting with Staff Member</p> </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • If dismissal is to occur, the appointing officer continues or reconvenes the meeting with the staff member and <ul style="list-style-type: none"> ○ advises the staff member of his decision and the reason for it; and ○ the effective date of the dismissal. • Following the meeting the appointing officer is to provide the staff member with a finalised dismissal letter. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The final dismissal letter is to be the draft dismissal letter issued to the staff member in step 12, updated for any new information arising as part of that step.</p> <p>The letter is to be firm but courteous and respectful in tone.</p> <p>The effective date for dismissal is to be as soon as is practical.</p>
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>15. Administrative Action</p> </div>	<p>The appointing officer (in consultation with the HR Manager) undertakes the administrative actions necessary to give effect to the dismissal decision i.e. payroll, computer and workplace access etc.</p> <p>The HR Manager ensures that the dismissal action is documented and recorded on the staff member's personal file.</p>	<p>No administrative action to effect the dismissal action is to be undertaken before step 14 is completed. Once step 14 has been completed the administrative actions should occur as quickly as possible.</p> <p>Access cards, keys, any government owned property (such as cell phone, blackberries, laptops, vehicles), and all government files or records (in any media) are to be surrendered before the staff member's departure.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From steps 8, 11 & 13</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 5px; text-align: center; margin: 10px auto; width: 80%;"> <p>16. Appointing Officer Considers Further Instances</p> </div> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">If not a dismissal offence: stop If a dismissal offence: go to step 12.</p>	<ul style="list-style-type: none"> • Section manager collects evidence to establish there is a further instance of significant inadequate performance or serious misconduct has occurred during the further warning period. • Appointing officer reviews evidence and satisfies him/herself that a further instance has occurred and that this justifies dismissal. • If not a dismissal offence: no further action. • If a dismissal offence to be taken: go to step 12 	<p>This step only applies to staff members who have been advised of a further warning period in steps 8, 11 or 13.</p>

26. Dismissing Staff for Gross Misconduct Not Involving Criminal Activity

This policy and procedure applies when dismissing staff on the grounds of *gross misconduct* and that misconduct does *not* involve criminal activity. Gross misconduct is misconduct that is of such a serious nature or magnitude that, in the opinion of an appointing officer, the employee should be dismissed with immediate effect. Section 44 (4) of the Public Service Management Law provides appointing officers with this dismissal authority and Personnel Regulation 35 specifies minimum procedures that must be followed.


The Regulations recognise three gross misconduct situations:


- Gross misconduct not involving criminal activity: this policy and procedure (P&P 26) applies in that situation.
- Gross misconduct involving criminal activity within the workplace: section/policy and procedure 27 applies in that situation.
- Gross misconduct involving criminal activity outside the workplace: section/policy and procedure 28 applies in that situation.

Definitions and applicability of this Policy & Procedure




Gross misconduct is defined in section 2 of the Public Service Management Law and means: acting in a dishonest or illegal manner, failing to comply with the Public Servant's Code of Conduct, failing to comply with conditions of employment or failing to comply with workplace rules; and where this misconduct is of such a serious nature or magnitude that, in the opinion of the appointing officer, the employee should be dismissed with immediate effect.

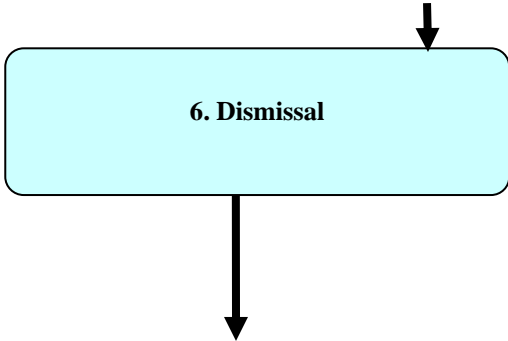
Criminal activity means any act that is contrary to a Law or Regulation. For this policy & procedure to apply, the gross misconduct must *not* involve criminal activity. Separate procedures apply to cases of misconduct involving criminal activity and those policies and procedures are to be applied in those cases – see P&P 27 and 28.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Collection of Evidence</p>  </div>	<ul style="list-style-type: none"> • Section manager and/or appointing officer collects evidence to establish that: <ul style="list-style-type: none"> ○ there is a case of gross misconduct; and ○ the gross misconduct does not involve criminal activity. • Appointing officer reviews evidence and satisfies him/herself that non-criminal gross misconduct exists. • Appointing officer consults with the Chief Officer and obtains his/her approval to move step 2. 	<ul style="list-style-type: none"> • Evidence must: <ul style="list-style-type: none"> ○ be either written or documented in writing; and ○ relate directly to the performance or misconduct issue and the period in which it occurred. • The approval of the chief officer is required before any action is taken in relation to gross misconduct. • The chief officer and appointing officer are to consider whether legal advice should be sought before proceeding to step 2.

Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="105 354 604 503" style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> <p>2. Inform Staff Member</p> </div> <div data-bbox="331 500 352 581" style="text-align: center;">  </div>	<ul style="list-style-type: none"> • Appointing officer advises the staff member of the concerns as follows: <ul style="list-style-type: none"> ○ Appointing officer (or manager) prepares a letter outlining the concerns. ○ Appointing officer gives the staff member the letter in a short face-to-face meeting with the staff member, and advises the staff member of its contents. • If appropriate, appointing officer removes the officer from current duties and/or the workplace until the meeting with the staff member is undertaken as part of step 3. 	<ul style="list-style-type: none"> • The letter should: <ul style="list-style-type: none"> ○ Outline the concerns and advise that these are grounds for instant dismissal; ○ Propose a meeting location and time to discuss the concerns; ○ Advise the staff member that he/she may be accompanied by a friend, colleague or CICS representative. ○ Provide copies of any documents/evidence to be discussed at the meeting. • The meeting date and time should be established in liaison with the staff member and should allow reasonable preparation time for the staff member. However, in setting the meeting time, consideration should also be given to the nature and severity of the misconduct and the necessity (or otherwise) of dealing with the matter quickly. If quick action is required, same day meetings are acceptable.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 3. Meeting to Discuss Concerns </div> <p style="text-align: center;">↓</p>	<p>Appointing officer holds meeting with staff member to:</p> <ul style="list-style-type: none"> • discuss the gross misconduct concerns and the evidence that supports those concerns; • allow the staff member to provide an explanation, ask questions and present evidence of his/her own. 	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers. • Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to express his/her views in a non-threatened way. • The appointing officer is to maintain an open mind going into the meeting and be open to the staff member's explanation.
<div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 4. Dismissal Decision </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>↓</p> <p>If no dismissal, go to step 5.</p> <p>↓</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If dismissal, go to step 6.</p> </div> </div>	<ul style="list-style-type: none"> • After considering the staff member's explanation, the appointing officer decides whether to dismiss the staff member or not. • If dismissal is not to occur: go to step 5. • If dismissal is to occur: go to step 6. <p><i>Note: step 4 may be undertaken within the meeting undertaken as part of step 3. However, an adjournment to consider the explanation would normally be appropriate. Also if the appointing officer decides to dismiss the staff member an adjournment of the meeting to make administrative arrangements will often be necessary. In either case the appointing officer should proceed to steps 5 or 6 and reconvene the meeting as quickly as possible.</i></p>	<p>In making the final dismissal decision after hearing the staff member's explanation the appointing officer is to act as independently as possible. This may require an adjournment of the meeting to allow an objective consideration.</p> <p>If the appointing officer feels that he/she is unable to make the decision objectively he/she should consult with the chief officer.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 5. Non-Dismissal Action </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  If no action: stop. </div> <div style="text-align: center;">  If serious misconduct: go to P&P 25 </div> <div style="text-align: center;">  If minor misconduct: go to P&P 24 </div> </div>	<p>If no dismissal is to occur, the appointing officer reconvenes the meeting and advises the staff member either that:</p> <ul style="list-style-type: none"> • the explanation is adequate, gross misconduct has not been established, and no further action will be taken; or • the actions of the staff member constitute serious misconduct and action will be taken accordingly; or • the actions of the staff member constitute minor misconduct and action will be taken accordingly <p>Following the meeting the appointing officer provides the staff member with a letter confirming this decision.</p>	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>If the appointing officer considers that serious or minor misconduct has occurred, the policies and procedures applying to those situations are to be applied and the staff member advised accordingly.</p> <p>Serious or minor misconduct action is only to be applied where there is sufficient evidence to support such action and not merely because there was insufficient evidence to support gross misconduct.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>6. Dismissal</p> </div>	<p>If dismissal is to occur, the appointing officer reconvenes the meeting and advises the staff member:</p> <ul style="list-style-type: none"> • of his (the appointing officer's) decision; and • that the staff member is dismissed with immediate effect in accordance with the terms of his/her employment agreement; • the date at which that dismissal will take effect; • the administrative procedures that will now be instituted to give effect to the dismissal. <p>The appointing officer is to provide the staff member with a letter of dismissal in the course of the meeting.</p>	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The dismissal discussion is to be conducted in a firm but courteous and respectful manner.</p> <p>The staff member is to be given adequate time to compose him/herself before the meeting is concluded.</p> <p>The confirmation letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision and the basis for it; • advise that the staff member is accordingly dismissed in accordance with the terms of his/her employment agreement; • specify the date at which the dismissal will take effect. <p>Unless extenuating circumstance apply, dismissal for gross misconduct should be immediate and take effect that day.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> 7. Administrative Actions </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • The appointing officer advises the HR manager that the staff member has been dismissed • The HR manager takes the appropriate administrative actions relating to payroll, leave, final pay, workplace and computer access etc. • The appointing officer arranges for the staff member to collect his/her personal belongings and to leave the workplace. • The HR Manager ensures that the dismissal actions are documented and recorded on the staff member's personal file. 	<p>If practical, the staff member is to be provided with a cheque for his final pay and any annual leave owing before exiting the workplace.</p> <p>If appropriate, the staff member is to be escorted from the workplace. Access cards, keys, any government owned property (such as cell phone, blackberries, laptops, vehicles), and all government files or records (in any media) are to be surrendered before departure.</p>
<div style="text-align: center; border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> 8. Notification to the Head of the Civil Service </div>	<p>The appointing officer prepares a report to the Head of the Civil Service documenting the dismissal, the grounds for this dismissal and the process followed.</p> <p>The report is to be forwarded via the chief officer.</p>	<p>The report is to be completed and forwarded to the Head of the Civil Service on the same day as the dismissal occurs.</p>

27. Suspending & Dismissing Staff for Gross Misconduct Involving Criminal Activity within the Workplace

This policy and procedure applies when a staff member is involved in criminal activity occurs *within* the workplace and that activity falls within the definition of gross misconduct. Gross misconduct is misconduct that is of such a serious nature or magnitude that, in the opinion of an appointing officer, the employee should be dismissed with immediate effect. Section 44 (4) of the Public Service Management Law provides appointing officers with the authority to suspend and dismiss in these circumstances and Personnel Regulation 36 establishes the minimum procedures that are to be followed.

The Regulations recognise three gross misconduct situations:




- Gross misconduct not involving criminal activity: section/policy and procedure 26 applies in that situation.
- Gross misconduct involving criminal activity within the workplace: this section/policy and procedure (P&P 27) applies in that situation.
- Gross misconduct involving criminal activity outside the workplace: section/policy and procedure 28 applies in that situation.

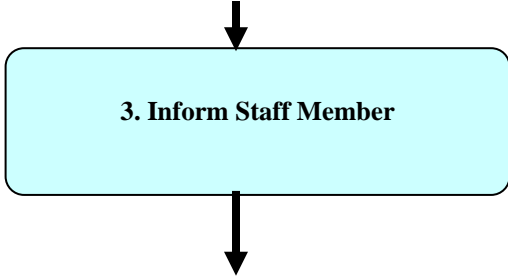
Definitions and applicability of this Policy & Procedure

Gross misconduct is defined in section 2 of the Public Service Management Law and means: acting in a dishonest or illegal manner, failing to comply with the Public Servant's Code of Conduct, failing to comply with conditions of employment or failing to comply with workplace rules; and where this misconduct is of such a serious nature or magnitude that, in the opinion of the appointing officer, the employee should be dismissed with immediate effect.




Criminal activity means any act that is contrary to a Law or Regulation. For this policy & procedure to apply, that criminal activity must have occurred in the work place or be related to the staff member's duties. It must also be gross (i.e. significant) in nature. If the criminal activity does not meet that test, then it should be dealt with either as minor misconduct (P&P 24) or serious misconduct (P&P 25), depending on the severity of the activity

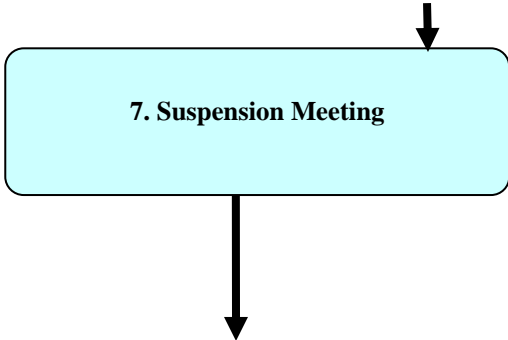
For the purposes of this policy and procedure a "workplace" is any physical location where a staff member is required to carry out his/her duties.



Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 1. Collection of Evidence </div> <div style="text-align: center; margin-top: 10px;">  </div>	<ul style="list-style-type: none"> • Section manager and/or appointing officer collects evidence to establish that: <ul style="list-style-type: none"> ○ there appears to have been criminal activity in the workplace; and ○ that activity is significant enough to be gross misconduct. • Appointing officer reviews evidence and satisfies him/herself that criminal activity in the workplace significant enough to be gross misconduct exists • Appointing officer consults with the Chief Officer and obtains his/her approval to move step 2. 	<ul style="list-style-type: none"> • Evidence must: <ul style="list-style-type: none"> ○ be either written or documented in writing; and ○ relate directly to the misconduct issue and the period in which it occurred. • The approval of the chief officer is required before any action is taken in relation to gross misconduct. • The chief officer and appointing officer are to consider whether legal advice should be sought before proceeding to step 2.
<div style="text-align: center; margin-bottom: 10px;">  </div> <div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 2. Consult with Police </div> <div style="text-align: center; margin-top: 10px;">  </div>	<p>Appointing officer advises with the Police about the incident and consults with them over appropriate next steps.</p> <p>Subject to the advice of the Police on evidentiary matters, the remaining steps in this P&P are to be followed or modified as necessary.</p>	<p>The process to be followed after this step will depend on what investigation or evidence protection steps the Police wish to take.</p> <p>If a modified process is used, the appointing officer is to ensure that due process and procedures consistent with natural justice are followed with the staff member concerned.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>3. Inform Staff Member</p> </div>	<ul style="list-style-type: none"> • Appointing officer advises the staff member of the concerns as follows: <ul style="list-style-type: none"> ○ Appointing officer (or manager) prepares a letter outlining the concerns. ○ Appointing officer gives the staff member the letter in a short face-to-face meeting with the staff member, and advises the staff member of its contents. • If appropriate, appointing officer removes the officer from current duties and/or the workplace until the meeting with the staff member undertaken as part of step 3. 	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers. • The letter should: <ul style="list-style-type: none"> ○ Outline the concerns and advise that these are grounds for instant suspension and dismissal if convicted; ○ Propose a meeting location and time to discuss the concerns; ○ Advise the staff member that he/she may be accompanied by a friend, colleague or CICSA representative. ○ Provide copies of any documents/evidence to be discussed at the meeting. • The meeting date and time should be established in liaison with the staff member and should allow reasonable preparation time for the staff member. However, in setting the meeting time consideration should also be given to the nature and severity of the misconduct and the necessity (or otherwise) of dealing with the matter quickly. If quick action is required same day meetings are acceptable.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 4. Meeting to Discuss Concerns </div> <p style="text-align: center;">↓</p>	<p>Appointing officer holds meeting with staff member to:</p> <ul style="list-style-type: none"> • discuss the gross misconduct concerns and the evidence that supports those concerns; • allow the staff member to provide an explanation, ask questions and present evidence of his/her own. 	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager). • Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to express his/her views in a non-threatened way. • The appointing officer is to maintain an open mind going into the meeting and be open to the staff member's explanation.
<div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 5. Suspension Decision </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>↓</p> <p>If not suspended/ reported: go to step 6.</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If suspended/ reported: go to step 7.</p> </div> </div>	<ul style="list-style-type: none"> • After considering the staff member's explanation, the appointing officer decides whether or not to suspend the staff member and report the incident to the Police. • If suspension/reporting is not to occur: go to step 6. • If suspension/reporting is to occur: go to step 7. <p><i>Note: step 5 may be undertaken within the meeting undertaken as part of step 4. However, an adjournment to consider the explanation is also appropriate. Also if the appointing officer decides to suspend the staff member an adjournment of the meeting to make administrative arrangements will often be necessary. In either case the appointing officer should proceed to steps 6 or 7 and reconvene the meeting as quickly as possible.</i></p>	<p>In making the suspension decision the appointing officer must satisfy him/herself that there are reasonable grounds to believe that the staff member has been involved in criminal activity in the workplace and that activity is of such significance that it falls within the definition of gross misconduct.</p> <p>In making this decision:</p> <ul style="list-style-type: none"> • a policy of zero tolerance to criminal activity in the workplace is to be applied; and • the appointing officer is to act as independently as possible, including providing due weighting to the staff member's explanation. <p>If the appointing officer feels that he/she is unable to make the decision objectively he/she should adjourn the meeting and consult with the chief officer.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 6. Non-Suspension Action </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  If no action: stop. </div> <div style="text-align: center;">  If serious misconduct: go to P&P 25 </div> <div style="text-align: center;">  If minor misconduct: go to P&P 24 </div> </div>	<p>If no suspension/reporting is to occur, the appointing officer reconvenes the meeting and advises the staff member either that:</p> <ul style="list-style-type: none"> • the explanation is adequate, gross misconduct has not been established, and no further action will be taken; or • the actions of the staff member constitute serious misconduct and action will be taken accordingly; or • the actions of the staff member constitute minor misconduct and action will be taken accordingly <p>Following the meeting the appointing officer provides the staff member with a letter confirming this decision.</p>	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>If the appointing officer considers that serious or minor misconduct has occurred, the policies and procedures applying to those situations are to be applied and the staff member advised accordingly.</p> <p>Serious or minor misconduct action is only to be applied where there is sufficient evidence to support such action and not merely because there was insufficient evidence to support gross misconduct.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>7. Suspension Meeting</p> </div>	<p>If suspension is to occur, the appointing officer reconvenes the meeting and advises the staff member:</p> <ul style="list-style-type: none"> • of his (the appointing officer's) decision; and • that the staff member is to be suspended on half-pay with immediate effect in accordance with the terms of his/her employment agreement; • that the Police are being informed; • the administrative procedures that will now be instituted to give effect to the suspension. <p>The appointing officer is to provide the staff member with a suspension letter in the course of the meeting.</p>	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The suspension discussion is to be conducted in a firm but courteous and respectful manner.</p> <p>The staff member is to be given adequate time to compose him/herself before the meeting is concluded.</p> <p>The suspension letter is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision and the basis for it; • advise that the staff member is accordingly suspended on half-pay in accordance with the terms of his/her employment agreement; • specify the date at which the suspension will take effect. • advise that the Police are being informed • advise that if charged and convicted he will be dismissed; <p>Unless extenuating circumstance apply, suspension for gross misconduct involving criminal activity should be immediate and take effect that day.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">8. Administrative Actions</p> 	<ul style="list-style-type: none"> • The appointing officer advises the HR manager that the staff member has been suspended on half-pay. • The HR manager takes the appropriate administrative actions relating to payroll, workplace and computer access etc. • The appointing officer arranges for the staff member to leave the workplace. • The HR Manager ensures that the suspension actions are documented and recorded on the staff member's personal file. 	<p>If appropriate the staff member is to be escorted from the workplace.</p> <p>Access cards, keys, any government owned property (such as cell phone, blackberries, laptops, vehicles), and all government files or records (in any media) are to be surrendered before departure.</p>
<p style="text-align: center;">9. Notification to the Head of the Civil Service</p> 	<p>The appointing officer prepares a report to the Head of the Civil Service documenting the suspension, the grounds for this suspension and the process followed.</p> <p>The report is to be forwarded via the chief officer.</p>	<p>The report is to be completed and forwarded to the Head of the Civil Service on the same day as the suspension occurs.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 10. Police Action </div> <p style="text-align: center;">↓</p> <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="text-align: center;"> <p>↓</p> <p>If not charged: go to step 14.</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If charged: go to step 11.</p> <p>↓</p> </div> </div>	<p>The Police conduct their investigations and decide whether to lay criminal charges or not.</p> <p>If the staff member is charged: proceed to step 11.</p> <p>If the staff member is not charged: proceed to step 15.</p>	<p>Portfolio staff are to provide full cooperation and assistance to the Police during their investigation.</p>
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 11. Suspension Without Pay </div> <p style="text-align: center;">↓</p>	<p>If the staff member is charged:</p> <ul style="list-style-type: none"> • the appointing officer: <ul style="list-style-type: none"> ○ advises the staff member in writing that he/she is being suspended without pay from the date the charges were laid; ○ advises the HR Manager of the staff member's suspension without pay. • the HR manager takes the appropriate payroll action and ensures that the suspension is documented and recorded on the staff member's personal file. 	<p>The staff member is to be suspended without pay as soon as the Police decision to charge the staff member is known.</p> <p>The staff member is to be advised before the payroll action is taken.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 12. Conviction or Acquittal </div> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">If acquitted: If convicted:</p> <p style="text-align: center;">go to step 14. go to step 13.</p> <p style="text-align: center;">↓</p>	<p>The Court convicts or acquits the staff member of the criminal offence</p>	
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 13. Dismissal </div>	<p>If the staff member is convicted:</p> <ul style="list-style-type: none"> • the appointing officer advises: <ul style="list-style-type: none"> ○ the staff member in writing that he/she is being dismissed from the date of the conviction in accordance with the terms of his/her employment agreement; ○ the HR Manager of the staff member's dismissal. • the HR manager takes the appropriate payroll action and ensures that the dismissal is documented and recorded on the staff member's personal file. 	<p>The dismissal letter to the staff member is to:</p> <ul style="list-style-type: none"> • advise that consequent to the conviction, the staff member is being dismissed in accordance with the terms of his/her employment agreement; • specify the date of the dismissal as the date of conviction.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From steps 10 & 12</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>14. Reinstatement Action</p> </div>	<p>If the staff member is not charged, or charged and not convicted, the appointing officer:</p> <ul style="list-style-type: none"> • establishes whether the staff member's position is still vacant or identifies a similar position; • contacts the staff member and: <ul style="list-style-type: none"> ○ advises that he/she may return to duties and the position he/she will return to; ○ advises that his full pay will be reinstated for the period of suspension; and ○ agrees a reinstatement date <p>Following the meeting the appointing officer provides the staff member with a letter confirming this action.</p> <p>The appointing officer advises the HR manager who takes the appropriate payroll action, organizes access cards and ensures the circumstances are documented on the staff member's personal file.</p>	<p>Personnel Regulation 36(5) requires a staff member to be reinstated to his position or a similar position if he/she is not charged, or charged and not convicted. It also requires any withheld pay to be paid as soon as possible.</p> <p>If the Police do not lay a charge, or the staff member is not convicted, then the incident is to be regarded as closed and finished and the appointing officer is to take no further action against the staff member in relation to that incident.</p> <p>If possible the staff member is to be returned to his/her old position. However, if that position has been filled in the intervening period, or if workplace relationships are such that a return to the old position is not practical, the staff member is to be appointed to a position with similar responsibilities and with the same remuneration as his/her old position.</p> <p>Reinstatement is to occur immediately the Police or Court decision is known and a mutually agreed starting date established.</p> <p>A second person from the management team is <u>always</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>

28. Suspending & Dismissing Staff for Gross Misconduct Involving Criminal Activity Outside the Workplace

This policy and procedure applies where a staff member is involved with criminal activity *outside* the workplace and that activity falls within the definition of gross misconduct. Gross misconduct is misconduct that is of such a serious nature or magnitude that, in the opinion of an appointing officer, the employee should be dismissed with immediate effect. Section 44 (4) of the Public Service Management Law provides appointing officers with the authority to suspend and dismiss a staff member in these circumstances and Personnel Regulation 37 establishes the minimum procedures that are to be followed.

The Regulations recognise three gross misconduct situations:


- Gross misconduct not involving criminal activity: section/policy and procedure 26 applies in that situation.
- Gross misconduct involving criminal activity within the workplace: section/policy and procedure 27 applies in that situation.
- Gross misconduct involving criminal activity outside the workplace: this section/policy and procedure (P&P 28) applies in that situation.

Definitions and applicability of this Policy & Procedure

Gross misconduct is defined in section 2 of the Public Service Management Law and means: acting in a dishonest or illegal manner, failing to comply with the Public Servant's Code of Conduct, failing to comply with conditions of employment or failing to comply with workplace rules; and where this misconduct is of such a serious nature or magnitude that, in the opinion of the appointing officer, the employee should be dismissed with immediate effect.




Criminal activity means any act that is contrary to a Law or Regulation. For this policy & procedure to apply, that criminal activity must be unrelated to the work place or the staff member's duties and be gross (i.e. significant) in nature. If the criminal activity does not meet that test, then it should be dealt with either as minor misconduct (P&P 24) or serious misconduct (P&P 25), depending on the severity of the activity.

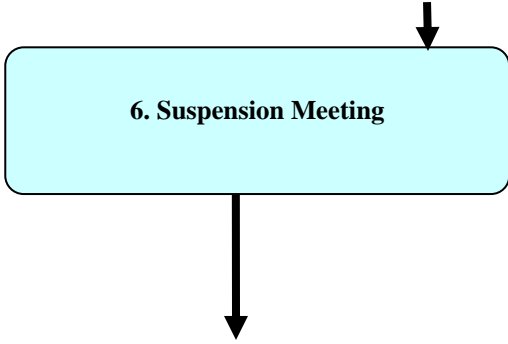
For the purposes of this policy and procedure a "workplace" is any physical location where a staff member is required to carry out his/her duties.

Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="105 316 604 467" style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center;"> <p>1. Collection of Evidence</p> </div> <div data-bbox="331 462 357 544" style="text-align: center;">  </div>	<ul style="list-style-type: none"> • Section manager and/or appointing officer collects evidence to establish that: <ul style="list-style-type: none"> ○ the staff member has been charged with a criminal offence by the Police and that offence relates to activities outside the workplace; ○ that activity brings the civil service into disrepute; and ○ that activity is significant enough to be gross misconduct. • Appointing officer reviews evidence and satisfies him/herself that the conditions have been met. • Appointing officer consults with the Chief Officer and obtains his/her approval to move to step 2. 	<ul style="list-style-type: none"> • In accordance with Personnel Regulation 37(1) no action is to be taken unless/until a staff member is charged by the Police. • Action is also only to be taken where the criminal offense brings the civil service entity, the public service or government into disrepute in contravention of Section 5(2)(e) of the Law. The appointing officer is to assess whether this is the case or not. • The approval of the chief officer is required before any action is taken in relation to gross misconduct. • The chief officer and appointing officer are to consider whether legal advice should be sort.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> <p>2. Inform Staff Member</p> </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Appointing officer advises the staff member of the concerns as follows: <ul style="list-style-type: none"> ○ Appointing officer (or manager) prepares a letter outlining the concerns. ○ Appointing officer gives the staff member the letter in a short face-to-face meeting with the staff member, and advises the staff member of its contents. • If appropriate, appointing officer removes the officer from current duties and/or the workplace until the meeting with the staff member undertaken as part of step 3. 	<ul style="list-style-type: none"> • The letter should: <ul style="list-style-type: none"> ○ Outline the concerns and advise that these are grounds for instant suspension and dismissal if convicted; ○ Propose a meeting location and time to discuss the concerns; ○ Advise the staff member that he/she may be accompanied by a friend, colleague or CICSA representative. ○ Provide copies of any documents/evidence to be discussed at the meeting. • The meeting date and time should be established in liaison with the staff member and should allow reasonable preparation time for the staff member. However, in setting the meeting time consideration should also be given to the nature and severity of the misconduct and the necessity (or otherwise) of dealing with the matter quickly. If quick action is required, same day meetings are acceptable. • A second person from the management team is <u>always</u> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 3. Meeting to Discuss Concerns </div> <p style="text-align: center;">↓</p>	<p>Appointing officer holds meeting with staff member to:</p> <ul style="list-style-type: none"> • discuss the gross misconduct concerns and the evidence that supports those concerns; • allow the staff member to provide an explanation, ask questions and present evidence of his/her own. 	<ul style="list-style-type: none"> • A second person from the management team is <u>a/ways</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager). • Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to express his/her views in a non-threatened way. • The appointing officer is to maintain an open mind going into the meeting and be open to the staff member's explanation.
<div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 4. Suspension Decision </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>↓</p> <p>If not suspended: go to step 5.</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If suspended: go to step 6.</p> </div> </div>	<ul style="list-style-type: none"> • After considering the staff member's explanation, the appointing officer decides whether or not to suspend the staff member • If suspension is not to occur: go to step 5. • If suspension is to occur: go to step 6. <p><i>Note: step 4 may be undertaken within the meeting as part of step 3. However, an adjournment to consider the explanation is also appropriate. Also if the appointing officer decides to suspend the staff member, an adjournment of the meeting to make administrative arrangements will often be necessary. In either case the appointing officer should proceed to steps 5 or 6 and reconvene the meeting as quickly as possible.</i></p>	<p>In making the suspension decision, the appointing officer must satisfy him/herself that criminal charges have been laid, the criminal activity is of such significance that it falls within the definition of gross misconduct; and it causes disrepute.</p> <p>If the appointing officer feels that he/she is unable to make the decision objectively he/she should adjourn the meeting and consult with the chief officer.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 5. Non-Suspension Action </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  If no action: stop. </div> <div style="text-align: center;">  If serious misconduct: go to P&P 25 </div> <div style="text-align: center;">  If minor misconduct: go to P&P 24. </div> </div>	<p>If no suspension is to occur, the appointing officer reconvenes the meeting and advises the staff member either that:</p> <ul style="list-style-type: none"> • the explanation is adequate, gross misconduct has not been established, and no further action will be taken; or • the actions of the staff member constitute serious misconduct and action will be taken accordingly; or • the actions of the staff member constitute minor misconduct and action will be taken accordingly <p>Following the meeting the appointing officer provides the staff member with a letter confirming this decision.</p>	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>If the appointing officer considers that serious or minor misconduct has occurred, the policies and procedures applying to those situations are to be applied and the staff member advised accordingly.</p> <p>Serious or minor misconduct action is only to be applied where there is sufficient evidence to support such action and not merely because there was insufficient evidence to support gross misconduct.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>6. Suspension Meeting</p> </div>	<p>If suspension is to occur, the appointing officer reconvenes the meeting and advises the staff member:</p> <ul style="list-style-type: none"> • of his (the appointing officer's) decision; and • that the staff member is to be suspended without pay with immediate effect in accordance with the terms of his/her employment agreement; • of the administrative procedures that will now be instituted to give effect to the suspension. <p>The appointing officer is to provide the staff member with a suspension letter in the course of the meeting.</p>	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The suspension discussion is to be conducted in a firm but courteous and respectful manner.</p> <p>The staff member is to be adequate time to compose him/herself before the meeting is concluded.</p> <p>The suspension letter is to:</p> <ul style="list-style-type: none"> • state that a criminal charge has been laid; • outline the appointing officer's decision that this causes disrepute and that this is contrary to the Public Servant's Code of Conduct, and the basis for this decision; • advise that the staff member is accordingly suspended without pay in accordance with the terms of his/her employment agreement; • specify the date at which the suspension will take effect. • advise the staff member that if convicted, he will be dismissed; <p>Unless extenuating circumstance apply, suspension for gross misconduct involving criminal activity outside the workplace should be immediate and take effect that day.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 7. Administrative Actions </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • The appointing officer advises the HR manager that the staff member has been suspended without pay. • The HR manager takes the appropriate administrative actions relating to payroll, workplace and computer access etc. • The appointing officer arranges for the staff member to leave the workplace. • The HR Manager ensures that the suspension actions are documented and recorded on the staff member's personal file. 	<p>If appropriate the staff member is to be escorted from the workplace.</p> <p>Access cards, keys, any government owned property (such as cell phone, blackberries, laptops, vehicles), and all government files or records (in any media) are to be surrendered before departure.</p>
<div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 8. Notification to the Head of the Civil Service </div> <p style="text-align: center;">↓</p>	<p>The appointing officer prepares a report to the Head of the Civil Service documenting the suspension, the grounds for this suspension and the process followed.</p> <p>The report is to be forwarded via the chief officer.</p>	<p>The report is to be completed and forwarded to the Head of the Civil Service on the same day as the suspension occurs.</p>
<div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 9. Conviction or Acquittal </div> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">If acquitted: If convicted:</p> <p style="text-align: center;">go to step 11. go to step 10.</p> <p style="text-align: center;"> ↓</p>	<p>The Court convicts or acquits the staff member of the criminal offence</p>	


Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; width: 100px; height: 40px; margin: 0 auto; background-color: #e0ffff; display: flex; align-items: center; justify-content: center;"> <p>10. Dismissal</p> </div>	<p>If the staff member is convicted:</p> <ul style="list-style-type: none"> • the appointing officer advises: <ul style="list-style-type: none"> ○ the staff member in writing that he/she is being dismissed from the date of the conviction in accordance with the terms of his/her employment agreement; ○ the HR Manager of the staff member's dismissal. • the HR manager takes the appropriate payroll action and ensures that the dismissal is documented and recorded on the staff member's personal file. 	<p>The dismissal letter to the staff member is to:</p> <ul style="list-style-type: none"> • advise that consequent to the conviction, the staff member is being dismissed in accordance with the terms of his/her employment agreement; • specify the date of the dismissal as the date of conviction.

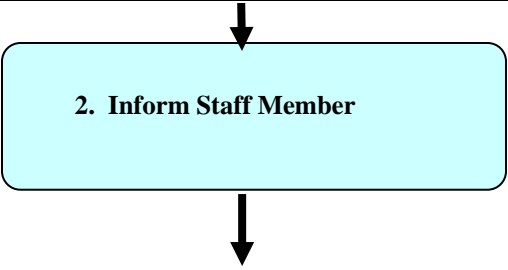
Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From step 9</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> <p>11. Reinstatement Action</p> </div>	<p>If the staff member is not convicted, the appointing officer:</p> <ul style="list-style-type: none"> • establishes whether the staff member's position is still vacant or identifies a similar position; • contacts the staff member and: <ul style="list-style-type: none"> ○ advises that he/she may return to duties and the position he/she will return to; ○ advises that his full pay will be reinstated for the period of suspension; and ○ agrees a reinstatement date. <p>Following the meeting the appointing officer provides the staff member with a letter confirming this action.</p> <p>The appointing officer advises the HR manager who takes the appropriate payroll action, organizes access cards and ensures the circumstances are documented on the staff member's personal file.</p>	<p>Personnel Regulation 37(4) requires a staff member to be reinstated to his position or a similar position if he/she is not convicted. It also requires any withheld pay to be paid as soon as possible.</p> <p>If the staff member is not convicted, then the incident is to be regarded as closed and finished and the appointing officer is to take no further action against the staff member in relation to that incident.</p> <p>If possible the staff member is to be returned to his/her old position. However, if that position has been filled in the intervening period, or if workplace relationships are such that a return to the old position is not practical, the staff member is to be appointed to a position with similar responsibilities and with the same remuneration as his/her old position.</p> <p>Reinstatement is to occur immediately the Court decision is known and a mutually agreed starting date established.</p> <p>A second person from the management team is <u>always</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>

29. Retiring Staff Early on Medical Grounds

This policy and procedure applies to the compulsory retirement of staff early on medical grounds where the staff member has a permanent disability. Section 44 (5) of the Public Service Management Law provides appointing officers with this authority and Personnel Regulation 39 specifies the minimum procedure to be followed.

Note: It is likely that a staff member who is being considered for early retirement on medical grounds, is sufficiently ill or disabled to be taking significant amounts of sick leave. In this case, sick leave provisions are covered in Section 6, Schedule 1 of the Regulations.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Collect Evidence</p>  </div>	<p>The appointing officer:</p> <ul style="list-style-type: none"> • collects evidence concerning the staff member's disability; • consults with the chief officer and obtains his approval to proceed to step 2. 	<ul style="list-style-type: none"> • Under the PSML the early retirement on medical grounds can only occur when the disability is preventing the staff member performing duties in a substantial way. The evidence must therefore show which duties are not being performed and how significant this is in relation to the job requirement. • The specific approval of the chief officer is required before progressing past this step.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>2. Inform Staff Member</p> </div>	<ul style="list-style-type: none"> • Appointing officer advises the staff member of the concerns as follows: <ul style="list-style-type: none"> ○ Appointing officer (or manager) prepares a letter outlining the concerns and advising of a meeting to discuss them. ○ Appointing officer gives the staff member the letter in a short face-to-face meeting with the staff member, and advises the staff member of its contents. 	<p>The letter should:</p> <ul style="list-style-type: none"> • Outline the impact the disability is having on the staff member's ability to carry out his/her duties; • Advise that the option of early retirement on medical grounds is being considered but that the staff member will be provided with an opportunity to show that he/she can perform the duties before any action is taken; • Propose a meeting location and time to discuss these matters; • Advise the staff member that he/she may be accompanied by a friend, colleague or CICSA representative; • Provide copies of any documents/evidence to be discussed at the meeting. <p>The meeting date and time should be established in liaison with the staff member and should allow reasonable preparation time for the staff member.</p>



Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p>3. Consultation Meeting</p> </div> <p style="text-align: center;">↓</p>	<p>Appointing officer holds meeting with staff member to:</p> <ul style="list-style-type: none"> • consult with the staff member and allow him/her an adequate opportunity to state his/her position. • Offer the staff member an opportunity to perform the required duties satisfactorily. <p>Following the meeting the appointing officer provides the staff member with a letter confirming:</p> <ul style="list-style-type: none"> • the discussion; • the period for the staff member to show he is able to perform the duties; and • the support to be provided during that period. 	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers. • Consultation meetings should be in private. • Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to express his/her views in a non-threatened way. • The appointing officer is to maintain an open mind going into the meeting and be open to the staff member's explanation. • The meeting is to agree the period of time for the staff member to show that he/she is able to carry out the duties and the support to be provided by the appointing officer

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;"> <p>4. Appointing Officer Decision</p> <p>↓ ↓</p> <p>If no grounds: go to step 5 If grounds: go to step 6</p> <p>↓ ↓</p> </div>	<ul style="list-style-type: none"> • The appointing officer (in consultation with the section manager): <ul style="list-style-type: none"> ○ considers the performance of the staff member since step 3 and whether the disability has allowed the duties to be performed adequately; and ○ decide whether early retirement on medical grounds is justifiable. • If performance is satisfactory, then proceed to step 5. • If there are grounds for early retirement, then proceed to step 6. 	<p>In making this decision the appointing officer is to act as independently as possible. If the appointing officer feels he/she is unable to make the decision objectively he should consult with the chief officer.</p>
<div style="text-align: center;"> <p>5. Finalisation Meeting</p> </div>	<p>Appointing officer meets with the staff member and:</p> <ul style="list-style-type: none"> ○ advises him/her that his/her performance over the review period has been acceptable and provided that it continues like that the matter is now at an end; and ○ provides the staff member with a letter confirming this decision. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision; • thank the staff member for his/her cooperation.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>6. Second Consultation Meeting</p> </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • The appointing officer meets with the staff member and advises him/her: <ul style="list-style-type: none"> ○ that the performance during the review period has not been satisfactory and that in the appointing officer's opinion the disability is affecting the staff member's ability to perform the required duties; ○ that the staff member is required to appear before a medical board to have the disability assessed; and. ○ that if the medical board confirms the disability is permanent, the staff member will be required to take early retirement in accordance with Personnel Regulation 39. • Following the meeting the appointing officer provides the staff member with a letter confirming the discussion at the meeting and outlining the arrangements for the medical board. 	<p>Personnel Regulation 39 (1) (d) (ii) requires that before a civil servant can be early retired on medical grounds a medical board must confirm that the disability is permanent and likely to prevent the staff member from satisfactorily carrying out his duties. The staff member is to be made fully aware of this provision at the meeting.</p> <p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>7. Medical Board</p> </div> <p style="text-align: center;">↓</p>	<p>The appointing officer (or the HR Manager):</p> <ul style="list-style-type: none"> • arranges with the Chief Medical Officer to convene a medical board to assess the staff member; • advises the staff member in writing of the date and time of the medical board assessment. 	

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 8. Advise Medical Board Results </div> <p style="text-align: center;">↓</p> <div style="display: flex; justify-content: space-around; text-align: center;"> <div style="width: 45%;"> <p>If no disability: go to step 9</p> <p>↓</p> </div> <div style="width: 45%;"> <p>If disability: go to step 10</p> <p>↓</p> </div> </div>	<p>Upon receipt of the medical board results, the appointing officer is to meet with the staff member and:</p> <ul style="list-style-type: none"> • provide him/her with a copy of the medical board report; • advise him/her of the next steps. <p>If the medical board report states that the disability is not permanent or doesn't prevent the duties being performed, proceed to step 9.</p> <p>If the medical board confirms the disability, proceed to step 10.</p>	<p>Personnel Regulations require that the staff member is advised in writing of the results of the medical board, in a timely manner. Accordingly, a copy of the medical board report is to be provided to the staff member within 24 hours of receipt.</p> <p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>
<div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 9. Finalisation Meeting </div> <p style="text-align: center;">↓</p>	<p>Appointing officer meets with the staff member and:</p> <ul style="list-style-type: none"> ○ advises him/her that in light of the medical board report, no further action will be taken to retire the staff member on medical grounds and that the matter is now at an end; and ○ provides the staff member with a letter confirming this decision. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • the medical board's decision and the appointing officer's consequent decision; • thank the staff member for his/her cooperation.


Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From step 8 ↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> <p>10. Identify Other Suitable Positions</p> </div> <p style="text-align: center;">↓</p>	<p>Appointing Officer consults with other civil service entities to establish whether there are other suitable positions available in those entities for a staff member with the established disabilities.</p>	<p>This step is a requirement of Personnel Regulation 39(1)(g). However, in the interests of privacy, the staff member is to be consulted before the appointing officer approaches other chief officers. If the staff member does not wish other suitable positions to be identified then this step need not be undertaken.</p>

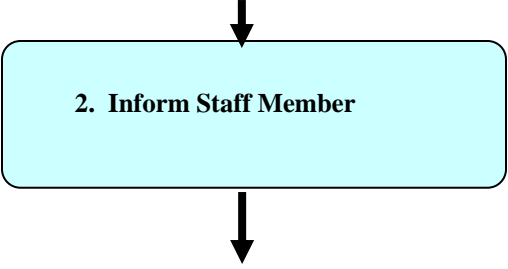
Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; display: inline-block;"> 11. Transfer/Early Retirement Meeting </div>  </div>	<p>Appointing officer meets with the staff member and:</p> <ul style="list-style-type: none"> • confirms that in light of the Medical Board Report, early retirement action on medical grounds is being considered; • outlines the other suitable positions within the civil service available to the staff member; <p>If there are no suitable positions, or the staff member does not wish to be transferred to any of those positions, the appointing officer then advises the staff member that he/she is being retired on medical grounds and the effective date of that retirement.</p> <p>The appointing officer provides the staff member with a letter confirming the early retirement as part of the meeting.</p>	<ul style="list-style-type: none"> • A <u>second</u> person from the management team is <u>always</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager). • The meeting date is to be agreed with the staff member in advance and the staff member is to be advised that he/she may be accompanied by a friend, colleague or CICSA representative to the meeting. <p>The early retirement letter is to set out:</p> <ul style="list-style-type: none"> • That the staff member is being retired early on medical grounds in terms of his/her employment agreement. • The date the early retirement will take effect, providing three month's notice. • Severance payment arrangements and any administration requirements <p>A staff member who is retired early on medical grounds is entitled to severance pay. The relevant provisions are contained in Schedule 1, Section 20 of the Regulations.</p> <p>The period of notice for early retirement is 3 months.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">12. Administrative Arrangements</p> </div>	<ul style="list-style-type: none"> • The appointing officer advises the HR manager that the staff member has been transferred or is to be early retired on medical grounds. • The HR manager takes the appropriate administrative actions relating to payroll, workplace and computer access etc. • The appointing officer arranges for the staff member to leave the workplace. • The HR Manager ensures that the actions are documented and recorded on the staff member's personal file. 	<p>Staff are to be provided with the opportunity to leave the Portfolio in a dignified manner.</p> <p>Access cards, keys, any government owned property (such as cell phone, blackberries, laptops, vehicles), and all government files or records (in any media) are to be surrendered before the staff member's departure.</p>

30. Retiring Staff to Improve the Organisation

This policy and procedure applies to the compulsory retirement of staff early in order to improve the efficiency of the civil service entity. Section 44 (6) of the Public Service Management Law provides appointing officers with this authority and Personnel Regulation 40 specifies the minimum procedure to be followed.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 15px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Evaluate Costs and Benefits</p> </div> 	<p>The appointing officer:</p> <ul style="list-style-type: none"> • assesses the effect that retiring the staff member would have on the performance of the civil service entity; • considers the potential to achieve an amicable agreement; and • consults with the chief officer and obtains his approval to proceed to step 2. 	<p>The assessment is to consider:</p> <ul style="list-style-type: none"> • Productivity and output delivery gains • Financial cost of the retirement • Impact of early retirement on the advancement of other staff within the civil service entity • Potential loss of institutional knowledge and skills; and • Any other factors the appointing officer considers relevant. <p>The assessment is to be objective and fair and early retirement is only to be considered where justified by the benefit/cost analysis.</p> <p>Section 20 (6) (c) of Schedule 1 of the Regulations defines the severance pay entitlement.</p> <p>The specific approval of the chief officer is required before progressing past this step.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>2. Inform Staff Member</p> </div>	<ul style="list-style-type: none"> • Appointing officer advises the staff member of the intention to retire him/her to improve the organisation as follows: <ul style="list-style-type: none"> ○ Appointing officer (or manager) prepares a letter outlining the proposal and advising of a meeting to discuss it. ○ Appointing officer gives the staff member the letter in a short face-to-face meeting with the staff member, and advises the staff member of its contents. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers.</p> <p>The letter should outline:</p> <ul style="list-style-type: none"> • The reasons and justification for the proposal; • Proposed timeframes and implementation details; • How severance pay will be calculated; • A proposed meeting location and time to discuss these matters; • To the staff member that he/she may be accompanied by a friend, colleague or CICSAs representative; <p>Copies of any documents/evidence to be discussed at the meeting should be provided</p> <p>The meeting date and time should be established in liaison with the staff member and should allow reasonable preparation time for the staff member.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 3. Consultation Meeting </div> <p style="text-align: center;">↓</p>	<p>Appointing officer holds meeting with staff member to:</p> <ul style="list-style-type: none"> • discuss the proposal with the staff member; and • allow him/her an adequate opportunity to state his/her position. <p>Following the meeting the appointing officer provides the staff member with a letter confirming the discussion.</p>	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager). • Consultation meetings should be in private. • Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to express his/her views in a non-threatened way. The aim is to have an amicable discussion about the retirement proposal and the date on which it will apply. • The appointing officer is to maintain an open mind going into the meeting and be open to the staff member's explanation. • A full written record of the discussion and each step of the process is to be maintained.
<div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 4. Re-Evaluation </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>↓</p> <p>If no grounds: go to step 5</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If grounds: go to step 6</p> </div> </div>	<ul style="list-style-type: none"> • The appointing officer (in consultation with the section manager) re-evaluates the proposal in light of the staff member's explanation. • If decide not to retire staff member, then proceed to step 5. • If decide to retire staff member, then proceed to step 6. 	<p>In making this decision the appointing officer is to act as independently as possible. The assessment in step 1 is to be reviewed in light of the comments and views of the staff member presented in step 3.</p> <p>If the appointing officer feels he/she is unable to make the decision objectively, he should consult with the chief officer.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: 0 auto;"> 5. Finalisation Meeting </div> <p style="text-align: center;">↓</p>	<p>Appointing officer meets with the staff member and:</p> <ul style="list-style-type: none"> ○ advises him/her that following the discussion it has been decided not to require the staff member to retire; and ○ provides the staff member with a letter confirming this decision. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision; • thank the staff member for his/her cooperation.
<div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: 0 auto;"> 6. Notification Meeting </div> <p style="text-align: center;">↓</p>	<p>Appointing officer meets with the staff member and:</p> <ul style="list-style-type: none"> • advises him/her that the staff member will be required to take early retirement to improve the efficiency of the civil service entity; and • discusses and agrees a date for the retirement to take affect. <p>The appointing officer provides the staff member with a letter confirming this decision during the course of the meeting.</p>	<ul style="list-style-type: none"> • A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager). • The letter is to set out: <ul style="list-style-type: none"> ○ That the staff member is being retired to improve the organization, in terms of his/her employment agreement. ○ The date the retirement will take effect, providing three month's notice. ○ Severance payment arrangements and any administration requirements.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">7. Administrative Arrangements</p> </div>	<ul style="list-style-type: none"> • The appointing officer advises the HR manager that the staff member is to be retired to improve the organisation • The HR manager takes the appropriate administrative actions relating to payroll, workplace and computer access etc. • The appointing officer arranges for the staff member to leave the workplace. • The HR Manager ensures that the actions are documented and recorded on the staff member's personal file. 	<p>Staff are to be provided with the opportunity to leave the Portfolio in a dignified manner.</p> <p>Access cards, keys, any government owned property (such as cell phone, blackberries, laptops, vehicles), and all government files or records (in any media) are to be surrendered before the staff member's departure.</p>

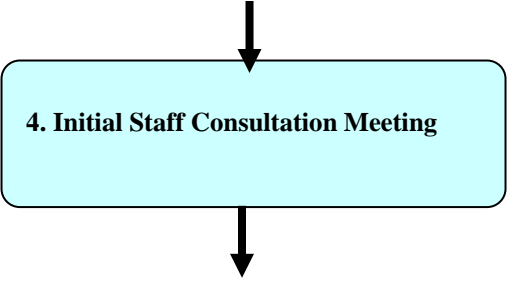
31. Making Staff Redundant

This policy and procedure applies when making staff members redundant. Section 44 (7) of the Public Service Management Law provides appointing officers with that authority but only under certain circumstances. Section 41 of the Regulations provides the minimum procedures that are to apply and Schedule 1 of the Regulations defines the severance pay rates.

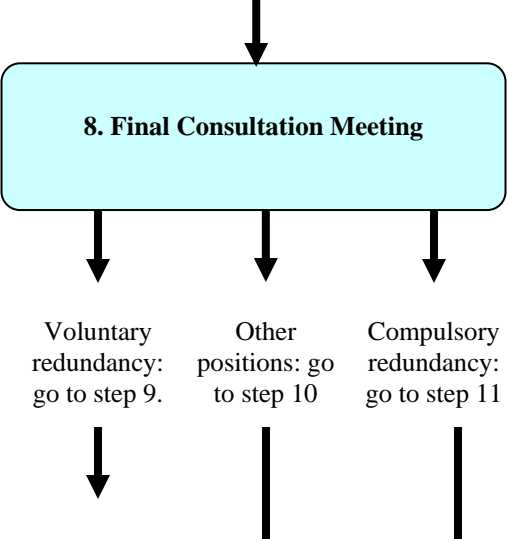
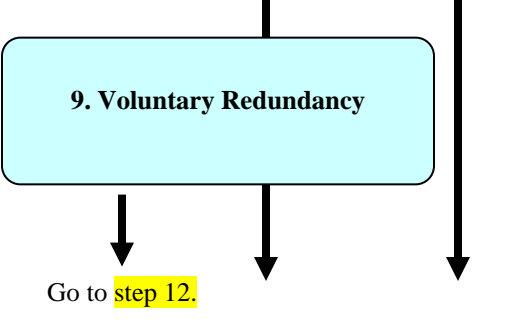
Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center; margin-bottom: 10px;"> 1. Establish Redundancy Requirement </div> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>↓</p> <p>If not approved: stop</p> </div> <div style="text-align: center;"> <p>↓</p> <p>If approved: go to step 2</p> <p>↓</p> </div> </div>	<ul style="list-style-type: none"> • Appointing Officer establishes that the duties and functions of the position(s) is/are no longer required in accordance with the criteria established by section 44(7) of the Law. This includes: <ul style="list-style-type: none"> ○ gathering data on the position especially concerning workload; ○ establishing that current functions will not be substantially transferred to another position; and ○ considering other alternatives. • Appointing officer prepares paper for consideration by the chief officer outlining the case for redundancy, how the criteria of the Law are met, and why the alternatives to redundancy are not appropriate. • Chief officer considers paper and either approves progressing to step 2 or requires other options be used. 	<ul style="list-style-type: none"> • The Law restricts redundancy to the following circumstances: <ul style="list-style-type: none"> ○ if the duties and functions assigned to the staff member are no longer required; ○ those duties and functions will not be substantively transferred to another person or position in the civil service; and ○ there is no suitable vacant post in the civil service to which the staff member could be transferred. • The assessment is to be objective and fair and focused on the need for the position not the person filling it. Redundancy is not to be used to address performance issues. • Other alternatives to be considered are: <ul style="list-style-type: none"> ○ Natural attrition ○ Restrictions on recruitment ○ Retraining & internal redeployment ○ Reduction or elimination of overtime ○ Termination of temporary/contract staff.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p>2. Identify Specific Positions</p> </div> <p style="text-align: center;">↓</p>	<p>Where two or more staff hold similar positions, the Appointing Officer is to establish which staff should be considered for redundancy.</p>	<ul style="list-style-type: none"> • The criteria are established by Personnel Regulation 41(2): <ul style="list-style-type: none"> ○ First: staff who have volunteered to become redundant ○ Second: performance rating (from the performance assessment) over the last 24 months. The staff with the poorer rating have a higher priority for redundancy. ○ Third: staff who are over retirement age. ○ Fourth: Appointing Officer decides on staff member's potential to contribute to the civil service entity in future. ○ Where staff are rated broadly equally, Caymanians are to be given preference • Where an Appointing Officer is required to decide on staff potential to contribute to the organization in future, he must ensure that the balance of skills and experience in the remaining workforce is appropriate to the organization's future needs. • Where appropriate, voluntary redundancy should be considered. The options are: <ul style="list-style-type: none"> ○ Retirement of staff past retirement age. ○ Seeking of applicants for early retirement or voluntary redundancy.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 3. Call Meeting of Staff Involved </div> <p style="text-align: center;">↓</p>	<p>Appointing officer advises affected staff members in a short face-to-face meeting that their positions are being considered for redundancy and that a meeting is being called to discuss the matter.</p> <p>A letter confirming the meeting is provided to the staff members at the same time.</p>	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers. • The letter is to set out: <ul style="list-style-type: none"> ○ The broad redundancy proposal; ○ The proposed meeting location and time; ○ That the staff member(s) may be accompanied by a friend, colleague or CICSА representative at the meeting. • As a general rule the meeting time should be set for the following day to allow time for staff to arrange an accompanying person. • Alternate employment options and positions available within the civil service (if any).

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>4. Initial Staff Consultation Meeting</p> </div>	<p>Appointing officer undertakes initial consultation meeting with the staff being considered for redundancy.</p> <p>Staff are provided with a redundancy consultation document at the meeting and asked to consider it and provide comments to the appointing officer by a defined date or at the second consultation meeting.</p>	<ul style="list-style-type: none"> • A <u>second</u> person from the management team is <u>always</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager). • Consultation is required for all redundancy situations, including voluntary redundancy. • The meeting and redundancy consultation document are to cover: <ul style="list-style-type: none"> ○ The reasons for the redundancy proposal; ○ Specify the staff under consideration ○ The method of selection of staff ○ The process for seeking volunteers for redundancy (where applicable); ○ The process for identifying other suitable positions in the civil service; ○ Proposed timeframes and implementation details; ○ How redundancy pay will be calculated (see Schedule 1 of Personnel Regulations); ○ An offer of reasonable support.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 5. Provision of Staff Support </div> <p style="text-align: center;">↓</p>	<p>Appointing officer arranges for staff to gain advice and support from CICSA, EAP or other support agency as appropriate.</p>	<p>Appointing officer is to be proactive in organizing this support rather than wait until it is asked for.</p>
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 6. Identify Other Suitable Positions </div> <p style="text-align: center;">↓</p>	<p>Appointing Officer consults with other civil service entities to establish whether there are other suitable positions available in those entities.</p>	
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 7. Second Consultation Meeting </div> <p style="text-align: center;">↓</p>	<p>Appointing Officer undertakes a second consultation meeting with the affected staff to:</p> <ul style="list-style-type: none"> ○ Obtain their feedback on the proposal and allow them an adequate opportunity to state their position; ○ Update them on any development including other suitable positions identified in other civil service entities. ○ Outline next steps 	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager). • The purpose of the consultation meeting is to ensure that all options and alternatives are properly considered. Accordingly, the meeting should be as open and relaxed as possible and encourage free and frank discussion of the proposal. • If necessary additional consultation meetings are to be held to ensure all implications of the proposal are identified and fully considered. • Ongoing support to staff is to be provided during this consultation phase.



Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">8. Final Consultation Meeting</p> <p>Voluntary redundancy: go to step 9.</p> <p>Other positions: go to step 10</p> <p>Compulsory redundancy: go to step 11</p>	<ul style="list-style-type: none"> • Appointing Officer advises staff that the position(s) are to be abolished and: <ul style="list-style-type: none"> ○ Voluntary redundancy applications will now be considered; ○ Other positions in the civil service are available and staff are requested to indicate their interest; and/or ○ Compulsory redundancy will occur. • A letter confirming this decision is provided to each staff member at the meeting. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The meeting is to be held in a constructive atmosphere.</p> <p>The date for the final meeting should be set so that sufficient time has been made available for staff members to consider the proposal and options, but not so long that the process becomes too drawn out for the staff members.</p> <p>The staff member (s) may be accompanied by a friend, colleague or CICSA representative to the meeting if they wish.</p>
 <p style="text-align: center;">9. Voluntary Redundancy</p> <p>Go to step 12.</p>	<ul style="list-style-type: none"> • Appointing officer considers applications from affected staff members for voluntary redundancy. • If accepted, appointing officer agrees redundancy date and exit arrangements with staff member. • Appointing officer in consultation with HR manager prepares letter of agreement with the staff member and arranges for both parties to sign the letter. • Appointing officer advises HR Manager of voluntary redundancy: go to step 12. 	<p>The approval of the chief officer is required before applications for voluntary redundancy are to be accepted.</p> <p>The letter is to:</p> <ul style="list-style-type: none"> • outline the basis of the redundancy, • specify the date; • specify the amount of the redundancy pay • thank the staff member for his/her service.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 10. Transfer to Other Position </div> <p style="text-align: center;">↓</p> <p style="text-align: center;">Go to step 12.</p>	<ul style="list-style-type: none"> • Appointing officer receives applications from staff member(s) to transfer to a vacant post. • The Appointing Officer: <ul style="list-style-type: none"> ○ agrees the transfer with the staff member and the date at which it will take effect; ○ in consultation with HR manager prepares letter of agreement with the staff member and arranges for both parties to sign the letter; ○ advises HR Manager of transfer: go to step 12. 	<p>Transfers are to be voluntary on the part of staff members and no staff member is to be forced to transfer.</p> <p>Transfer arrangements are to be organised in conjunction with the civil service entity the staff member is transferring to.</p>
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 11. Compulsory Redundancy </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • The appointing officer, in conjunction with the HR Manager, prepares redundancy letters. • The Appointing Officer notifies the staff member in a face to face meeting that they are to be made redundant. • The redundancy letter is provided to the staff member at the meeting. 	<p>Compulsory redundancy is to be applied only where insufficient reduction occurs in steps 9 & 10.</p> <p>The redundancy letter is to set out:</p> <ul style="list-style-type: none"> • That the staff member is being made redundant in terms of his employment agreement; • The date the redundancy will take effect, providing three months' notice; • The amount of the redundancy payment. <p>Provisions concerning redundancy (i.e. severance) pay are contained in Section 20 (6) of Schedule 1 of Personnel Regulations. Specifically, Section 20 (6) (a) refers to an entitlement to severance pay if employment is terminated by redundancy and Section 20 (6) (c) defines the severance pay for: (i) salaried employees; (ii) wage workers; and (iii) part-time workers.</p> <p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>

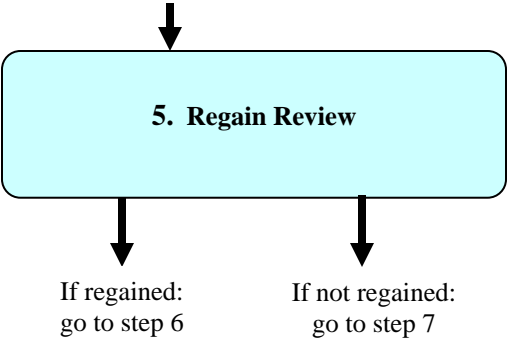
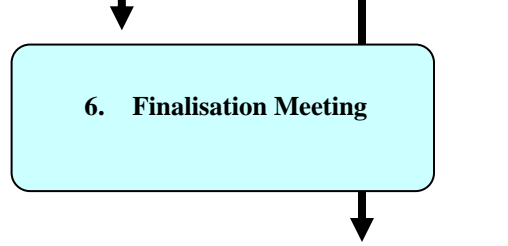
Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From steps 9, 10 & 11.</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">12. Administrative Arrangements</p> </div>	<ul style="list-style-type: none"> • The appointing officer advises the HR manager that the staff member has been transferred or made redundant. • The HR manager takes the appropriate administrative actions relating to payroll, workplace and computer access etc. • The appointing officer arranges for the staff member to leave the workplace. • The HR Manager ensures that the actions are documented and recorded on the staff member's personal file. 	<p>Staff are to be provided with the opportunity to leave the Portfolio in a dignified manner.</p> <p>Access cards, keys, any government owned property (such as cell phone, blackberries, laptops, vehicles), and all government files or records (in any media) are to be surrendered before the staff member's departure.</p>

32. Terminating Staff Who Lose their Qualification, License or Certification

This policy and procedure applies when terminating staff where that staff member was employed on the basis of a qualification, license or certificate required for his position and during the course of employment ceases to hold that qualification, license or certification. Section 44 (1) (e) of the Public Service Management Law provides Chief Officers with this authority. Other appointing officers may also exercise this authority where they have a delegation to do so. Personnel Regulation 42 specifies the minimum procedure to be followed.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; background-color: #e0f7fa;"> <p>1. Collect Evidence</p>  </div>	<p>The appointing officer:</p> <ul style="list-style-type: none"> • collects evidence to verify the staff member's loss of qualification, license or certification. • consults with the chief officer and obtains his approval to proceed to step 2. 	<p>Evidence is to show that the qualification, license or certification was a requirement of the position and that the staff member is no longer licensed, qualified or certificated.</p>
<div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; background-color: #e0f7fa;"> <p>2. Inform Staff Member</p>  </div>	<ul style="list-style-type: none"> • Appointing officer advises the staff member of the concerns as follows: <ul style="list-style-type: none"> ○ Appointing officer (or manager) prepares a letter outlining the concerns and advising of a meeting to discuss them. ○ Appointing officer gives the staff member the letter in a short face-to-face meeting with the staff member, and advises the staff member of its contents. 	<p>The letter should:</p> <ul style="list-style-type: none"> • Advise that the qualification, license or certification is a condition of employment. • Outline the evidence of the loss of qualification, license or certification; • Advise that this is grounds for termination of employment. • Advise the proposed meeting details (location, date, time) • Advise the staff member that he/she may be accompanied by a friend, colleague or CICS representative; • Provide copies of any documents/evidence to be discussed at the meeting. <p>The meeting date and time should be established in liaison with the staff member and should allow reasonable preparation time for the staff member.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;"> <p style="text-align: center;">3. Consultation Meeting</p> <p style="text-align: center;">Regain: go to step 4 Not regain: go to step 7</p> </div>	<p>Appointing officer holds meeting with staff member to:</p> <ul style="list-style-type: none"> • Discuss the loss of qualification, license or certification with the staff member and allow him/her an adequate opportunity to explain why it was lost and what (if anything) he/she intends to do about it. • Offer the staff member an opportunity to regain the qualification, license or certification. <p>Following the meeting the appointing officer provides the staff member with a letter confirming:</p> <ul style="list-style-type: none"> • the discussion; • the period for the staff member to regain the qualification, license or certification • the support to be provided during that period. <p>If staff member intends to regain, go to step 4.</p> <p>If staff member does not wish to regain, go to step 6.</p>	<ul style="list-style-type: none"> • A second person from the management team is <u>always</u> also to attend the meeting. Normally this should be the HR Manager but may be the section manager if the appointing officer prefers. • Consultation meetings should be in private. • Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to express his/her views in a non-threatened way. • The meeting format should allow for discussion of the problem and for feedback from the staff member.
<div style="text-align: center;"> <p style="text-align: center;">4. Regain Agreement</p> </div>	<p>Appointing officer agrees with the staff member:</p> <ul style="list-style-type: none"> • the period in which the staff member is to regain the qualification, license or certification; • the support to be provided by the appointing officer during this period; and • the staff member's duties during this period. <p>The agreement is documented in the form of a letter signed by both the appointing officer and the staff member.</p>	<p>The period of time and support is to take into account the nature of the qualification, license or certification and the requirements to achieve it.</p>


Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">5. Regain Review</p> <p>If regained: go to step 6</p> <p>If not regained: go to step 7</p>	<p>At the end of the agreed regain period, the Appointing Officer collects evidence to establish whether or not the staff member has regained the qualification, license or certification</p> <p>If staff member has regained it, go to step 6.</p> <p>If staff member has not regained it, go to step 7.</p>	
 <p style="text-align: center;">6. Finalisation Meeting</p>	<p>Appointing officer meets with the staff member and:</p> <ul style="list-style-type: none"> • acknowledges that qualification, license or certification has been regained and that no further action will be taken provided that qualification, license or certification remains in force; and • provides the staff member with a letter confirming this decision. 	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The letter to the staff member is to:</p> <ul style="list-style-type: none"> • outline the process followed; • outline the appointing officer's decision; • thank the staff member for his/her cooperation.



Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From steps 3 & 5</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>7. Termination Warning</p> </div> <p style="text-align: center;">↓</p>	<p>If the staff member does not wish to regain the qualification, license or certification, or after a reasonable period of time does not do so, the appointing officer meets with the staff member, and advises him/her that this failure will result in his/her employment being terminated.</p> <p>The appointing officer provides the staff member with a letter confirming the warning.</p>	<p>This step is a requirement of Personnel Regulation 42(2)(e) and constitutes a final warning and final opportunity for the staff member to gain the qualification, license or certification.</p> <p>This step may be undertaken as part of step 3 if the staff member indicates no intention to regain the qualification, license or certification.</p> <p>A second person from the management team is <u>always</u> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p>



Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> 8. Termination Meeting </div> <p style="text-align: center;">↓</p>	<p>Appointing officer meets with the staff member and:</p> <ul style="list-style-type: none"> • confirms that the staff member has not regained the qualification, license or certification; • allows the staff member an opportunity to comment; • If there remains potential to regain the qualification, license or certification, within a reasonable timeframe, the appointing officer may consider an extension of the review period • if the explanation is not satisfactory, advises him/her that in light of the staff member's failure or lack of intention to regain the qualification, license or certification he is being terminated in accordance with the terms of the staff member's employment agreement. <p>The appointing officer provides the staff member with a letter confirming this decision during the course of the meeting.</p>	<p>A second person from the management team is <i>always</i> also to attend the meeting. This should be the same person who attended earlier meetings (normally the HR Manager).</p> <p>The letter is to set out:</p> <ul style="list-style-type: none"> • that employment is being terminated in accordance with the terms of the staff member's employment agreement; • the reason for that termination; • the process that has been followed; • the date the termination will be effective, noting that there is no entitlement to a period of notice or severance pay. • Any administrative requirements <p>Termination on these grounds does not require a period of notice, or severance pay in terms of Section 20 of Schedule 1 to the Regulations.</p>
<div style="text-align: center; border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> 9. Administrative Arrangements </div>	<ul style="list-style-type: none"> • The appointing officer advises the HR manager that the staff member is to be terminated • The HR manager takes the appropriate administrative actions relating to payroll, workplace and computer access etc. • The appointing officer arranges for the staff member to leave the workplace. • The HR Manager ensures that the actions are documented and recorded on the staff member's personal file. 	<p>Staff are to be provided with the opportunity to leave the Portfolio in a dignified manner.</p> <p>Access cards, keys, any government owned property (such as cell phone, blackberries, laptops, vehicles), and all government files or records (in any media) are to be surrendered before the staff member's departure.</p>

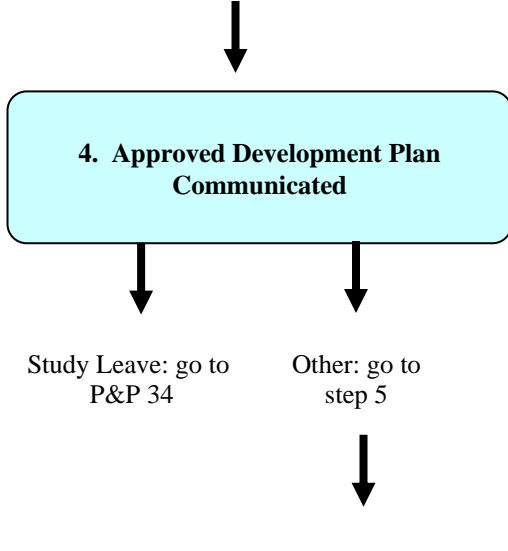
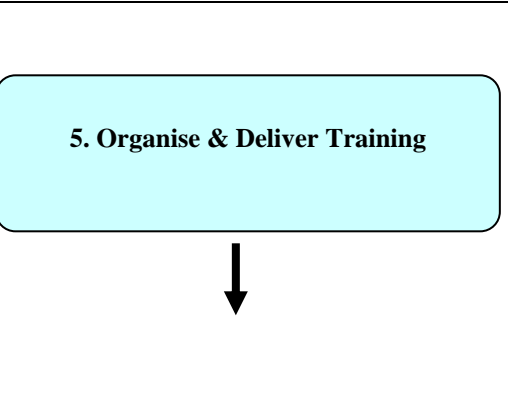
33. Staff Training & Development Procedures


The Portfolio's general policy on training and development is set out in section 9 on page 12 of this Manual. This section establishes the specific policies and procedures that are to be applied to the identification and provision of training and development for staff of the Portfolio. Section 55 (1) (d) of the Public Service Management Law requires Chief Officers to establish policies that create "*opportunities for the enhancement of the abilities of individual employees*". This includes the provision of appropriate training and development opportunities for staff.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Identification of Development Needs</p> </div> 	<ul style="list-style-type: none"> • Staff member's manager identifies development needs of staff member • Staff member considers own development needs <p><i>Note: This step, together with step 2, should be undertaken as part of the annual performance agreement process each year.</i></p>	<ul style="list-style-type: none"> • The Manager's identification of the staff member's development needs is to take into account: <ul style="list-style-type: none"> ○ The skills and abilities required of the staff member over both the short and medium term; the current skills and abilities; and the consequential skills and abilities gap that needs to be developed; and ○ The Portfolio's staff succession plan and its applicability to the staff member concerned; ○ The future training and skills development needs of the staff member identified as part of the last performance assessment with the staff member (Part E of the performance assessment form). • The skills and abilities required in the future are to be based on an assessment of the future capability requirements of the Section/Division/Portfolio. Accordingly they should reflect a medium term, strategic view of the future outputs and production processes the staff member will contribute to, together with any managerial attributes that might be required over the medium term.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; display: inline-block; text-align: center;"> <p>2. Provisionally Agree Annual Development Programme</p> </div>  </div>	<ul style="list-style-type: none"> • Manager & staff member meet to discuss and provisionally agree a development programme for the forthcoming year. <p><i>Note: This step, together with step 1, should be undertaken as part of the annual performance agreement process each year.</i></p>	<ul style="list-style-type: none"> • The annual development programme is to be documented in Part C2 (Personal Development) of the performance agreement form and agreed as part of the process of agreeing the agreement. • The annual development programme is to consider the best ways to develop the necessary skills including both training options and other means (e.g. mentoring, on-the-job support). • Where the development programme includes a training component it is to specify the nature and subject matter of the training but does not need to identify the specific training course unless such a course is to be specifically targeted. • In agreeing annual development programmes, managers are to: <ul style="list-style-type: none"> ○ consider the effectiveness of previous development programs for that staff member; ○ ensure that the programme conforms with Portfolios policy on training & development specified in section 9 on page 12; ○ take into account their section’s budget for training & development and only agree programmes that can be met from that budget. • The annual development programmes are not to be confirmed/finally agreed with the staff member concerned until step 4 (i.e. until after step 3 has been completed). <p><i>Note: this step is to be completed within the timeline established for the development of staff performance agreements – see section 19 on page 35.</i></p>


Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">3. Aggregated Portfolio Programme Developed & Approved</p> </div>  </div>	<ul style="list-style-type: none"> • HR Manager collects the Development Programmes for all staff in the Portfolio (and follows up with the relevant manager if any haven't been completed). • HR Manager aggregates the individual Development Programmes into an overall one for the Portfolio as a whole. • Aggregate development programme is considered by Portfolio Senior Management Team who: <ul style="list-style-type: none"> ○ Confirm the plan is consistent with the Portfolio's training & development policy; ○ Confirm it appropriately supports the Portfolio's staff succession plan prepared in accordance with P&P 36; ○ Prioritise training where necessary; ○ Agree the specific training and development solutions. ○ Consider, prioritise where necessary, and approve <u>in principle</u> study leave for relevant staff members in accordance with the aggregate programme. • Aggregate development plan is finalised and approved by the Chief Officer. 	<ul style="list-style-type: none"> • The aggregate Portfolio development programme is to: <ul style="list-style-type: none"> ○ Consider the focus of the development programmes in the context of the short and medium term capability needs of the Portfolio as a whole; ○ Identify common training needs across the Portfolio; ○ Identify specific training solutions/courses to address those needs; ○ Identify specific solutions to other development options (like mentoring); ○ Summarise and prioritise requests for study leave included in the development programmes and assess their impact on short-term and medium-term capability and their contribution to succession plans; ○ Identify the budgetary implications of the aggregate development programme; ○ In the case of study leave proposals, identify the short-run capacity implications for the Portfolio and how the duties of the staff member(s) will be covered while they are on study leave. • In identifying specific training solutions the following are to be considered: <ul style="list-style-type: none"> ○ Outsource training vs provide in-house training with resident expert ○ Alternative modes of training delivery e.g. classroom, online, on-the-job, one-on-one, group, self-directed (books, interactive CD, etc.). <p><i>Note: This step is to be completed no later than 31 July each year.</i></p>

Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">4. Approved Development Plan Communicated</p> <p>Study Leave: go to P&P 34 Other: go to step 5</p>	<ul style="list-style-type: none"> • HR Manager advises section managers of approved aggregate development plan as it affects their sections. • Section managers confirm individual development plans with their staff members. 	<p>Any training involving study leave is to be dealt with in accordance with P&P 34 on page 127.</p>
 <p style="text-align: center;">5. Organise & Deliver Training</p>	<ul style="list-style-type: none"> • HR Manager, in collaboration with Section Manager organises: <ul style="list-style-type: none"> ○ Enrolment of staff on external training courses in accordance with agreed development plan; ○ In-house training courses in accordance with agreed development plan; • HR Manager works with Section Manager to ensure other development actions (e.g. mentoring) are put in place in accordance with agreed development plan. 	

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">6. Monitoring of Training & Development Implementation</p> </div> </div>	<ul style="list-style-type: none"> • HR Manager: <ul style="list-style-type: none"> ○ monitors implementation of training & development during the year against the agreed aggregate development programme; ○ prepares quarterly report / analysis of development programme implementation for consideration by the Portfolio Senior Management Team. • SMT considers implementation progress and agrees adjustments as necessary and appropriate. 	<p>Quarterly reports are to be provided to the Senior Management Team for their first meeting following the end of each quarter.</p>



34. Approval of Staff Training Involving Study Leave

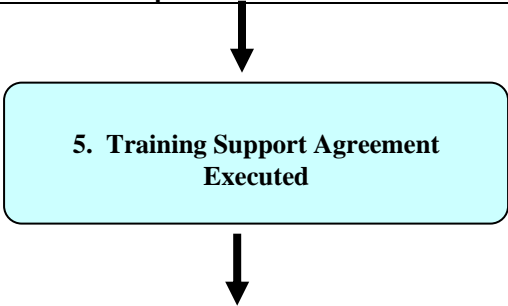
This section establishes the specific policies and procedures that are to be applied to the approval of training involving study leave. This section only applies to part-time or full-time leave from the workplace to undertake study for an elapsed period of 30 days or more. Training for a period less than 30 days is treated as normal duties and does not require study leave (although it does require approval of the training in accordance with P&P 33).

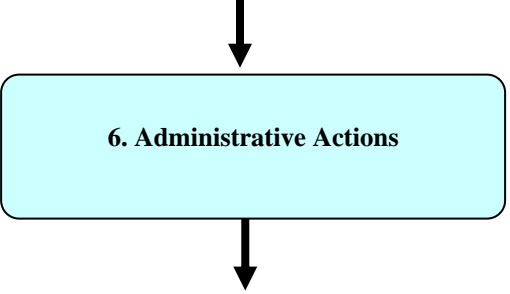
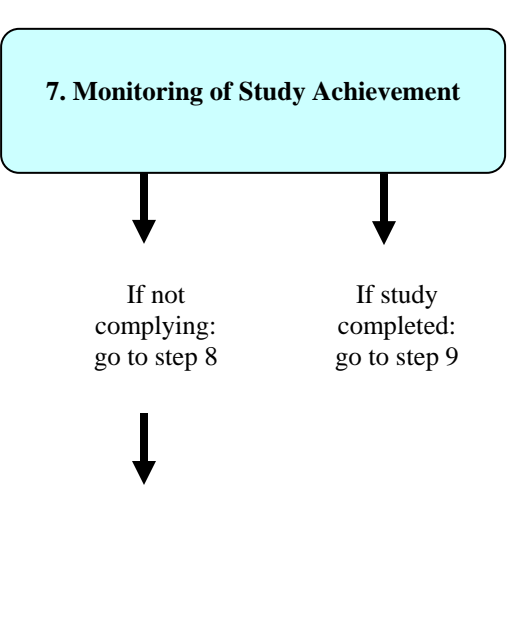
Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> <p>1. Staff Development Options involving Study Leave Identified</p> </div> <div style="text-align: center; margin-bottom: 10px;">  </div> <p style="text-align: center;">To step 2 of P&P 33</p>	<ul style="list-style-type: none"> • Staff development options involving part-time or full-time study leave for staff identified by a staff member or his/her manager. • The relevance and value of these training options in developing the skills and abilities of the staff member are considered by the staff member and his/her manager as part of the development an Annual Development Programme for staff members in step 2 of P&P 33. 	<ul style="list-style-type: none"> • Staff development involving part-time or full-time study leave will only be considered if they conform with the Portfolio's policy on training and development specified in section 9 on page 12. Accordingly, the Portfolio will only consider applications for study leave if it involves a course of study directly related to the nature and scope of business of the Portfolio, and for which a tangible pay-back to the Portfolio (in terms of its overall capability) is likely. • Although staff members are encouraged to identify development options for themselves at any time during the year, unless exceptional circumstances exist, <u>applications for study leave will only be considered once a year as part of the annual staff development programme process</u> specified in P&P 33. This is to ensure that training involving study leave is considered as part of the wider staff development and succession planning process. • Due to the lead time involved in the necessary planning and budgetary processes, all requests for full-time study leave or significant amounts of part-time study leave are to be made at least one planning round <u>before</u> the study is to take place.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From step 3 of P&P 33</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>2. Study Leave Approved in Principle</p> </div> <p style="text-align: center;">↓</p>	<p>Chief Officer approves the granting of study leave for a defined course of study as part of the process of approving the aggregate Portfolio Development Programme in step 3 of P&P 33.</p>	<ul style="list-style-type: none"> • Leave may be approved for two types of study: <ul style="list-style-type: none"> ○ <i>part-time study</i> which means undertaking a course by way of correspondence or distance learning, or at an educational institution in the Cayman Islands, on a part-time basis while also undertaking normal employment duties; or ○ <i>full-time study</i> which means undertaking a full-time course at an approved educational institution either in the Cayman Islands or overseas while being absent from normal employment duties during the period of the course. • Due to the cost to the Portfolio, a high threshold (in terms of the benefit to the Portfolio) is to be applied to granting of leave for full-time study. • In accordance with step 3 of P&P 33, before approving study leave, the chief officer will consider the budgetary and short-term capacity implications of study leave proposals.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 3. Application for Study Leave and Study Costs Submitted </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Staff member submits written request for study leave and (were applicable) financial support to his/her appointing officer. <p><i>NB: This step is to be completed at least 3 months prior to the deadline for enrolment in the specified course</i></p>	<ul style="list-style-type: none"> • In accordance with the standard terms and conditions of employment specified in Schedule 1 to Personnel Regulations a civil servant is entitled to the following study leave: <ul style="list-style-type: none"> ○ Part-Time Study Leave: a reasonable amount of paid leave) to attend classes and prepare for and sit examinations; ○ Full-Time Study Leave: paid leave, leave without pay, or a combination thereof during the period of study - see the Regulations for details. • In accordance with the standard terms and conditions of employment specified in Schedule 1 to Personnel Regulations a civil servant is entitled to the following reimbursement of study costs: <ul style="list-style-type: none"> ○ In the case of approved part-time study, the tuition and examination fees upon passing the course; ○ In the case of approved full-time study, such portion of the following costs as the appointing officer considers to be a reasonable contribution by the employer: tuition fees; accommodation costs; return airfares and other transport costs; excess baggage allowance; a personal allowance; and (where applicable) a hardship supplement – see the Regulations for details. • The staff member's request is to contain: <ul style="list-style-type: none"> ○ Details of the specific course and school of study; ○ The exact amount of study leave requested; ○ The exact type and amount of study costs requested.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">4. Study Leave & Study Cost Approved</p> </div>  </div>	<p>Appointing officer reviews the application and approves:</p> <ul style="list-style-type: none"> • the amount of paid and/or unpaid study leave for the staff member; and • the amount of study cost reimbursement to be provided to the staff member. 	<ul style="list-style-type: none"> • Before approving the request the appointing officer is to: <ul style="list-style-type: none"> ○ ensure the course of study complies with that agreed as part of step 2; ○ the educational institution is an approved institution that delivers courses of a satisfactory quality; ○ consider and agree the amount of paid and unpaid study leave to be granted; ○ consider and agree the amount of the study costs to be reimbursed (in addition to the study leave); ○ ensure that the financial cost to the Portfolio (i.e. the study leave, study costs, and the cost of covering the staff member's duties while on leave) is within the budgetary allocation for this specific training initiative approved as part of step 3 of P&P 33. • In the case of full-time study, the proportion of paid to unpaid study leave and the proportion of study costs to be met by the Portfolio, are to be determined by considering the transportability of the skills to be acquired, and the proportion of the benefits generated personally for the staff member compared to those likely to be received by the Portfolio. If the Portfolio's contribution is to be more than 50% the specific approval of the chief officer is to be obtained. Except in exceptional circumstances, staff members are to be expected to make a contribution to study costs, as some benefit nearly always accrues to the individual.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>5. Training Support Agreement Executed</p> </div>	<p>HR Manager prepares and executes with the staff member concerned a “Training Support Agreement”.</p>	<p>The Training Support Agreement is to be a contract between the Portfolio and the staff member and is to set out the:</p> <ul style="list-style-type: none"> • specific course of study to be undertaken, the dates of that course and the educational institution providing it; • amount and dates of any paid or unpaid study leave to be provided by the Portfolio; • conditions attached to the continued provision of study leave (e.g. the ongoing achievement of acceptable pass marks); • specific study costs, and the maximum amount thereof, to be reimbursed by the Portfolio; • conditions attached to reimbursement of study costs (e.g. passing of the course; provision of receipts); • any obligations on the staff member to repay any financial support should he/she voluntarily withdraw from the course of study; • the amount of any bond or period of required employment with Portfolio relating to the study leave or financial support provided by the Portfolio; • any other matters relating to the study leave or provision of financial support that ought to be documented and agreed between the parties.

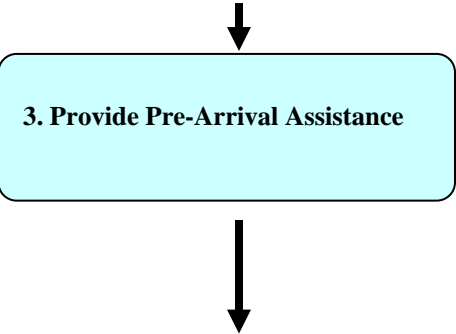
Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">6. Administrative Actions</p>	<p>HR Manager undertakes necessary administrative actions:</p> <ul style="list-style-type: none"> • Updates payroll HRIRIS as appropriate; • Ensures all documentation put on personal file; • Notifies CFO of likely payment profile; • Provides staff member or educational institution with a sponsorship/financial support letter as necessary; • In collaboration with CFO organises payment of travel advances or other upfront payment as necessary. 	
 <p style="text-align: center;">7. Monitoring of Study Achievement</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>If not complying: go to step 8</p> <p>↓</p> </div> <div style="text-align: center;"> <p>If study completed: go to step 9</p> </div> </div>	<p>HR Manager:</p> <ul style="list-style-type: none"> • monitors compliance with Training Support Agreement and the study achievement of staff on study leave including obtaining proof of course completion (or progress) from staff member as necessary; • provides the Senior Management Team with an update on the progress of staff on study leave as part of the quarterly report on the implementation of the Portfolio's Staff Development Programme (see step 6 of P&P 33). <p>If a staff member is not complying with the terms of the Training Support Agreement: go to step 8.</p> <p>If a staff member is progressing satisfactorily or completes the course of study the terms of the Training Support Agreement: go to step 9.</p>	

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From step 7</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>8. Withdraw or Amendment to Study Support</p> </div>	<ul style="list-style-type: none"> • Senior Management Team considers study performance or other failure to comply with Training Support Agreement and agrees what action to take. • HR Manager advises staff member that study leave and study support is being amended or withdrawn and arranges a return to work (or such other actions as are necessary). • HR Manager undertakes necessary administrative actions: <ul style="list-style-type: none"> ○ Advises the staff member's manager of the return to work and agrees a date; ○ Updates payroll HRIRIS as appropriate; ○ Takes action to obtain repayment of amounts refundable to the Portfolio; ○ Advises the CFO of the debtor (if any) to be recorded; ○ Ensures all documentation put on personal file. 	<p>Before withdrawing or amending study support arrangements the views and perspective of the staff member concerned are to be obtained and taken into account.</p>
<p style="text-align: center;">From step 7</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>9. Process Reimbursements</p> </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Staff member submits reimbursement claims, together with supporting evidence; • HR Manager reviews claims and ensures they comply with the provisions of the Training Support Agreement; • HR Manager submits claims to CFO for payment. 	<ul style="list-style-type: none"> • Only reimbursements that comply with the provisions of the Training Support Agreement are to be made. • Evidence to support all amounts claimed is to be provided.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">10. Study Completed</p> </div>	<ul style="list-style-type: none"> • Staff member satisfactorily completes course of study. • HR Manager contacts staff member and agrees date for return to work (full-time study only) and makes arrangements with the staff member's manager accordingly. • HR Manager undertakes necessary administrative actions: <ul style="list-style-type: none"> ○ Arranges for letter of congratulations from chief officer; ○ Updates payroll HRIRIS as appropriate; ○ Ensures all documentation put on personal file; 	

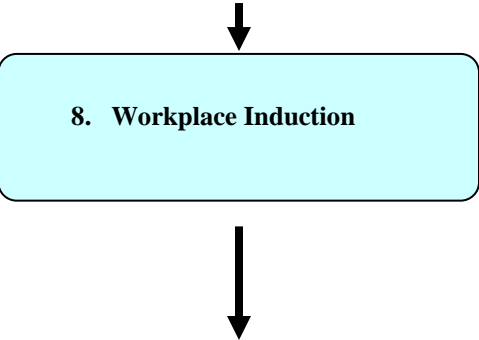
35. Induction Training

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 1. Staff Member Appointed </div> <div style="text-align: center; margin: 5px 0;">↓</div>	<p>Staff member is appointed in accordance with the policies and procedures specified in P&P 15.</p>	
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> 2. Prepare Induction Program </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <div style="margin-bottom: 10px;">↓</div> <p>If recruited from overseas: go to step 3</p> </div> <div style="text-align: center;"> <div style="margin-bottom: 10px;">↓</div> <p>If recruited locally: go to step 4</p> </div> </div>	<ul style="list-style-type: none"> • Section manager, with assistance from the HR Manager, establishes the staff member's likely induction needs. • Section manager, with assistance from the HR Manager, establishes an induction programme for the staff member. • Section manager identifies an existing staff member to act as "buddy" for the new staff member. 	<ul style="list-style-type: none"> • The assessment of induction needs is to take into account whether the staff member: <ul style="list-style-type: none"> ○ is from Cayman or from overseas; ○ his/her work experience is from the public or private sectors; ○ is an internal promotion within the Portfolio or is transferring from another Civil Service Entity or Public Authority; ○ is already in full-time employment or is returning to work after a period of absence from the workplace (for example – maternity leave or studying leave); ○ is being employed for the first time (for example: a school leaver). • The induction program is to include: <ul style="list-style-type: none"> ○ a pre-arrival assistance component (for staff recruited from overseas only - see step 3); ○ an "Island orientation" component (for staff recruited from overseas only - see step 6); ○ a workplace induction component (for all staff - see step 8); and ○ adequate time for the staff member to complete settling in related personal administrative tasks during business hours (for staff recruited from overseas only).

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>3. Provide Pre-Arrival Assistance</p> </div>	<p>Buddy establishes email and/or phone contact with the employee and provides pre-arrival information and assistance.</p>	<p>Buddy provides staff member with information and advice to ease the relocation to the Cayman Islands. This should include:</p> <ul style="list-style-type: none"> • Relocation information – immigration regulations, customs allowances, baggage & freight allowances, relocation allowance, hotel allowance; • Island Information - link to on-line New resident, Cayman Compass, Net News, cost of living, culture, weather, banking & cash, mail, transportation, bringing family to Cayman, safety, accommodation, social activities, schools, pets. • Information about the Government & link to Government website; • Information about health care & health insurance coverage; • Information about arrival procedure and initial accommodation arrangements; • Information about travel and hotel bookings; • Information about accommodation options & costs, including on-line links to websites; • Assistance and advice on transportation/ freight of possessions; • Advice on what documents to bring (car insurance no claims bonus, bank letter of reference, birth certificate, marriage certificate, driving licence), US cash for first few days; <p><i>NB: This step only applies to staff members recruited from overseas. It should commence as soon as the appointment is confirmed.</i></p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: 0 auto;"> 4. Arrival Preparation </div> <p style="text-align: center;">↓ ↓</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>If recruited from overseas: go to step 5</p> </div> <div style="text-align: center;"> <p>If recruited locally: go to step 7</p> </div> </div>	<ul style="list-style-type: none"> • The HR manager advises the pending arrival of the staff member to the Section Manager, Appointing Officer and Buddy and issues the finalised induction program. • The HR Manager advises all Portfolio staff members of the new staff member's arrival • The HR manager confirms arrangements for the induction are in place: <ul style="list-style-type: none"> • rooms and equipment booked; • confirms availability of all those involved; • ensures all documentation is available and up-to-date. 	
<div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: 0 auto;"> 5. Staff Member Met on Arrival </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Buddy meets the employee and any family members at the airport when they arrive in Cayman 	<p>As part of this step the buddy is to:</p> <ul style="list-style-type: none"> • Welcome the staff member and family to Cayman; • Provide transport to the hotel; • Confirm the duration of stay in the hotel and the hotel allowances; • Provide the buddy's local contact details; • Confirms the content and timings of the island orientation phase of the induction.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: 0 auto;"> 6. Island Orientation </div> <p style="text-align: center;">↓</p>	<p>Buddy:</p> <ul style="list-style-type: none"> • provides the staff member (and family) with an island orientation; • confirms the staff members start date in the office and the workplace induction program. 	<p>The Island orientation is to include:</p> <ul style="list-style-type: none"> • A tour of the Island including places of interest such as schools, supermarkets, ATMs, shops, restaurants, sports locations, beach. • Assistance with finding accommodation; • Assistance with setting-up: <ul style="list-style-type: none"> ○ bank account ○ water, electric, phone, mobile phone ○ mail post box ○ TV ○ insurance • Assistance with buying a car / other transport • Assistance with getting a driving license, car coupon, car license etc. • Assistance with confirming freight arrival details. <p><i>NB: This step only applies to staff members recruited from overseas. It may be executed in parallel with steps 7 & 8.</i></p>
<div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: 0 auto;"> 7. First Day </div> <p style="text-align: center;">↓</p>	<p>Buddy:</p> <ul style="list-style-type: none"> • Meets the staff member at the agreed location and time on the start date; • Escorts the staff member to the initial first day meeting location; and • Introduces the employee to the Section Manager; <p>Section Manager holds an initial meeting with the staff member.</p>	<p>Section Manager's initial meeting with staff member is to:</p> <ul style="list-style-type: none"> • Welcome staff member • Review the induction process • Discuss: <ul style="list-style-type: none"> ○ Administration requirements ○ The Employment Agreement ○ Mutual expectations for the first week ○ Communication and feedback ○ Any issues or concerns the staff member may have.



Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>8. Workplace Induction</p> </div>	<p>The Workplace Induction is provided to the staff member in accordance with the established induction program.</p> <p>The Section Manager meets with the staff member at the beginning and end of the day for the first week and regularly for the rest of this induction phase to review information given and received, encourage and reassure the employee and answer any questions</p> <p>The Section Manager ensures that during the induction period the staff member:</p> <ul style="list-style-type: none"> • has frequent access to the buddy • has company for breaks and meals • is escorted between work locations; • has meaningful work to be completed during this phase. 	<p>Workplace Induction is to include:</p> <ul style="list-style-type: none"> • Government Induction: history, structure, organization, roles, departments, authorities, locations; • Portfolio Induction: organization, role, responsibilities / outputs, reporting lines; • Duties induction: own role and responsibilities, initial tasks, future tasks, working relationships; • Office induction: layout, desk /chair, stationary, door key, passes, car parking, office hours, out of hours working and access, toilets, breaks, lunch, health & safety, equipment use, filing, housekeeping; • Administration requirements: Pay, bank account, holidays, health insurance, sickness, absence, pension, overtime / comp. time, TRS, PC access and passwords, helpdesk information, telephone extension & voicemail, e-mail address and directory, Credit union; • Staff introductions: Portfolio and other relevant personnel, reception; , • HR Law & regulations, Policies & Procedures, performance requirements & assessments, feedback, support & advice, grievance & appeals; • Work ethics and behaviour: Civil Service code of conduct, workplace rules, general conduct, punctuality, dress, cultural considerations, discipline, counseling / EAP;

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">9. Induction Review & Feedback</p> </div>	<p>Section Manager meets with staff member to formally review the completed induction process and to identify areas:</p> <ul style="list-style-type: none"> • requiring further clarification, information or training • where improvements can be made • where information could be provided sooner. 	<p>This step is to be completed at the end of the induction period.</p>

36. Succession Planning

This section establishes the specific policies and procedures that are to be applied to succession planning in the Portfolio. Section 55 (1) (c) of the Public Service Management Law requires Chief Officers to establish policies that recognise *“the need for the advancement of Caymanians in all parts of the civil service”*. Personnel Regulation 48 (1) requires Chief Officers to *“establish and regularly review and update a staff succession plan for his civil service entity”* and specifies the content and approach to be taken in developing the plan.

As specified in Personnel Regulation 48, the purpose of the succession plan is *to develop a pool of Caymanians within the civil service entity with the skills and experience that would make them realistic candidates for key managerial and technical positions in the civil service entity should they choose to apply for those positions when they became vacant.*


Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Identify Positions for Succession Plan</p>  </div>	<p>HR Manager, in consultation with chief officer and appointing officers, identifies the positions to be covered in the Portfolio Staff Succession Plan.</p>	<p>In accordance with the requirements of Regulation 48 (3), the positions identified are to be the <u>key managerial</u> and <u>technical</u> positions in the Portfolio for which maintaining capability is vital to the operation of the Portfolio. In the case of the Portfolio of the Civil Service this is to consist of all section managers and above, together with any other positions that meet the this criteria.</p>
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>2. Identify Skills for Succession Positions</p>  </div>	<p>HR Manager, in consultation with chief officer and appointing officers, identifies the skills, knowledge and abilities required in the positions identified in step 1.</p>	<p>In identifying the skills, knowledge and abilities required, the following factors are to be taken into account:</p> <ul style="list-style-type: none"> • Likely future nature and scope of business of the Portfolio; • Likely future organisational ethos and management culture within the Portfolio; • Likely strategic ownership goals and objectives of the Portfolio; • The consequent likely future job requirements for the specific positions; • The consequent skills and other core competencies necessary for those job requirements.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 3. Select/Revise Pool of Caymanians to be Developed </div> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">If not practical or feasible: go to step 5 If practical: go to step 4</p> <p style="text-align: center;">↓</p>	<p>HR Manager, in consultation with chief officer and appointing officers, identifies at least two Caymanians from within the Portfolio to be developed for each of the positions identified in step 1.</p> <p>If, due to the technical skills required, it is not practical or feasible to identify at least two Caymanians to be developed for a technical position identified in step 1, then go to step 5. Otherwise go to step 4.</p>	<p>In accordance with the requirements of Regulation 48 (4) the Caymanians selected as part of this step are to be selected:</p> <ul style="list-style-type: none"> • on the basis of their existing skills, experience and abilities and their potential to carry-out the duties of the managerial or technical position they are to be developed for; and • taking into account the requirements of section 55(1)(d), (e) and (f) of the Law to provide opportunities for the enhancement of the abilities of all individual employees and to recognise the employment requirements of women and persons with disabilities. <p>In making the selection, the HR Manager, Chief Officer and appointing officer is to ensure that they act in a fair and unbiased manner.</p>
<div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 4. Identify Means of Building Skills </div> <p style="text-align: center;">↓</p> <p style="text-align: center;">Go to step 5</p>	<p>HR Manager, in consultation with chief officer and appointing officers, identifies the means to develop the necessary skills and competencies in the designated pool of Caymanian staff.</p>	<p>When identifying the means to develop the competencies, the following options are to be considered:</p> <ul style="list-style-type: none"> • formal training courses (including qualification courses); • on-the-job training; • cross-training; • mentoring of the staff members; • involvement in tasks or projects requiring the desired competencies; • secondments to other organisations (including those in other public sectors or the private sector); • opportunities to act in other/more senior positions; • such other options as may be appropriate.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From step 3 ↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>5. Identify Alternative Succession Approach</p> </div> <p style="text-align: center;">↓</p>	<p>The HR Manager, in consultation with chief officer and appointing officers, identifies alternative approach to developing capability for technical positions in relation to which step 3 if not feasible or practical.</p>	<p>This step only applies to situations where, due to the technical skills required, it is not practical or feasible to identify at least two Caymanians to be developed for a <u>technical</u> position identified in step 1. In this situation Personnel Regulation 48(5) requires that an alternative means and process for developing Caymanians for those positions be identified.</p> <p>In the case of the Portfolio, positions to which this step applies are expected to be rare.</p> <p>Alternative succession approaches to be considered are to include:</p> <ul style="list-style-type: none"> • recruitment; • targeted technical training for an existing specific staff member; • developing a potential staff member through educational scholarship support (and related bonding); • head-hunting staff in other parts of the wider public service with the potential to develop the necessary skills and providing technical training and/or scholarship support for that person.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From steps 4 & 5 ↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> <p>6. Portfolio Succession Plan Prepared/Updated</p> </div> <p style="text-align: center;">↓</p>	<p>HR Manager prepares/updates the Portfolio Succession Plan.</p>	<ul style="list-style-type: none"> • The Succession Plan is to specify: <ul style="list-style-type: none"> ○ The positions targeted for succession (as per step 1); ○ The skills and competencies required for each of those positions (as per step 2) ○ The persons targeted for development for each of those positions (as per step 3); ○ The skills/competencies of each of the persons to be developed and the specific means to be used to do so (as per step 4); ○ The alternative succession approach to be used where identifying a pool of Caymanians is not feasible or practical (as per step 5); ○ For each targeted staff member these specific development actions to be taken in the next financial year and which are to be reflected in the staff member's annual development programme prepared in accordance with P&P 33. • The Succession Plan is also to relevant specific development actions established by Head of the Civil Service for existing staff in the Portfolio who are part of the Head of the Civil Service's chief officer succession plan for the Portfolio. <p style="margin-top: 20px;">This will require the HR Manager to liaise with the Head of the Civil Service who is responsible for chief officer succession planning.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 7. Portfolio Succession Plan Adopted </div> <p style="text-align: center;">↓</p>	<p>The Portfolio Senior Management Team reviews & adopts the (updated) Portfolio Succession Plan.</p> <p>Chief Officer formally approves Portfolio Succession Plan.</p>	<p>As the Portfolio Succession Plan informs the development of the Aggregate Portfolio Staff Development Programme (see P&P 33), this step is to be completed no later than 30 May each year.</p> <p><i>NB: The Portfolio Succession Plan is to be reviewed, updated and (re)adopted on an annual basis.</i></p>
<div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> 8. Portfolio Succession Plan Reflected in Staff Development Programmes </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • HR Manager ensures that the contents of the Portfolio Succession Plan are communicated to relevant Section Managers. • Section Manager incorporate the specific development actions from the Portfolio Succession Plan into the relevant staff member's annual development programme for the following year prepared and discussed with the staff member in accordance with P&P 33. • HR Manager, in consultation with the chief officer and appointing officers, implements alternative succession approaches not involving the development of existing staff as per step 5. 	

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">9. Monitoring of Succession Plan Implementation</p> </div> </div>	<ul style="list-style-type: none"> • HR Manager: <ul style="list-style-type: none"> ○ monitors implementation of Portfolio Succession Plan during the year; ○ prepares annual report / analysis of succession plan implementation for consideration by the Portfolio Senior Management Team. • SMT considers implementation progress and agrees adjustments as necessary and appropriate. 	<p>The annual report of progress against the plan is to be provided to the Senior Management Team <i>no later than 30 April each year</i> i.e. at least one month prior to the presentation of the updated Succession Plan for the year under steps 6 & 7. This is to allow SMT to consider progress for the previous year so that this can inform the preparation and consideration of the updated succession plan for the next year.</p>



37. Grievance Procedure

This policy and procedure establishes the process to be followed by Portfolio staff when filing a grievance and the process to be followed by Portfolio managers when considering the grievance. Personnel Regulation 47 specifies the minimum process that is to apply.

Note: Personnel regulations define a grievance as a matter:

- which relates to workplace conditions or safety, the behaviour of another staff member in the workplace, or the compliance of other staff members with the Public Servant’s Code of Conduct; and
- which the staff member wishes to be addressed through a formal grievance process rather than informal interaction with his immediate supervisor.

The grievance process should not be confused with the appeal process specified in Sections 53 and 54 of the Law. These are covered by P&P 38.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 1. Informal Resolution </div> <div style="text-align: center;">  </div>	<p>The staff member tries to resolve a problem informally by discussing it with his/her manager.</p>	<p>Informal resolution is to be encouraged as a first measure in all instances. Should this approach not resolve the problem to the staff member’s satisfaction, the staff member is entitled to raise it formally as a grievance (i.e. move to step 2).</p> <p>Accordingly, managers are to take seriously any initial approach from a staff member.</p>
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; margin-bottom: 10px;"> 2. Grievance Submitted to Manager </div> <div style="text-align: center;">  </div>	<p>The staff member submits the grievance, in writing and signed, to his/her manager.</p>	<p>The staff member may seek assistance from the HR Manager in writing the grievance.</p> <p>If the grievance is about the manager, the grievance is to be submitted to the next level of management.</p>


Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #e0f7fa;"> 3. Arrange Grievance Meeting </div> <p style="text-align: center;">↓</p>	<p>The manager arranges a meeting with the aggrieved staff member, advising them they are entitled to be accompanied by a friend, colleague or CICSA representative.</p>	<p>A mutually agreeable time and place for the meeting is to be agreed. The location is to allow privacy.</p>
<div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #e0f7fa;"> 4. Grievance Meeting(s) </div> <p style="text-align: center;">↓</p>	<p>Manager meets with staff member to discuss grievance</p> <p>Manager meets with related parties, as appropriate.</p>	<p>Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to explain their complaint and say how they think it should be settled in a non-threatened way. If necessary, the manager may adjourn the meeting (to seek advice or for further investigation, for example).</p>
<div style="text-align: center; border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #e0f7fa;"> 5. Resolution by Manager </div> <p style="text-align: center;">↓</p>	<p>The manager gives the grievance careful consideration and determines an appropriate resolution.</p> <p>The manager meets with the staff member to explain the resolution decision and provides a letter confirming the decision.</p>	<p>The letter is to outline:</p> <ul style="list-style-type: none"> • the nature of the grievance; • the facts as the Manager sees them; • the Manager's decision/proposed resolution and the basis for that decision; • the process for taking the grievance further if the staff member is not satisfied with the manager's decision. <p>This step to be completed within 3 days of receipt of the grievance by the manager.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; background-color: #e0ffff;"> 6. Grievance Re-submitted to Appointing Officer </div> <p style="text-align: center;">↓</p>	<p>If the staff member is not satisfied that the grievance has been resolved, the staff member re-submits the grievance, in writing and signed, to his/her appointing officer.</p>	<p>If the grievance involves the appointing officer, the grievance is to be submitted to the chief officer.</p>
<div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; background-color: #e0ffff;"> 7. Grievance Meeting(s) </div> <p style="text-align: center;">↓</p>	<p>Appointing officer arranges and meets with staff member to discuss grievance</p> <p>Appointing officer meets with the manager and other related parties, as appropriate.</p>	<p>Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to explain their complaint and say how they think it should be settled in a non-threatened way. If necessary, the appointing officer may adjourn the meeting (to seek advice or for further investigation, for example).</p>
<div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; background-color: #e0ffff;"> 8. Resolution by Appointing Officer </div> <p style="text-align: center;">↓</p>	<p>The appointing officer gives the grievance careful consideration taking into account the evidence provided by the staff member and the factors considered by the manager and determines an appropriate resolution.</p> <p>The appointing officer meets with the staff member to explain the resolution decision and provides a letter confirming the decision.</p>	<p>The letter is to outline:</p> <ul style="list-style-type: none"> • the process to date and the nature of the grievance; • the facts as the appointing officer sees them; • the appointing officer's decision/proposed resolution and the basis for that decision; • the process for taking the grievance further if the staff member is not satisfied with the manager's decision. <p>This step to be completed within 5 days of receipt of the grievance by the appointing officer.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>9. Grievance Re-submitted to Chief Officer</p> </div> <p style="text-align: center;">↓</p>	<p>If the staff member is not satisfied that the grievance has been resolved, the staff member re-submits the grievance, in writing and signed, to the chief officer.</p>	<p>If the grievance involves the chief officer, the grievance is to be submitted to the Head of the Civil Service.</p>
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>10. Grievance Meeting(s)</p> </div> <p style="text-align: center;">↓</p>	<p>Chief officer arranges and meets with staff member to discuss grievance</p> <p>Chief officer meets with the manager, appointing officer and other related parties, as appropriate.</p>	<p>Discussion is to be held in as relaxed atmosphere as possible with the staff member given every opportunity to explain their complaint and say how they think it should be settled in a non-threatened way. If necessary, the chief officer may adjourn the meeting (to seek advice or for further investigation, for example).</p>
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; background-color: #e0f7fa;"> <p>11. Resolution by Chief Officer</p> </div> <p style="text-align: center;">↓</p>	<p>The chief officer gives the grievance careful consideration taking into account the evidence provided by the staff member and the factors considered by the manager and the appointing officer and determines an appropriate resolution.</p> <p>The chief officer meets with the staff member to explain the resolution decision and provides a letter confirming the decision.</p>	<p>The letter is to outline:</p> <ul style="list-style-type: none"> • the process to date and the nature of the grievance; • the facts as the appointing officer sees them; • the appointing officer's decision/proposed resolution and the basis for that decision; • the fact that no further resolution action is now possible. <p>This step to be completed within 10 days of receipt of the grievance by the chief officer.</p>

38. Appeals to the Chief Officer

This policy and procedure specifies how appeals to the Chief Officer of the Portfolio against a decision of an appointing officer are to be managed. Under section 53 of the Public Service Management Law, staff members of the Portfolio may make such appeals in relation to any appointment, re-appointment, promotion, transfer, dismissal, other termination of employment, discipline, remuneration, terms and conditions, or performance assessment decision.


Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 10px auto;"> <p>1. Compile complaint and submit to the Chief Officer</p> </div> <div style="text-align: center; margin-top: 10px;">  </div>	<p>The staff member submits the appeal, in writing and signed, to the Chief Officer. The staff member may seek assistance in compiling the appeal.</p>	<p>In accordance with the provisions of the PSML:</p> <ul style="list-style-type: none"> ○ An appeal must be made within 30 days of written notification of the decision which is being appealed; and ○ The onus is on the appellant to provide the evidence to show that the appointing officer has acted unfairly, in a biased manner or in a manner that is inconsistent with the requirements of Part VII of the Law.

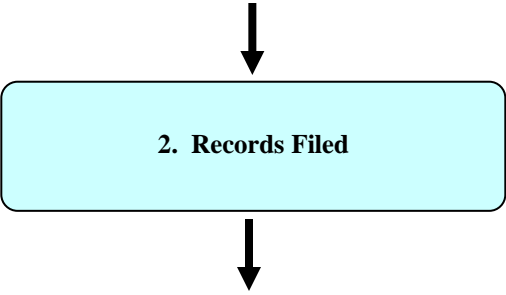
Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> 2. Meeting to Discuss Appeal </div> <p style="text-align: center;">↓</p>	<p>The Chief Officer meets with the appellant and the appointing officer to discuss the appeal and the evidence that supports it.</p>	<p>The staff member is to be advised in writing of the time and date of the meeting, given sufficient advance warning to allow them to prepare, and advised that they are entitled to be accompanied by a friend, colleague or CICSA representative.</p> <p>The meeting is to be held in an open and constructive manner with the staff member given every opportunity to explain his/her appeal and say how they think it should be settled. The appointing officer is to be provided with a similar opportunity. If necessary, the Chief Officer may adjourn the meeting (to seek advice or for further investigation, for example).</p> <p>A comprehensive record of the discussion is to be taken.</p>
<div style="text-align: center; border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> 3. Consideration of Appeal </div> <p style="text-align: center;">↓</p>	<p>The Chief Officer considers the appeal and the evidence and decides whether to confirm the appointing officer's decision, overturn it or take some other appropriate action.</p>	<p>The PSML requires the Chief Officer to take into consideration the information provided by:</p> <ul style="list-style-type: none"> ○ The appellant; ○ The appointing officer; and ○ Any other information the Chief Officer considers relevant. <p>The chief officer is to make his/her decision on the basis of the facts presented to him/her in the appeal process. The decision, and the basis for it, is to be documented.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">4. Notify Appeal Decision</p> <p style="text-align: center;">↓</p>	<p>Chief Officer's notifies the appellant and the appointing officer of his decision via short face-to-face meetings.</p> <p>The decision is then confirmed in writing to both parties.</p>	<p>The Chief Officer is to render a decision within 30 days</p>
<p style="text-align: center;">5. Documentation of Appeal Process</p> <p style="text-align: center;">↓</p>	<p>The Chief Officer, with the support of the HR Manager, ensures that the complete appeals process is documented through an appeal report signed by the chief officer.</p>	<p>The appeal report is to document:</p> <ul style="list-style-type: none"> ○ The process; ○ Meetings held, their dates & times and attendees; ○ Arguments & evidence presented ○ The decision of the chief officer and the rationale for it; ○ Communications with the appellant.
<p style="text-align: center;">6. CSAC Appeals Process</p>	<p>If the staff member is not satisfied with the Chief Officer's decision, the staff member may appeal to the Civil Service Appeals Commission in accordance with procedures established and operated by CSAC.</p>	<p>Portfolio supervisors, managers and appointing officers are to fully cooperate with CSAC.</p>

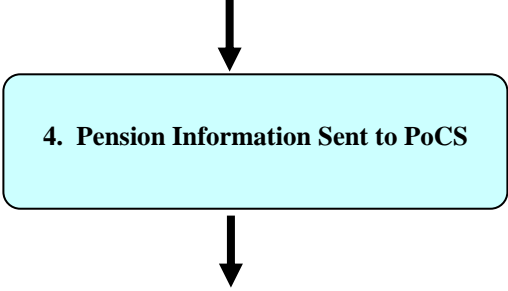
39. Personnel Files

This policy and procedure specifies how personnel files and records are to be maintained in the Portfolio. Personnel Regulation 45 requires chief officers to maintain *complete and accurate employment and performance management records* for their staff and specifies the minimum content and form of these records. That Regulation also requires *information relating to employee's pensions rights* to be provided to the Portfolio of the Civil Service on a regular and timely basis.

Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="109 529 611 675" style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center;"> <p>1. Personnel File Obtained or Created</p> </div> <div data-bbox="344 675 369 743" style="text-align: center;">  </div>	<p>HR Manager obtains or creates personnel file for staff member.</p>	<p>In accordance with Personnel Regulation 45 (1), a personnel file is to be maintained for every staff member in the Portfolio.</p> <p>If a staff member was previously employed in another civil service entity, the personnel file maintained by that entity is to be obtained from that entity upon the staff member commencing work in the Portfolio.</p> <p>If the staff member's most recent job was outside the civil service but they were previously employed in the civil service their previous personnel file is to be obtained from the Portfolio of the Civil Service.</p> <p>If no personnel file already exists, or a staff member is new to the civil service, a personnel file is to be established upon the appointment of that staff member.</p> <p>Personnel files are to be maintained by the HR Manager in a secure location and appropriate action taken to safeguard the files as part of the disaster preparedness plans of the Portfolio.</p> <p>Where feasible, personnel files are to be maintained in digital rather than hard copy form.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>2. Records Filed</p> </div>	<ul style="list-style-type: none"> • Appointing Officers and section managers provide HR Manager with copies of personnel documents and correspondence. • HR Manager ensures that all records relating to the employment or performance of staff members are filed on the electronic and/or hard copy personnel file of that staff member. 	<p>In accordance with the requirements of Personnel Regulation 45(1)(a), the following information is to be maintained on the personnel file:</p> <ul style="list-style-type: none"> • Appointment information (see P&P 15): <ul style="list-style-type: none"> ○ Application form ○ Proof of qualifications, references & background checks, medical report ○ Birth Certificate, Marriage Certificate, Spouse's Birth Certificate, Child/ Children Birth Certificate (where applicable); ○ Police and Immigration clearances (where applicable); ○ Declaration of Secrecy; • Employment Agreements, renewed Employment Agreements, any revisions or amendments to Agreements (see P&P 15, 16, & 17) ; • Letters of appointment to acting or interim positions (see P&P 18); • Remuneration & Payroll information: <ul style="list-style-type: none"> ○ Remuneration and its components, and any changes there to; ○ Authorisation to make deductions; ○ Salary advance agreements & acknowledgement of repayment; • Annual performance agreements (see P&P 19); • Interim performance assessments (see P&P 20); • Annual performance assessments (see P&P 21); • Annual staff development plan (see P&P 33); • Training Support Agreements (see P&P 34); <p><i>continued</i></p>


Process Step	Procedure to be Followed	Policy to be Applied
<p>Step 2 continued</p>		<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> • Letters and warnings provided as part of disciplinary, dismissal or other termination processes (see P&P 24, 25, 26, 27, 28, 29, 30, 31, 32); • Grievances filed by the staff member and letters of resolution (see P&P 37); • Appeals filed by the staff member and letters of resolution (see P&P 38) • Any correspondence to, or from, the staff member relating to their employment, remuneration, terms and conditions, training and development, or performance; • File notes or any other documents relating to employment or performance of the staff member; <p>The files are to be maintained in an up to date form and the above information is to be filed on the relevant personnel file within 5 days of the document being produced.</p>
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>3. Personnel Files Accessed</p> </div> <p style="text-align: center;">↓</p>	<p>Appointing officers and section managers access personnel files for their staff as required.</p>	<p>Access of personnel files is to be controlled by the HR Manager who is to maintain an electronic log of the files issued and returned.</p> <p>In accordance with Portfolio's general policy on personnel records (see P&P 39), staff members may review their own personnel file under the supervision of the HR Manager.</p>



Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p style="text-align: center;">4. Pension Information Sent to PoCS</p> </div>	<p>HR Manager sends pension related information to Portfolio of the Civil Service on a monthly basis.</p>	<ul style="list-style-type: none"> • In accordance with Personnel Regulation 45(4) the following information for staff members belonging to the Public Service Pension Scheme is to be sent to the Portfolio of the Civil Service: <ul style="list-style-type: none"> ○ date of birth; ○ date of first employment in the civil service; ○ employment agreements and any amendments thereto; ○ any breaks in employment (service); ○ any non-pensionable remuneration; ○ letters of resignation, termination or retirement; ○ date of retirement; ○ salary or wages at the date of resignation, termination or retirement; • The HR Manager is to provide any new information or changes to the above information for staff in the Portfolio to the PoCS on the <i>last working day of each month.</i> <p>Note:</p> <ul style="list-style-type: none"> • If the information is held in HR IRIS and has been updated during the month no additional provision of information to PoCS is required. • If no changes occur in a month a nil return is to be provided.


Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">5. Personal File Transferred or Closed</p> </div>	<p>HR Manager transfers or closes personnel file upon resignation or retirement of staff member.</p>	<p>Where the staff member accepts a position in another civil service entity the personnel file for that staff member is to be forwarded confidentially to the HR Manager of that civil service entity.</p> <p>Where a staff member retires or resigns from the civil service the personnel file for that staff member is to be closed and sent to the Portfolio of the Civil Service for long-term storage.</p> <p>Note: Before the file is transferred to another civil service entity or closed and sent to PoCS all final documentation relating to the staff member (e.g. letter of resignation or retirement, final pay) is to be put on file.</p>

40. Leave Management and Recording

This policy and procedure relates application, approval and recording of leave. Schedule 1 to the Personnel Regulations specifies the leave entitlements of civil servants as follows: annual leave, sick leave, maternity/paternity leave and jury leave. In addition civil servants may be granted bereavement leave, compassionate leave, special leave and leave without pay at the discretion of their appointing officers.

Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="121 521 621 670" style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center;"> <p>1. Staff Member Applies for Leave</p> </div> <div data-bbox="352 670 373 737" style="text-align: center;">  </div>	<p>Staff member applies to his/her Section Manager to take leave</p>	<ul style="list-style-type: none"> • The following categories of leave are to be applied for at least three months in advance: <ul style="list-style-type: none"> ○ Maternity leave; ○ Paternity leave. • The following categories of leave are to be applied for at least two weeks in advance: <ul style="list-style-type: none"> ○ Annual leave ○ Special leave ○ Leave without pay. • The following categories of leave are to be applied for as soon as the need for leave is known but in advance of the first leave day (unless circumstances determine otherwise): <ul style="list-style-type: none"> ○ Extended sick leave; ○ Bereavement leave; ○ Compassionate leave; ○ Jury leave. • The following categories of leave are to be applied for as soon as the need for leave is known: <ul style="list-style-type: none"> ○ Sick leave. <p>Applications for annual leave and sick leave are to be made using the standard leave form. Applications for other leave are to be made via a letter. Appropriate supporting documentation (e.g. Doctor Certificate) is to be provided with the application.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">2. Leave Application Considered</p> 	<p>Section Manager considers leave application and makes recommendation to the appointing officer.</p>	<p>As part of this step the following are to be considered:</p> <ul style="list-style-type: none"> • The staff member's eligibility for the type of leave requested; • The availability of the requested leave within the staff member's (remaining) entitlement for the year (where applicable); • The implications for the ability of the section to deliver its outputs and carry out any other functions during the staff member's absence; <p>In accordance with the Portfolio's HR philosophy outlined in P&P 3, while it is appropriate to take into account the need to maintain the services of the Portfolio, the approval of leave is to take into account the staff member's contribution to the Portfolio and is not to be unnecessarily withheld.</p>
<p style="text-align: center;">3. Leave Approved or Declined</p> 	<p>Appointing Officer considers leave application and Section Manager's recommendation and approves or declines the leave.</p> <p>Staff member is advised in writing of the decision</p>	<p>In the case of annual or sick leave, a copy of the approved leave form will suffice as written notification.</p> <p>In the case of other leave a letter approving the leave, together with the dates and any terms and conditions applying is to be prepared and provided to the staff member.</p> <p>If the leave is declined, the basis for this decision is to be provided in writing to the staff member and a mutually suitable time to take the leave agreed with the staff member (if applicable).</p> <p>The Chief Officer is to be consulted before approving extended sick leave, maternity leave, paternity leave or leave without pay.</p>


Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="121 363 625 509" style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center;"> <p>4. Leave Recorded in TRS</p> </div> <div data-bbox="352 509 382 581" style="text-align: center;">  </div>	<p>Staff member records the leave taken in the appropriate way on TRS</p>	
<div data-bbox="121 649 625 795" style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center;"> <p>5. Leave Records Updated</p> </div>	<p>HR Manager:</p> <ul style="list-style-type: none"> • Reviews TRS report and reconciles to leave approvals; • Updates leave records (annual & sick leave); • Files copies of letters/documents provided to the staff member approving or declining the leave on the staff member's personnel file. 	

41. Maintenance of Employee & Payroll Data in HR IRIS

This policy and procedure relates to maintenance of data in the HR IRIS system. Personnel Regulation 45(5) requires civil service entities to use HR IRIS to record all employment-related and payroll data for employees in their entity.

Note: from 1 January 2007 the responsibility for all data entry into HR IRIS will be delegated to civil service entities.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From P&P 15</p> <p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; width: fit-content; margin: 0 auto;"> <p>1. Enter Data upon Appointment</p> </div> <p style="text-align: center;">↓</p> <p style="text-align: center;">To P&P 42 & 43</p>	<p>Upon appointment of a new staff member (either from within or outside the civil service) HR Manager enters employee data into HR IRIS.</p>	<p>The Portfolio of the Civil Service “sets up” the position in the HR IRIS system when the position is evaluated.</p> <p>The specific employee data can be entered against that position at any point after that but data entry is to be completed no later than 5 working days before the employee’s first payroll (see P&P 15).</p> <p><i>Note: The HR IRIS data entry screen contains a number of mandatory fields. All mandatory fields must be completed before the system will accept the entry.</i></p> <p>The Portfolio wishes to maximise the value to be gained from HR IRIS. Therefore all applicable voluntary fields are also to be used to record relevant data.</p> <p>Only the HR Manager and any other persons with specific delegated responsibility from the Chief Officer are to have data entry access to HR IRIS for the Portfolio.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<div data-bbox="121 329 621 475" style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center;"> <p>2. Change of Personal Circumstances</p> </div> <div data-bbox="352 475 373 545" style="text-align: center;">  </div> <div data-bbox="317 610 422 638" style="text-align: center;"> <p>To step 4</p> </div>	<p>Staff members provide HR Manager with information about changes in personal circumstances</p>	<p>A change in personal circumstances is to be notified to the HR Manager using the “Change in Circumstances” form.</p> <p>A change in personal circumstances is any of the following:</p> <ul style="list-style-type: none"> • Change of name (through marriage or deed pool); • Change of contact address or phone numbers; • Obtaining Caymanian Status; • Marriage (gaining a dependent spouse); • Having/adopting a child or becoming a step-parent (gaining a dependent child); • Divorce or death of spouse (losing a dependent spouse); • Death of child or child under 19 commencing employment (losing a dependent child).

Process Step	Procedure to be Followed	Policy to be Applied
<p>From P&P 16, 17, 18, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34</p> <p style="text-align: center;">↓</p> <p style="text-align: center;">From other sources</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0f7fa; padding: 10px; text-align: center; margin: 10px auto; width: fit-content;"> <p>3. Change of Payroll Data Identified</p> </div> <p style="text-align: center;">↓</p>	<p>HR Manager identifies and accumulates data requiring payroll actions</p>	<p>Changes to payroll data will be necessitated by:</p> <ul style="list-style-type: none"> • Appointment of a new staff member; • Appointment to an interim or acting position; • Payment of an extra duties allowance; • Payment of overtime; • Period adjustments to remuneration agreed between staff and their appointing officers; • Payment of a five-year cash grant; • Discipline of a staff member; • Suspension of a staff member; • Retirement, dismissal or other termination of a staff member; • Granting of leave without pay; • Cost of living adjustments; • Changes to deductions from wages or salary authorized by the staff member; <p>Appropriate documentation to support payroll changes is to be provided to the HR Manager (e.g. overtime claims authorized by the Section Manager).</p> <p>The following reimbursements of expenses incurred by employees are <u>not</u> to be paid through payroll but are to be paid through accounts payable:</p> <ul style="list-style-type: none"> • reimbursement of costs for employees recruited overseas (clause 10 of schedule 1 of Personnel Regulations); • reimbursement of costs incurred in the course of duties (clause 11 of schedule 1 of Personnel Regulations); and • reimbursement of study costs (clause 12 of schedule 1 of Personnel Regulations).

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From steps 2 & 3</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; background-color: #e0ffff; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> <p>4. Updated Data Entered into IRIS</p> </div> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">To P&P 42 To P&P 43 (Payroll) (CINICO Cards)</p>	<p>HR Manager enters updated employee data (from step 2) into HR IRIS</p> <p>HR Manager enters updated payroll data into HR IRIS</p>	<p>Changes in personal circumstances data is to be entered at least on a weekly basis and completed by 5pm on each Thursday</p> <p>Changes to data affecting payroll is to entered at least 24 hours prior to payroll being run by Treasury</p>

42. Payroll Processes

This policy and procedure relates to processing of payroll for staff of the Portfolio. Personnel Regulation 45(5) requires civil service entities to use HR IRIS for paying all wages, salary and other dollar based remuneration components to employees.

Note: from 1 January 2007 the responsibility for all data entry into HR IRIS will be delegated to civil service entities.



Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From P&P 41</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Payroll Data Entered in HR IRIS</p> </div> <p style="text-align: center;">↓</p>	<p>Payroll data entered into HR IRIS (see P&P 41)</p>	<ul style="list-style-type: none"> All payroll data is to be entered at least 24 hours prior to payroll being run by Treasury. Only the HR Manager, CFO and any other persons with specific delegated responsibility from the Chief Officer are to have data entry access to HR IRIS payroll module. In accordance with P&P 6 (Pay Periods and Methods), all Portfolio staff (both salaried and wage workers) are to be paid on a monthly basis by direct deposit into their bank account.
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>2. Payroll Data Check</p> </div> <p style="text-align: center;">↓</p>	<p>HR Manager reviews & signs off payroll data prior to each payroll run.</p> <p>CFO ensures that the Portfolio's payroll bank account is funded with the required amount.</p>	<p>This is a mandatory QA check that is to be completed by noon on the day payroll is run by Treasury.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0ffff; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">3. Payroll Run</p> </div>		<p>In accordance with Government Policy, the responsibility for physically running payroll and providing direct credit details to the Bank(s) rests with Treasury.</p> <p>Payroll is run according to a schedule published by Treasury at the beginning of each financial year.</p>

43. Administration of Health Benefits/CINICO Health Insurance

This policy and procedure relates to administration of health benefits for staff of the Portfolio. Clause 9 of Schedule 1 of the Personnel Regulations specifies the benefits medical, dental and optical benefit entitlements of government employees. These benefits are provided by way of an insurance policy provided by the Cayman Islands National Insurance Company (CINICO). From 1 January 2007 civil service entities are responsible for maintaining information in HR IRIS and managing the relationship with CINICO in relation to their own staff members.


Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From P&P 41</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Recipient Data Entered Into HR IRIS</p> </div> <p style="text-align: center;">↓</p>	<p>HR Manager ensures that data about the staff member, spouse and dependent children entitled to health benefits is entered into HR IRIS at the time the staff member is appointed (see P&P 41)</p>	<p>The data required is included in the mandatory fields in HR IRIS that must be completed in order to action payroll.</p> <p>The data required is:</p> <ul style="list-style-type: none"> • Name and date of birth of staff member • Name and date of birth of each eligible dependent
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f7fa; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>2. Insurance Cards Received from CINICO</p> </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • Health insurance cards are received from CINICO. • The HR Manager distributes cards to the staff member. • If insurance cards are not received from CINICO within 3 weeks, HR Manager follows up with CINICO accordingly. 	<p>CINICO interrogates the HR IRIS database each Friday and produces insurance cards based on changes reflected in HR IRIS for that week.</p> <p>It then takes approximately two weeks for insurance cards to be produced and distributed by CINICO.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">3. CINICO Invoices Insurance Premiums</p> 	<ul style="list-style-type: none"> • Insurance premium invoice received from CINICO monthly. • HR Manager reviews invoice and authorizes it for payment. 	<p>Before authorizing the invoice the HR Manager is to ascertain that the staff members billed for the month were employed during that month.</p>
<p style="text-align: center;">4. Updated Data Entered into HRIRIS</p> 	<ul style="list-style-type: none"> • Staff member provides information about changes to dependents or other change of personnel circumstances data. • HR Manager inputs this data into HR IRIS (see P&P 41) 	<p>All changes affecting health benefits are to be inputted into HR IRIS by 5pm on Thursday of each week.</p>
<p style="text-align: center;">5. CINICO Provides Additional Insurance Cards</p>	<p>As per step 2.</p>	

44. Provision of Employee-Related Information

From time to time staff members require documentation from their employer for outside organisations, for example as proof of employment or remuneration to support opening of a bank account or loan application. This policy and procedure relates to provision of such employee-related information.

Note: From 1 January 2007 it will be the responsibility of civil service entities rather than the Portfolio of the Civil Service to provide this information.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>1. Request for Information</p>  </div>	<p>Staff member requests the provision of employee-related information for outside organisations.</p>	<p>Requests are to be made to the HR Manager in writing (by email). The request is to specify the information required and who it is to be provided to.</p>
<div style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>2. Provision of Information</p> </div>	<ul style="list-style-type: none"> • HR Manager prepares & signs the letter or other document requested. • The HR Manager provides the original letter/document either to the employee or directly to the outside organisation (if requested by the employee to do so) • The HR Manager emails a copy of the document to the staff member for their own records information • The HR Manager files a copy of the document on the staff member's personnel file (see P&P 39). 	<p>No employment information about a staff member is to be provided to an outside organisation except with the written approval of the staff member concerned.</p> <p>This policy does not apply to any information provided in accordance with a legal requirement.</p>



45. Management of Work Place Injuries

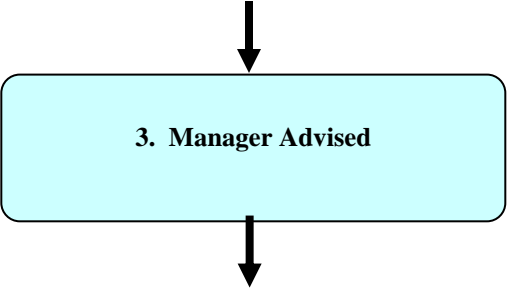
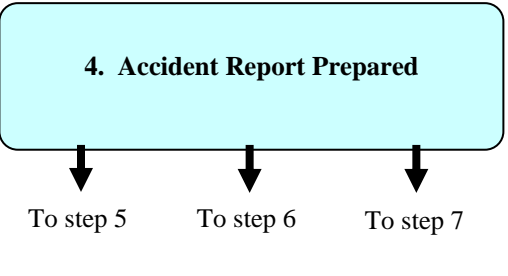

Section 55 of the Public Service Management Law make chief officers responsible for establishing work place safety procedures and Personnel Regulations specify what those procedures must cover. The Portfolio's general health and safety policy is specified in section 12 on page 13. This policy and procedure relates to dealing with injuries that happen in the work-place.

Definitions

For the purposes of this policy and procedure:

- a "workplace" is any physical location where a staff member is required to carry out his/her duties;
- an "injury" includes an illness contracted in the work place.

Process Step	Procedure to be Followed	Policy to be Applied
<div style="text-align: center;">  <p>1. Injury Occurs</p> <p>↓</p> </div>	<p>Staff member or visitor to the Portfolio is injured</p>	
<div style="text-align: center;">  <p>2. Immediate Assistance Provided</p> <p>↓</p> </div>	<p>Section Manager, work colleagues or others in the vicinity provide immediate assistance to the injured staff member.</p>	<p>The nature of the assistance will depend on the nature of the injury. If appropriate an ambulance should be called without delay.</p> <p>Providing assistance to an injured person is to take precedence over all other duties.</p>

Process Step	Procedure to be Followed	Policy to be Applied
 <p style="text-align: center;">3. Manager Advised</p>	<ul style="list-style-type: none"> • Injured staff member or other staff members who witnessed the accident/injury advise the injured staff member's section manager of the accident/injury and the circumstances surrounding it. • The section manager advises the appointing officer and the chief officer of the accident/injury. 	<p>The section manager is to be advised as soon as practical after the injury occurs and immediate assistance provided.</p>
 <p style="text-align: center;">4. Accident Report Prepared</p> <p style="text-align: center;">To step 5 To step 6 To step 7</p>	<ul style="list-style-type: none"> • Section manager prepares an "Accident Report". • Section manager submits Accident Report to appointing officer for review. • Appointing officer reviews & signs Accident Report 	<p>The Accident Report Form issued by Risk Management Section of the Portfolio of Finance and Economics is to be used.</p> <p>If that form does not adequately cover the nature and circumstances of the injury an additional memo outlining those circumstances is to be prepared.</p>
 <p style="text-align: center;">5. Accident Report Submitted to Risk Management</p>	<p>HR Manager submits Accident Report to Risk Management.</p>	<p>Report is to be submitted as soon as practical after the incident and in all cases no more than 5 working days.</p> <p>Risk Management use the Accident Report to assess and file claims under the Government's worker compensation insurance policy. The HR Manager is therefore to ensure that the Report contains all the information necessary for Risk Management to make such a claim.</p>

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">From step 4</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>6. Administrative Actions</p> </div>	<p>HR Manager initiates any necessary administrative actions:</p> <ul style="list-style-type: none"> • Leave on pay for period of injury; • File copies of Report and any subsequent correspondence or documentation on staff member's personnel file; • Periodically checks on the welfare of the staff member. 	
<p style="text-align: center;">From step 4</p> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; border-radius: 15px; background-color: #e0ffff; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;"> <p>7. Injury Log Updated</p> </div> <p style="text-align: center;">↓</p>	<p>HR Manager updates the Portfolio Injury Log.</p>	<p>The purpose of the Injury Log is to track injuries in the Portfolio so as to establish whether a pattern exists.</p> <p>The Log is to be maintained electronically and record:</p> <ul style="list-style-type: none"> ○ The name of the staff member; ○ The staff member's section; ○ The nature of the injury; ○ The physical location where the accident happened; ○ The date & time of the accident; ○ The work being performed when the accident happened; ○ The safety equipment being worn (or not being worn) where applicable; ○ Any other important or relevant factors relating to the injury.

Process Step	Procedure to be Followed	Policy to be Applied
<p style="text-align: center;">↓</p> <div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; width: fit-content; margin: 0 auto;"> 8. SMT Review </div> <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • HR Manager prepares and submits a summarised Injury Report to chief officer for consideration by the Senior Management Team. • SMT considers: <ul style="list-style-type: none"> ○ the Injury Report prepared by the HR Manager; ○ what (if any) actions could have been taken to prevent the injury; ○ whether there is a systemic pattern of injuries; ○ what changes (if any) to the Portfolio's health and safety policy should be made; ○ what changes (if any) to specific work practices or safety procedures should be made. 	<p>The Injury Report submitted to SMT is to:</p> <ul style="list-style-type: none"> • Summarise the nature and circumstances of the latest injury; • Identify any common features with other injuries in the Portfolio over the last 24 months; • Consider what changes (if any) could be made to reduce the risk of future similar injuries.
<div style="text-align: center; border: 1px solid black; border-radius: 10px; padding: 10px; width: fit-content; margin: 0 auto;"> 9. Updated Health & Safety Procedures Implemented </div>	<p>Where applicable, HR Manager:</p> <ul style="list-style-type: none"> • updates & reissues the Portfolio's health & safety policy; • advises and briefs all appointing officers and section managers of: <ul style="list-style-type: none"> ○ changes to the Portfolio's health and safety policy; ○ changes to specific work practices or safety procedures that are to be made. • provides assistance and support to section managers in instituting new policies and work practices as necessary. 	<p>Updated policies and work practices are to be implemented by section managers as soon as is practical after the SMT decision.</p>

Annex: Judicial Administration Workplace Rules

Personal Behaviour in the Workplace

All staff are required to behave in a manner consistent with the professional work environment desired for the Judicial Administration. Any activity that jeopardizes the good work relations between the Administration, its employees, court users and customers is prohibited including:

Boisterous conduct, and verbally or physically threatening or intimidating other individuals

Failure or refusal to perform work assigned or to comply with proper instructions given by a Supervisor or others in authority

Reading material that is not related to your job assignment or portable CD players during working hours

Personal calls whether on the work telephone or on personal cell phones and whether received or made by the staff member, within work hours should be of limited number and duration. An excessive number of personal calls or calls of lengthy duration are not acceptable.

Staff are not to report for duty under the influence of alcohol or illicit drugs and may be required to take a blood test or other medical procedure to ascertain whether this situation exists at the discretion of their appointing officer.

Smoking or the taking of illicit drugs is prohibited in the workplace at all times.

Staff are expected to be:

- courteous and display a helpful attitude to clients and customers of the Judicial Administration;
- courteous and respectful to each other and not behave in a manner that could be viewed by their colleagues as inappropriate or as a form of harassment; and
- endeavour to deal with the affairs of the public and court users sympathetically, efficiently, promptly and without bias or maladministration.

Use of Workplace Resources

Staff are not to use workplace resources (including stationery, computers, internet, photocopiers, and phones) for other than minimal personal or private purposes.

Workplace email is not to be used for other than *minimal* private email and is not to be used to send or forward chain letters, spam or junk mail.

The internet is to be used only if necessary for work purposes and not for private browsing. Under no conditions are inappropriate websites to be accessed.

Confidentiality

Staff are required to keep the specific elements of their duties confidential to the work place.

Staff are to take care that court files and confidential documents are put away from sight when absent from their desk for anything other than a short period of time.

As a general rule work files (both hard and electronic) should not leave the workplace. If, in order to achieve work deadlines it is necessary to take documents from the work place (e.g. home to work on them) staff are required to obtain permission from their Supervisors to safeguard the security and confidentiality of those documents.

Staff should not discuss matters relating to the specific elements of their duties with any persons (including other civil servants and family members) other than appropriate other staff members from within the Administration.

Attendance:

Your Supervisor or Line Manager must always be notified if you cannot come to work. Work hours are from 8:30 am to 5 pm daily (unless on flex-time). Irregular attendance or tardiness will not be tolerated and may result in disciplinary proceedings resulting in dismissal.

Staff who will be late or absent from work must inform their Supervisor at least one hour prior to normal starting time. This can be done by leaving a telephone voice message. Leaving a message with another employee is unacceptable.

Absence from Office

Staff are to obtain approval from their Supervisors or Sr. Managers before being absent from the office on personal matters, medical appointments or to attend a CICS meeting.

Security

General Rules for Office Security

Prevent access of unauthorized visitors. Do not allow tailgating or piggybacking.

- Tailgating occurs when an unauthorized persons enters a secure area by following closely behind an authorized cardholder.
- Piggybacking occurs when an authorized person gains access to a secure area and allows others to follow – by holding open a secured door

- Do not let anyone in if they cannot get in themselves;
- Under no circumstances should you prop open any exterior door; Although it may seem harmless and convenient you are endangering both yourself and everyone else. The exterior doors are locked for your safety; Neither should interior doors including fire doors be propped open. Doing so eliminates the effectiveness of the fire doors in preventing the spread of fire or smoke;
- Do not leave confidential data at photocopiers or fax machines;
- Do not leave your purse or valuables on your desks; if possible lock them away in a drawer;
- Do not leave your desk unattended if dealing with confidential data; put it away when leaving the desk;
- Report lost access tokens immediately;
- Do not lend the keys to your office or your access card to anyone;

Dress Code and Uniforms

Employees are required to present a professional and well groomed appearance. Employees must wear their uniforms. Shorts, clothes that expose the midriff, low-cut tops, mini skirts or similar items are not acceptable. Like wise appropriate shoes must be worn.

Meals in the Office

Staff must not eat at their desks in the public areas or in the public view. It is unprofessional.

All users of the kitchen facilities are required to assist with maintaining the cleanliness of that area by ensuring they leave it tidy after each use.