

CHAPTER 2

Appointments, Promotions and Transfers

- 201.** (1) Save as may otherwise be provided in the Montserrat Letters Patent, 1959 or in the Public Service Commission Ordinance and Regulations made thereunder appointments to the public service including acting and temporary appointments and promotions are made by the Governor acting after consultation with the appropriate Service Commission. Authority for appointments
- (2) The employment of persons in the public service without remuneration shall not be permitted without the prior authority of the Governor.
- 202.** The effective date of an appointment is the date on which an officer becomes eligible to receive emoluments. In the case of officers first appointed locally that is the date on which the officer assumes duty, which is also the date of commencement of resident service. Effective date of appointment
- 203.** No officer who has been dismissed from the public service, whether from a pensionable or non-pensionable post, may be re-employed in any capacity without prior reference to and approval of the Governor. Re-employment of dismissed officer
- 204** (1) To be eligible for permanent appointment in the public service a candidate must - Eligibility for appointment to the public service
- (i) be over 18 years of age;
 - (ii) possess such minimum educational qualifications as may be prescribed from time to time;
 - (iii) be certified by a Government Medical Officer to be in sound health and mentally fit for employment in the public service;
 - (iv) produce two recent certificates of good character, of which one, if the candidate has not previously been in employment, must be from the head of the school or college he last attended, or if he has previously been employed, from his last employer, or other reputable persons.
- Provided that a candidate who is 18 years of age or under may be appointed on probation.
- (2) The provisions of this order shall not apply to candidates for temporary appointment to the public service.
- 205.** On appointment to the public service, every officer whether permanent or temporary shall be required to make and subscribe to the oath of secrecy in the approved form. Oath of Secrecy
- 206.** A married woman who is appointed to the public service shall not be exempt, by reason of her married status, from any of the normal requirements and conditions of her employment including regular attendance, working overtime when required to do so and the liability to transfer. Married women in the public
- 207.** No expenditure shall be incurred on the employment of temporary officers over and above the approved establishment of a Ministry or Department without the agreement of the Permanent Secretary, Administration and the sanction of the Financial Secretary. Temporary increases in staff

Medical report
on appointment

208. (1) A Government Medical Officer shall be required to certify a candidate's fitness for employment and must state in the certificate of fitness that he has made a complete and thorough examination of the candidate and that he has enquired where he deems it necessary into the medical history of the candidate's family.

(2) No fee shall be payable to the Medical Officer for this examination.

(3) The Accountant General shall not authorise the payment of salary to a person selected for appointment until the Permanent Secretary or Head of Department has certified that the medical certificate of fitness has been produced. If the person selected fails to produce a certificate within one month of the date of notification of his selection, the appointment shall be deemed to be cancelled, and if the person selected is reported to be unfit for service his appointment shall not be made.

(4) If an officer has already passed the prescribed medical examination in respect of an earlier appointment immediately preceding his appointment to the permanent establishment, a further medical examination may be dispensed with.

Further medical
reports

209. An officer, whether or not he is on leave of absence at the time, may be required by the Permanent Secretary, Administration, or at his own request may be permitted, to present himself for examination by an approved medical practitioner, a Government Medical Officer or a duly constituted Medical Board with a view to ascertaining whether he is physically and mentally capable of performing the duties of his office or any other public office to which his appointment might be contemplated. The cost of such examination, in the absence of any special regulation or arrangement to the contrary, will be paid from public funds.

Record of
service

210. (1) The Permanent Secretary, Administration will maintain a complete record of service for all public officers.

(2) In addition, Heads of Departments are required to maintain such records of service as are necessary for the efficient administration of a Ministry or Department, including, in particular, a record of all leave granted to an officer.

Probation of
non-pensionable
officer appointed
to pensionable
office

211. When an officer is appointed to a pensionable office after non-pensionable service in an office in which he has been performing the same or similar duties, the period of his probation in the pensionable office shall, on the authority of the Governor, be reduced by the length of his non-pensionable service provided that there is no break between his non-pensionable and pensionable service.

Contract
appointments

212. The conditions of service of an officer appointed on contract are those provided in his contract but he may at the discretion of the Governor, during the duration of his contract, unless it is specifically provided otherwise, benefit from changes in conditions of service applicable to officers of equivalent grade who are appointed to permanent, pensionable offices.

Overseas
appointments
travel arrange-
ments

213. The provisions of this Order shall apply to a person who is selected from outside Montserrat for first appointment to a public office. The term "passage" means by a route approved by the Ministry of Finance as a normal route in the course of removal.

The person appointed will -

- (i) in the absence of any arrangements to the contrary be provided with passages at the expense of the Government of Montserrat by the cheapest and most direct route from his country of residence to Montserrat for himself, his wife

and up to four children if they accompany him or follow him within six months of his appointment. The person appointed will be required to execute a passage agreement in the form prescribed in Appendix IV to refund the cost of the passages in certain contingencies;

- (ii) be paid full salary from one day prior to the date of his arrival in Montserrat;
- (iii) be granted the following allowances for the transportation of his baggage and personal effects;

(a) ***Ocean Freight Charges***

not exceeding five shipping tons (or 200 cubic feet) exclusive of the free baggage allowance provided on the tickets issued to the officer and his family;

(b) ***Transport***

the cost of transporting baggage and personal effects from his house to the place of embarkation and from the place of dis-embarkation to his destination;

(c) ***Incidental Expenses***

the reimbursement of incidental expenses excluding insurance, but including the cost of crating, packing and handling baggage not exceeding \$250.00;

(d) ***Excess baggage Expenses***

if the person appointed travels by air, an additional allowance for accompanied baggage not exceeding 10 kilograms in respect of each full air ticket provided.

He will be required to submit vouchers in support of claims for the payment of the above allowances and the liability of the Government in respect of (b) and (c) will be limited to that portion of the baggage falling within the volume limitation set out in (a). No additional allowances will be payable for the transportation of such items as motor cars, motor cycles, wireless sets, radios etc. except as provided for in Order No. 214:

- (iv) be exempted from the payment of harbour dues and customs entry charges (except in regard to such dues and charges on a motor car as to which see Order No. 214) which will be met from public funds.

214. An officer appointed to the public service on transfer or secondment from the public service of another Caribbean territory, Guyana and Belize may in addition to the baggage allowance payable under Order No. 213 be provided with free transport for his motor car if it is deemed by the Financial Secretary as necessary for the performance of his duties.

Officers appointed on transfer or secondment

(2) An officer who is provided with free transport for his motor car under the provisions of this Order will not be required to pay import duty on such motor car provided that evidence is produced that import duty has been paid in another territory.

215. (1) An officer appointed to Montserrat under any programme of Technical Co-operation will be allowed to import free of duty or consumption tax thereon on first arrival, or with the prior consent in writing of the Ministry of Finance may subsequently import, not more than one motor vehicle for his personal use during his assignment in Montserrat.

Technical assistance appointments.
Importation of motor vehicle

(2) An officer to whom paragraph (1) applies shall not sell, give as a gift or otherwise dispose of a motor vehicle so imported without the written consent of the Ministry of Finance, and shall, if such consent is given, pay the duty and the tax as assessed by the Comptroller of Customs.

Seniority as between posts

216. The relative seniority of different grades of officers in the public service is determined by the salary scale attached to the grade, the grade with the higher maximum salary being the senior. Where the maximum salaries of two grades are the same, the grade with the higher minimum salary will be the senior.

Seniority as between officers in the same grade

217. An officer's seniority is determined by the date of his appointment to the particular grade in which he is serving. Seniority as between officers appointed on probation and subsequently confirmed in their appointment is determined by the date of confirmation. The seniority of officers appointed to the same grade from the same date will be in accordance with their seniority in their former grade.

Seniority of officers re-appointed after resignation

218. The seniority of an officer who has left the public service after resignation and is subsequently re-appointed, shall be determined by the date of his re-appointment.

Liability to transfer

219. Officers are liable for transfer to any post of equivalent grade in the territory.

Transfers

220. (1) Subject to the provisions of paragraph (2) of this Order a transfer not involving a change in emoluments of an officer, or the grading of his post, may, where the transfer -

- (a) is within a Ministry or between a Ministry and any Department of that Ministry, be made by the Permanent Secretary;
- (b) is within a Department, be made by the Head of that Department;
- (c) is between Ministries or between Departments of different Ministries, be made by the Permanent Secretary, Administration.

Provided that all transfers ordered under (a) and (b) above shall be reported forthwith to the Permanent Secretary, Administration who will notify the Governor of all transfers.

(2) Where an officer is, or is to be, transferred under any of the foregoing provisions of this Order, a Permanent Secretary, a Head of Department or the officer concerned (through his Head of Department or Permanent Secretary) may lodge a written objection with the Permanent Secretary, Administration; and if an objection is lodged it shall be transmitted to the Governor for determination.

Application for transfer

221. An officer who wishes to be considered for transfer within the public service to a post of equivalent grade may apply in writing to the Permanent Secretary, Administration, through his Head of Department or Permanent Secretary.

Secondment

222. (1) Where an officer is required temporarily for duty in another post within the service with the intention of reverting to his substantive post at a later date he will be seconded for temporary duty. All such secondments must be authorised by the Governor.

(2) Transfer of officers holding pensionable offices for service with organisations or bodies outside of the service must constitute "public service" as defined in section 2(1) of the Pension Act (Cap. 184) and must be authorised by the Governor-in-Council.

(3) Secondments of officers holding pensionable offices for service with organisations or bodies outside of the service must be authorised by the Governor-in-Council on such terms and conditions as are deemed appropriate. Details of such secondments will be recorded in the Estimates.

223. The effective date of a promotion will be fixed by the Governor. It will normally be the date upon which an officer who has been selected for promotion assumes duty of the higher office which has fallen vacant, provided that - Effective date of promotion

(1) if the promoted officer is on leave at the time the higher office falls vacant and assumes duty therein immediately on his return from leave, the promotion may be made effective from the date on which the higher office becomes vacant;

(2) if the promoted officer has been acting continuously (apart from periods of leave) in the higher office or in an office of equivalent grade, prior to his selection for promotion thereto, his promotion may be made effective from a date not earlier than the date on which he commenced such continuous acting or the date on which the higher office fell vacant, whichever date is later;

(3) for the purpose of this Order, the higher office will be deemed to fall vacant not later than four months from the date on which the officer vacating it proceeds on leave prior to retirement notwithstanding that such leave may extend beyond four months;

(4) if the higher office is that of Permanent Secretary or Head of Department, the office shall be deemed to fall vacant on the date the holder of the office proceeds on leave pending vacation of the office.