

CHAPTER 4

Salaries and Acting Allowances

401. The salaries attached to public offices are as provided in the Government's annual Estimates of Expenditure and approved by the Legislature.

Salaries to be determined by the Legislature

402. Where the salary of any post is in an incremental scale, subject to the provisions of these orders, it shall be normal for an officer appointed on a permanent basis to be paid initially the minimum increments at the rates provided until the maximum of the scale is reached.

Incremental salary scales

403. (1) Except as provided in Order No. 202 an officer will receive the full salary of his substantive post from the date upon which he assumes the duties of the post: provided that an officer on promotion may at the discretion of the Governor receive the salary of his new appointment from the date when the vacancy occurred, even if he is on leave at the time in question.

Payment of salaries

(2) No salary will be paid to an officer in respect of any period during which he has been absent from duty without leave unless the Governor directs otherwise.

(3) An officer who is proceeding on leave outside Montserrat may receive, prior to embarkation, his salary for the whole of the month in which he leaves.

(4) Salaries will be paid normally on a working day in the last week of each month.

404. Where an officer is promoted to an office carrying salary on an incremental scale:-

Promotional increases in salary

- (i) if immediately prior to his promotion his salary was less (by one increment or more on his former salary scale) than the minimum of his new salary scale, he will receive the minimum of the new scale and his incremental date shall be determined as on first appointment;
- (ii) if immediately prior to his promotion his salary was not less (by one increment on his former salary scale) than the minimum of his new salary scale, he will receive one increment in the new scale and his incremental date will remain unchanged;

provided always that the entry point to a new scale and/or incremental date may be adjusted so as to ensure that an officer's total emoluments of office (including allowances whether pensionable or non-pensionable) in the first year following on his promotion are not less than those in the year immediately prior to promotion.

405. Where the salary of an officer on first appointment or on promotion is on a salary scale, his incremental date, if he was appointed or promoted during his first six months of the year, will be 1st January; if appointed or promoted during the last six months of the year his incremental date will be 1st July.

Incremental dates

406. (1) All normal increments accruing to the salaries of public officers for which provision has been made in the Annual Estimates will be paid, as a matter of course, when due, save in any case where a Permanent Secretary or Head of Department considers that the increment should not be paid to an officer for the reasons prescribed in the Public Service Commission Regulations.

Grant of increments

(2) When a Permanent Secretary or Head of Department considers that an officer's increment should not be paid, he should:-

- (i) notify the officer in writing at least one month before the date on which the increment is due of the reasons for which he considers that the increment ought not to be granted;
- (ii) advise the Permanent Secretary, Administration, the Accountant General and the Director of Audit that the increment due should not be paid until further notice;
- (iii) report the matter to the appropriate Service Commission, through the Permanent Secretary, Administration, for a decision by the Governor.

Qualifying or promotional bars

407. (1) A certificate in the prescribed form is necessary before an officer can be considered to have passed a qualifying or promotional bar. Advancement beyond the point in salary scale at which a promotional bar is fixed is equivalent to promotion except that it does not depend on the occurrence of a vacancy in the establishment of the higher grade.

(2) Where a certificate referred to in this order is with-held but subsequently granted it will become effective from the latter date unless the Governor directs otherwise. An officer who fails to pass a qualifying bar or promotional bar will fall, in seniority, below an officer who was junior to him, but who succeeds in passing the same bar before him.

Retention of services of promoted officer in former department

408. Where an officer is promoted to an office in another department, arrangements should be made whereby he assumes his new duties on the date of his appointment.

Acting appointments

409. (1) In the case of absence on annual leave or absence from Montserrat on duty or short absence due to illness or other cause, there will be, in general, no need for an acting appointment and no acting allowance will be payable. But where in such cases the nature of the duties attaching to the office is such as cannot reasonably be expected to be performed by another officer in the same department, then an acting appointment may be made regardless of the length of the absence of the substantive holder of the office.

(2) In special circumstances, for example, owing to the length of the absence or to the fact that by law or regulation certain matters can be dealt with only by the officer holding the senior post or an officer acting in that post, an acting appointment may be made.

(3) When making an acting appointment in the temporary absence of the substantive holder of an office the next senior officer in the department who has the necessary qualifications to perform the functions of the office will normally be appointed unless the officer is considered unsuitable to perform the functions of the office. However, where the acting appointment is likely to be prolonged the normal criteria for a substantive appointment will be followed so as to test the most meritorious officer with a view to his future promotion. Where a post requires specific professional or technical qualifications then only an officer with those qualifications may be appointed to act therein. An unqualified officer may, however, be appointed to take charge of such an office without performing the full professional/technical functions of the office.

(4) Permanent Secretaries and Heads of Departments will make their recommendations for acting appointments to the Permanent Secretary, Administration at least one month before the vacancy which it is proposed to fill by an acting appointment occurs. They must either state whether the officer recommended to act will assume the full duties and responsibilities of the post in question, or the extent to which he will take over those duties and responsibilities.

(5) All recommendations for acting appointment will be referred by the Permanent Secretary, Administration, to the appropriate Service Commission.

410. (1) An officer duly appointed to act in a higher office than his own in a post the maximum or fixed salary of which is on scale M 19 or above shall, if required to act for a continuous period of twenty-eight days or more be granted, in addition to his substantive salary, an acting allowance calculated on the following basis:- Acting allowances

- (i) where the officer is required to discharge the full duties of the post, he will receive the difference between his substantive salary and the salary of the higher office;
- (ii) where the officer is not required to discharge the full duties of the post, whether because in the Governor's opinion the experience and qualifications of the officer are insufficient or otherwise, he will receive such acting allowance as the Governor in his discretion may determine.

Provided that the acting allowance in addition to the substantive salary of the officer so acting does not attain the minimum salary of the substantive holder of the post.

(2) Where an officer is appointed to take charge of the duties of an office or discharges the duties of another office in addition to his own and the two offices are distinct and separate offices in different departments or do not stand to one another in any immediate relationship of superiority or subordination, the officer shall be paid a duty allowance at a rate approved by the Governor in his discretion.

Notwithstanding the foregoing, the Governor may in exceptional circumstances and acting in his discretion approve the payment of such allowance as he thinks fit where he is satisfied that an officer must of necessity undertake additional and essential duties for whatever period, whether or not one office is subordinate to the other, or within the same department.

(3) A duty allowance which is attached to an office is payable to the substantive holder of the office only when he is actually performing the duties of the office. During his absence or incapacity, the acting officer shall draw the allowance: provided that, in any case where an acting appointment is necessitated by the absence of the substantive officer on duty outside Montserrat or on leave or sick leave for a period not exceeding fourteen days at any one time, the duty allowance shall be payable both to the substantive holder and to the acting officer.

(4) The fees, if any attached to an office, may be paid to an acting holder of that office.

(5) For the purposes of this Order -

- (i) an officer's own substantive salary comprises the whole of that officer's receipts from public funds in virtue of his occupation of his substantive office (including personal allowance if any) but does not include duty allowance, fees or allowances for out of pocket expenses and travelling, including transport allowance;
- (ii) "the salary of an office" means the salary attached to an office exclusive of fees or allowances of any kind;

- (iii) "distinct and separate offices" include offices which are of similar designation either in the same or different departments;
- (iv) "higher office than his own" means an office the fixed salary of which (or minimum or maximum salary of which if an incremental scale is attached to the office) exceeds the officer's own substantive salary.

Period for which acting allowance is payable

411. An acting allowance will be payable from the date on which the officer assumes the duties of his acting appointment up to the date prior to that on which he hands over the duties of the office, provided that no acting allowance shall be payable in respect of any period for which an officer acts in any office unless such period is a continuous one of not less than 28 days.

Acting allowances when acting officer is on leave

412. An officer who is in receipt of an acting allowance may continue to be paid the allowance during that portion of his annual leave which must be taken during the year in which it was earned or on sick leave not exceeding 12 working days in any one year provided that it has not been necessary to appoint another officer to perform the duties of the post in which he is acting. Except in the case of annual leave or sick leave as provided for under this Order, no officer may be paid an acting allowance while on leave.

Subsistence and transport allowances payable to officers acting

413. An officer appointed to act in a higher office will be eligible for subsistence and transport allowances at the rates prescribed for the higher office.

Half personal allowance payable during leave on half pay

414. When an officer receives in addition to the salary of his office, an allowance granted to him personally and not permanently attached to his office, he may when absent on half pay leave receive only half of such personal allowance, the remaining moiety being left undrawn and lapsing to the Treasury.

Overtime

415. Officers appointed to posts the maximum salary of which does not exceed grade M 19 (or in the case of a senior Customs Officer, M 17) other than Teachers, Nurses, Police and Prison Officers will be eligible for overtime in respect of hours worked in excess of the hours prescribed in Order No. 302 at the rates, and subject to the conditions laid down in Appendix II.