

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 5 of 2022

Government Auxiliary Employees (Service) Regulations, 2022

In exercise of the power conferred by section 8 of the Government Auxiliary Workers Act, the Minister makes the following Regulations:

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1. CITATION.

These Regulations may be cited as the Government Auxiliary Employees (Service) Regulations, 2022.

2. INTERPRETATION.

In these Regulations, unless the context otherwise requires,

“Act” means the Government Auxiliary Employees Act, Cap. 22:16;

“Government Auxiliary Employees Code” means the compilation of general rules relating to Government Auxiliary Employees set out in Schedule 1 to these Regulations;

“Government Auxiliary Employee” means a person employed by the Government on a week to week or month to month basis who is not specified in the official estimates of Saint Kitts and Nevis and whose wage or salary is paid from the Wages’ Vote in the official Estimates of Saint Kitts and Nevis.

3. GOVERNMENT AUXILIARY EMPLOYEES CODE.

Pursuant to sections 5 and 6 of the Act, the provisions relating to the recruitment, employment, conduct, ethics and disciplining of government auxiliary employees are captured in the Government Auxiliary Employees Code set out in Schedule 1 to these Regulations.

**SCHEDULE 1
GOVERNMENT AUXILIARY EMPLOYEES CODE
PART I
RECRUITMENT AND PROMOTION**

1. Citation.

This Code may be cited as the Government Auxiliary Employees’ Code.

2. Interpretation.

(1) In this Code, unless the context otherwise requires,

“Act” means the Government Auxiliary Employees Act, Cap. 22.16;

“appointment” means the placing of a person in an established office or position in the public service including appointments on contract;

“Caribbean Community” means the Caribbean Community including the CARICOM Single Market and Economy established by the Revised Treaty of Chaguaramus signed at Nassau, the Bahamas on 5 July 2001;

“CARICOM Member State” means a Member State of the Caribbean Community;

“Chief Personnel Officer” means the Permanent Secretary, Human Resources Department;

“Code” means the Government Auxiliary Employees Code;

“Commission” means the Government Auxiliary Employees' Commission established under section 4 of the Act;

“department” means a department of the Government referred to in section 61 of the Constitution;

“fairness and transparency” shall be interpreted so as to ensure that any scrutiny of the selection process will not reveal any bias in the assessment of candidates at any time during that process;

“Head of Department” means the public officer who is responsible for the day to day running of a department for which a Minister is responsible and has direction and control and which is supervised by a Permanent Secretary;

“Head of the Public Service” has the meaning given under the Act;

“office of emolument”, in relation to the definition of “public officer”, means any pensionable post;

“Permanent Secretary” means a permanent secretary whose responsibility is described under section 61 of the Constitution;

“public office” means any office of emolument in the public service;

“public officer” means any person holding or acting in any public office;

“Public Service” means, subject to the provisions of section 119 of the Constitution, the service in a civil capacity of the Crown in right of the Government;

“Service Commission” means the Public Service Commission;

- (2) For the purposes of this Code, the expression, “merit” is to be interpreted so as to ensure that
- (a) persons are not assigned to positions unless they appear competent to perform the duties of those offices;
 - (b) in circumstances where more than one person satisfies the criteria for employment, the position should be offered to the person who is considered to be best capable of performing the duties.
- (3) Any other term used in this Code shall have the meaning assigned to it by the Act.

3. **Purpose of Part I of the Code.**

This Part of the Code seeks to

- (a) govern the methods to be used in the recruitment and promotion of officers as Government Auxiliary Employees;
- (b) supplement the provisions of the Government Auxiliary Workers Act;
- (c) promote standards of fairness and transparency at each stage of the process where candidates are being selected, in order to eliminate the likelihood of discrimination and the occurrence of irrelevant considerations;
- (d) ensure that where the selection process includes the specific testing of the skills and aptitudes of candidates, then all such tests must have been previously proven to be acceptable on the basis of their reliability as indicators of future performance, provided that no psychological tests shall be administered or interpreted by persons who are not professionally trained;
- (e) ensure that the selection procedure is so ordered that the decision on which candidates should progress from one stage to the next is determined solely by considerations of the individual merits of those candidates;
- (f) ensure that at the conclusion of the selection process all those candidates who are deemed to possess the requisite qualifications, skills and competencies for employment should be ranked in order of merit, and employment shall be offered in accordance with that rank order, unless it is possible to employ all applicants immediately;
- (g) ensure that the principles set out in this Code are adhered to in all cases except where a contrary position is provided for or permitted by the Code itself;
- (h) set criteria for the purpose of differentiating on a consistent and objective basis between candidates at each stage of the selection process, which criteria shall be relevant to the job.

4. **Recruitment principles.**

The Code seeks to ensure that the recruitment and employment as Government Auxiliary Employees is made on the basis of

- (a) merit, objectivity, impartiality and the highest standards of integrity; and
- (b) ensuring that consideration is also given to seniority and experience where the nature of the work so requires.

5. **Application of Code.**

This Code shall apply to all Government Auxiliary Employees, except in cases where, by virtue of the Constitution or any other law in force in Saint Christopher and Nevis, specific provision is made with respect to a particular public office or category of public office.

6. **Application of existing enactments.**

The process in respect of employment on recruitment, promotion or transfer shall be in accordance with this Code in so far as the provisions of the Code are not inconsistent with the provisions of the Constitution, the Act and the Public Service Commission Regulations.

PART II - EMPLOYMENT ON RECRUITMENT, PROMOTION, AND TRANSFERS

7. Application of principles of merit, impartiality and integrity.

(1) Subject to subsection (3), the employment on recruitment or promotion of an individual as a Government Auxiliary Employee shall be made on the basis of the following principles, that is to say

- (a) the principle of merit, after an open competitive selection process;
- (b) the principle of impartiality; and
- (c) the principle of taking into consideration the highest standards of integrity, seniority, and experience where the nature of work so requires.

(2) The principles referred to in subsection (1) shall not apply in the following circumstances, that is to say,

- (a) when filling short-term vacancies of up to no more than three months, and only when such vacancies are being filled from within the Department; or
- (b) when employing a physically or mentally challenged person.

8. Notification of vacancies within the Public Service.

(1) Vacancies within the Public Service shall first be advertised or published within the Public Service in Saint Christopher and Nevis for a period of two weeks.

(2) After the provisions of subsection (1) are complied with, vacancies may be advertised within the Federation of Saint Christopher and Nevis for a period of two weeks, and thereafter may be advertised outside of Saint Christopher and Nevis.

(3) All relevant information in respect of the vacancy shall be accessible to prospective applicants.

(4) The advertisement or publication referred to in subsections (1) and (2) shall include the following information:

- (i) the statutory qualifications required;
- (ii) the duties, functions and responsibilities of the office;
- (iii) the major terms and conditions of service applicable to the office;
- (iv) a description of the skills, competencies, experience and personal qualities required; and
- (v) the nature of the procedure of the selection process which shall be based on relevant criteria that is applied to all candidates.

9. Eligibility for employment as a Government Auxiliary Employee.

(1) To be eligible for employment as a Government Auxiliary Employee, a person shall

- (a) be sixteen years in age or above and less than sixty two years;
- (b) be certified by a District Medical Officer to be in sound health and mentally fit for employment;
- (c) produce two recent certificates of good character, one of which must be from the Head of the School or College where he or she last attended or from where the person has been previously employed;.

(2) An eligible person who is interested in being employed as a Government Auxiliary Employee shall submit the following to the Head of Human Resources

- (a) a completed application form as prescribed in Schedule 2;
- (b) proof of address;
- (c) a recent police record no older than 3 months;
- (d) valid photo identification.

10. Employment on recruitment or promotion.

An employment on recruitment or promotion shall not be made, unless

- (a) an assessment is made of the relative suitability of the candidates for the duties, after an interview or using another competitive selection process;
- (b) the assessment is based on the relationship between the candidate's work-related qualities and the work-related qualities genuinely required for the duties;
- (c) the assessment focuses on the relative capacity of the candidates to perform the duties.

11. Selection of persons to public offices.

(1) For the purposes of section 7 of this Code, the following criteria of work-related qualities shall be taken into account in making an assessment:

- (a) skills and abilities;
- (b) qualifications, training and competencies;
- (c) standard of work performance;
- (d) capacity to perform at the level required;
- (e) demonstrated potential for further development;
- (f) ability to contribute to team performance; and
- (g) seniority and experience.

(2) Subsection (1) shall not prevent any other relevant matter to be taken into account.

(3) The Commission may recommend the employment of a person who has a criminal conviction, where such person's criminal records have been expunged from the Police Criminal Records in accordance with the law which makes provision for expunging criminal records.

(4) In this section, vacancy includes a vacancy that has not commenced and a prospective vacancy.

12. Procedure for selection.

(1) The procedure to be followed during the selection of a candidate shall be such that the merit of each person is given equal consideration throughout the entire procedure for selection.

(2) The procedure for selection shall be such that there is a consistent application of the relevant criteria specified in section 12 (1) of this Code in respect of each candidate.

13. Techniques in selection.

(1) The recommendations made by a selection panel in respect to the filling of vacancies, either through recruitment or promotion, shall be allowed in the order of rank.

- (2) Where the candidates
- (a) are not accepted; or
 - (b) in respect of whom the order of rank recommended by the selection panel is not accepted by the recruiting authority;

a new selection panel shall be established to make new recommendations.

14. Integrity in employment process.

(1) A person who applies to be employed as a Government Auxiliary Employee shall act with integrity by only providing information that is true and correct.

(2) Where a person commits fraud as part of the employment process, he or she commits an offence and shall be liable on conviction for an act of perjury pursuant to the provisions of section 8 of the Perjury Act, Cap. 4.23

15. Government Auxiliary Employee to be on probation.

(1) Subject to subsection (5), a Government Auxiliary Employee, shall be required upon assumption of his or her duties, to undergo a period of probation for three months.

- (2) During the period of probation the Government Auxiliary Employee shall be
- (a) given an opportunity to learn his or her work and to test his or her suitability for the work;
 - (b) given all possible facilities for acquiring experience of his or her duties; and
 - (c) kept under continued observation and shall as far as possible, be posted where such observation is possible.

(3) The Head of Department or Permanent Secretary, as the case may be, shall pay special attention to the training of a Government Auxiliary Employee who is on probation.

(4) If, at any time during the period of probation, a Government Auxiliary Employee exhibits tendencies which render it in any way doubtful that he or she will be suitable for permanent retention, he or she should at once be warned and given such assistance as may be possible to correct the faults.

(5) A Government Auxiliary Employee's probationary period may be extended for an additional period not exceeding six months where the Government Auxiliary Employee has not had proper opportunity either through illness or through other just reason to display fitness for confirmation.

16. Probation reports.

(1) There shall, in respect of a Government Auxiliary Employee employed on probation in the Public Service, be submitted to the Commission a report about the Government Auxiliary Employee's service by the Head of Department or Permanent Secretary at the end of the period of probation

(2) The reports referred to in subsection (1) may include any of the following recommendations:

- (a) that the Government Auxiliary Employee's employment be confirmed;
- (b) that the Government Auxiliary Employee's period of probation be extended for a period not exceeding six months;
- (c) that the Government Auxiliary Employee's employment be terminated.

(3) A recommendation specified in subsection (2)(b) or (c) shall not be made about the Government Auxiliary Employee unless

- (a) the Government Auxiliary Employee has been informed of the proposed recommendation;
- (b) the Government Auxiliary Employee has been given a reasonable opportunity to state his or her views about the recommendation; and
- (c) any views stated by the Government Auxiliary Employee have been considered in making the recommendation.

17. Termination of probation.

The services of a Government Auxiliary Employee on probation may be terminated at any time during the probationary period if the Commission is satisfied that on account of general unsuitability of temperament or personal characteristics, or by reason of misconduct it is undesirable that the Government Auxiliary Employee should continue to be employed.

18. Confirmation of employment to the Public Service.

(1) The Commission shall, after considering the probation reports made under section 17, decide whether it is satisfied that the Government Auxiliary Employee's service has been satisfactory.

(2) The Commission shall confirm the employment of a Government Auxiliary Employee on probation if

- (a) the Commission is satisfied that the Government Auxiliary Employee's service has been satisfactory; and
- (b) the Government Auxiliary Employee has passed any prescribed or required examinations.

(3) Where the Commission does not recommend that the employment of a Government Auxiliary Employee on probation be confirmed, then the Commission may

- (a) extend the Government Auxiliary Employee's period of probation for a period not exceeding six months; or
- (b) terminate the Government Auxiliary Employee's employment.

(4) The Head of Department or Permanent Secretary shall, one month before the end of any extended period of probation imposed on a Government Auxiliary Employee under subsection (3), make a report about the Government Auxiliary Employee's service, which report shall contain a recommendation that either

- (a) the Government Auxiliary Employee's employment be confirmed; or

(b) the Government Auxiliary Employee's employment be terminated.

(5) The Service Commission shall, after considering the report made pursuant to the provisions of subsection (4) determine whether the Government Auxiliary Employee's employment would be confirmed or terminated.

(6) Where a Government Auxiliary Employee's employment is confirmed, such confirmation shall be indicated to the employee by the Commission in writing.

19. Effective date of employment.

(1) Subject to the provisions of this Code, the effective date of employment is the date on which a Government Auxiliary Employee assumes the position to which he or she or is employed.

(2) Where a Government Auxiliary Employee has been on probation, the date of employment shall normally be the date on which he or she commenced the probationary period.

20. Oath of office and secrecy or affirmation of office and secrecy.

(1) Subject to subsection (2), a Government Auxiliary Employee shall be required to make and subscribe to the oath of office and secrecy or affirmation of office and secrecy, in the forms set out in Schedule 3 to this Code.

(2) The oath of office and secrecy or affirmation of office and secrecy shall,

- (a) in the case of a Government Auxiliary Employee below the level of Head of Department, be made and subscribed to before the Permanent Secretary, Human Resources; or
- (b) in the case of a Government Auxiliary Employee at or above the level of Head of Department, be made and subscribed to before the Head of the Public Service.

21. Certificate of Fitness.

(1) A District Medical Officer who certifies a candidate's fitness for employment as a Government Auxiliary Employee shall state in the certificate of fitness that he or she has made a complete and thorough medical examination of the candidate and that he or she has inquired into the medical history of the candidate's family.

(2) No fees shall be payable by the Government Auxiliary Employee for a medical examination under this section.

(3) If the person selected for employment as a Government Auxiliary Employee fails to produce a certificate within one month of assumption of duty or a District Medical Officer certifies the person to be unfit for service, the employment shall be terminated accordingly.

22. Medical reports.

(1) A Government Auxiliary Employee, whether or not he or she is on leave of absence at the time, may be required by

- (a) the Chief Personnel Officer, in the case of a Government Auxiliary Employee below the level of Head of Department; or
- (b) the Head of the Public Service, in the case of a Government Auxiliary Employee at or above the level of Head of Department;

to present himself or herself for medical examination by a District Medical Officer in order to ascertain whether he or she is physically and mentally capable of performing the duties for which his or her employment is being considered.

(2) No fee is payable by the Government Auxiliary Employee for a medical examination under this section.

(3) Where a medical examination is required pursuant to the provisions of subsection (1), the District Medical Officer may, in his or her discretion, call a specialist into consultation, and any fees due to the specialist for assistance in rendering a report shall be paid by the Government.

(4) The report of a medical examination made pursuant to the provisions of this section shall not be communicated to the Government Auxiliary Employee concerned, except that the Government Auxiliary Employee shall be informed as soon as is practicable of the decision reached with regard to his or her case after the report is considered, and if the Government Auxiliary Employee is dissatisfied with the decision he or she shall be at liberty to make representations to this effect.

23. Record of service.

The Chief Personnel Officer shall maintain a record of service for all public officers in such form as the Minister may, by Order, prescribe.

24. Seniority as between posts.

(1) The relative seniority of different grades in the same classification of Government Auxiliary Employee shall be determined by the salary scale attached to the grade so that the grade with the higher maximum salary shall be the senior grade.

(2) Where the maximum salaries of two grades are the same, then the grade with the higher minimum salary shall be the senior.

25. Seniority as between officers in the same grade.

(1) A Government Auxiliary Employee's seniority shall be determined by the date of his or her employment in the particular grade in which he or she is serving.

(2) Subject to subsection (3), seniority as between Government Auxiliary Employees employed on probation and subsequently confirmed in their employment shall be determined by the date of confirmation.

(3) The Commission shall determine questions of seniority in respect of officers who are employed at the same date and at the same grade.

26. Seniority of officers re-employed after resignation.

The seniority of a Government Auxiliary Employee who resigns and is subsequently re-employed, shall be determined by the date of his or her re-employment.

27. Transfer of public officers.

(1) A Government Auxiliary Employee may be transferred to any post of equivalent grade in the Public Service.

(2) A Government Auxiliary Employee who wishes to be transferred within the Public Service or who wishes to apply for transfer without promotion to a particular post within the

Public Service shall apply, in writing, through the Permanent Secretary or the Head of the Department, to the Commission.

- (3) The Commission may, upon consideration of the application in subsection (1),
 - (a) approve the transfer to another office in the Public Service within Saint Christopher and Nevis, if the Commission is satisfied with the request, and the Government Auxiliary Employee shall be given ten working days' notice prior to the transfer.
 - (b) deny the request for transfer and provide the applicant with reasons for the denial.
 - (c) The Commission may recommend that a Government Auxiliary Employee be transferred on promotion to any post in the Public Service

28. Effective date of promotion.

(1) Subject to subsection (2), the effective date of the promotion of a Government Auxiliary Employee shall be fixed by the Commission, and such date shall normally be the date upon which a Government Auxiliary Employee who is selected for promotion assumes the duty of the higher office which has fallen vacant.

(2) If the Government Auxiliary Employee who is promoted is on leave at the time the higher office falls vacant and the officer assumes duty of the office immediately on his or her return from leave, the promotion may be made effective from the date on which he or she assumes the duties.

(3) The higher office shall be deemed to have fallen vacant on the date the holder of the office proceeds on pre-retirement leave.

29. Certificate of service and testimonials.

(1) A public officer, other than a Head of Department, a Permanent Secretary or a public officer duly authorised by a Permanent Secretary or Head of Department, shall not give personal testimonial in favour of a Government Auxiliary Employee subordinate to him or her or to a public officer of another Department, for any purpose connected with promotion in the Public Service.

(2) A Government Auxiliary Employee who leaves the Public Service may be given a certificate of service issued by the Permanent Secretary, Human Resources, showing which public office that the employee had served in and setting out the period of his or her service and the reason for leaving the Public Service.

(3) The Chief Personnel Officer may, on the advice of a Permanent Secretary or Head of Department, append to the certificate referred to in subsection (2), any recommendation or classification with respect to his or her efficiency and conduct which may be reasonably necessary to append to the certificate.

30. Acting arrangements.

(1) Where a public officer or a Government Auxiliary Employee is absent from office due to annual leave or goes on short absence due to illness or other cause for a period of less than fifteen days, then generally, no acting arrangement may be made to that office.

(2) Notwithstanding subsection (1), where the nature of the duties attached to the office is such as cannot reasonably be expected to be performed by another Government Auxiliary Employee in the same Department, then an acting arrangement may be made regardless of the length of the absence of the substantive holder of the public office.

(3) In special circumstances, owing to the length of the absence or to the fact that by the law in force in Saint Christopher and Nevis; certain matters can be dealt with only by the Government Auxiliary Employee holding the senior post or a Government Auxiliary Employee acting in that post, an acting arrangement may be made.

(4) In making an acting arrangement in the temporary absence of the substantive holder of an office the claims of all suitable candidates shall be considered, and while no claim to act as of right will be recognised, consideration shall be given to the record of service and suitability of the Government Auxiliary Employee next in seniority in the Department in which the acting arrangement is to be made.

(5) A Permanent Secretary shall make his or her recommendations for acting arrangements to the Commission, through the Chief Personnel Officer, as far as practicable, one month before the vacancy which it is proposed to fill by the acting arrangement, except in cases of emergency.

PART III - RESIGNATION, RETIREMENT, AND TERMINAL BENEFITS ETC.

31. Resignation.

(1) A Government Auxiliary Employee who is employed on probation or employed otherwise than on contract to a post may resign his or her post after giving not less than one month's notice in writing to the Permanent Secretary or the Head of Department.

(2) Notwithstanding the provisions of subsection (1) of this section, a Government Auxiliary Employee, other than a Government Auxiliary Employee employed on contract, may resign his or her employment at any time after paying to the Government one month's salary in lieu of notice.

(3) All resignations shall be reported immediately to the Chief Personnel Officer, the Accountant-General and the Director of Audit.

32. Reasons for refusal of resignation.

The appropriate authority may refuse to accept the request for resignation, if

- (a) it is conditional;
- (b) the Government Auxiliary Employee does not intend to complete a period of service for which he or she is bound;
- (c) criminal proceedings are pending against the public officer;
- (d) disciplinary proceedings against the Government Auxiliary Employee are contemplated or are pending; or
- (e) the Government Auxiliary Employee is indebted to the Government.

33. Retirement pensions and gratuities.

All claims to pension, gratuity and other retiring allowances shall be settled in accordance with the provisions of the Act.

34. Evidence of age.

(1) A Government Auxiliary Employee's birth certificate shall be furnished as evidence of his or her age.

(2) Where a Government Auxiliary Employee is unable to produce a birth certificate pursuant to subsection (1), a declaration by the Government Auxiliary Employee himself or herself or any other reliable person may be submitted.

35. Death of a Government Auxiliary Employee in the Public Service

(1) In the event of the death of a serving Government Auxiliary Employee, the Permanent Secretary or Head of Department shall be responsible for notifying the relevant authorities to arrange payment of death benefits and or gratuity, as the case may be, which may be due to the deceased, or to his or her legal representatives.

(2) Where the deceased person has not named any beneficiary, then payment of benefits due to the deceased shall be made upon presentation of letters of administration of the estate of the deceased.

36. Performance review and development system.

The Head of the Public Service shall ensure that

- (a) effective performance review and development instruments for measuring competence, performance and productivity exist to facilitate appointment on merit of a Government Auxiliary Employee;
- (b) the Committee of Permanent Secretaries shall meet with the Commission at least twice a year to provide guidance, strategic direction and support for the development of the Public Service;

PART IV

CONDUCT AND ETHICS OF GOVERNMENT AUXILIARY EMPLOYEES

37. Purpose of this Part.

This Part specifies the values that Government Auxiliary Employees are expected to uphold in the Public Service.

38. Application of Code.

This Part of the Code shall apply to all Government Auxiliary Employees.

39. Role of the Public Service.

- (1) The role of the Public Service shall be to
 - (a) provide and administer the public services for which the Government is responsible with integrity, honesty, and impartiality;
 - (b) assist with the formulation of the policies of the Government by providing objective, honest, comprehensive, accurate and timely advice;
 - (c) implement policy, programmes and decisions of the Government.

(2) All Government Auxiliary Employees in the Public Service, while carrying out the role referred to in subsection (1), shall be required to uphold those values that reflect a Service that

- (a) is apolitical, impartial and professional;
- (b) maintains the highest ethical standards;
- (c) recruits and promotes persons based on merit;
- (d) is responsive to the Government in implementing the policies and programmes of the Government;
- (e) provides a workplace that is free from discrimination and promotes the fair treatment of officers;
- (f) delivers services fairly, effectively, impartially and courteously to the public;
- (g) has the leadership of the highest quality;
- (h) establishes relations in the workplace that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
- (i) provides conditions which are conducive to the good health, welfare and safety in the workplace;
- (j) focuses on achieving results and managing performance;
- (k) provides a reasonable opportunity to all eligible members of the community to apply for employment in the Public Service;
- (l) is a career-based service to enhance the effectiveness and cohesion of Saint Christopher and Nevis's democratic system of Government;
- (m) provides a fair system of review of decisions taken in respect of persons in the Public Service;
- (n) provides a system of preserving employee privacy.

(3) For the purposes of subsection (2)(c), a decision relating to the engagement or promotion of a person is based on merit where an assessment for that purpose

- (a) is made on the relative suitability of the candidates for the duties, using a competitive process;
- (b) is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties;
- (c) focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
- (d) is the primary consideration in making the decision.

(4) The Head of the Public Service may, from time to time, issue directions, in writing, on any of the values set out in subsection (1) for the purpose of

- (a) ensuring that the Public Service incorporates and upholds those values; and
- (b) determining, where necessary, the scope or application of those values.

40. Principles of accountability, legality and the upholding of ethical standards.

Government Auxiliary Employees shall serve the Government in accordance with the principles set out in this Code recognising the following:

- (a) the accountability of Government Auxiliary employees to the officer in charge of their department;

- (b) the duty of all Government Auxiliary Employees to discharge their functions reasonably and in accordance with the law;
- (c) the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice; and the ethical standards governing particular professions.

41. Integrity, impartiality, honesty.

Government Auxiliary Employees shall

- (a) conduct themselves with integrity, impartiality and honesty;
- (b) give honest and impartial advice to the Minister, Permanent Secretaries, or Heads of Departments or to the office holder in charge of their department, as the case may be, and make all information that is relevant to a decision available to them; and
- (c) not deceive or knowingly mislead Ministers, Permanent Secretaries, Heads of Departments or the public.

42. Mode of dealing with the public and staff.

Government Auxiliary Employees shall endeavour to deal with the affairs of the public emphatically, efficiently, promptly and without bias or maladministration, being courteous and respectful in words and demeanour to the public and to members of staff.

43. Use of public funds.

Government Auxiliary Employees shall endeavour to ensure the proper, effective and efficient use of public funds, and the officers shall be strictly accountable in respect of those funds in accordance with the provisions of the Finance Administration Act, Cap. 20.13 and any regulations made under that Act.

44. Conflict of interest.

Government Auxiliary Employees shall not

- (a) misuse their official position or information acquired in the course of their official duties to further their private interests or those of others; or
- (b) receive benefits of any kind from a third party that might reasonably be seen to compromise their personal judgment or integrity.

45. Actions to instill confidence.

(1) Government Auxiliary Employees shall conduct themselves in a manner that will ensure the efficient and effective discharge of their duties.

(2) Government Auxiliary Employees shall comply with the restrictions put on their political activities in accordance with the provisions of this Code.

(3) Government Auxiliary Employees shall conscientiously perform their duties and obligations and impartially assist, advise, and carry out the lawful policies of the Government.

46. Declining to act on decisions.

(1) Subject to this Code, Government Auxiliary Employees shall not frustrate the policies, decisions, or actions of the Government by declining to act on decisions by Ministers or the Cabinet.

(2) Where a Government Auxiliary Employee disagrees with a Minister on a matter involving a decision by the Minister or Cabinet, that employee shall place on record his or her disagreement with the decision and the basis for that disagreement.

47. Records and non-disclosure of information.

(1) A Government Auxiliary Employee shall not, without the relevant prior authorisation, disclose official information which is communicated in confidence within the Ministry or department, or received in confidence from others.

(2) A Government Auxiliary Employee shall maintain records

- (a) where a failure to do so would amount to grave injustice; or
- (b) as required by the Act, this Code or any other law.

(3) Nothing in this Code shall be taken as overriding existing statutory or common law obligations to keep confidential, or not to disclose, certain information.

(4) A Government Auxiliary Employee shall not seek to frustrate or influence the policies, decisions or actions of Ministers, or of the Government by the unauthorised, improper or premature disclosure outside the Service of any information to which they have had access to as government auxiliary employees.

(5) Persons who were employed as Government Auxiliary Employees shall continue to observe their duties of confidentiality after they have left the Public Services.

(6) The publication of official documents or information is governed by the provisions of sections 33 and 34 of these Regulations.

48. Confidential and secret correspondence.

A Government Auxiliary Employee shall keep confidential and secret correspondence and documents under lock and key and separate from open correspondence and material.

49. Handling of classified correspondences.

(1) A Government Auxiliary Employee shall ensure that official secret correspondence addressed is dealt with as follows:

- (a) the secret correspondence shall be placed in two (2) envelopes, one inside the other where the inner envelope shall be marked with the expressions, "Secret", "Confidential" or "In Confidence", as the case may be and
- (b) the outer envelope should be folded in such a way that both envelopes would not easily be opened at the same time.

(2) Care must be exercised that secret and confidential papers are not passed around or circulated through the office except under sealed covers marked, "Secret" "Confidential" or "In Confidence" and such papers shall be dealt with circumspectly.

50. Decisions affecting a Government Auxiliary Employee personally.

(1) A decision affecting a Government Auxiliary Employee personally shall be conveyed to him or her in writing.

(2) A Government Auxiliary Employee through whose hands correspondence relating to another public officer or Government Auxiliary Employee passes, shall not communicate

any of the contents to any other person, without written instructions from the Permanent Secretary, Head of Department, the Permanent Secretary, Human Resources or the Head of the Public Service.

51. Official correspondence.

(1) Copies of written communications to or from the Government shall not be conveyed to any person without the authority of a Permanent Secretary or Head of Department and if the orders therein contained are intended to be communicated, they will be embodied in letter addressed to the person concerned.

(2) A Government Auxiliary Employee shall not take unauthorized copies of communications or reports referring to himself or herself or any other public officer or Government Auxiliary Employee, and a Government Auxiliary Employee found in unauthorised possession of communication or reports shall be liable to disciplinary action.

(3) Pursuant to subsections (1) and (2), important questions of principle or of policy as it relates to the copying of official documents, may be referred to the Minister concerned, and proposals which involve reference to other Ministries should be fully discussed between the Permanent Secretary and Head of Department concerned before they are referred to the Minister and the fact that this has been done should be stated in the submission.

(4) Where there is any doubt about the interpretation of Personnel Matters it shall be referred to the Chief Personnel Officer for advice.

52. Communications to be answered without delay.

(1) All communications, whether from the public or from a Department or between Departments shall be answered within a period of seven days.

(2) Where it is not possible to reply within the period stipulated in subsection (1) of this section, then an interim acknowledgment shall be made, and a reply sent as soon as possible, and in any case, not later than fourteen days from the date of receipt of the communication.

(3) Communications may, as far as possible, be confined to a single subject.

(4) Where it is found to be essential that more than one subject is dealt with in one communication, additional copies, according to the number of subjects, shall be furnished.

(5) The Head of the Public Service may set further standards relating to the way communications may be answered without delay.

53. Opinion by Government Law Officer.

An opinion of a Government Law Officer shall not be quoted directly to a private person, without authorisation and if it is necessary to refer to a legal opinion, this should be preceded by the words "The Government is advised that".

54. Hours of work.

(1) Subject to the provisions of subsection (4), the normal hours of work of Government Auxiliary Employees and their supervisors are forty hours a week on Mondays to Fridays, except on public or bank holidays, between 7.00 a.m. and 4.00 p.m. excluding the lunch hour.

(2) A Permanent Secretary or Head of Department may require any or all of the staff to work temporarily for longer hours than those prescribed whenever the public interest warrants it.

(3) A Government Auxiliary Employee may be required by his or her Permanent Secretary or Head of Department to work on any Public Holiday and shall receive overtime paid for the duty.

(4) The times of work of the Hospital, Customs, Harbour, Prisons, Teachers and Staff or any other Government institution shall be as set out by the Permanent Secretary or Head of Department responsible for the supervision of the Department.

55. Overtime.

A Government Auxiliary Employee who is regularly required by circumstances beyond his or her own control to work outside normal working hours shall be paid overtime at the prescribed rates.

56. Absence without permission.

(1) A Government Auxiliary Employee shall not absent himself or herself from duty during working hours without the permission of the Permanent Secretary or Head of Department in which he or she works or such other officer as may be authorised to give such permission.

(2) A Government Auxiliary Employee who absents himself or herself from duty without permission contrary to subsection (1), except in case of illness or other unavoidable circumstances, shall render himself or herself liable to disciplinary action.

(3) Absence as a result of illness or unavoidable circumstances referred to in subsection (1) shall be communicated to the Permanent Secretary or Head of Department as soon as possible on the day on which the officer is absent or expected to be absent.

57. Absence from Saint Christopher and Nevis.

(1) A Government Auxiliary Employee shall not leave Saint Christopher and Nevis, on duty or otherwise, without permission in writing from the Permanent Secretary or Head of Department provided that such permission shall only be withheld in the public interest.

(2) A Government Auxiliary Employee who leaves Saint Christopher and Nevis contrary to subsection (1), except in case of illness or other unavoidable circumstances, shall render himself or herself liable to disciplinary action.

58. Attendance Register.

(1) A Government Auxiliary Employee shall be regular and punctual in his or her attendance at office.

(2) In each office of a Department, an Attendance Register shall be kept in which each Government Auxiliary Employee shall record daily the hour of his or her arrival at and departure from the office and sign the entry.

(3) The Attendance Register shall be examined at least once a month by a senior officer designated by the Permanent Secretary or Head of Department, and a Government Auxiliary Employee shall be warned in writing of cases of lateness or irregular attendance.

(4) The working of less hours than the minimum laid down or irregular attendance by a Government Auxiliary Employee may form the basis of disciplinary action.

(5) A Permanent Secretary or Head of Department may exempt certain officers from the provisions of this section.

59. Dress.

(1) Government Auxiliary Employees shall, while on duty, be required to dress soberly, neatly, and tidily and in accordance with the requirements of the job, having regard to the desirability of maintaining standards of attire consistent with the dignity of the Public Service.

(2) The suitability of any particular form of dress to the requirements of the office should be determined by the Head of Department in consultation with the Permanent Secretary, Human Resources, but shall not be contrary to the provisions of subsection (1).

60. Loss of, or damage to, property.

(1) Government Auxiliary Employees shall be accountable for any equipment, tool or other property of the government which is entrusted to them or which may come under their control in the course of their duty, and shall report immediately to their Supervisor, or in the absence of the Supervisor, to another senior officer, any malfunction, damage or loss of any equipment so entrusted.

(2) Government Auxiliary Employees may be liable for any loss or damage of any equipment, tool or other property.

61. Engaging in private activity or investment.

(1) A Government Auxiliary Employee shall not, at any time, engage in any private activity or investment which may

- (a) bring the Government Auxiliary Employee or the Government into disrepute;
- (b) conflict with his or her official duties or responsibilities;
- (c) place him or her or give the appearance of placing him or her in a position to use his or her official position for his or her private benefit;
- (d) make him or her unavailable for official duties or official commitments.

(2) A Government Auxiliary Employee, who is of the opinion that any private activity or investment upon which he or she is engaged or in which he or she has a private pecuniary interest might offend against the provisions of this section, shall declare that private activity, investment or interest to the Commission through the Chief Personnel Officer and shall comply with such conditions or restrictions as the Commission, after due inquiry, may consider necessary.

62. Government Auxiliary Employee not to undertake private agency.

A Government Auxiliary Employee shall not undertake any private agency in any matter connected with the exercise of his or her duties as a Government Auxiliary Employee without the consent of the Commission.

63. Work for private boards or committees.

A Government Auxiliary Employee shall not undertake paid work for private boards or committees or any other institution, without previously obtaining the approval of the Commission.

64. Private employment while on medical leave.

A Government Auxiliary Employee shall not, while on medical leave, become involved in any other business or employment for pay or reward.

65. Government Auxiliary Employee not to sign public petitions.

Subject to section 66, a Government Auxiliary Employee may sign or procure signatures to public petitions against the declared policies of the Government once such actions do not impair nor cause the perception of impairing the employee's ability to perform his or her duties in a politically impartial manner.

66. Government Auxiliary Employee and the press.

(1) Subject to subsection (2), a Government Auxiliary Employee may speak on, broadcast, contribute or publish in a newspaper, magazine or periodical or in an electronic platform such as online social media on topics pertaining to the government, once that contribution or publication does not impair, nor is perceived as impairing, the Government Auxiliary Employee's ability to perform his or her duties in a politically impartial manner.

(2) A Government Auxiliary Employee shall be guided by any provisions in the Act or Regulations made by the Governor-General setting out what activity shall be taken to impair or be perceived as impairing a Government Auxiliary Employee's ability to perform his or her duties in a politically impartial manner.

(3) A Government Auxiliary Employee shall be guided by any regulations made by the Governor-General setting out what categories of employee which by nature of their rank or position would be restricted from speaking on, broadcasting, contributing to or otherwise participating in matters pertaining to the government.

(4) Notwithstanding the generality of subsection (1), a Government Auxiliary Employee, whether that employee is on duty or leave of absence, shall not

- (a) without the consent of the Commission, act as an editor of any newspaper, magazine or periodical or take part directly or indirectly in the management thereof;
 - (b) allow himself or herself to be interviewed on questions of public policy, on matters affecting the administration, defence, military resources or national security of Saint Christopher and Nevis or any CARICOM Member State or other State.
- (5) Subsection (1), shall not apply
- (a) to a Government Auxiliary Employee acting pursuant to his or her official duties and with the prior permission of the Minister; or
 - (b) where a statement for publication of factual and technical information is made by a Permanent Secretary, Head of Department or other senior officer, if authorised by the Minister.

67. Publication of official documents.

(1) Unless authorised by the Minister, in writing, a Government Auxiliary Employee shall not make public or communicate to the Press or to unauthorised individuals, any documents, papers or information which may come into his or her possession in his or her official capacity, or make private copies of any such document or paper.

(2) A Government Auxiliary Employee shall exercise due care and diligence to prevent unauthorised access to or disclosures of such documents and information.

68. Publication of books or articles.

Nothing in the preceding two sections shall be deemed to prevent a Government Auxiliary Employee from publishing in his or her own name, by writing, speech or broadcast, matters other than that which may reasonably be regarded as of a political or administrative nature, provided that if the publication is a book, article or other work, the subject of which is not connected with the Government Auxiliary Employee's official duties or those of other public officers or Government Auxiliary Employees, and the prior consent of the Head of the Public Service is obtained.

69. Representation by Government Auxiliary Employee.

(1) A Government Auxiliary Employee shall not seek to influence or directly or indirectly approach any member of the National Assembly as a means of bringing his or her services to official notice especially in connection with employment, leave, postings, transfers, discipline, promotions or any condition of service, or as a means of furthering his or her interest in the Public Service in any way.

(2) The adoption of any method referred to in subsection (1), shall render a Government Auxiliary Employee liable to disciplinary proceedings.

(3) A Government Auxiliary Employee who wishes to make representations regarding promotion, transfer or increase in emoluments shall do so through the Head of Department or Permanent Secretary.

70. Engaging in trade union activities.

A Government Auxiliary Employee may be a member of a trade union and shall be entitled to attend private meetings of his or her trade union, and to speak and vote at such meetings.

71. Acceptance of gifts.

A Government Auxiliary Employee shall not solicit or accept gifts for services rendered in his or her official capacity.

72. Legal proceedings by government auxiliary employees.

A Government Auxiliary Employee shall not institute civil proceedings in any Court in connection with matters arising out of the discharge of his or her public duties, or against a Minister, Permanent Secretary, Head of Department or other public officer or Government Auxiliary Employee, for anything done in the performance of his or her duty, without the approval of the Commission, in consultation with the Attorney-General.

73. Legal proceedings against government auxiliary employees.

(1) Subject to subsection (2), the Government shall, unless advised otherwise by the Attorney-General in any particular case, accept responsibility for the defence of a Government Auxiliary Employee against whom legal proceedings are threatened or instituted with respect to acts done or liabilities incurred in the execution of his or her duty.

(2) Subject to subsection (3), where legal proceedings referred to under subsection (1) are threatened or instituted, the fact thereof shall be reported forthwith to the Attorney-

General, and no legal or other expenses shall be incurred by the Government Auxiliary Employee against whom the proceedings have been threatened or instituted, or other steps taken in connection with any such proceedings until the directions of the Attorney-General have been received by the Government Auxiliary Employee.

74. Pecuniary embarrassment.

A Government Auxiliary Employee may be liable to disciplinary action if the Government Auxiliary Employee continually subjects himself or herself to serious pecuniary embarrassment in such a manner that it brings the Civil Service into disrepute.

75. Bankruptcy.

In the event of a Government Auxiliary Employee filing a petition in bankruptcy, and bankruptcy proceedings are taken against him or her or if the Government Auxiliary Employee enters into a composition with his or her creditors under the Bankruptcy Act or if the government auxiliary employee's action results in serious financial embarrassment on his or her part, the Government Auxiliary Employee shall immediately notify, the Permanent Secretary in his or her Department thereof, who will report the fact to the Chief Personnel Officer;

76. Bankruptcy proceedings to be reported.

(1) In every instance of bankruptcy proceedings against a Government Auxiliary Employee, the Government Auxiliary Employee shall forthwith report the matter to, the Chief Personnel Officer giving particulars of the public officer's indebtedness.

(2) On the conclusion of the bankruptcy proceedings referred to in subsection (1), the Chief Personnel Officer may take appropriate action relating to the matter.

77. Judgment summons.

A Government Auxiliary Employee who is sued for debt and against whom after an order of payment has been made, a judgment summons is issued will be regarded, in the absence of a reasonable explanation and his or her failure to pay the debt, as having brought himself or herself within the terms of section 76.

78. Chief Personnel Officer to obtain copy of judgment.

The Chief Personnel Officer, in the case of a Government Auxiliary Employee, shall obtain a copy of a judgment issued against the Government Auxiliary Employee from the clerk of court.

79. Prohibited activities.

(1) Government Auxiliary Employees shall not, while on duty, indulge in activities that would bring themselves or the office which they hold into disrepute.

(2) Activities such as betting, gambling, the possession or use of illegal drugs and the use of profane language shall be considered to be activities included in subsection (1).

80. Misconduct.

A Government Auxiliary Employee shall be liable to disciplinary action for any misconduct including general misconduct to the prejudice of the proper administration of Government business or contravention of specific rules and regulations.

81. Strikes by Government Auxiliary Employee.

(1) A Government Auxiliary Employee who goes on strike or engages in any other industrial action, except on the direction of a recognised trade union, violates the terms of his or her office and renders himself or herself liable to disciplinary proceedings.

(2) All government auxiliary employees who are on leave at the commencement of a strike must be informed by the Permanent Secretary or Head of Department of the existence of a strike and if necessary, that they must report for duty immediately unless that leave is

- (a) leave for the purpose of study or training; and
- (b) leave of absence outside Saint Christopher and Nevis.

(3) Government auxiliary employees shall not be paid for any day or portion of a day during which they are on strike.

(4) Government auxiliary employees who are not on strike and who report for duty as usual but are unable to work because of the prevailing circumstances shall be paid.

(5) Where the Permanent Secretary or Head of Department is satisfied that an Government Auxiliary Employee who is on leave during a strike and who was given notice by the Permanent Secretary or Head of Department of that strike pursuant to subsection (2) fails to report for duty as provided in that subsection, the Permanent Secretary may recommend the withholding of payment of the salary or wages for that Government Auxiliary Employee in respect of the period of the strike during which he or she failed to report.

(6) Notwithstanding subsection (3), salaries or wages may be paid to persons who are absent on the grounds of illness or maternity leave where the entire period of absence is supported by a satisfactory medical certificate.

82. Criminal conviction.

(1) A Government Auxiliary Employee who is convicted of a criminal offence or who is guilty of misconduct of a serious nature while holding public office is liable to be dismissed.

(2) Government Auxiliary Employees who fail to disclose to the recruiting authority when required to do so, any criminal conviction that they incurred prior to employment in the Public Service may be liable to be dismissed.

83. Sexual harassment.

(1) Engaging in any activity that amounts to sexual harassment is a breach of these Regulations which renders an officer liable to dismissal.

(2) For the purpose of subsection (1), the expression "sexual harassment" includes unwelcomed or unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature in circumstances where

- (a) submitting to or rejecting such conduct is an explicit or implicit term or condition of employment;
- (b) submitting to or rejecting the conduct is a basis for employment decisions affecting the individual; or
- (c) the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

84. Use of information technology and the internet.

(1) Government Auxiliary Employees are required to use information technology, lawfully and responsibly and in accordance with policies and guidelines of the Public Service stipulated in writing.

(2) In this part, the expression, “information technology” includes the intranet, the internet and other network.

85. Use of official stationery.

(1) Official stationery shall not be used for private correspondence or for any purpose not directly connected with the work of a Department.

(2) A Permanent Secretary or Head of Department shall ensure that the strictest economy in the use of stationery is exercised in their offices.

(3) An order for stationery should be scrutinised, before the stationery is issued, by a responsible officer deputed by the Permanent Secretary or the Head of Department for this purpose.

86. Improper behaviour to be reported.

(1) Where a Government Auxiliary Employee believes that he or she is being required to act in a way that

- (a) is illegal, improper, or unethical;
- (b) is in breach of an accepted convention or a professional code;
- (c) may involve possible maladministration; or
- (d) is otherwise inconsistent with this Code;

that Government Auxiliary Employee shall report the matter in accordance with procedures laid down in the appropriate guidelines or rules of conduct for that employee’s Ministry or Department or in accordance with the provisions of the relevant law.

(2) A Government Auxiliary Employee shall report to his or her Head of Department or where the matter involves the Head of Department, the Head of the Public Service

- (a) evidence of any criminal or unlawful activity by others, in accordance with the relevant procedures; or
- (b) instances of breaches of this Code of which he or she becomes aware.

87. Reports to be made to the Government Auxiliary Commission.

Where a Government Auxiliary Employee reports a matter referred to in section 54 in accordance with the relevant procedures and believes that the response does not represent a reasonable response to the grounds of his or her concern, the Government Auxiliary Employee may report the matter in writing to the Commission.

88. Other misconduct not specifically mentioned.

Any case of misconduct for which no provision is otherwise made by this Code shall be reported to the Chief Personnel Officer, who shall deal with the misconduct in a manner approved by the Commission.

89. Grievance handling.

- (1) Where a Government Auxiliary Employee is aggrieved by any action or decision of
 - (a) person employed by the Commission who has or had supervisory powers of the Government Auxiliary Employee;
 - (b) a person, other than a person referred to in paragraph (a), who has supervisory powers in relation to the employment of the Government Auxiliary Employee;
 - (c) a fellow Government Auxiliary Employee;

the Government Auxiliary Employee shall be guided by the procedure with respect to grievance handling that is set out in section 90 of this Code.

(2) A Government Auxiliary Employee may, instead of the procedure referred to in subsection (1), opt for the process of alternate dispute resolution.

- (3) In this section,

“grievance” includes a complaint regarding the alleged violation of

- (a) the provisions of any agreement between a trade union or any other body authorised to represent a Government Auxiliary Employee in respect of employment matters;
- (b) the rules or regulations or any conventions applicable to the category of government auxiliary employees to which the Government Auxiliary Employee belongs;
- (c) the principles of natural justice; or
- (d) the dignity of the human person; and

“alternate dispute resolution” includes conciliation, mediation or any other method of dispute resolution.

90. Grievance handling procedure.

(1) The procedure for handling grievances shall be as provided in subsections (2), (3), (4), and (5).

(2) The aggrieved Government Auxiliary Employee, his or her representative and the supervisory officer of the Government Auxiliary Employee, may address and seek to resolve the grievance within a period of five working days after the grievance has been reported.

(3) Where there is failure to have the matter resolved in accordance with the provisions of subsection (2), then the aggrieved Government Auxiliary Employee may appeal to the Permanent Secretary, in writing, who shall determine the matter within a period of seven working days, and such appeal shall be brought within a period of seven working days.

(4) Where the union representing the Government Auxiliary Employee is dissatisfied with the decision of the Permanent Secretary made pursuant to the provisions of subsection (3), the aggrieved Government Auxiliary Employee may refer the matter to the Chief Personnel Officer, in writing, and the Chief Personnel Officer shall determine the matter within a period of ten working days.

(5) Where the aggrieved party is dissatisfied with the decision made pursuant to subsection (4), he or she may, within ten working days of that decision, appeal to the Head of the Public Service.

(6) Where the decision made by the Head of Public Service is not accepted, the union may declare that a dispute exists.

(7) For the purposes of this section, "Union" means the trade union or other body authorised to represent an officer or employee in respect of employment matters.

91. GAE Engaging in political activity.

(1) A Government Auxiliary Employee may engage in any political activity so long as it does not impair, or is not perceived as impairing, the Government Auxiliary Employee's ability to perform his or her duties in a politically impartial manner.

(2) The Commission shall be guided by any regulations made by the Governor-General specifying political activities that are deemed to impair the ability of a Government Auxiliary Employee, or any class of Government Auxiliary Employee, to perform their duties in a politically impartial manner.

(3) In making any regulations pursuant to subsection (2), the Governor-General may take into consideration factors such as the nature of the political activity and the nature of the duties of an employee or class of employees and the level and visibility of their positions.

92. GAE seeking nomination in Federal or Local Election.

(1) A Government Auxiliary Employee may seek nomination as a candidate in a federal or local election before or during the election period, only if the Government Auxiliary Employee has requested and obtained permission from the Commission to do so.

(2) The Commission may grant leave for the purpose of subsection (1) only if it is satisfied that being a candidate during at the election period will not impair or be perceived as impairing the employee's ability to perform his or her duties in a politically impartial manner.

(3) In determining whether seeking nomination as, or being, a candidate will impair or be perceived as impairing the Government Auxiliary Employee's ability to perform his or her duties in a politically impartial manner, the Commission may take into consideration factors such as the nature of the election, the nature of the employee's duties and the level and visibility of the employee's position.

(4) The Commission may make permission under subsection (1), conditional on the Government Auxiliary Employee's taking a leave of absence without pay for the period or any part of the period in which he or she seeks nomination as a candidate, or for the period of any part of a period in which he or she is a candidate before the election period, as the case may be.

(5) A Government Auxiliary Employee shall cease to be a Government Auxiliary Employee on the day that he or she is declared to be elected in a federal or local election.

(6) On granting an employee permission under subsection (2), or leave under subsection (4), the Commission shall cause notice that it has done so, together with the name of the Government Auxiliary Employee, to be published in the *Official Gazette*.

93. Penalties.

(1) A person who fails to comply with, or engages in behaviour which is prohibited by, the provisions of section 58 (3) of this Code commits misconduct which is regarded as misconduct of a minor nature within the meaning of Part V of this Code and shall be liable to the penalty for the misconduct as is specified in that Part.

(2) A person who fails to comply with, or engages in behaviour which is prohibited by, the provisions of sections 41, 44, 47, 57, 60, 61, 67, 80, 83, 84, 85, 86(2) of this Code commits misconduct which is regarded as a “misconduct of a serious nature” within the meaning of Part V of this Code and shall be liable to the penalty for the misconduct as is specified in that Part.

PART V - DISCIPLINE**94. Application of Part.**

This Part addresses the discipline of Government Auxiliary Workers.

95. Interpretation.

In this Part,

“misconduct of a minor nature” means conduct that does not warrant dismissal, and, without prejudice to the generality of the foregoing, includes the following:

- (a) use of obscene, or abusive or insulting language while on duty;
- (b) malingering on duty;
- (c) failure to maintain official records as required;
- (d) insubordination;
- (e) unpunctuality without just cause;
- (f) loss of or damage to property of the Crown that does not constitute misconduct of a serious nature;
- (g) misuse of the Government’s intranet, the internet and any other information technology network;
- (h) disorderly conduct;

“misconduct of a serious nature” means improper or unprofessional conduct that may warrant the dismissal of a public officer found guilty of such conduct, and, without prejudice to the generality of the foregoing, such conduct, in addition to the misconduct specified in Part II of this Code, includes the following:

- (a) absence from duty without leave or approval for a period of five days;
- (b) conviction of a criminal offence punishable by a term of imprisonment;
- (c) unauthorised disclosure of information pertaining to the Government;
- (d) habitual intoxication or possession, use or distribution of illegal drugs while on duty;
- (e) reporting for duty or performing duties while under the influence of alcohol or illegal drugs;

- (f) failure to observe any laws, orders, rules or regulations governing the Public Service;
- (g) falsification of accounts or records, either manual or electronic;
- (h) willful mutilation, alteration or destruction of property including official documents or records, either manual or electronic;
- (i) failure to report or disclose any information that ought reasonably to be reported or disclosed where the consequence of that failure amounts to a grave injustice;
- (j) threatening of a fellow officer or any other person or threatening the destruction of any property while on duty;
- (k) causing of grievous bodily harm;
- (l) unauthorised possession of a firearm or other device that can be considered an offensive weapon;
- (m) acceptance of bribes or other inducements;
- (n) misappropriation of public funds;
- (o) major loss of or damage to property of the employer;
- (p) failure to perform the duties assigned to the office;
- (q) negligence in the performance of duty;
- (r) sexual harassment;
- (s) failure to maintain official records where the consequence amounts to a grave injustice;
- (t) misconduct involving two or more incidences of the same nature as any of the matters listed in paragraphs (a) to (h) within a period of six months;

“Government Auxiliary Employee” includes a temporary employee;

“sexual harassment” has the meaning assigned to it by section 51.(2) of the Public Service Code of Conduct and Ethics.

96. Purpose of this Part.

The purpose of this Part is to ensure

- (a) that standards of conduct laid down in the Act or in any regulations made under the Act or in the Government Auxiliary are observed;
- (b) the existence of general principles that guide the disciplinary process including:
 - (i) procedural fairness;
 - (ii) determining each case on its merits;
 - (iii) indicating the factors to be taken into account; and
 - (iv) the powers and responsibilities of the investigating officer.

97. Criminal Investigation.

(1) Notwithstanding the fact that a Government Auxiliary Employee is under investigation in respect of the commission of an offence leading to criminal charges or has been charged

with an offence, disciplinary proceedings or action may be instituted or continued under this Code in relation to a breach of this Code.

(2) Where the investigation referred to under subsection (1) or an investigation into any other misconduct has been or is about to be instituted, and the Permanent Secretary or Head of Department is of the opinion that the public interest requires that the Government Auxiliary Employee should forthwith cease to perform the functions of his or her office, the Chief Personnel Officer may recommend to the Commission that the officer be interdicted.

(3) A Government Auxiliary Employee who is under interdiction from duty may not leave Saint Christopher and Nevis without the permission of the Commission.

98. Adjudication of minor offences.

(1) A senior Human Resource officer or other officer of a similar or a higher grade in the Public Service deputed by the Chief Personnel Officer, shall conduct the necessary enquiry into any charge relating to misconduct of a minor nature by a Government Auxiliary Employee.

(2) The person who conducts an enquiry referred to in subsection (1) shall be at a grade that is higher than that of the Government Auxiliary Employee who is charged.

- (3) The person who conducts the hearing of a charge shall at the end of the hearing,
- (a) decide whether the Government Auxiliary Employee committed the offence for which he or she is charged; and
 - (b) recommend to the Chief Personnel Officer, a penalty which is permissible under this Code if the Government Auxiliary Employee is found to have committed the offence.

(4) The enquiry shall be conducted within a period of fifteen working days.

(5) The decision of the person who is conducting the enquiry and any penalty recommended shall be conveyed to the person charged in writing within seven working days of the completion of the enquiry.

99. Adjudication of misconduct of a serious nature.

(1) The Commission may set up a Committee of Enquiry of not more than three persons, to conduct the necessary enquiry into any charge against a Government Auxiliary Employee for the commission of misconduct of a serious nature.

(2) Any officer in a panel deputed to conduct an enquiry referred to in subsection (1) shall be a holder of an office which is at a grade higher than that of the Government Auxiliary Employee against whom the charge is brought, but in any case shall not be below the level of senior personnel officer.

(3) The Chief Personnel Officer shall, within seven days of becoming aware of a breach of Part II of this Code shall bring a charge against that officer for the breach.

(4) A Government Auxiliary Employee who is charged under subsection (3) may be suspended from duty by the Chief Personnel Officer.

(5) Notice of suspension of the Government Auxiliary Employee shall be in writing and shall be sent to the Government Auxiliary Employee Commission and the concerned Government Auxiliary Employee as soon as practicable, except that suspension shall be subject to the confirmation of the Government Auxiliary Employee Commission.

(6) A charge brought against a Government Auxiliary Employee pursuant to the provisions of subsection (3) shall be defined in a written statement, in which statement the nature of the case to be answered shall be set out, together with

- (a) an individual statement signed by the Government Auxiliary Employee, if any;
- (b) signed statements from all witnesses, supervisors, and any other relevant parties; and
- (c) advice to the Government Auxiliary Employee that he or she may be assisted, if he or she so wishes throughout the hearing by a trade union representative, an attorney-at-law or a friend.

(7) A copy of the statements and all documentary evidence which is to be used in an enquiry relating to a charge of misconduct of a serious nature shall be given to the Government Auxiliary Employee who is charged.

(8) The Government Auxiliary Employee who is charged shall be given ten working days after receipt of the statements and documentary evidence supplied in accordance with the provisions of subsection (9) to reply to the charges, and to make any observations he or she may wish in writing in respect of the charge.

(9) The Committee of Enquiry that has conducted an enquiry into a misconduct of a serious nature shall submit a report of the hearing to the Chief Personnel Officer not more than ten working days after completion of the enquiry, giving the opinion of the panel as to

- (a) whether the person is guilty as charged;
- (b) the reasons for its opinion; and
- (c) the maximum penalty that ought to be recommended for the misconduct by the Commission.

(10) The Chief Personnel Officer, shall, within five working days of receiving a report relating to a disciplinary charge, convey in writing his or her decision and any recommendation as to the penalty to be imposed for consideration by the Commission.

(11) The Commission shall conclude its deliberations on the matter within twenty-eight days of the receipt of the information pursuant to the provisions of subsection (12) of this section.

100. Penalties.

(1) The penalties that may be imposed on a Government Auxiliary Employee against whom a disciplinary charge constituting misconduct of a minor nature is proved, are as follows:

- (a) issuance of an oral reprimand;
- (b) reprimand in writing in the first instance;
- (c) reprimand in writing in the second instance specifying the intended course of discipline if the officer does not refrain from engaging in the offending activity;
- (d) suspension on half pay for a period not exceeding six months

(2) Where an employee receives two written reprimands within a six month period, the employee may be suspended in accordance with the provisions of subsection (1) (d) above.

(3) The penalties that may be imposed on a Government Auxiliary Employee against whom a disciplinary charge constituting misconduct of a serious nature is proved are as follows:

- (a) suspension on half pay for a period not exceeding six months;
- (b) reduction in rank;
- (c) suspension of future increments for a period not exceeding two years;
- (d) compulsory retirement; or
- (e) dismissal.

PART VI – Standing Orders

101. Application of Standing Orders.

The provisions of this Part shall apply to all Government Auxiliary Employees except in cases where, by virtue of any other law in Saint Christopher and Nevis, specific provision is otherwise made.

102. Duty of Head of Department to make copies of these Regulations available.

The Head of Department or Permanent Secretary shall ensure that a sufficient number of copies of these Regulations are made readily accessible or available for consultation by all Government Auxiliary Employees within a Department and to meet the needs of the Department.

103. Duty of officers to familiarize themselves with the Standing Orders.

A Government Auxiliary Employee shall familiarize himself or herself with these Regulations and any amendments made to these Regulations.

104. Acquaintance with government notices and orders.

(1) A Government Auxiliary Employee shall acquaint himself or herself with all Government notices and Orders whether published in the *Official Gazette* or conveyed by circular or other means of communication.

(2) Permanent Secretaries as well as Heads of Department shall be responsible for the circulation of the notices and Orders referred to in subsection (1) to the Government Auxiliary Employees under their direction and control.

105. Liability of GAE to disciplinary action.

A Government Auxiliary Employee shall be liable to disciplinary action in respect of a breach of any provision of these Standing Orders.

PART VII - SALARIES AND ACTING ALLOWANCES

106. Salaries to be determined by Parliament.

The scales of salary attached to Government Auxiliary Employees shall be those of Expenditure, and as approved by Parliament.

107. Payment of salaries or wages.

(1) Salaries or wages shall normally be paid monthly or weekly in respect of the calendar month.

(2) A Government Auxiliary Employee shall receive the salary of his or her post from the date upon which he or she assumes duties of the post.

(3) A Government Auxiliary Employee shall not be paid a salary or wage in respect of any period during which the Government Auxiliary Employee has been absent from duty without the approval of a Permanent Secretary or Head of Department unless the Commission, directs otherwise.

(4) A Government Auxiliary Employee who is proceeding on leave outside of Saint Christopher and Nevis may receive, prior to embarkation, his or her salary for the whole of the month in which he or she leaves Saint Christopher and Nevis.

108. Promotional increases in salaries.

(1) The following provisions of this section shall apply where a Government Auxiliary Employee is promoted to a public office carrying salary on an incremental scale.

(2) If, immediately prior to his or her promotion, the salary or wage of the Government Auxiliary Employee was less than the minimum of the new public office he or she shall receive the minimum, but if the grant of the next increment in his or her former office would have brought his or her salary or wage in that office up to the minimum of the scale of his or her new office, he or she shall receive one increment in the new scale of his or her promotion.

(3) If, immediately prior to his or her promotion, the Government Auxiliary Employee's wage or salary was below the maximum of the scale of his or her office, and was not less than the minimum of the scale of the new office, he or she shall receive a salary at a point in the new salary scale amounting to no more than one full increment but higher than his or her salary in the former office.

109. Retention of services of promoted GAE in former Department.

(1) Where a Government Auxiliary Employee is promoted to a public office in another Department, arrangements should normally be made whereby he or she assumes his or her new duties on the date of his or her appointment.

(2) Where, a Government Auxiliary Employee is promoted in accordance with the provisions of subsection (1) and exceptional circumstances necessitate the employee's retention in his or her former Department beyond the promotion date, he or she shall be considered to be holding his or her new office from the date of his or her appointment to that office, and seconded to his or her former Department subject to the approval of the Chief Personnel Officer, in the case of a Government Auxiliary Employee below the level of Head of Department.

(3) In implementing the provisions of this section, regard shall be had to the relevant provisions of the Recruitment and Employment Code.

110. General principle relating to allowances in relation to acting appointments.

Where a Government Auxiliary Employee is absent from office due to annual leave or short absence due to illness or other cause, as a general rule, as provided by section 40.(1) of the Public Service Recruitment and Employment Code, no acting appointment may be made to that office, and no acting allowance shall be payable, except that if another officer within the Department is requested to perform those functions during the absence of the concerned officer, then the officer who is requested to perform those functions shall be entitled to a responsibility allowance.

111. Duty Allowance.

(1) A duty allowance which is attached to a Government Auxiliary Employee shall be payable to any officer performing duties of the said office only when he or she is actually performing the duties of the public office.

(2) The Government Auxiliary Employee shall, during his or her absence or incapacity, draw duty allowance referred to in subsection (1), except that in a case where an acting appointment is necessitated by the absence of the substantive officer on duty outside Saint Christopher and Nevis or on leave or sick leave for a period not exceeding ten working days at any one time, the duty allowance shall be payable both to the substantive holder and to the acting officer.

(3) The fees, if any, attached to the office of a Government Auxiliary Employee may be paid to an acting holder of that office.

PART VIII-LEAVE, MEDICAL LEAVE.**112. Types of leave to which Government Auxiliary Employees are eligible.**

A Government Auxiliary Employee shall be eligible for the following types of leave, that is to say,

- (a) departmental leave;
- (b) vacation leave;
- (c) medical leave;
- (d) maternity and paternity leave;
- (e) leave on urgent private affairs; and
- (f) special leave to attend sporting and other events.

113. Leave to be granted subject to certain conditions.

(1) Leave shall be granted subject to the exigencies of the Public Service and shall be computed in working days.

(2) The rates of leave and the conditions governing the grant of leave set out in these Orders shall apply to all government auxiliary employees.

(3) The Commission may direct a Government Auxiliary Employee to take vacation where it is in the interest of the Public Service to do so.

114. Authority to grant leave.

(1) A Permanent Secretary or Head of Department is authorised to grant leave to a Government Auxiliary Employee in his or her Department within the following limits:

- (a) all departmental leave;
- (b) vacation leave, up to a period not exceeding a total of absence of thirty working days in a year;
- (c) urgent private affairs.

(2) All other leave not referred to in subsection (1) and leave in excess of the limits prescribed in subsection (1) may be granted by the Chief Personnel Officer.

(3) An application for leave shall be submitted on the forms prescribed by the Minister and copies of applications for vacation leave granted by a Permanent Secretary or Head of Department shall be forwarded to the Chief Personnel Officer for record.

(4) A Permanent Secretary or Head of Department may delegate the authority to grant departmental leave under subsection (1)(a) to a senior officer.

115. Leave not to entail the employment of extra staff except in certain circumstances.

(1) As a general rule, a Permanent Secretary or Head of Department is expected to reallocate a public officer's duties while he or she is on leave.

(2) The employment of temporary relief may be sanctioned only in the case of a Government Auxiliary Employee who is absent on leave for periods exceeding twenty days.

(3) Temporary relief may be allowed for shorter periods if the exigencies of the Public Service so require.

116. Cancellation of vacation leave.

(1) A Government Auxiliary Employee may be recalled from leave in the exigencies of the Public Service except that the unexpired portion of his or leave shall be regarded as deferred leave.

(2) Where a Government Auxiliary Employee falls sick while on vacation leave, that officer's vacation leave shall stand deferred, and the officer shall be granted medical leave following the proper procedure for granting such leave.

(3) An officer who is granted medical leave in accordance with the provisions of subsection (2) shall report back on duty after the expiry of the medical leave.

(4) A Government Auxiliary Employee whose vacation leave is deferred in accordance with the provisions of this section shall, upon application in accordance with the provisions of this Part, be allowed to take the deferred vacation leave.

117. Extensions of leave.

(1) A Government Auxiliary Employee seeking an extension of leave shall, in the absence of exceptional circumstances, apply to his or her Permanent Secretary or Head of Department within sufficient time for a decision on the application to be communicated to him or her before the expiry of the leave granted.

(2) An application for an extension of leave on the grounds of ill health shall,

(a) in the case of a Government Auxiliary Employee who is undergoing medical treatment in Saint Christopher and Nevis, be supported by a medical certificate from a registered medical practitioner; and

(b) in the case of a Government Auxiliary Employee who is undergoing medical treatment outside Saint Christopher and Nevis, be supported by a medical certificate from a registered medical practitioner in the country where the officer is undergoing treatment together with a medical certificate from a medical practitioner registered in Saint Christopher and Nevis.

118. Compulsory leave.

(1) A Government Auxiliary Employee may be required by the Permanent Secretary Human Resources, to take leave which is due to him or her.

(2) A Government Auxiliary Employee may also be required in the public interest to proceed on leave or to remain on leave after the expiry of leave granted to him or her, provided that such leave shall not count against leave to be earned in the future.

119. Absence without permission.

(1) A Government Auxiliary Employee who absents himself or herself from his or her duties without permission being granted or who fails to resume duty on the expiry of his or her leave, shall be regarded as being absent without permission and shall not be entitled to a salary or wages during such absence.

(2) All absences referred to in subsection (1), shall be reported to the Chief Personnel Officer and the period of absence may not be set off against any leave eligibility without the approval of the Chief Personnel Officer.

(3) Where a Government Auxiliary Employee absents himself or herself from duty for a period exceeding five working days without permission being granted, then such officer shall be deemed to have abandoned his or her post, and the matter shall be reported to the Service Commission accordingly.

(4) Where a Government Auxiliary Employee is found to have abandoned his or her post in accordance with the provisions of this section, without justification, then such officer shall, in accordance with the provisions of the Code of Discipline, be liable to dismissal.

120. Overstay of approved leave and leave not earned.

(1) Where a Government Auxiliary Employee through circumstances beyond his or her control is compelled to overstay his or her approved leave, he or she may, with the approval of the Chief Personnel Officer,

- (a) have the excess leave deducted from the amount of any deferred leave or leave due in the next leave year; or
- (b) refund salary in respect of the days of excess leave taken.

(2) For the purposes of these Standing Orders, a Government Auxiliary Employee who is granted medical leave exceeding sixty days on full salary shall not, while the medical leave is still in existence, earn any vacation leave.

121. Arrangements for the grant of leave.

Subject to the exigencies of the Public Service, Permanent Secretaries and Heads of Departments shall arrange employees to take departmental leave in the year in which it accrues.

122. Forfeiture of departmental leave not taken.

(1) Any departmental leave due and not taken in a particular year shall lapse unless the Government Auxiliary Employee is precluded by the exigencies of the Public Service from taking such leave.

(2) The approval of the Chief Personnel Officer must be obtained for departmental leave that has not been taken to be converted into vacation leave.

123. Rates of leave.

(1) The rates of leave for which the various grades of officers are eligible are set out in Schedule 1 to these Standing Orders.

(2) Where a Government Auxiliary Employee is upgraded to the higher leave earning category he or she will earn leave at the higher rate with effect from the date of upgrading.

(3) A Government Auxiliary Employee shall not be allowed to take vacation leave before he or she has completed one year of service from the date of his or her employment except on the grounds of urgent private affairs or serious indisposition.

124. Leave prior to resignation.

(1) A Government Auxiliary Employee or employee who resigns his or her appointment after giving the prescribed notice or because of ill health or who is dismissed shall be granted the departmental and accumulated vacation leave, which he or she has earned.

(2) The leave referred to in subsection (1) shall not be included as part of the period of notice of termination of service.

(3) The provisions contained in subsection (1) shall not apply to a Government Auxiliary Employee or employee who, while on duty, resigns and fails to give the requisite period of notice.

125. Leave without pay.

Leave without pay may be granted at the discretion of the Chief Personnel Officer.

*Medical Leave, Maternity leave and Paternity leave***126. Circumstances in which medical leave may be granted.**

(1) A Government Auxiliary Employee may be granted medical leave if the officer is ill or injured, provided that the illness or injury prevents the officer from carrying out his or her duties.

(2) Medical leave exceeding ten working days may be granted to a Government Auxiliary Employee if the officer produces additional medical evidence to the effect that such leave is required by the officer.

127. Medical certificate.

(1) Medical leave on full pay to cover absence from duty due to illness or injury shall be granted, subject to the provisions of these Standing Orders, without affecting eligibility for departmental or vacation leave.

(2) An application for medical leave if it exceeds two consecutive working days shall be supported by a medical certificate issued by a registered medical practitioner practising in Saint Christopher and Nevis.

(3) Medical leave when granted shall be accounted for in working days.

128. Medical leave granted without production of medical certificate.

The total period of sick leave which may be granted for absence not supported by a medical certificate shall not exceed ten working days in a year.

129. Maximum medical leave days to be granted.

(1) A Government Auxiliary Employee may be granted medical leave on full salary up to a maximum period of sixty working days during any period of twelve months.

(2) Where a Government Auxiliary Employee exhausts the medical leave referred to in subsection (1) and it is found necessary to extend the medical leave, then such officer may be granted an additional medical leave of sixty working days on half pay, on the condition that medical leave on full salary, combined with medical leave on half pay shall not exceed one hundred and twenty working days.

(3) Where a Government Auxiliary Employee exhausts the medical leave referred to in subsections (1) and (2), such officer may be granted medical leave of sixty working days without salary.

(4) Where a Government Auxiliary Employee who is granted medical leave pursuant to the provisions of subsection (2) is eligible for vacation leave after the expiry of the medical leave with half pay, such officer shall be allowed to take vacation leave with full pay.

130. Medical leave for periods exceeding one hundred and twenty working days subject to Medical Assessment Panel's recommendation.

(1) A Government Auxiliary Employee who has been on medical leave for a continuous period of one hundred twenty working days within one year, shall, unless specifically exempted on the advice of the Chief Medical Officer, be required by the Chief Personnel Officer, to submit himself or herself for an examination by the Medical Assessment Panel.

(2) Where the Medical Assessment Panel advises that the Government Auxiliary Employee be prematurely retired from the public service on the basis of illness, the employee shall be granted a maximum of 8 weeks leave on full pay.

(3) The recommendation of the Medical Assessment Panel shall be made and communicated to the Chief Personnel Officer within a period of two months prior to the expiry of the two months' leave referred to in subsection (2).

131. Illness incurred while on duty.

(1) Upon production of a medical certificate, medical leave, on full pay, may be granted where a Government Auxiliary Employee is suffering from

- (a) an injury sustained in the execution of his or her duties; or
- (b) an illness caused by or directly attributable to the nature of his or her duties.

(2) Medical leave granted under this section shall not be taken into account for purposes of counting any other leave to which the officer is entitled under these Standing Orders.

132. Officers may be required to appear before the Medical Competency Assessment Panel.

(1) Where a Permanent Secretary is of the opinion that a public officer's performance is being impaired by the health or injury of the officer, and that it is necessary for the officer concerned to be medically examined, the Permanent Secretary shall, through the Chief Personnel Officer, request the Medical District Officer to examine the officer concerned, and

the officer may, on the basis of the results of the examination, be required to appear before the Medical Assessment Panel.

(2) A Government Auxiliary Employee may be called upon at any time by the Commission to submit himself or herself for examination by a District Medical Officer, and may, on the basis of the results of the examination, be required to appear before the Medical Assessment Panel.

(3) An officer who is required to appear before the Medical Assessment Panel may bring with him or her a personal physician.

(4) Where it is decided that a Government Auxiliary Employee needs to be examined by the Medical Assessment Panel the Government Auxiliary Employee shall present himself or herself for examination at the place and time instructed.

(5) A Government Auxiliary Employee who fails to comply with an instruction given under this section, or who fails to comply with the medical advice given, may render himself or herself liable to disciplinary action.

133. Medical Officer to make a report in certain circumstances.

The Chief Personnel Officer shall, acting in accordance with the recommendation of the Commission, initiate disciplinary proceedings against a public officer, if a Government Medical Officer reports to him or her the situations listed in this section:

- (a) that the Government Auxiliary Employee has refused to carry out or is neglecting to carry out the medical advice given;
- (b) that the illness of a Government Auxiliary Employee has been caused by his or her own negligence or misconduct;
- (c) that the Government Auxiliary Employee is feigning ill-health.

134. Maternity, paternity, and family emergency leave.

(1) A female Government Auxiliary Employee shall be granted maternity leave for a period of three months.

(2) A female Government Auxiliary Employee who requires extra days in addition to the period referred to in subsection (1) may, upon application, be granted any vacation leave to which she is entitled immediately after the completion of maternity leave.

(3) Where the female Government Auxiliary Employee referred to in subsection (2), has no vacation leave that she is entitled to, then she may, upon application, be granted a period of unpaid leave.

(4) A male Government Auxiliary Employee who has completed two years' service shall be entitled to paternity leave with pay, subject to the following terms and conditions:

- (a) the officer shall be granted fifteen (14) working days' paid leave per confinement up to a maximum of two confinements during his term of service;
- (b) the officer shall provide documentation declaring that he is married to the expectant mother or that he has been in a spousal relationship with the expectant mother for a period of not less than five years;

- (c) the officer shall, at least three months prior to the expected date of birth of the child, produce a medical certificate stating the expected date of the birth;
- (d) paternity leave will be granted within two weeks of the birth of the child;
- (e) only one period of leave shall be granted irrespective of whether more than one child is born as a result of the same pregnancy;
- (f) paternity leave may be taken in conjunction with annual vacation leave.

(5) For the purposes of subsection (4), “spousal relationship” means a marital relationship, or a common law relationship in which a male and a female have been cohabiting for a period of not less than five consecutive years.

(6) Where a Government Auxiliary Employee’s child, spouse, parent or dependent relative becomes seriously ill and requires care, the Government Auxiliary Employee may, upon application, be granted compassionate leave for a period of five days in order to deal with the family emergency, provided that the Government Auxiliary Employee would be required to provide written verification of his or her family member’s illness and have it signed by a medical practitioner.

Other Forms of Leave

135. Leave on urgent private affairs.

(1) A Government Auxiliary Employee may be granted leave on the grounds of urgent private affairs, and an application for such leave shall be accompanied by a statement of the reasons for the application.

(2) A statement under subsection (1) shall, at the request of the employee, be treated as confidential.

136. Granting of leave on urgent private affairs.

(1) Leave on urgent private affairs shall be granted in accordance with the provisions of section 23 of these Standing Orders.

(2) A Government Auxiliary Employee may be required to take all leave for which he or she is eligible.

(3) A Government Auxiliary Employee may be granted, in addition to the leave referred to in subsection (2), leave on full salary to bring the total leave granted to thirty working days provided that such additional leave as may be granted will count against his or her future leave eligibility.

(4) If a Government Auxiliary Employee retires, resigns or is discharged before he or she becomes eligible for leave equal to the additional unearned leave taken, the Government Auxiliary Employee will refund to the Government the salary he or she might have been paid during that leave.

137. Special leave to attend sporting and other events.

(1) Special leave on full salary may be granted by the Chief Personnel Officer in the following circumstances:

- (a) to enable Government Auxiliary Employees who are selected by the proper authorities to represent Saint Christopher and Nevis or the West Indies in sports events;

- (b) to enable Government Auxiliary Employees who belong to legally recognised organisations and are selected by the proper authorities to attend gatherings of a national, regional or international character connected with such organisations;
- (c) to enable representatives of staff associations and trade unions to attend seminars, conferences, workshops in connection with the performance of the aims and objectives of their organisations;
- (d) to enable Government Auxiliary Employees who are selected by the proper authorities to represent a State or Inter-State or international side either in an administrative capacity or as a participant.

(2) Special leave under this section shall be limited to not more than one calendar month on any one occasion or in any one year and any leave required over and above this maximum shall be counted as leave without salary except that in any special case additional leave on full or half salary may be granted.

PART IX - MISCELLANEOUS PROVISIONS

138. Leave registers and leave accounts.

(1) A Permanent Secretary or Head of Department is required to maintain a Departmental Leave Register in which leave granted by him or her shall be recorded.

(2) A Permanent Secretary shall, in addition, maintain individual leave accounts in the prescribed form in respect of all Government Auxiliary Employees in his or her Department.

(3) Where a Government Auxiliary Employee is transferred from one Department to another, his or her leave account shall be forwarded to the other Department.

(4) All earned leave other than departmental leave shall be entered in a public officer's leave account.

139. On death of an officer, cash equivalent of earned leave payable.

On the death of a Government Auxiliary Employee cash equivalent of any departmental or vacation leave which he or he has earned shall be paid to his or her estate.

140. Return to duty to be reported.

The resumption of duty by a Government Auxiliary Employee after leave other than departmental leave shall be reported in writing by the Permanent Secretary or Head of Department to the Chief Personnel Officer, Accountant-General and Director of Audit.

PART X - ADVANCES, SUBSISTENCE, TRAVELLING AND OTHER ALLOWANCES

141. Advances in general.

(1) A Government Auxiliary Employee may, with the approval of the Financial Secretary, receive advances from public funds for the purposes and on the conditions set out in this Part.

(2) Where such an advance is not specifically provided in these Orders, an advance may be made in exceptional circumstances with the prior approval of the Financial Secretary, and in each case of such advance, the conditions of security, interest and the mode of repayment should be settled before granting it.

142. Subsistence allowance payable in respect of journeys within Saint Christopher and Nevis.

A Government Auxiliary Employee who is

- (a) absent overnight from his or her station on duty in Saint Christopher and Nevis; or
- (b) who is required to travel on duty outside Saint Christopher and Nevis to attend conferences, meetings, official functions or on training,

will be eligible for subsistence allowance at the prescribed rates as determined from time to time by the Ministry of Finance and a refund of reasonable expenses incurred as part of the absence on duty.

143. Travelling Allowance.

(1) A Government Auxiliary Employee who is the holder of a travelling post shall be eligible for regular or commuted vehicle allowances.

(2) The rates of regular or commuted allowances payable to Government Auxiliary Employees referred to in subsection (1) shall be determined, from time to time, by the Ministry of Finance.

144. Mileage allowance.

A Government Auxiliary Employee who is not eligible for vehicle allowance will receive a mileage allowance in respect of travelling under-taken with the prior approval of his or her Permanent Secretary or Head of Department in his or her own car on official duties.

145. Rates of payment of vehicle and mileage allowances.

(1) The rates of regular and commuted vehicle allowances and mileage allowances shall be as prescribed by Cabinet, from time to time.

(2) The payment of vehicle allowances shall be dependent upon the Government Auxiliary Employee concerned maintaining the car in respect of which the allowance is paid, in a road worthy condition and using it for official travelling, and it shall be in the discretion of the Financial Secretary to authorise the continuation of the allowance during any period when the vehicle is temporarily not roadworthy.

146. Mileage records and mileage allowance claims.

(1) A Government Auxiliary Employee in receipt of mileage allowance is required to keep a daily record of his or her journey on duty.

(2) A record referred to in subsection (1) record must show the dates, places visited and actual mileage.

(3) A Head of Department or Permanent Secretary shall be responsible for ensuring that proper records for mileage allowance are kept.

(4) A Government Auxiliary Employee shall submit a claim for the payment of mileage allowance in the prescribed form monthly within three days of the end of the month in which the expenditure was incurred, together with a certified statement of places visited, dates, distances travelled and the nature of the duty performed and responsibility for the correctness of the claim will rest on the Government Auxiliary Employee making the claim.

147. Continuation of allowances when a Government Auxiliary Employee is removed from travelling duties.

(1) Where a Government Auxiliary Employee who is in receipt of a regular or commuted vehicle allowance is transferred permanently to a post in which he or she is not entitled to such vehicle allowance, the Government Auxiliary Employee shall receive the vehicle allowance for a period not exceeding four months if the Government Auxiliary Employee maintains the vehicle for his or her use during that period.

(2) When the Government Auxiliary Employee who is in receipt of a regular or a commuted vehicle allowance is appointed to act in a post in which a smaller allowance is attached, the Government Auxiliary Employee shall be paid the allowance attached to his or her substantive post for a period of four months if he or she maintains the car for his or her use during that period.

148. Continuation of allowance on leave.

A regular or commuted vehicle allowance shall be payable to a Government Auxiliary Employee at the full rate during leave including sick leave.

PART XI – GENERAL PROVISIONS

149. Channels of communication.

(1) A Government Auxiliary Employee who wishes to make representations relating to his or her conditions of service or any other matter of public nature shall first address the Permanent Secretary or Head of Department through his or her Supervisor.

(2) If a Government Auxiliary Employee is not satisfied by a reply received after representation made under subsection (1), he or she may write a response to the Chief Personnel Officer through the Head of Department or Permanent Secretary and the Permanent Secretary or Head of Department shall together with the response in a separate memorandum submit his or her own views on the representation made.

(3) The Chief Personnel Officer shall address his or her reply to the Government Auxiliary Employee through the Permanent Secretary or Head of Department.

(4) Representations received other than through the correct channel shall be returned unanswered to the Government Auxiliary Employee through the Permanent Secretary or Head of Department.

150. Annual confidential report.

(1) A confidential report on a Government Auxiliary Employee below the level of Head of Department shall be prepared bi-annually in the form specified and submitted to the Chief Personnel Officer during the months of January and July for the six months preceding the date of the confidential report.

(2) A report on

(a) a Head of Division shall be made by the Permanent Secretary or Head of Department;

(b) any other Government Auxiliary Employee shall be made by the Supervisor or the Head of Division, Head of Department or the Permanent Secretary.

(3) Confidential reports shall be transmitted in duplicate on the form prescribed by the Minister to the Chief Personnel Officer who will forward one copy to the Secretary to the Commission.

151. Reports may be submitted at other times.

Where there are special reasons, confidential reports on a Government Auxiliary Employee may be submitted at any time or may be called for by the Chief Personnel Officer.

152. Confidential reports to be shown to officer reported on.

(1) A confidential report on a Government Auxiliary Employee's performance shall be discussed with the Government Auxiliary Employee before it is forwarded to the Permanent Secretary of his or her Department and the Chief Personnel Officer.

(2) If a Government Auxiliary Employee's work is found to be unsatisfactory in any respect, and it is felt that he or she is capable of improvement, he or she shall be warned before his or her confidential report is written.

(3) A copy of the warning letter and of any reply which the Government Auxiliary Employee may make shall be forwarded to the Chief Personnel Officer at the time the annual confidential report on the Government Auxiliary Employee is submitted.

153. Death of a Government Auxiliary Employee to be reported immediately.

A Permanent Secretary or Head of Department shall report the death of Government Auxiliary Employee in the Department immediately to the Chief Personnel Officer.

154. Next of kin.

(1) On first appointment, a Government Auxiliary Employee is required to notify the Chief Personnel Officer of the names and addresses of not more than two relatives or friends whom he or she would wish to be informed in the event of his or her death or serious illness.

(2) Any change in those particulars should be notified promptly to the Chief Personnel Officer.

155. Death or injury to a public officer.

(1) If a Government Auxiliary Employee is killed or injured as a result of an accident while he or she is on duty, an immediate investigation shall be made and the Permanent Secretary and a Board of Enquiry shall be appointed by the Cabinet to investigate the circumstances of the death or injury.

(2) The report of the Board of Enquiry shall be sent to the Chief Personnel Officer as soon as practicable.

156. Loss of, or damage to, private property.

A Government Auxiliary Employee shall not be entitled to compensation in respect of losses of, or damage to, private property incurred through fire, theft, riots, or other causes, in the course of duties, but in special cases the grant of compensation may be made as an act of grace.

157. Occupation of public building by Departments.

(1) A Permanent Secretary or Head of Department is required to keep a register of all keys to buildings under his or her control.

(2) A Government Auxiliary Employee to whom keys are issued for retention will be required to acknowledge the receipt of keys by signature in the register kept under section (1).

(3) Duplicates of keys shall not be kept in the office of the buildings for which they are used.

(4) A Permanent Secretary or Head of Department shall ensure that keys of offices and buildings are entrusted only to responsible Government Auxiliary Employees.

(5) Any loss of keys must be reported at once to the Permanent Secretary or Head of Department.

(6) A Government Auxiliary Employee entrusted with keys under this section is personally responsible for their adequate care.

(7) The loss of any key in circumstances suggesting negligence by the Government Auxiliary Employee concerned will render him or her personally liable for any expenses incurred by the Government in its replacement or in furnishing new locks and keys.

(8) The Accountant-General shall keep all duplicate keys of safes in the Treasury vault and maintain a record of all safes and Government Auxiliary Employees to whom the safe keys are issued.

(9) A Government Auxiliary Employee to whom the safe keys are issued is personally responsible for their security and shall report losses immediately to the Accountant-General.

158. Franking of official correspondence.

Official correspondence, including letters, printed matter and miscellaneous packets, which is to be transmitted free by the post, must bear on the envelope or cover, the words "ON Saint Christopher and Nevis Government Service" and, in the lower left hand corner the signature and official designation of a Government Auxiliary Employee duly authorised to frank official postal packages.

159. Official seal.

Impressions of official seals shall not be given to any private person.

160. Initiation and processing of legislation.

The provisions on initiation and processing of legislation that are set out in Part V of the Public Service Standing Orders, S.R.O. 11 of 2014, shall be of equal application to Government Auxiliary Employees.

SCHEDULE 2

Application Form for employment as GAE



P/1
(G. O. 17)

SAINT CHRISTOPHER AND NEVIS

APPLICATION FOR EMPLOYMENT IN THE CIVIL SERVICE

Form to be filled out by the Applicant in his or her own handwriting and returned to the Chief Personnel Officer, Human Resource Management Department, St Kitts and Nevis.

Email: Telephone Number:

Name in full
Surname Christian Name(s)

Date of Birth / / Sex Male Female Age at last Birthday
Day Month Year Tick appropriate

(A birth certificate must be enclosed, it will be returned)

Place of Birth Social Security Number

Present Address of Candidate

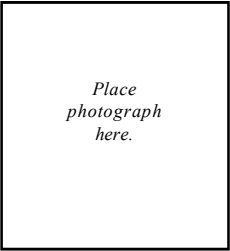
Present Occupation

Marital Status single married widowed divorced

Wife's maiden name }
or Husband's name }

Spouse's nationality at birth and place of birth

Number of Children Sons Age respectively
..... Daughters " "



Employment desired
 Full-time Part-time

Post desired

Educational Background		
Name and Address	Years Attended	Course of Study:- List subjects passed
High School (1)	CXC General:-
.....
(2)	CXC Basic:-
.....
College	RSA/LCCI
.....	Cambridge London
.....	'A' level
.....	'O' level
.....	CAPE
University	BA/BSc
.....	MA/MSc
.....	PhD
Other	Other

Original certificate of any external examinations passed should be attached. They will be returned.

Turn over

<p>EMPLOYMENT HISTORY</p> <p>List employment or experience from completion of education to present time.</p> <p>Mention each position held by you, the dates between which you held it, and the cause of leaving.</p> <p>State present employment and salary you are receiving.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; vertical-align: top;">(1)</td> <td style="width: 60%;">From: (Date)</td> <td style="width: 35%;">Place:</td> </tr> <tr> <td></td> <td>To: (Date)</td> <td>Salary: Duties:</td> </tr> <tr> <td colspan="3" style="text-align: center;">REASON FOR LEAVING</td> </tr> <tr> <td colspan="3" style="text-align: center;">.....</td> </tr> <tr> <td style="vertical-align: top;">(2)</td> <td>From: (Date)</td> <td>Place:</td> </tr> <tr> <td></td> <td>To: (Date)</td> <td>Salary: Duties:</td> </tr> <tr> <td colspan="3" style="text-align: center;">REASON FOR LEAVING</td> </tr> <tr> <td colspan="3" style="text-align: center;">.....</td> </tr> <tr> <td style="vertical-align: top;">(3)</td> <td>From: (Date)</td> <td>Place:</td> </tr> <tr> <td></td> <td>To: (Date)</td> <td>Salary: Duties:</td> </tr> <tr> <td colspan="3" style="text-align: center;">REASON FOR LEAVING</td> </tr> <tr> <td colspan="3" style="text-align: center;">.....</td> </tr> <tr> <td style="vertical-align: top;">(4)</td> <td>From: (Date)</td> <td>Place:</td> </tr> <tr> <td></td> <td>To: (Date)</td> <td>Salary: Duties:</td> </tr> </table>	(1)	From: (Date)	Place:		To: (Date)	Salary: Duties:	REASON FOR LEAVING			(2)	From: (Date)	Place:		To: (Date)	Salary: Duties:	REASON FOR LEAVING			(3)	From: (Date)	Place:		To: (Date)	Salary: Duties:	REASON FOR LEAVING			(4)	From: (Date)	Place:		To: (Date)	Salary: Duties:
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.....																																											
(4)	From: (Date)	Place:																																									
	To: (Date)	Salary: Duties:																																									
<p>Special skills and qualification (if any), and the date at which each was obtained.</p> <p>State knowledge of typing, computer and shorthand, giving speeds.</p>																																											

Personal References in space below. *They should not be related to you.*

Name	Address	Telephone No	Years known
(1)	_____	_____	_____
	_____	_____	_____
(2)	_____	_____	_____
	_____	_____	_____

Signature of Candidate Date:

SCHEDULE 3**OATH OF OFFICE AND SECRECY**

I do solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by virtue of my employment in the Public Service, and that I will not, without authority in that behalf, in any manner whatsoever, communicate or publish any facts or expressions of opinion based on such facts that come to my knowledge by virtue of such employment.

AFFIRMATION OF OFFICE AND SECRECY

I do solemnly and sincerely affirm and declare that I will faithfully and honestly fulfill the duties that devolve upon me by virtue of my employment in the Public Service, and that I will not, without authority in that behalf, in any manner whatsoever, communicate or publish any facts or expressions of opinion based on such facts that come to my knowledge by virtue of such employment.

VACATION ENTITLEMENT OR ACCRUALS

1. Vacations shall be fixed according to an officer's classification and pay scale or on such terms as may be prescribed by the Commission in consultation with the Human Resource Department.
2. The following rules shall govern the vacation leave process, that is to say,
 - (a) leave for all officers accrues on a monthly basis;
 - (b) vacation leave requests shall be approved by an officer's Ministry;
 - (c) a Government Auxiliary Employee may, with the approval of the Permanent Secretary, be allowed to carry a vacation leave balance, which balance must be taken in that subsequent year;
 - (d) additional carry-over of vacation leave may be allowed if the exigencies of the position prevent an employee from taking the vacation leave, and which request shall be approved by the Chief Personnel Officer.

Dated this 5th day of May, 2022.

TIMOTHY HARRIS
Minister responsible for the Public Service