

CAYMAN ISLANDS



Supplement No. 2 published with Extraordinary
Gazette No. 28 dated 29 December, 2006.

PUBLIC SERVICE MANAGEMENT LAW, 2005
(LAW 27 OF 2005)

PERSONNEL REGULATIONS, 2006

PERSONNEL REGULATIONS, 2006

ARRANGEMENT OF REGULATIONS

PART 1 - INTRODUCTORY

1. Citation.
2. Interpretation.
3. Application.

PART 2 - EMPLOYMENT OF OFFICIAL MEMBERS

Procedures Applying to the Appointment and Reappointment of Official Members

4. Actions to finalise appointment of Official Members.
5. Reappointment of Official Members at the end of a fixed-term employment agreement.
6. Reappointment of Official Members who have reached retirement age.

Terms of Employment of Official Members

7. Official Member's terms and conditions.
8. Official Member's remuneration.
9. Official Member's employment agreement.

Procedures Applying to the Dismissal and Early Retirement of Official Members

10. Dismissing Official Members for gross misconduct.
11. Dismissing Official Members for serious misconduct or significant inadequate performance.
12. Retiring Official Members early on medical grounds.

PART 3 - EMPLOYMENT OF CHIEF OFFICERS

Procedures Applying to the Appointment and Reappointment of Chief Officers

13. Notification of chief officer vacancies.
14. Actions to finalise appointment of chief officers.
15. Reappointment of chief officers at the end of a fixed-term employment agreement.
16. Reappointment of chief officers who have reached retirement age.
17. Appointment of acting chief officer.

Terms of Employment of Chief Officers

18. Chief officer terms and conditions.
19. Chief officer remuneration.
20. Chief officer employment agreement.

Procedures Applying to the Dismissal and Early Retirement of Chief Officers

21. Dismissing chief officers for gross misconduct.
22. Dismissing chief officer for serious misconduct or significant inadequate performance.
23. Retiring chief officers early on medical grounds.
24. Retirement of chief officers to improve the organisation.

**PART 4 - PROCEDURES APPLYING TO THE EMPLOYMENT OF
STAFF OF A CIVIL SERVICE ENTITY**

Procedures Applying to the Appointment and Reappointment of Staff

25. Notification of staff vacancies.
26. Criteria for shortlisting.
27. Interview panels.
28. Actions to finalise appointment of staff.
29. Reappointment of staff at the end of a fixed-term employment agreement.
30. Reappointment of staff who have reached retirement age.
31. Appointment of staff to acting positions.
32. Appointment of staff without open competition.
33. Transfer of staff in the public interest.

Terms of Employment of Staff

34. Staff terms and conditions.
35. Probationary appointments.
36. Staff remuneration.
37. Staff employment agreements.

*Procedures Applying to the Discipline, Dismissal, Early Retirement and Other
Termination of Staff*

38. Disciplining staff.
39. Dismissing staff for gross misconduct not involving criminal activity.
40. Suspending and dismissing staff for gross misconduct involving criminal activity in the workplace.
41. Suspending and dismissing staff for gross misconduct involving criminal activity outside the workplace.

42. Dismissing staff for serious misconduct or significant inadequate performance.
43. Retiring staff early on medical grounds.
44. Retiring staff to improve the organisation.
45. Making staff redundant.
46. Terminating staff who lose their qualification, license or certification.

PART 5 - OTHER REQUIREMENTS RELATING TO CHIEF OFFICERS

47. Performance incentive arrangements.
48. Workplace conditions and safety.
49. Personnel records.
50. Instructions and workplace rules.
51. Grievance procedures.
52. Succession planning.

PART 6 - MISCELLANEOUS

53. Medical board.

Schedule 1 - Standard Terms and Conditions of Employment.

Schedule 2 - Remuneration Bands.

Schedule 3 - Performance-Related Remuneration.

Schedule 4 – Template for Employment Agreements for Civil Servants.

Schedule 5 – Template for Declaration of Secrecy by Civil Servants.

CAYMAN ISLANDS

**THE PUBLIC SERVICE MANAGEMENT LAW, 2005
(LAW 27 OF 2005)**

PERSONNEL REGULATIONS, 2006

In exercise of the powers conferred by section 66 of the Public Service Management Law, 2005, the Governor in Cabinet, on the advice of the Head of the Civil Service, makes the following regulations-

PART 1 - INTRODUCTORY

1. These regulations may be cited as the Personnel Regulations, 2006.

Citation

2. (1) In these regulations-

Interpretation

“Caymanian” has the same meaning as in section 2 of the Immigration Law, 2003;

Act No. 34 of 2003

“Chief Medical Officer” means the person appointed to the position of that title in the ministry responsible for health;

“child” means -

- (a) the offspring of the employee;
- (b) a step-child;
- (c) a child legally adopted; or
- (d) a foster child;

“civil service entity” means a portfolio, ministry, the Audit Office or the office of the Complaints Commissioner;

“dependent child” means the offspring of the employee, a step-child, a child legally adopted or a foster child who is -

- (a) under 18 years of age, unmarried and does not earn a living wage; or
- (b) aged 18 and over but under 23 years of age, unmarried and in full time education at a university or other tertiary education institution;

“fixed-term employment agreement” means an employment agreement which has a defined date of cessation;

“foster child” means a child who is cared for, and provided with accommodation by, someone other than -

- (a) a parent of his;
- (b) a person who is not a parent of his but who has de facto parental responsibility for him; or
- (c) a relative of his.

“full-time study” means undertaking a full-time course at an approved educational institution either in the Cayman Islands or overseas while being absent from normal employment duties during the period of the course;

“immediate family” mean a spouse, child, father, mother, brother or sister;

“interim position” means a position in a civil service entity from which the substantive holder of the position is or is expected to be absent for a period longer than twelve months ;

Law 27 of 2005

“Law” means the Public Service Management Law, 2005;

“medical board” means the medical board appointed under regulation 53;

“open-term employment agreement” means an agreement with no fixed date for the end of employment other than the date of retirement;

“part-time study” means the undertaking of a course by way of-

- (a) correspondence or distance learning; or
- (b) attendance at an educational institution in the Cayman Islands,

while also undertaking normal employment duties;

“principal employer” means the employer (amongst two or more) who employs a person for more than 15 hours a week, or if no employer does this, the employer who first employed the employee;

(2005 Revision)

“registered medical doctor ” means a medical doctor who is a registered practitioner under the Health Practice Law (2005 Revision);

“remuneration level” includes all elements of the civil servant’s remuneration;

“retirement age” means the age referred to in paragraph 18 of Schedule 1;

“salaried employee” means an employee whose principal remuneration component is a salary;

“tenure” means the period of employment.

(2) For purposes of clarification it is declared that where these regulations require the Head of the Civil Service to consult with the Official Member responsible for a portfolio, no such consultation shall be required where the Head of the Civil Service is also the Official Member responsible for the portfolio concerned.

3. (1) These regulations apply to all civil service entities.

Application.

(2) These regulations shall apply from 1 January 2007, except regulation 47, paragraph 3(3)(b) and (c) of Schedule 1 and clause 6(b) and (c) of the Annex to Schedule 4, which shall apply from 1 July, 2009.

(3) The decision of the Head of the Civil Service as to the correct interpretation of these regulations shall not be subject to appeal.

PART 2 - EMPLOYMENT OF OFFICIAL MEMBERS

Procedures Applying to the Appointment and Reappointment of Official Members

4. Before making the appointment of an Official Member under section 9(1) and (2) of the Law, the Governor shall agree with the person to be appointed an employment agreement, a specific remuneration level and other terms and conditions of employment in accordance with the requirements of this Part.

Actions to finalise appointment of Official Members

5. Before reappointing an Official Member who has reached the end of a fixed-term employment agreement under section 9(3) of the Law, the Governor shall -

Reappointment of Official Members at the end of a fixed-term employment agreement

- (a) consider whether to reappoint the Official Member on a fixed-term employment agreement for a further period, taking into account the performance of the Official Member to date, other possible candidates for the position, and any other factors the Governor thinks relevant; and
- (b) either -
 - (i) reappoint the Official Member on a fixed-term employment agreement for a further period, in which case the Governor shall agree a new fixed-term employment agreement, a specific remuneration level and other terms and conditions of employment with the reappointed

Official Member in accordance with the requirements of this Part; or

- (ii) declare the position vacant and appoint a new Official Member under section 9(1) and (2) of the Law.

Reappointment of Official Members who have reached retirement age

6. (1) Before reappointing an Official Member who has attained the retirement age for civil servants under section 9(4) of the Law, the following procedure shall apply-

- (a) The Official Member shall obtain a certificate of medical fitness issued by a registered medical doctor.
- (b) The Governor shall consider the medical report and the reasons why the Official Member should be reappointed, including evidence that his previous performance is adequate and that he is capable; and
- (c) The Governor shall decide either to-
 - (i) reappoint the Official Member, in which case the appointing officer shall agree a new fixed-term employment agreement for a period of no more than two years, a specific remuneration level and other terms and conditions of employment with the reappointed chief officer in accordance with the requirements of this Part;
 - (ii) to declare the position vacant and appoint a new Official Member under section 9(4) of the Law.

(2) An Official Member who has attained the retirement age for civil servants and who has been appointed on a fixed-term employment agreement under paragraph 1(c)(i), may be reappointed for a further fixed-term period provided that the provisions of paragraph (1) are complied with.

Terms of Employment of Official Members

Official Member's terms and conditions

7. (1) The terms and conditions of employment under which an Official Member shall be employed under section 10(1) of the Law, shall be those specified in Schedule 1.

(2) Subject to regulations 5 and 6, the tenure of Official Members shall be as follows-

- (a) Caymanians shall be employed on an open-term employment agreement; and
- (b) Non-Caymanians shall be employed on a fixed-term employment agreement for a period of no more than three years.

8. (1) The remuneration of an Official Member agreed between the Governor and that Official Member under section 11(2)(a) of the Law, shall be calculated in accordance with paragraph 3 of Schedule 1. Official Member's remuneration

(2) The performance-related portion of an Official Member's remuneration required by section 11(2)(b) of the Law shall be established in accordance with Schedule 3.

9. (1) An Official Member's employment agreement prepared in accordance with section 10(2) of the Law shall comply with Schedule 4. Official Member's employment agreement

(2) An Official Member who is in office on the coming into force of these regulations shall not be required to enter into a new employment agreement unless the Official Member is appointed to a different position, the circumstances of his employment change or before entering into a new period of service.

Procedures Applying to the Dismissal and Early Retirement of Official Members

10. (1) Before determining whether to dismiss an Official Member on the grounds of gross misconduct under section 12(1) of the Law, the Governor shall- Dismissing Official Members for gross misconduct

- (a) collect evidence of the actions or omissions of the Official Member that are the subject of concern;
- (b) advise the Official Member of the concerns (both orally and in writing), including providing him with a copy of the evidence collected, and advise him that the actions or omissions may be grounds for instant dismissal;
- (c) provide an opportunity for the Official Member to explain his position (both orally and in writing); and
- (d) reassess the situation in light of the Official Member's explanation.

(2) If, after the process specified in paragraph (1) has been completed, the Governor is of the view that the grounds for dismissing the Official Member for gross misconduct under section 12(1) of the Law have been proven, the Governor may dismiss the Official Member with immediate effect.

(3) Upon deciding to dismiss an Official Member under paragraph (2), the Governor, at the earliest opportunity, shall-

- (a) notify the Official Member that he is being dismissed under the terms of his employment agreement; and
- (b) arrange for the dismissal to take immediate effect.

(4) Notwithstanding paragraphs (1) to (3), where the gross misconduct involves criminal activity either within or outside the workplace, the provisions of regulations 40 and 41 shall apply except that any references in those sections to a staff member shall be replaced with an Official Member.

Dismissing Official Members for serious misconduct or significant inadequate performance

11. (1) Before determining whether to dismiss an Official Member on the grounds of serious misconduct or significant inadequate performance under section 12(1) of the Law, the Governor shall-

- (a) collect evidence of the actions or omissions of the Official Member that are the subject of concern;
- (b) advise the Official Member of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, allow him to provide an explanation, and (if the explanation is not satisfactory) provide a warning that if there is not corrective action dismissal could result;
- (c) provide a reasonable period of time (being not less than one month), and reasonable amount of support for the Official Member to take corrective action;
- (d) reassess the actions of the Official Member after the period of time.

(2) If, after the process specified in paragraph (1) has been completed, the Governor is of the view that the grounds for dismissing the Official Member for serious misconduct or significant inadequate performance under section 12(1) of the Law exist, the Governor may dismiss the Official Member.

(3) Upon deciding to dismiss an Official Member under paragraph (2), the Governor, at the earliest opportunity, shall-

- (a) notify the Official Member that he is being dismissed under the terms of his employment agreement; and
- (b) arrange for the dismissal to take effect at an early opportunity.

Retiring Official Members early on medical grounds

12. (1) Before determining whether to require an Official Member to take early retirement on medical grounds under section 12 of the Law, the Governor shall -

- (a) collect evidence to show that the Official Member's disability is preventing the required duties from being performed in a substantial way;
- (b) advise the Official Member of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, and provide an opportunity for the Official Member to explain his position;

- (c) provide a reasonable period of time, and reasonable amount of support for the Official Member to show that he is able to perform the required duties satisfactorily;
- (d) if there is insufficient improvement, advise the Official Member that-
 - (i) he will be required to appear before a medical board to have his disability assessed; and
 - (ii) if the board confirms the disability is permanent and likely to prevent the Official Member from satisfactorily carrying out his duties, the Official Member will be required to take early retirement on medical grounds;
- (e) arrange with the Chief Medical Officer to convene a medical board and assess the Official Member;
- (f) ensure that the Official Member is advised in writing of the results of the medical board in a timely manner;

(2) After the process specified in paragraph (1), and if the Chief Medical Officer has confirmed that the disability is permanent and likely to prevent the Official Member from satisfactorily carrying out his duties, the Governor may retire the Official Member early under section 12(2) of the Law.

(3) Upon deciding to retire an Official Member early under paragraph (2), the Governor shall, at the earliest opportunity,-

- (a) notify the Official Member that he is being retired early on medical grounds under the terms of his employment agreement; and
- (b) provide the Official Member with three months' notice of the retirement.

PART 3 –EMPLOYMENT OF CHIEF OFFICERS

Procedures Applying to the Appointment and Reappointment of Chief Officers

13. When notifying a vacancy or impending vacancy for the position of a chief officer under sections 26(1)(b), 35 or 36 of the Law, the appointing officer shall advertise the vacancy within the civil service and, if the appointing officer considers suitable candidates may not be found from within the existing civil service, in the local and international media as follows-

Notification of chief officer vacancies

- (a) Advertisements shall be placed in whatever medium the appointing officer thinks fit provided that they provide ample opportunity for potentially interested applicants inside the civil service (and, where the appointing officer considers it necessary

to advertise externally, outside the civil service) to become aware of the vacancy;

- (b) Advertisements shall include a summary of the duties, the skills and attributes required of applicants, the remuneration range, the information to be provided by applicants, the authority to which applications are to be submitted, and the closing date and time of applications; and
- (c) The time between the appearing of the advertisement and the closing date for applications shall be no less than fourteen calendar days.

Actions to finalise
appointment of chief
officers

14. (1) Before making the appointment of a chief officer under section 26(1)(f) 35 or 36 of the Law, the appointing officer shall agree with the preferred candidate an employment agreement, a specific remuneration level and other terms and conditions of employment in accordance with the requirements of this Part.

(2) Once the appointment of the chief officer has been made, the appointing officer shall, within seven days, advise all unsuccessful applicants in writing.

Reappointment of chief
officers at the end of a
fixed-term employment
agreement

15. Before reappointing a chief officer who has reached the end of a fixed-term employment agreement under section 26(2), 35 or 36 of the Law, the appointing officer shall apply the following procedures-

- (a) The appointing officer shall consider whether to reappoint the chief officer on a fixed-term employment agreement for a further period, taking into account-
 - (i) the performance of the chief officer to date;
 - (ii) other possible candidates for the position in civil service entities or elsewhere in the Islands;
 - (iii) the requirement that where two or more persons rank broadly at the same level in terms of qualifications, skills, knowledge, experience and integrity, Caymanians shall be given preference; and
 - (iv) any other factors the appointing officer thinks relevant.
- (b) After completing the process in paragraph (a), the appointing officer may agree either -
 - (i) to reappoint the chief officer on a fixed-term employment agreement for a further period, in which case the appointing officer shall agree a new fixed-term employment agreement, a specific remuneration level and other terms and conditions of employment with the reappointed chief officer in accordance with the requirements of this Part; or

- (ii) to declare the position vacant and initiate the appointment of a new chief officer under sections 26(1), 35 or 36 of the Law.
- (c) Where the Head of the Civil Service is the appointing officer, he shall consult with the Governor before taking an action under paragraph (b).

16. (1) Before reappointing a chief officer who has attained the retirement age for civil servants under sections 26(3), 35 or 36 of the Law, the appointing officer shall apply the following procedure -

Reappointment of chief officers who have reached retirement age

- (a) the chief officer shall obtain a certificate of medical fitness issued by a registered medical doctor;
- (b) the appointing officer shall consider-
 - (i) the medical report;
 - (ii) the reasons why the chief officer should be reappointed, including evidence that his previous performance is adequate and that he is capable; and
 - (iii) whether the reappointment will unduly impede the promotion of Caymanian staff members;
- (c) After completing the process in paragraph (b), the appointing officer may decide either to-
 - (i) reappoint the chief officer, in which case the appointing officer shall agree a new fixed-term employment agreement for a period of no more than two years, a specific remuneration level and other terms and conditions of employment with the reappointed chief officer in accordance with the requirements of this Part; or
 - (ii) declare the position vacant and initiate the appointment of a new chief officer in accordance with sections 26(1), 35 or 36 of the Law;
- (d) Where the Head of the Civil Service is the appointing officer, he shall consult with the Governor before taking an action under paragraph (c).

(2) A chief officer who has attained the retirement age for civil servants and who has been appointed on a fixed-term employment agreement under paragraph 1(c)(i), may be reappointed for a further fixed-term period provided that the provisions of paragraph (1) are complied with in making the reappointment.

17. (1) An appointing officer appointing a civil servant to act as a chief officer under sections 26(4), 35 or 36 of the Law may do so without following the notification, short-listing, interviewing or other processes required by sections

Appointment of acting chief officer

26(1), 35 or 36 of the Law, provided that the period the civil servant shall act in the position is no more than twelve months.

(2) If the period of acting is to be longer than twelve months, or if a civil servant appointed under paragraph (1) has already acted in the position for a period of at least twelve months, the position shall be advertised as an interim position and filled under sections 26(4), 35 or 36 of the Law.

(3) A civil servant appointed to act as a chief officer under paragraph (1) may continue to hold his substantive position during the period of his acting appointment.

(4) If the appointing officer determines that it is necessary for the proper carrying-out of the duties of the interim position, a civil servant appointed to be an interim chief officer under paragraph (2) shall take a leave of absence from his substantive position while filling the interim position but shall be entitled to return to his substantive position when his appointment to the interim position comes to an end.

Terms of Employment of Chief Officers

Chief officer terms and conditions

18. (1) The terms and conditions of employment under which a chief officer is to be employed under section 27(1) of the Law, shall be those specified in Schedule 1.

(2) Subject to regulations 15 and 16, the tenure of chief officers shall be as follows-

- (a) Caymanians shall be employed on an open-term employment agreement; and
- (b) Non-Caymanians shall be employed on a fixed-term employment agreement for a period of no more than three years;

(3) Notwithstanding paragraph (2), the tenure of the Complaints Commissioner shall be in accordance with the Complaints Commissioner Law, 2004.

Chief officer remuneration

19. (1) The remuneration of a chief officer agreed between an appointing officer and that chief officer under section 28(2)(a) of the Law, shall be calculated in accordance with paragraph 3 of Schedule 1.

(2) The performance-related portion of a chief officer's remuneration required by section 28(2)(b) of the Law shall be established in accordance with Schedule 3.

20. (1) A chief officer's employment agreement prepared under section 27(2) of the Law, shall comply with Schedule 4. Chief officer
employment agreement

(2) A chief officer who is in office on the coming into force of these regulations shall not be required to enter into a new employment agreement unless the chief officer is appointed to a different position, the circumstances of his employment change or before entering into a new period of service.

Procedures Applying to the Dismissal and Early Retirement of Chief Officers

21. (1) Before determining whether to dismiss a chief officer on the grounds of gross misconduct under sections 29(1) or 38 of the Law, an appointing officer, with the assistance of the Portfolio of the Civil Service as required, shall- Dismissing chief officers
for gross misconduct

- (a) collect evidence of the actions or omissions of the chief officer that are the subject of concern;
- (b) consult with the Official Member or Minister responsible for the ministry or portfolio to which the chief officer is appointed;
- (c) advise the chief officer of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, and advise him that the actions or omissions may be grounds for instant dismissal;
- (d) provide an opportunity for the chief officer to explain his position (both orally and in writing); and
- (e) reassess the situation in light of the chief officer's explanation.

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that the grounds for dismissing the chief officer for gross misconduct under sections 29(1) or 38 of the Law have been proven, the appointing officer may dismiss the chief officer with immediate effect.

(3) Upon deciding to dismiss a chief officer under paragraph (2), the appointing officer, at the earliest opportunity, shall -

- (a) notify the chief officer that he is being dismissed under the terms of his employment agreement; and
- (b) arrange for the dismissal to take immediate effect.

(4) Notwithstanding paragraphs (1) to (3), where the gross misconduct involves criminal activity either within or outside the workplace, regulations 40 and 41 shall apply except that any references in those sections to a staff member shall be replaced with a chief officer.

22. (1) Before determining whether to dismiss a chief officer on the grounds of serious misconduct or significant inadequate performance under sections 29(1) Dismissing chief officers
for serious misconduct
or significant inadequate
performance

or 38 of the Law, the appointing officer, with the assistance of the Portfolio of the Civil Service as required, shall-

- (a) collect evidence of the actions or omissions of the chief officer that are the subject of concern;
- (b) consult with the Official Member or Minister responsible for the ministry or portfolio to which the chief officer is appointed;
- (c) advise the chief officer of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, allow him to provide an explanation, and (if the explanation is not satisfactory) provide a warning that if there is no corrective action dismissal could result;
- (d) provide a reasonable period of time (being not less than one month), and reasonable amount of support, for the chief officer to take corrective action;
- (e) if insufficient corrective action is taken, advise the chief officer of the ongoing concern, (both orally and in writing), and issue a second warning that if corrective action is not taken dismissal could occur;
- (f) provide a further reasonable period of time, and reasonable amount of support for the chief officer to take corrective action;
- (g) reassess the actions of the chief officer after the second period of time.

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that the grounds for dismissing the chief officer for serious misconduct or significant inadequate performance under sections 29(1) or 38 of the Law has been proven, the appointing officer may dismiss the chief officer.

(3) If, after the process specified in paragraph (1)(d) or 1(g) has been completed, the appointing officer is of the view that the chief officer has undertaken sufficient corrective action, the appointing officer shall advise the staff member, (both orally and in writing), of that fact and either that –

- (a) the warning has expired and is being removed from his personnel file; or
- (b) the warning will remain in place for a further period of time (such period to be specified) and that any further instances of serious misconduct or significant inadequate performance during this period will result in dismissal.

(4) If, after the process specified in paragraph 3(b) has been completed, there is no serious misconduct or significant inadequate performance during the further warning period, the appointing officer shall advise the staff member, (both

orally and in writing), that the further warning period has expired and the warning is being removed from his personnel file.

(5) If, after the process specified in paragraph 3(b) has been completed, there is a further instance of serious misconduct or significant inadequate performance during the further warning period, the appointing officer may dismiss the chief officer provided that the appointing officer first -

- (a) collects evidence of the actions of the chief officer which are the subject of concern;
- (b) advises the chief officer of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, and allows him to provide an explanation.

(6) Upon deciding to dismiss a chief officer under paragraphs (2) and (5), the appointing officer shall, at the earliest opportunity,-

- (a) notify the chief officer that he is being dismissed under the terms of his employment agreement; and
- (b) arrange for the dismissal to take effect at an early opportunity.

23. (1) Before determining whether to require a chief officer to take early retirement on medical grounds under sections 29(2) and 38 of the Law, the appointing officer, with the assistance of the Portfolio of the Civil Service as required, shall -

Retiring chief officers
early on medical
grounds

- (a) collect evidence to show that the chief officer's disability is preventing the required duties from being performed in a substantial way;
- (b) consult with the Official Member or Minister responsible for the ministry or portfolio to which the chief officer is appointed;
- (c) advise the chief officer of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, and provide an opportunity for the chief officer to explain his position;
- (d) provide a reasonable period of time, and reasonable amount of support for the chief officer to show that he is able to perform the required duties satisfactorily;
- (e) if there is insufficient improvement, advise the chief officer that-
 - (i) he will be required to appear before a medical board to have his disability assessed and;
 - (ii) if the board confirms the disability is permanent and likely to prevent the chief officer from satisfactorily carrying out his duties, the chief officer will be required to take early retirement on medical grounds;

- (f) arrange with the Chief Medical Officer to convene a medical board and assess the chief officer;
- (g) ensure that the chief officer is advised in writing of the results of the medical board in a timely manner.

(2) After the process specified in paragraph (1) has been completed, and if the Chief Medical Officer has confirmed that the disability is permanent and likely to prevent the chief officer from satisfactorily carrying out his duties, the appointing officer may early retire the chief officer under sections 29(2) and 38 of the Law.

(3) Upon deciding to early retire a chief officer under paragraph (2), the appointing officer, at the earliest opportunity, shall-

- (a) notify the chief officer that he is being retired early on medical grounds under the terms of his employment agreement; and
- (b) provide the chief officer with three months' notice of the retirement.

Retirement of chief officers to improve the organisation

24. (1) Before determining whether to require a chief officer to retire to improve the efficiency of the civil service entity under sections 29(3) and 38 of the Law, the appointing officer, with the assistance of the Portfolio of the Civil Service as required, shall-

- (a) evaluate the effect that retiring the chief officer will have on the performance of the civil service entity;
- (b) advise the chief officer, (both orally and in writing), of the intention to require him to retire to improve the organisation, and provide an opportunity for the chief officer to explain his position;
- (c) re-evaluate the effect of retiring the chief officer in light of the explanation provided in subparagraph (b), and notify the chief officer, (both orally and in writing), of the results of the re-evaluation.

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that retiring the chief officer will improve the efficiency of the civil service entity, the appointing officer may retire the chief officer under sections 29(3) and 38 of the Law.

(3) Upon deciding to retire a chief officer under paragraph (2), the appointing officer, at the earliest opportunity, shall

- (a) notify the chief officer that he is being retired to improve the organisation under the terms of his employment agreement; and

- (b) provide the chief officer with three months' notice of the retirement.

**PART 4 - PROCEDURES APPLYING TO THE EMPLOYMENT OF
STAFF OF A CIVIL SERVICE ENTITY**

Procedures Applying to the Appointment and Reappointment of Staff

25. When notifying a vacancy in his civil service entity under section 41(4) of the Law, an appointing officer shall advertise the vacancy within the civil service and, if he considers suitable candidates may not be found from within the civil service, in the local and international media as follows-

Notification of staff vacancies

- (a) Advertisements shall be placed in whatever medium the appointing officer thinks fit provided that they provide ample opportunity for potentially interested applicants inside the civil service (and, where the appointing authority considers it necessary to advertise externally, outside the civil service) to become aware of the vacancy;
- (b) Advertisements shall include a summary of the duties, the skills and attributes required of applicants, the remuneration range, the information to be provided by applicants, the authority to which applications are to be submitted, and the closing date and time of applications ; and
- (c) The time between the appearing of the advertisement and the closing date for applications shall be no less than fourteen calendar days.

26. When in compiling the shortlist under section 41(6) of the Law a Caymanian and a non-Caymanian are found to rank broadly at the same level, the Caymanian shall be given preference.

Criteria for shortlisting

27. (1) When establishing an interview panel under section 41(7) (a) of the Law, the appointing officer shall ensure that the panel consists of no less than three persons who-

Interview panels

- (a) have an understanding of the duties, skills and attributes of the position;
- (b) have no conflict of interest; and
- (c) are able to act in an independent and unbiased manner in relation to the appointment concerned.

(2) Where required by the Head of the Civil Service, the interview panel shall include a staff member from the Portfolio of the Civil Service.

Actions to finalise
appointment of staff

28. (1) Before making the appointment, promotion or transfer of a staff member under section 41 of the Law, the appointing officer, shall-

- (a) if the appointing officer thinks it appropriate, undertake a background check on the appointee, such background check being relevant to the duties of the position and being in addition to any references obtained under section 41(9) of the Law;
- (b) obtain from the appointee (if the appointee is not already a civil servant)-
 - (i) a medical certificate from a registered medical doctor indicating that the employee's physical and mental condition is satisfactory for the position; and
 - (ii) a completed Declaration of Secrecy in the format specified in Schedule 5; and
- (c) enter into an employment agreement with the employee which shall contain, a specific remuneration level and other terms and conditions of employment in accordance with the requirements of this Part.

(2) Once the appointment of the staff member has been finalised, the appointing officer shall, within seven days, advise all unsuccessful applicants in writing.

Reappointment of staff
at the end of a fixed-
term employment
agreement

29. Before reappointing a staff member who has reached the end of a fixed-term employment agreement under section 41(10) of the Law, the appointing officer shall apply the following procedures-

- (a) The appointing officer shall consider whether to reappoint the staff member on a fixed-term employment agreement for a further period, taking into account-
 - (i) the performance of the staff member to date;
 - (ii) other possible candidates for the position;
 - (iii) the requirement that where two or more persons rank broadly at the same level in terms of qualifications, skills, knowledge and experience, Caymanians shall be given preference; and
 - (iv) any other factors the appointing officer thinks relevant.
- (b) Following discussion with the staff member concerned, the appointing officer may agree either to-
 - (i) reappoint the staff member on a fixed-term employment agreement for a further period, in which case the appointing officer shall agree a new fixed-term employment agreement, a specific remuneration level and

other terms and conditions of employment with the reappointed staff member in accordance with the requirements of this Part; or

- (ii) declare the position vacant and initiate the appointment of a new staff member under section 41 of the Law.

30. (1) Before reappointing a staff member who has attained the retirement age for civil servants under section 41(11) of the Law, the appointing officer shall apply the following procedure-

Reappointment of staff who have reached retirement age

- (a) The staff member concerned shall obtain a certificate of medical fitness issued by a registered medical doctor.
- (b) The appointing officer shall consider-
 - (i) the medical report;
 - (ii) the reasons why the staff member should be reappointed, including evidence that his previous performance is adequate and that he is capable; and
 - (iii) whether the reappointment will unduly impede the promotion of Caymanian staff members.
- (c) Following consultation with the staff member concerned, the appointing officer may decide either to-
 - (i) reappoint the staff member, in which case the appointing officer shall agree a new fixed-term employment agreement for a period of no more than two years, a specific remuneration level and other terms and conditions of employment with the reappointed staff member in accordance with the requirements of this Part;
 - (ii) declare the position vacant and make a new appointment under section 41 of the Law.

(2) A staff member who has attained the retirement age for civil servants and who has been appointed on a fixed-term employment agreement under paragraph 1(c)(i), may be reappointed for a further fixed-term period provided that the provisions of paragraph (1) are complied with in making the reappointment.

31. (1) An appointing officer who is appointing a staff member to act in a position under section 41(12) of the Law may, under section 41(12A) of the Law, do so without following the notification, short-listing, interviewing or other processes required by section 41(2) to (9) of the Law, provided that the period the staff member is to act in the position is no more than twelve months.

Appointment of staff to acting positions

(2) If the period of acting is to be longer than twelve months, or if a staff member appointed under paragraph (1) has already acted in the position for a

period of at least twelve months, the position shall be advertised as an interim position and filled under the requirement of section 41(2) to (9) of the Law.

(3) A civil servant appointed to act in a position under paragraph (1) may continue to hold his substantive position during the period of his acting appointment.

(4) If the appointing officer determines it necessary for the proper carrying-out of the duties of the interim position, a civil servant appointed to an interim position under paragraph (2) shall take a leave of absence from his substantive position while filling the interim position but shall return to his substantive position when his appointment to the interim position is completed.

Appointment of staff without open competition

32. (1) An appointment under section 41(12A) of the Law shall be made only where-

- (a) the person appointed is returning from study on a Government scholarship and is being appointed to a position in the civil service for the first time; or
- (b) the person appointed is to be appointed to a position lasting three months or less and has not previously been appointed to that position or a similar position; or
- (c) the necessity for the appointment is so exceptionally urgent that complying with the processes required by section 41(2) to (9) of the Law is neither feasible nor practical.

(2) Before the Head of the Civil Service gives his approval as required by section 41 (12A), he shall satisfy himself that making the appointment will not unreasonably prejudice the ability of other persons to be considered for the position.

Transfer of staff in the public interest

33. (1) A transfer made under section 41 (12B) shall be made only where, in the opinion of the appointing officer, it is in the public interest to make the transfer.

(2) Before the Head of the Civil Service gives his approval as required by section 41 (12B), he shall satisfy himself that making the appointment will not unreasonably prejudice the ability of other persons to be considered for the position.

Terms of Employment of Staff

Staff terms and conditions

34. (1) The minimum terms and conditions of employment to be agreed between an appointing officer and a staff member under section 43(3) of the Law, shall be those specified in Schedule 1.

(2) Subject to regulations 29 and 30 and 35, the tenure of staff shall be as follows-

- (a) Caymanians shall be employed on an open-term employment agreement , except where –
 - (i) the staff member is past the retirement age, in which case the appointment shall be on a fixed-term employment agreement for a period of no more than two years;
 - (ii) the duties of the position to which the appointment relates have a finite life, in which case the appointment shall be on a fixed-term employment agreement for a period equal to the life of the duties; or
 - (iii) the appointing officer determines that there are good reasons why the staff member should be appointed on a fixed-term employment agreement; and
- (b) non-Caymanians shall be employed on fixed-term employment agreement for a period of no more than three years.

35. (1) A new staff member may, by written employment agreement, contract with the appointing officer to be employed on probationary terms and if probation is agreed upon the initial period shall not exceed six months.

Probationary
appointments

(2) At the end of the initial probationary period the appointing officer and the staff member may, by further written contract, extend that period for one additional term not exceeding six months and such further agreement shall be appended to the initial employment agreement.

(3) At any time during the probationary period the appointing officer may terminate the staff member's employment but may do so only on the basis of gross misconduct, serious misconduct or significant inadequate performance and in doing so shall comply with regulations 39 to 42.

(4) At the end of the initial probationary period, or where relevant the second probationary period, the appointing officer shall either -

- (a) confirm the appointment, in which case a new employment agreement shall be entered into with the staff member in accordance with the requirements of this Part and the staff member's term of employment shall be determined in accordance with regulation 34; or
- (b) dismiss the staff member under the requirements of paragraph (3).

Staff remuneration 36. (1) The remuneration of a staff member agreed between an appointing officer and that staff member under section 43(1) of the Law, shall be calculated in accordance with paragraph 3 of Schedule 1.

(2) Where the remuneration of a staff member includes a performance-related portion under section 43(2) of the Law, that performance-related portion shall be established in accordance with Schedule 3.

Staff employment agreements 37. (1) A staff member's employment agreement prepared under section 42(1) of the Law, shall comply with Schedule 4.

(2) A civil servant who is in office on the coming into force of these regulations shall not be required to enter into a new employment agreement unless the civil servant is appointed to a different position, the circumstances of his employment change or before entering into a new period of service.

Procedures Applying to the Discipline, Dismissal, Early Retirement and Other Termination of Staff

Disciplining staff 38. (1) Before determining whether to discipline a staff member for minor misconduct (including criminal activity in the workplace that does not fall within the definition of gross misconduct) or inadequate performance over a reasonable period of time under section 44(3) of the Law, an appointing officer-

- (a) shall-
 - (i) collect evidence of the actions or omissions of the staff member that are the subject of concern;
 - (ii) advise the staff member of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, and allow him to provide an explanation, and;
- (b) shall, if the explanation is not satisfactory,-
 - (i) provide the staff member with a warning that, if there is not corrective action, disciplinary action could be taken;
 - (ii) advise the staff of the likely nature of that disciplinary action;
 - (iii) provide a reasonable period of time (being not less than one month), and a reasonable amount of support for the staff member to take corrective action;
- (c) shall, if insufficient corrective action is taken,-
 - (i) advise the staff member of the ongoing concern, (both orally and in writing), and issue a second warning that if corrective action is not taken immediately disciplinary action will be taken;

- (ii) provide a further reasonable period of time, and reasonable amount of support for the staff member to take corrective action;
- (d) shall assess the actions of the staff member after the second period of time to determine whether sufficient corrective action has been taken, and notify the staff member, (both orally and in writing), of the results of the assessment.

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that the grounds for disciplinary action specified in section 44(3) of the Law exist, the appointing officer may take one of the following disciplinary actions-

- (a) issue a written reprimand;
- (b) re-assign the staff member to alternative duties;
- (c) suspend the staff member either without pay, or up to half-pay, for a period of no more than 1 month; or
- (d) such other disciplinary actions as are provided for under Orders or Rules issued under a Law applying to the civil service entity.

(3) If, after the process specified in paragraph (1)(b) or 1(d) has been completed, the appointing officer is of the view that the staff member has undertaken sufficient corrective action, the appointing officer shall advise the staff member, (both orally and in writing), of that fact and either that –

- (a) the warning has expired and is being removed from his personnel file; or
- (b) the warning will remain in place for a further period of time (such period to be specified) and that any further instances of minor misconduct or inadequate performance during this period will result in disciplinary action.

(4) If, after the process specified in paragraph 3(b) has been completed, there is no minor misconduct or inadequate performance during the further warning period, the appointing officer shall advise the staff member, (both orally and in writing), that the further warning period has expired and the warning is being removed from his personnel file.

(5) If, after the process specified in paragraph 3(b) has been completed, there is a further instance of minor misconduct or inadequate performance during the further warning period, the appointing officer may discipline the staff member using one of the disciplinary actions or omissions specified in paragraph (2) provided that the appointing officer first -

- (a) collects evidence of the actions or omissions of the staff member which are the subject of concern;

- (b) advises the staff member of the concerns ((both orally and in writing)) including providing him with a copy of the evidence collected, and allows him to provide an explanation.

Dismissing staff for gross misconduct not involving criminal activity

39. (1) Before determining whether to dismiss a staff member on the grounds of gross misconduct (other than gross misconduct involving criminal activity where regulations 40 and 41 apply) under section 44(4) of the Law, an appointing officer shall-

- (a) collect evidence of the actions or omissions of the staff member that are the subject of concern;
- (b) advise the staff member of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, and advise him that the actions or omissions may be grounds for instant dismissal;
- (c) provide an opportunity for the staff member to explain his position (orally and in writing); and
- (d) reassess the situation in light of the staff member's explanation and notify the staff member, (both orally and in writing), of the results of the reassessment.

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that the grounds for dismissing the staff member for gross misconduct under section 44(4) of the Law have been proven, the appointing officer may dismiss the staff member with immediate effect.

(3) Upon deciding to dismiss a staff member under paragraph (2), the appointing officer, at the earliest opportunity, shall-

- (a) notify the staff member that he is being dismissed under the terms of his employment agreement; and
- (b) arrange for the dismissal to take immediate effect.

(4) Upon dismissing a staff member on the grounds of gross misconduct, the appointing officer shall notify the Head of the Civil Service in writing of the dismissal, the grounds, and the process followed.

Suspending and dismissing staff for gross misconduct involving criminal activity in the workplace

40. (1) Before determining whether to dismiss a staff member on the grounds of gross misconduct, and that gross misconduct involves alleged criminal activity in the work place, an appointing officer shall-

- (a) collect evidence of the staff member's alleged criminal activity and satisfy himself that such activity is significant enough to fall within the definition of gross misconduct;
- (b) advise the staff member of the concerns (both orally and in writing) including providing him with a copy of the evidence

collected,, and allow him an opportunity to provide an explanation (both orally and in writing).

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that there are reasonable grounds to believe that the staff member has been involved in criminal activity in the workplace, and that activity is significant enough to fall within the definition of gross misconduct, the appointing officer-

- (a) shall advise the police at an early opportunity; and
 - (i) advise the staff member of this fact orally and in writing; and
 - (ii) arrange for the suspension on half-pay to take immediate effect.

(3) If the staff member is subsequently charged with a criminal offence by the Police, and that offence is significant enough to fall within the definition of gross misconduct, the appointing officer may suspend the staff member without pay from the date charges are laid, in which case he shall -

- (a) advise the staff member of this fact in writing; and
- (b) arrange for the suspension without pay to take immediate effect.

(4) If the staff member is subsequently convicted of a criminal offence, and that offence is significant enough to fall within the definition of gross misconduct, the appointing officer may dismiss the staff member from the date of conviction in which case, at the earliest opportunity, he shall-

- (a) notify the staff member that he is being dismissed under the terms of his employment agreement; and
- (b) arrange for the dismissal to take immediate effect.

(5) If-

- (a) after the process specified in paragraph 2 has been completed the staff member is subsequently not charged; or
- (b) after the process specified in paragraph 4 has been completed the staff member is subsequently not convicted or if convicted the conviction is set aside wholly and the period of any appeal has expired,

the staff member shall be reinstated to his position, or to a similar position within the civil service entity and any pay withheld from the staff member during the period of suspension shall be paid to the staff member as soon as practicable.

41. (1) Before determining whether to dismiss a staff member on the grounds of gross misconduct, and that gross misconduct involves alleged criminal activity outside the work place, an appointing officer shall -

Suspending and dismissing staff for gross misconduct involving criminal activity outside the workplace

- (a) establish that the staff member has been charged with a criminal offence by the Police;
- (b) establish whether the criminal offence -
 - (i) involves such disrepute as is referred to in section 5(2)(e) of the Law; and
 - (ii) is significant enough to fall within the definition of gross misconduct; and
- (c) advise the staff member of the concerns, (both orally and in writing), and allow him an opportunity to provide an explanation.

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that the conditions specified in subparagraph (1)(b) have been proven, the appointing officer may suspend the staff member without pay, in which case he shall-

- (a) advise the staff member of this fact in writing; and
- (b) arrange for the suspension without pay to take immediate effect.

(3) If the staff member is subsequently convicted of a criminal offence, and that offence is significant enough to fall within the definition of gross misconduct, the appointing officer may dismiss the staff member from the date of conviction in which case, at the earliest opportunity, he shall-

- (a) notify the staff member that he is being dismissed under the terms of his employment agreement; and
- (b) arrange for the dismissal to take immediate effect.

(4) If after the process specified in paragraph 2 has been completed the staff member is subsequently not convicted or if convicted the conviction is set aside wholly and the period of any appeal against acquittal has expired, the staff member shall be reinstated to his position, or to a similar position within the civil service entity and any pay withheld from the staff member during the period of suspension shall be paid to the staff member as soon as practicable.

Dismissing staff for serious misconduct or significant inadequate performance

42. (1) Before determining whether to dismiss a staff member on the grounds of serious misconduct or significant inadequate performance under section 44(4) of the Law, an appointing officer shall -

- (a) collect evidence of the actions or omissions of the staff member which are the subject of concern;
- (b) advise the staff member of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, allow him to provide an explanation, and (if the explanation is not satisfactory) provide a warning that if there is not corrective action dismissal could result;

- (c) provide a reasonable period of time (being not less than one month), and a reasonable amount of support for the staff member to take corrective action;
- (d) if insufficient corrective action is taken, advise the staff member of the ongoing concern, (both orally and in writing), and issue a second warning that if corrective action is not taken dismissal could occur;
- (e) provide a further reasonable period of time (being not less than one month) and a reasonable amount of support for the staff member to take corrective action;
- (f) assess the actions of the staff member after the second period of time to determine whether sufficient corrective action has been taken, and notify the staff member, (both orally and in writing), of the results of the assessment.

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that the grounds for dismissing the staff member on the basis of serious misconduct or significant inadequate performance under section 44(4) of the Law have been proven, the appointing officer may dismiss the staff member.

(3) If, after the process specified in paragraph (1) (c) or 1(f) has been completed, the appointing officer is of the view that the staff member has undertaken sufficient corrective action, the appointing officer shall advise the staff member, (both orally and in writing), of that fact and either that-

- (a) the warning has expired and is being removed from his personnel file; or
- (b) the warning will remain in place for a further period of time (such period to be specified) and that any further instances of serious misconduct or significant inadequate performance during this period will result in dismissal.

(4) If, after the process specified in paragraph 3(b) has been completed, there is no serious misconduct or significant inadequate performance during the further warning period, the appointing officer shall advise the staff member, (both orally and in writing), that the further warning period has expired and the warning is being removed from his personnel file.

(5) If, after the process specified in paragraph 3(b) has been completed, there is a further instance of serious misconduct or significant inadequate performance during the further warning period, the appointing officer may dismiss the staff member provided that the appointing officer first-

- (a) collects evidence of the actions or omissions of the staff member which are the subject of concern;

- (b) advises the staff member of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, and allows him to provide an explanation.

(6) Upon deciding to dismiss a staff member under paragraphs (2) or (5), the appointing officer, at the earliest opportunity, shall -

- (a) notify the staff member that he is being dismissed under the terms of his employment agreement; and
- (b) arrange for the dismissal to take effect at an early opportunity.

Retiring staff early on medical grounds

43. (1) Before determining whether to require a staff member to take early retirement on medical grounds under section 44(5) of the Law, the appointing officer shall -

- (a) collect evidence to show that the staff member's disability is preventing the required duties from being performed in a substantial way;
- (b) advise the staff member of the concerns (both orally and in writing) including providing him with a copy of the evidence collected, and provide an opportunity for the staff member to explain his position;
- (c) provide a reasonable period of time, and a reasonable amount of support for the staff member to show that he is able to perform the required duties satisfactorily;
- (d) if insufficient improvement occurs, advise the staff member that
 - (i) he will be required to appear before a medical board to have his disability assessed and;
 - (ii) if the board confirms the disability is permanent and likely to prevent the staff member from satisfactorily carrying out his duties, the staff member will be required to take early retirement on medical grounds;
- (e) arrange with the Chief Medical Officer to convene a medical board and assess the staff member;
- (f) ensure that the staff member is advised in writing of the results of the medical board in a timely manner; and
- (g) identify vacant positions within the civil service entity and establish whether any of those positions are suitable for the staff member, taking into account the nature of his disability.

(2) After the process specified in paragraph (1) has been completed, and if-

- (a) the Chief Medical Officer has confirmed that the disability is permanent and likely to prevent the staff member from satisfactorily carrying out his duties; and

- (b) the appointing officer has established that there are no vacant positions in his civil service entity suitable for the staff member, taking into account the nature of the disability

the appointing officer may early retire the staff member under section 44 (5) of the Law.

(3) Upon deciding to retire a staff member under paragraph (2), the appointing officer, at the earliest opportunity, shall -

- (a) notify the staff member that he is being retired early on medical grounds under the terms of his employment agreement; and
- (b) provide the staff member with three months' notice of the retirement.

44. (1) Before determining whether to require a staff member to retire to improve the efficiency of the civil service entity under section 44 (6) of the Law, the appointing officer shall-

Retiring staff to improve the organisation

- (a) evaluate the effect that retiring the staff member will have on the performance of the civil service entity;
- (b) advise the staff member, (both orally and in writing), of the intention to require him to retire to improve the organisation, and provide an opportunity for the staff member to explain his position;
- (c) re-evaluate the effect of retiring the staff member in light of the explanation provided in subparagraph (b), and notify the staff member, (both orally and in writing), of the results of the re-evaluation.

(2) If, after the process specified in paragraph (1) has been completed, the appointing officer is of the view that retiring the staff member will improve the efficiency of the civil service entity, the appointing officer may retire the staff member under section 44(6) of the Law.

(3) Upon deciding to retire a staff member under paragraph (2), the appointing officer, at the earliest opportunity, shall-

- (a) notify the staff member that he is being retired to improve the organisation under the terms of his employment agreement; and
- (b) provide the staff member with three months' notice of the retirement.

45. (1) Before determining whether to make a staff member redundant under section 44 (7) of the Law, the appointing officer shall -

Making staff redundant

- (a) establish, under section 44(7) of the Law, that the duties and functions assigned to the staff member are no longer required and that those duties and functions will not be substantively transferred to another person or position;
- (b) where two or more staff members hold similar positions and only some of those positions are no longer required, identify which positions are no longer required under paragraph (2);
- (c) identify vacant positions within the civil service entity and establish whether any of those positions are suitable for the staff member, taking into account his skills and experience;
- (d) consult with other civil service entities as to whether they have any vacant positions suitable for the staff member, taking into account his skills and experience;
- (e) advise the staff member, (both orally and in writing), that his position is no longer required and of the other positions (if any) that he could be transferred to, and allow him adequate opportunity to state his position;
- (f) provide a reasonable period of time, and a reasonable amount of support for the staff member to consider whether he wishes to be transferred to a suitable vacant position (if available); and
- (g) if the staff member agrees to be transferred to a suitable vacant post (if available), arrange the transfer.

(2) Where two or more staff members hold similar positions and only some of those positions are no longer required, the staff members whose positions are determined as no longer required shall be selected in the following order-

- (a) first, those staff members who volunteer to have their position abolished;
- (b) second, on the basis of the staff members' performance as determined by their performance assessments undertaken under section 50 of the Law over the preceding 24 months, with the positions of the persons with the lower performance ratings being abolished;
- (c) third, the positions of staff members who are over the age of retirement; and
- (d) fourth, the positions of staff members, who in the opinion of the appointing officer, have the lesser potential to contribute to the performance of the civil service entity in the future,

subject to a requirement that where two or more persons are rated broadly equally on the basis of paragraphs (a) to (d), Caymanians shall be given preference in retaining their position.

(3) If, after the process specified in paragraph (1) has been completed, the staff member declines to be transferred to a suitable vacant post or there is no suitable vacant post in the civil service, the appointing officer may make the staff member redundant under section 44(7) of the Law.

(4) Upon deciding to make a staff member redundant under paragraph (3), the appointing officer at the earliest opportunity shall -

- (a) notify the staff member that he is being made redundant organisation under the terms of his employment agreement; and
- (b) provide the staff member with three months' notice of the redundancy.

46. (1) An appointing officer may terminate the employment of a staff member under section 44(1)(e) of the Law where the staff member was employed on the basis of a qualification, license or certification required for his position and during the course of employment ceases to hold that qualification, license or certification.

Terminating staff who lose their qualification, license or certification

(2) Before determining whether to terminate a staff member under paragraph (1), an appointing officer shall -

- (a) collect evidence of the staff member's loss of qualification, license or certification;
- (b) advise the staff member (both orally and in writing) including providing him with a copy of the evidence collected, that the qualification, license or certification is a condition of employment and that the loss of the qualification, license or certification is grounds for termination of employment;
- (c) allow the staff member an opportunity to explain why he ceases to hold the qualification, license or certification and what action (if any) he intends to take to re-obtain the qualification, license or certification;
- (d) if the staff member wishes to re-obtain the qualification, license or certification, provide a reasonable period of time and a reasonable amount of support for the staff member to do so;
- (e) if the staff member advises that he does not intend to re-obtain the qualification, license or certification, or after a reasonable period of time does not do so, notify the staff member, (both orally and in writing), that his failure to re-obtain the qualification, license or certification will result in his employment being terminated.

(3) If, after the process specified in paragraph (2) has been completed, the staff member does not re-obtain the qualification, license or certification after a

reasonable period of time, the appointing officer may terminate the staff member's employment.

(4) Upon deciding to terminate a staff member's employment under paragraph (3), the appointing officer, at the earliest opportunity, shall -

- (a) notify the staff member that his employment is being terminated under the terms of his employment agreement; and
- (b) arrange for the termination to take effect at an early opportunity.

PART 5 – OTHER REQUIREMENTS RELATING TO CHIEF OFFICERS

Performance incentive
arrangements

47. (1) Performance incentive arrangements operated by a chief officer under section 51(1) of the Law shall comply with the requirements of this regulation.

(2) Performance incentive arrangements may be-

- (a) directly related to remuneration, that is, form part of a staff member's standard remuneration, for example performance-related pay or additional time-off-in-lieu; or
- (b) non-remuneration related, such as extra training opportunities; or
- (c) some combination of the two.

(3) Performance incentive arrangements may be applied either to all staff in the civil service entity, or to a particular group or category of staff and a different set of arrangements may be applied to different groups of civil service entity staff.

(4) Performance incentive arrangements shall comply with the following criteria-

- (a) The arrangements must be designed to encourage and reward good performance;
- (b) The same set of arrangements must apply in an equal manner to all staff in the civil service entity, or, where the incentives apply to a particular category of staff in the civil service entity, the same set of arrangements must apply in an equal manner to all staff in that category;
- (c) The performance required of a staff member in order to be awarded the incentive must be clearly specified in the performance agreement for the period;
- (d) The extent to which performance has been achieved must be determined as part of the regular performance assessment process;
- (e) Only those persons achieving the desired performance level (as determined in performance assessments) shall be awarded the performance incentive; and

- (f) The incentive arrangements shall be operated in a fair and unbiased manner.

(5) The total dollar-value of any performance incentive applying to an individual staff member (both remuneration-related and non-remuneration related) shall be no more than 10% of that staff member's wages or salary.

48. The work place safety procedures established under section 55(2) of the Law shall ensure that-

Workplace conditions
and safety

- (a) In relation to workplace conditions, the workplace-
 - (i) is clean;
 - (ii) is not overcrowded;
 - (iii) has reasonable temperatures, if the workplace is indoors;
 - (iv) has adequate ventilation and lighting;
 - (v) has adequate drainage and sanitary conveniences;
 - (vi) has adequate electrical infrastructure;
 - (vii) has sanitary drinking facilities with an adequate supply of drinking water;
 - (viii) implements hurricane rules and procedures as may be instituted from time to time;
 - (ix) implements fire hazard rules and procedures as may be instituted from time to time;
 - (x) has, in the event of emergencies, adequate means and avenues of escape;
 - (xi) has adequate and well-maintained facilities for employees to sit, when appropriate, during their work day;
 - (xii) has adequate and well-maintained on-site first aid equipment;
 - (xiii) has adequate restrooms;
 - (xiv) has appropriate waste disposal procedures and storage facilities for hazardous materials; and
 - (xv) has such other facilities as are reasonably necessary for the health, safety and welfare of employees in that civil service entity's line of business.
- (b) In relation to workplace safety -
 - (i) machinery used in the workplace is operated and maintained in a manner consistent with safety and in compliance with the standards and guidelines recommended by the manufacturer;
 - (ii) staff members are protected from poisonous, noxious or toxic substances used or present in the workplace, including-
 - (I) that food and drink are not consumed in areas where such substances are used or are present; and

- (II) ensuring that there are emergency wash-down facilities;
 - (iii) suitable safety gear is provided when staff members are using or are around machines or processes in relation to which the use of such gear is recommended;
 - (iv) suitable goggles or other protective gear is provided when there is a risk of eye injury;
 - (v) suitable protective equipment is provided when there is a reasonable risk of bodily injury from any process or equipment used;
 - (vi) where staff members are involved in a process involving injurious or offensive substances or to conditions exposing them to wet or cold conditions, suitable protective gear and clothing are provided;
 - (vi) where a process involves exposure to heat or steam, facilities to protect workers appropriately are provided and maintained;
 - (vii) warning signs prohibit the misuse of equipment or space within the workplace; and
 - (viii) readily accessible first aid equipment is provided and maintained.
- (c) In relation to personal safety, reasonable measures are taken to ensure that staff members are protected from physical attack, harassment or abuse from other staff members or customers of the civil service entity.

Personnel records

49. (1) A chief officer shall ensure that complete and accurate employment and performance management records relating to staff members are maintained by his civil service entity including –
- (a) a personnel file for each staff member containing employment agreements, correspondence with the staff member over personnel and employment matters, relevant remuneration and payroll documentation, the staff member's annual performance agreements and assessments, and any other personnel-related matters relating to the staff member;
 - (b) leave records for each staff member including leave entitlements, leave taken and leave available for each type of leave the staff member is entitled to;
 - (c) a record of hiring dates for each staff member;
 - (d) general records relating to employment arrangements, recruitment, appointment, remuneration and terms and conditions, performance assessment, discipline and dismissal, and appeal processes.

(2) The records (regardless of the form or media in which they are held) shall be held in a manner that such records can be readily accessed for-

- (a) operational purposes;
- (b) audit by the Portfolio of the Civil Service under section 24(f) of the Law;
- (c) audit by the Audit Office under its powers under the Public Management and Finance Law (2005 Revision); and
- (d) submission to the Civil Service Appeals Commission under sections 33, 34, and 54 of the Law.

(3) The records required by paragraph (1) shall comply with any Laws or practices for the time being in force relating to the keeping of records in civil service entities.

(4) A chief officer shall ensure that information relating to staff members' pension rights are provided to the Portfolio of the Civil Service on a regular, and timely basis including-

- (a) date of birth;
- (b) date of first employment in the civil service
- (c) employment agreements and any amendments thereto;
- (d) any breaks in service;
- (e) any non-pensionable remuneration;
- (f) letters of resignation, termination or retirement;
- (g) date of retirement;
- (h) salary or wages at the date of resignation, termination or retirement;

(5) Unless exempted in writing by the Head of the Civil Service, civil service entities shall use the Government's centralised human resource information system known as the Human Resources Module of the Integrated Resource Information System (HRIRIS) for-

- (a) recording all payroll data and for paying all wages, salary and other dollar based remuneration components to the employees in their entity; and
- (b) recording such other employment-related information about employees in their entity as is required from time to time by the Portfolio of the Civil Service.

50. (1) A chief officer may from time to time issue reasonable instructions and these shall be observed by all staff members in the civil service entity.

Instructions and
workplace rules

(2) A chief officer may from time to time issue reasonable rules governing the conduct of staff members in the work place and these workplace rules shall be observed by all staff members in the civil service entity and, without limiting the generality of this power, the rules shall-

- (a) designate all Government premises and vehicles as “No Smoking Areas’ and smoking shall be prohibited in those areas;
- (b) prohibit the consumption of alcohol in the workplace (other than at official functions);
- (c) prohibit the taking of illegal substances in the workplace; and
- (d) prohibit a staff member from reporting for duty under the influence of alcohol or an illegal substance, such that it has a deleterious effect on the staff member’s ability to carry out his duties.

(3) A chief officer shall ensure that workplace rules (and any amendments thereof) are promulgated to staff in his civil service entity in such a manner that all staff can be reasonably expected to be aware of the rules.

Grievance procedures

51. (1) A chief officer shall establish and publish procedures for addressing grievances of staff in his civil service entity, and those procedures shall be based on the following-

- (a) in the first instance the grievance should be communicated to the staff member’s immediate supervisor, who shall then discuss the matter with the staff member and then address the issue in such manner as the supervisor considers appropriate;
- (b) if, after the process in paragraph (a) has been completed, the staff member is not satisfied that the grievance has been satisfactorily resolved, the staff member may then communicate the grievance to his appointing officer (where the appointing officer is not also the staff member’s immediate supervisor), who shall then discuss the matter with the staff member and then address the issue in such manner as the appointing officer considers appropriate;
- (c) if, after the process in paragraph (b) has been completed, the staff member is still not satisfied that the grievance has been satisfactorily resolved, the staff member may then communicate the grievance to his chief officer (where the chief officer is not also the staff member’s appointing officer), who shall then discuss the matter with the staff member and then address the issue in such manner as the chief officer considers appropriate and the decision of the chief officer shall not be subject to appeal; and
- (d) if the grievance relates to the behaviour of the staff member’s -

- (i) immediate supervisor, the grievance should be communicated in the first instance to the appointing officer;
 - (ii) appointing officer, the grievance should be communicated in the first instance to the chief officer; and
 - (iii) chief officer, the grievance should be communicated in the first instance to the Head of the Civil Service rather than following the procedures specified in paragraphs (a) to (c), and the Head of the Civil Service (or his delegant) shall then discuss the matter with the staff member and then address the issue in such manner as he considers appropriate.
- (2) For the purposes of this regulation, a grievance is-
- (a) a matter of concern to a staff member which-
 - (i) relates to workplace conditions or safety, the behaviour of another staff member in the workplace, or the compliance of other staff members with the Public Servant's Code of Conduct; and
 - (ii) which the staff member wishes to be addressed through a formal grievance process rather than through normal informal interaction with his immediate supervisor; and
 - (b) not a matter which is the subject of the appeal process specified in sections 53 and 54 of the Law.

52. (1) In accordance with the requirement of section 55(1)(c) of the Law (to recognise the need for the advancement of Caymanians in all parts of the civil service), a chief officer shall establish and regularly review and update a staff succession plan for his civil service entity.

Succession planning

(2) The purpose of the succession plan shall be to develop a pool of Caymanians within the civil service entity with the skills and experience that would make them realistic candidates for key managerial and technical positions in the civil service entity should they choose to apply for those positions when they became vacant.

- (3) The succession plan shall identify-
- (a) the key managerial and technical positions in the civil service entity for which developing or maintaining capability for that position is important to the operation of the civil service entity;
 - (b) the current and future skill sets required to develop that capability;
 - (c) sources or means to develop those skill sets;

- (d) at least two Caymanian staff members for each key managerial and technical position whose skills can be developed to the required level; and
 - (e) the process and timeline for developing those staff members.
- (4) In selecting Caymanian staff members to be developed in accordance with clause (3)(d) the chief officer shall -
- (a) select those staff members on the basis of their existing skills, experience and abilities and their potential to carry-out the duties of the managerial or technical position they shall be developed for; and
 - (b) take into account the requirements of section 55(1)(d), (e) and (f) of the Law to provide opportunities for the enhancement of the abilities of all individual employees and to recognise the employment requirements of women and persons with disabilities.
- (5) Where, due to the technical skills required, it is not practical or feasible to identify at least two Caymanians to be developed for a technical position under clause 3(d) and (e), the succession plan shall identify the alternative means and process by which Caymanians will be developed so that they have the necessary skills for the technical position over the long-term.

PART 6 - MISCELLANEOUS

53. (1) The Chief Medical Officer shall appoint a medical ^{Medical board} board for the purpose of advising relevant authorities with respect to retirement on medical grounds under these Regulations.

(2) The medical board shall comprise the Chief Medical Officer and at least two other registered medical doctors who have knowledge and experience relevant to the assessment of the extent of disability.

SCHEDULE 1

STANDARD TERMS AND CONDITIONS OF EMPLOYMENT

(regulations 7, 8, 18, 19, 34 and 36, paragraph 1 of Schedule 2)

Standard terms and conditions

1. (1) Except as otherwise provided in subparagraph (2), the standard terms and conditions of employment for civil servants shall be those specified in this Schedule.

(2) An appointing officer and the employee concerned may agree, in the employee's employment agreement, terms and conditions that are additional to the standard terms and conditions (other than in relation to remuneration which must conform with the paragraph 3 of this Schedule), provided that all terms and conditions shall comply with these minimum standards.

Attendance

2. (1) The normal hours of work for-

- (a) full-time wage workers shall be between 37½ and 40 hours per week as agreed between the appointing officer and the employee concerned;
- (b) full-time employees whose hours of attendance are shift-based shall be between 37½ and 45 hours per week as agreed between the appointing officer and the employee concerned, provided that the normal hours of work in a particular week may be less than 37½ hours or more than 45 hours as long as the total hours over the shift cycle average to the number of hours agreed per week;
- (c) other full-time employees shall be 37½ hours per week; and
- (d) part-time employees shall be such proportion of the normal hours for full-time employees as is agreed between the appointing officer and the employee concerned.

(2) An employee may take a reasonable amount of time for medical, optical or dental visits if these occur during normal working hours but shall provide evidence of such visits, if required by the appointing officer to do so, provided that prior notification is provided to the appointing officer.

(3) If an employee is a member of the Cayman Islands Civil Service Association, the employee may attend meetings of the Executive held during normal working hours, provided that-

- (a) prior notification is provided to the appointing officer; and
- (b) the normal requirement of service to the public is not adversely affected.

(4) An employee is entitled to two rest breaks of at least fifteen minutes and a meal break of 60 minutes in every working day of 7.5 hours or longer, provided that no remuneration is payable during a meal break.

(5) An employee who is absent from work without approval from his appointing officer will not receive remuneration for the period of absence and, in the case of staff members of a civil service entity, may also be subject to disciplinary action.

Remuneration

3. (1) An employee's remuneration shall be an amount agreed between the appointing officer and the employee and that amount shall be made up of-

- (a) Wages or salary within the remuneration band assigned by the Portfolio of the Civil Service, and at a point within that band agreed between the appointing officer and the employee;
- (b) Such of the following standard allowances as are agreed between the appointing officer and the employee, at the following rates:
 - (i) Standby and call-out allowance if the employee is required to standby in case of emergency or is subject to call-out in normal off duty hours. The amount of the allowance is to be determined by the appointing officer (in conjunction with the chief officer) but is to be reflective of the extent of standby or call-out expected of the employee.
 - (ii) Entertainment allowance if the employee is required to entertain as part of his official duties. The amount of the allowance is to be determined by the appointing officer but is to be reflective of the amount and cost of entertainment expected of the employee. The amount of the allowance is to be a maximum of \$75 per month.
 - (iii) Motorcar upkeep allowance if the employee regularly uses his personal motor vehicle as part of his official duties. The amount of the allowance is to be \$1,500 per year.
 - (iv) Police allowances for Police Officers as follows:
 - (I) Allowances as specified in the Schedule to the Police Regulations;
 - (II) Beat officers' allowance of \$150 per month.
 - (v) Fire Service allowances for firemen as follows:
 - (I) Laundry allowance: \$25 per month;
 - (II) Little Cayman allowance: \$400 per month.
 - (vi) Prison Service allowances for Prison Officers as follows:

- (I) Laundry allowance: \$25 per month;
 - (II) Housing allowance: \$125 per month.
 - (vii) Sleep-in allowance of \$20 per night for community care and child care workers who are required to sleep-in at a client's house to provide relevant care to the client.
 - (c) for part-time employees, the pro-rated portion of the items specified in paragraphs (a) to (b) for the equivalent full-time position.
- (2) An employee shall be entitled to the following items of remuneration in addition to the remuneration established in accordance with paragraph 1 -

- (a) Pension contributions for employees who are members of the Public Service Pension Scheme and required to contribute to it in accordance with the provisions of the Public Service Pension Law, as follows:
 - (i) an employee pension contribution at the rate of 6% of wages or salary plus pensionable; and
 - (ii) an equivalent 6% employer contribution.
- (b) medical, dental and optical benefits in accordance with paragraph 9 of this Schedule; and
- (c) where the employee was already entitled to it on 30 June 2005, a five-year cash grant paid at the end of every five years of employment for an employee, his spouse and one additional person at the following rates -

<i>Salary Grade on 1 October 1980</i>	<i>Amount of Five Year Grant</i>
M 11 and above	\$1,250
M 30 - 12	\$350
M 31 and below	\$160

- (d) overtime or time-in-lieu for any hours worked in a week in excess of the normal hours of work as follows-
 - (i) for employees on bands H and above no overtime but time-off-in-lieu on a one-to-one basis may be granted at the discretion of the appointing officer;
 - (ii) for employees on bands I or below whose normal working hours are not shift based-
 - (I) overtime at time-and-a-half for normal working days and Saturdays, and double time for Sundays, which in the case of salaried employees shall be calculated under paragraph (3); or
 - (II) time-off-in-lieu on a one-to-one basis taken at the discretion of the appointing officer;

- (iii) for employees on bands I or below whose normal working hours are shift based, overtime at time-and-a-half for any hours worked in excess of the normal hours worked over the shift cycle, regardless of the days of the week on which those hours were worked;
- (e) public holiday overtime pay as follows-
 - (i) for employees on bands I or below whose normal working hours are not shift based and who are required to work on a public holiday, that pay being-
 - (I) double time for any hours worked; or
 - (II) time-off-in-lieu on a one-to-one basis taken at the discretion of the appointing officer;
 - (ii) for employees on bands I or below whose normal working hours are shift based-
 - (I) no holiday pay for hours worked on a public holiday where that work is part of the normal shift pattern; and
 - (II) double time for any hours worked on a public holiday that are in excess of the normal shift hours for that day;
- (f) where the employee is acting in another position, the employee shall be entitled to an acting allowance at the first point of the remuneration band of the substantive post. If the first point of the remuneration band of the substantive post is less than the remuneration level received by the individual to act in the substantive post, such other point on the remuneration band of the substantive post as the appointing officer will determine but, this point cannot exceed the remuneration received by the substantive post holder.
- (g) where the employee undertakes duties that are substantially in excess of, or substantially more onerous than, those of his normal position, the employee shall be entitled to an extra duty allowance and the amount of the allowance shall be determined by the appointing officer but shall be reflective of the scope and magnitude of the extra duties;
- (h) a performance-related payment of up to 10% of the wages or salary of the employee, with the performance-related payment calculated in accordance with Schedule 3 as follows -
 - (i) for Official Members, and ministry and portfolio chief officers: from 1 July 2009;
 - (ii) for staff: from or after 1 July 2009, where operated by the chief officer under regulation 47, and the operation of which is advised in writing to the employee before its commencement;
- (i) other performance incentive remuneration as follows -

- (i) for Official Members and chief officers: nil;
 - (ii) for staff: from 1 July 2009, such arrangements as are operated by the chief officer under regulation 47 and agreed in writing with the employee;
- (3) (a) Overtime to be paid to salaried employees under paragraph 2(d)(ii) shall be calculated by dividing the employee's normal monthly salary by the standard hours worked per month;
 - (b) The standard hours worked per month shall be calculated using the formula: 21.75 (the average number of working days in a month) times Y; where Y is the number of normal work hours per day. For -
 - (i) employees whose normal hours of work are 37½ hours per week, Y is 7.5 (37½ divided by 5), and the standard hours worked per month is therefore 163.13 (21.75 times 7.5);
 - (ii) other employees, Y is the normal hours of work (calculated on a daily basis) agreed with the appointing officer in accordance with paragraph 2 of this Schedule; for example if the agreed normal hours of work are 40 hours per week then Y is 8 (40 divided by 5), and the standard hours worked per month is therefore 174 (21.75 times 8).
- (4) (a) The period and method of payment of remuneration shall, unless the nature of the remuneration component requires otherwise, be as follows -
 - (i) Wages, salary and other dollar-based remuneration components will be paid-
 - (I) in arrears on a monthly basis, or in exceptional circumstances and where agreed by the appointing officer on a fortnightly basis; and
 - (II) by direct deposit into the employee's bank account;
 - (ii) Performance-related pay by lump sum payment via direct deposit at the next payday after the amount of the payment is agreed;
 - (iii) Pension contributions will be remitted each pay period to the Public Service Pensions Board in the name of the employee;
- (b) Where the employee has, for whatever reason, only worked part of a pay period, the remuneration for that period will be calculated and paid on a pro-rated basis according to the number of days worked in the pay period as a proportion of the total number of working days in the pay period;
- (c) Remuneration will be payable from the date on which the employee takes up the position or duties to which the remuneration relates.

Paid holiday entitlements

4. An employee shall be entitled to public holidays observed under the Public Holidays Law on full pay (or in the case of part-time employees and wage workers, the basic wage he would have received if he had normally worked on that day).

Annual leave entitlement

5. (1) An employee is entitled to annual leave at the following rates -

(a) For full-time employees, other than staff whose attendance is shift-based, police officers and teachers-

<i>Remuneration Band</i>	<i>Years of Service</i>			
	<i>< 4 years</i>	<i>4 to 7 years</i>	<i>7 to 10 years</i>	<i>> 10 years</i>
A, B, C, D, E, F, G, H, I, J, K	25 work days	25 work days	28 work days	28 work days
L, M, N, O, P, Q, GCC, GDD, GEE, GFF	18 work days	18 work days	23 work days	23 work days
R, GAA, GBB	12 work days	15 work days	18 work days	20 work days

- (b) For employee's whose hours of attendance are shift based, the number of days specified in subparagraph (a) but calculated as the number of hours and reflecting the average normal hours of work over the shift cycle;
- (c) For full-time Police Officers-
- (i) Constable: 165 hours;
 - (ii) Sergeant: 187.5 hours;
 - (iii) Assistant/Inspector: 210 hours;
 - (iv) Chief Inspector and above: 232.5 hours;
- (d) (i) For school principals, teachers, and other school staff so designated by the Chief Education Officer, no annual leave but they shall be entitled to paid leave during school holidays, subject to the Chief Education Officer requiring them to stay as required after their school closes or to return before it re-opens in order to complete closing or opening formalities;
- (ii) A temporary teacher shall be paid for any school holiday following the terms which he has worked provided he worked a full term otherwise he will not be entitled to be paid for any part of the school holiday save that in order to

- receive full pay for the school holiday at the end of the academic year a teacher must have worked continuously throughout the preceding academic year;
- (iii) Teachers who commence work during the year shall receive pro-rated summer leave pay;
 - (e) For part-time employees, the full-time employee entitlement prorated for the proportion of a full-time position worked; and
 - (f) For employees on full-time study, no annual leave entitlement but the employee may take normal course vacations while undertaking the course.
- (2) The following conditions apply to annual leave entitlements-
- (a) The annual leave year is the calendar year and the annual entitlement accrues to the employee at the beginning of the year, provided that on first appointment or on leaving the employment of the government, the employee's annual leave entitlement shall be pro-rated to the completed months of service;
 - (b) The employee may take annual leave at times agreed with his appointing officer;
 - (c) Annual leave must be taken by the end of the annual leave year, except that the appointing officer may approve the carrying forward of leave to the following leave period in such amount as the appointing officer may determine; in making such approvals an appointing officer will not unreasonably deny a request for a carry forward of leave if the employee has been prevented from taking leave during the year;
 - (d) If the employee becomes ill during his annual leave, he will be regarded as being on sick leave during the period of illness in accordance with paragraph 6 of this Schedule; and
 - (e) On leaving the employment of the government, the employee is entitled to a payment equal to the amount of any annual leave due but not taken on the date employment ceases, and if he has taken annual leave in excess of the entitlement he will refund, by deduction from final salary or wages, the excess number of days pay.

Sick leave entitlement

6. (1) An employee is entitled to sick leave as follows-
- (a) For full-time employees-
 - (i) In the event of illness or injury to the employee, the employee is entitled to 10 working days paid sick leave per

leave year, together with sufficient additional unpaid sick days as necessary; and

- (ii) In the event of serious illness or injury to the employee, the treatment of which would normally occur over a period of 10 calendar days or more, the employee, upon providing a medical certificate from a registered medical doctor, is during the period of that illness or injury entitled to additional sick leave (as required) up to a maximum of 125 working days sick leave on full pay and a further 135 working days on half pay .

- (b) For part-time employees, the full-time employee entitlement prorated for the proportion of a full-time position worked.

(2) Regardless of paragraph (1), if the employee suffers an injury or contracts an illness as a result of his duties, he is entitled to sick leave on normal pay for the period of the injury or illness or until his employment is terminated; and

(3) If required to do so by the appointing officer, an employee shall provide a medical certificate from a registered medical doctor to support any period of sick leave.

Other leave entitlements

7. An employee is entitled to other leave as follows-

- (a) maternity and paternity leave calculated on the following basis -
 - (i) A female employee who has completed at least twelve months continuous service is entitled to 90 working days maternity leave surrounding the birth or adoption of a child and this shall be made up of 30 working days on normal pay and the remainder without pay;
 - (ii) A male employee who has completed at least twelve months continuous service is entitled to paternity leave of two working weeks surrounding the birth or adoption of a child and this shall be made up of one week on normal pay and one week without pay; or
 - (iii) An employee who has completed less than twelve months continuous service shall be entitled to maternity or paternity leave calculated on a pro-rated based for the time she or he has worked;
- (b) jury leave where the employee receives a summons to serve on a jury, the leave consisting of paid leave of absence for the time involved in jury selection or jury service, provided that the

employee pays over to his civil service entity any juror allowance received.

Discretionary leave

8. (1) An employee is entitled to the following types of leave at the discretion of the appointing officer-

- (a) part-time study Leave where the employee is undertaking a course of part-time study that is related to his employment, that leave consisting of a reasonable amount of paid leave (as determined by the appointing officer) to attend classes and prepare for and sit examinations;
- (b) full-time study leave where the employee is undertaking a course of full-time study, that leave consisting of paid leave, leave without pay, or a combination thereof during the period of study, provided that paid study leave will only be granted if the course of study directly relates to the employee's duties and the course of study is necessary to advance the civil service career of the employee.
- (c) bereavement and compassionate Leave on the following basis -
 - (i) upon the death of a member of the employee's immediate family, (Guardian, Grandmother, Grandfather, Spouse, Child, Father, Mother, Brother, Sister) paid bereavement leave of up to 10 working days per year;
 - (ii) in the event of a serious illness or other calamitous occurrence to a member of the employee's immediate family, compassionate leave on full pay of up to 7 working days per year;
- (d) special leave where the employee is selected to represent the Cayman Islands as a manager or member of a sporting or cultural body at a national meet, that leave being up to 10 working days per year with pay to attend the meet, provided that only employees who have six months' continuous service are entitled to paid special leave.
- (e) leave without pay where the employee applies to take unpaid leave but it will only be granted in exceptional circumstances at the discretion of the appointing officer.

(2) The appointing officer (with the approval of the Head of the Civil Service if the period of leave is to be more than 30 days) may require an employee to go on Required Leave where the appointing officer deems it to be in

the public interest for the employee to do so, and that leave shall be leave on full pay for such period as the appointing officer deems necessary.

Medical, dental and optical benefits

9. (1) An employee, and his spouse and dependent children resident in the Cayman Islands, are entitled to the following medical, dental and optical benefits, provided that the Cayman Islands Government is the employee's principal employer-

- (a) medical treatment as follows-
 - (i) free non-elective medical treatment in accordance with the health insurance coverage provided by the insurance company for the time being providing medical coverage for the Government of the Islands but not restricted by any lifetime monetary limit; in all other circumstances the responsibility for the cost of medical treatment rests with the employee.
 - (ii) where the employee or family member is referred to an overseas hospital the patient is also entitled to free transportation to and from the overseas hospital, and, if being treated as an outpatient, to the reimbursement of any accommodation costs incurred during treatment, in accordance with the health insurance coverage provided by the company for the time being providing medical coverage for the Government of the Islands;
 - (iii) if the employee, or family member who is normally resident in the Cayman Islands, dies while being treated overseas, the Government will meet the transportation costs of returning the body to the Cayman Islands or, if the employee was recruited overseas, the country of residence;
- (b) free dental treatment other than cosmetic dentistry (as determined by the Chief Dental Officer), in accordance with the health insurance coverage provided by the company for the time being providing medical coverage for the Government of the Islands;
- (c) an optical benefit consisting of the testing of eyes once every two years (or six months in the case of pilots and twelve months for Scenes of Crime staff) and the cost of lenses once every two years, in accordance with the health insurance coverage provided by the company for the time being providing medical coverage for the Government of the Islands.

(2) For the purposes of paragraph (1) a Caymanian employee's dependent child shall be considered to be resident in the Cayman Islands where the child -

- (a) is in full-time education at an education institution outside the Cayman Islands; and
- (b) would be resident in the Cayman Islands if it were not for the attendance at the overseas education institution.

Reimbursement of costs for employees recruited from overseas

10. An employee domiciled overseas at the time of his recruitment is entitled to the payment or reimbursement of the following costs-

- (a) expenses incurred in relocating the employee (and the employee's spouse and dependent children if they are also relocating to the Cayman Islands with the employee) to the Cayman Islands as follows -
 - (i) the costs of return air travel from the country of residence to the Cayman Islands, together with 10 kilos per person of excess baggage or such other reasonable amount as the appointing officer may determine;
 - (ii) the cost of packing, transporting by sea, and insuring in transit 120 cubic feet or 1,000 pounds (whichever is the greater) of personal effects from the country of residence to the Cayman Islands and return, or such other reasonable amount as the appointing officer may determine;
 - (iii) up to 7 days hotel accommodation upon arrival in the Cayman Islands and 2 days hotel accommodation prior to departure from the Cayman Islands at the end of employment; and
 - (iv) a settlement allowance equal to one month's salary payable during the first week of resident service; provided that should the employee terminate his employment in accordance with paragraph 19 of this Schedule, the settlement allowance shall be repayable on a pro-rated basis reflecting the proportion of the fixed-term employment agreement worked.
- (b) in the case of the death of the employee's spouse, child or parent who is not domiciled in the Cayman Islands, return air travel from the Cayman Islands to the country of residence for the purposes of arranging and/or attending the funeral; and
- (c) other reasonable costs relating to his relocation to, or employment in, the Cayman Islands as agreed by the appointing officer.

Reimbursement of costs incurred in course of duties

11. (1) An employee is entitled to the reimbursement of the following reasonable employment-related costs incurred in the course of his duties-

- (a) The following costs of travel undertaken for official business (including business within the Islands)-
 - (i) air travel in a class approved by the appointing officer;
 - (ii) reasonable accommodation costs as approved by the appointing officer;
 - (iii) reasonable meal (but not bar), communication, laundry, taxi and other miscellaneous costs as approved by the appointing officer; alternatively the appointing officer may agree to pay the employee a flat daily per diem allowance to cover these costs at a rate determined by the appointing officer but reflective of the cost of meals and other reasonable living expenses in the city the employee is to visit; none of these allowances to exceed \$100 per day within the islands and \$200 overseas.
- (b) The following course or conference costs (or the topping up to this level when these costs are covered in part by another organisation or sponsor) when attending a course or conference as part of official duties-
 - (i) course or conference fees;
 - (ii) air travel (where relevant) in a class approved by the appointing officer;
 - (iii) reasonable accommodation costs as approved by the appointing officer;
 - (iv) reasonable meal (but not bar), communication, laundry, taxi and other miscellaneous costs as approved by the appointing officer; alternatively the appointing officer may agree to pay the employee a flat daily per diem allowance to cover these costs at a rate determined by the appointing officer but reflective of the cost of meals etc. in the city (or cities) the employee is to visit; none of these allowances to exceed \$100 per day within the islands and \$200 overseas.
- (c) The following costs incurred as a result of a transfer between the Islands-
 - (i) transportation costs for the employee and his family;
 - (ii) transportation costs for the employee and his family's personal effects and motor vehicles;
 - (iii) other reasonable miscellaneous relocation costs as approved by the appointing officer;

- (iv) the rental cost of a house (of reasonable standard) on the Island transferred to, for a period of three years from the date of transfer;
 - (d) For employees not receiving any vehicle-use compensation as part of their remuneration, a mileage reimbursement for the pre-approved use of personal vehicles for official purposes, paid at a per mile rate of 50 cents on Grand Cayman and 53 cents on Cayman Brac and Little Cayman.
- (2) Claims for reimbursement shall be made to the appointing officer and include receipts or other evidence to support the claim.
- (3) Notwithstanding paragraphs (1) and (2)-
- (a) the level of reimbursements for Official Members and chief officers may be determined by the Official Member or chief officer concerned rather than by his appointing officer provided that the basis for reimbursement established by paragraph (1) is complied with; and
 - (b) an Official Member or chief officer may approve the reimbursement for himself rather than referring it to his appointing officer.

Reimbursement of study costs

12. (1) An employee undertaking part-time or full-time study with the approval of his appointing officer is entitled to the reimbursement of study costs or a financial advance at the discretion of the appointing officer as follows-
- (a) in the case of an employee undertaking part-time study that is related to his employment, the tuition and examination fees for courses approved by the appointing officer.
 - (b) in the case of an employee undertaking full-time study, such portion of the following costs as the appointing officer considers to be a reasonable contribution by the employer (provided that these costs are incurred by the employee and not covered by another organisation or sponsor);
 - (i) tuition fees, book allowances and other expenses directly related to the course of study;
 - (ii) accommodation costs, including the cost of food, up to an amount equal to the cost of staying in the Institution's halls of residence;
 - (iii) return airfares at the cheapest rate for the employee and his spouse and dependent children (if they are accompanying the employee during his study), together with reasonable

- taxi charges to and from the airport and the employee's accommodation;
- (iv) the cost of up to 20 kilos of excess airline baggage going to the course and of up to 60 kilos by sea on returning from the course;
- (v) a personal allowance for day-to-day necessities;
- (vi) a hardship supplement where the employee can show financial hardship will occur (applies to courses over one year only).

(2) Claims for reimbursement shall be made to the appointing officer and include receipts or other evidence to support the claim.

(3) Notwithstanding paragraph 2, an Official Member or chief officer may approve the reimbursement for himself rather than referring it to his appointing officer.

Other conditions of employment

13. (1) An employee, as a condition of employment, is required to-
- (a) comply with the Public Servant's Code of Conduct, any workplace rules, and any reasonable instructions issued by his appointing officer;
 - (b) provide the name and address of his next-of-kin to his appointing officer at the time of appointment and to update that information if it changes; and
 - (c) submit to a medical examination if required to do so by his appointing officer to establish his fitness for duty or to test for excessive blood alcohol or use of illicit drugs.
- (2) Failure to comply with these conditions of employment is grounds for discipline or dismissal.

Terms and conditions if transferred to a public authority

14. (1) If a civil servant becomes an employee of a statutory authority or government company as a result of a restructuring under section 20 of the Law, the employee shall be entitled to remuneration and other terms and conditions of employment that are not less favourable than those to which the employee was entitled to immediately before ceasing to be a civil servant.

(2) Paragraph (1) will cease to have effect on the next occasion when there is a variation in remuneration and conditions in the statutory authority or government company.

Re-employment for a fixed-term

15. (1) Where an employee who was employed on a fixed-term employment agreement is re-employed on a fixed-term employment agreement for a further period in accordance with sections 9(3), 26(2) and 41(10) of the Law and regulations 5, 15 and 29, the re-employment shall be a separate employment relationship from the initial employment and the terms and conditions of the first employment agreement shall not automatically roll-over to the second or subsequent employment agreements; except that years of service under previous open-term or fixed-term employment agreements shall be taken into account when establishing the leave entitlement of the employee.

(2) Where an employee is re-employed on a fixed-term employment agreement for a further period, entitlements to reimbursement of travel costs at the end of his tenure will apply at the end of each fixed-term employment agreement.

Re-employment of an employee who becomes a Caymanian

16. Where a non-Caymanian employee becomes a Caymanian (by virtue of gaining Caymanian status)-

- (a) the employee will be re-employed in the same position but with the terms and conditions applying to a resident Caymanian; and
- (b) any entitlements applying to the employee prior to becoming a Caymanian that are in excess of those applying to a resident Caymanian (including reimbursement of travel costs at the end of his period of employment) will be forfeited from the date he becomes a Caymanian.

Discipline of an employee

17. Employees who are civil service entity staff members may be disciplined by an appointing officer for minor misconduct or inadequate performance over a reasonable period of time under section 44(3) of the Law and regulation 38.

Retirement age and benefits

18. (1) The compulsory retirement age is 60 years, or in the case of non-gazetted Police Officers is 55 years; provided that a civil servant may be re-employed on a fixed-term employment agreement after reaching this age in accordance with sections 9(4), 26(3) and 41(11) of the Law and regulations 6, 16 and 30.

(2) An employee, together with his spouse and dependent children, are entitled to medical, dental and optical benefits as specified in paragraph 9 of this Schedule for the period from his retirement to his death, or in the case of his spouse from the time of his retirement to the death of the spouse, or in the case of dependent children from the time of his retirement to the end of eligibility as a dependent child, provided that-

- (a) at the time the employee retired from government employment -
 - (i) he was entitled to a pension under the Public Service Pensions Law (2004 Revision); or
 - (ii) if he was not a member of the Public Service Pension Scheme, he retired at an age where he would have been eligible for a pension under that scheme; and
- (b) the government was the employee's principal employer for 10 consecutive years.

Termination of employment by employee

19. (1) An Official Member or chief officer may terminate his employment by giving three month's written notice of his resignation, or in the case of retirement by giving six month's written notice of his retirement date, to his appointing officer.

(2) Other employees on open-ended employment agreements may terminate their employment by giving one month's written notice of their resignation, or in the case of retirement by giving six month's written notice of their retirement date, to their appointing officer.

(3) Other employees on fixed-term employment agreements may terminate their employment by giving one month's written notice to their appointing officer.

(4) If the employee fails to give adequate notice, he shall make a payment in lieu of notice of an amount equal to the normal wage or salary for the period of short notice.

Termination of employment by employer

20. (1) The Governor may terminate an Official Member's employment on the basis of-
- (a) dismissal for gross misconduct under sections 12(1) of the Law and regulation 10;
 - (b) serious misconduct or significant inadequate performance under section 12(1) of the Law and regulation 11; or
 - (c) early retirement on medical grounds under section 12(2) of the Law and regulation 12.
- (2) An appointing officer may terminate a chief officer's employment on the basis of -
- (a) dismissal for gross misconduct under sections 29(1) and 38 of the Law and regulation 21;
 - (b) serious misconduct or significant inadequate performance under sections 29(1) and 38 of the Law and regulation 22;
 - (c) early retirement on medical grounds under sections 29(2) and 38 of the Law and regulation 23; or
 - (d) retirement to improve the organisation under sections 29(3) and 38 of the Law and regulation 24.
- (3) An appointing officer may terminate a staff member's employment on the basis of -
- (a) dismissal for gross misconduct under section 44(4) of the Law and regulations 35,39, 40 and 41;
 - (b) serious misconduct or significant inadequate performance under section 44(4) of the Law and regulations 35 and 42;
 - (c) early retirement on medical grounds under section 44(5) of the Law and regulation 43;
 - (d) retirement to improve the organisation under section 44 (6) of the Law and regulation 44; or
 - (e) redundancy under section 44 (7) of the Law and regulation 45; or
 - (f) loss of qualification, license or certification under section 44(1)(e) of the Law and regulation 46.
- (4) The period of notice to be given by the appointing officer to the employee on termination of employment is as follows -
- (a) dismissal for gross misconduct: no notice;
 - (b) dismissal for serious misconduct or significant inadequate performance: no notice;
 - (c) early retirement on medical grounds: three months;
 - (d) retirement to improve the organisation: three months;
 - (e) redundancy: three months;

(f) loss of qualification, license or certification: no notice.

(5) An appointing officer may terminate an employee prior to the end of the period of notice established by subclause (4) by paying the employee the sum that he would have earned had he worked up to the end of the period of notice.

(6) (a) An employee is entitled to severance pay if his employment is terminated on the basis of early retirement on medical grounds, retirement to improve the organisation or redundancy;

(b) Severance pay will be calculated in accordance with the following -

(i) for salaried employees: two week's salary for each completed twelve-month period of employment with the government up to a maximum of 10 years; or

(ii) for wage workers: ten working days pay at his current rate of pay for each completed year (221 working days) of employment up to a maximum of 10 years; and

(iii) for part-time employees: the pro-rated amount of the relevant full-time entitlement.

(c) For the avoidance of doubt an employee is not entitled to -

(i) severance pay if he has been employed on a fixed-term employment agreement and that agreement comes to a natural end as the result of an effluxion of time.

SCHEDULE 2

REMUNERATION BANDS

(paragraph 3 of Schedule 1)

Remuneration bands

1. (1) The remuneration bands referred to in paragraph 3(1)(a) of Schedule are as follows-

Wage Grades (Hourly Wage)													
Grade	PT 1	PT 2	PT 3	PT 4	PT 5	PT 6	PT 7	PT 8	PT 9	PT 10	PT 11	PT 12	PT 13
GAA	\$8.92	\$9.17	\$9.39	\$9.63	\$9.86								
GBB	\$10.68	\$10.98	\$11.26	\$11.54	\$11.80								
GCC	\$12.45	\$12.78	\$13.09	\$13.43	\$13.75								
GDD	\$14.21	\$14.58	\$14.95	\$15.33	\$15.71								
GEE	\$15.96	\$16.39	\$16.81	\$17.25	\$17.66								
GFF	\$17.74	\$18.21	\$18.67	\$19.13	\$19.60								

Salary Grades (Annual Salary)													
Grade	PT 1	PT 2	PT 3	PT 4	PT 5	PT 6	PT 7	PT 8	PT 9	PT 10	PT 11	PT 12	PT 13
A	\$160,020	\$164,016	\$168,132	\$172,296	\$176,628								
B	\$152,304	\$156,096	\$160,020	\$164,016	\$168,120	\$172,296							
C	\$123,348	\$126,456	\$129,612	\$132,852	\$136,164	\$139,572	\$143,064						
D	\$105,696	\$108,324	\$111,036	\$113,808	\$116,652	\$119,568	\$122,568	\$125,640					
E	\$96,372	\$98,796	\$101,256	\$103,800	\$106,380	\$109,032	\$111,780	\$114,564	\$117,420				
F	\$88,452	\$90,660	\$92,940	\$95,256	\$97,656	\$100,092	\$102,588	\$105,144	\$107,760	\$110,472			
G	\$77,712	\$79,656	\$81,660	\$83,700	\$85,776	\$87,948	\$90,132	\$92,388	\$94,680	\$97,068	\$99,492	\$101,976	\$104,532
H	\$69,456	\$71,184	\$72,984	\$74,796	\$76,680	\$78,600	\$80,556	\$82,572	\$84,624	\$86,748	\$88,920	\$91,140	\$93,432
I	\$61,224	\$62,760	\$64,332	\$65,940	\$67,596	\$69,276	\$71,016	\$72,780	\$74,604	\$76,464	\$78,396	\$80,340	\$82,356
J	\$53,412	\$54,744	\$56,112	\$57,504	\$58,944	\$60,420	\$61,944	\$63,468	\$65,064	\$66,684	\$68,352	\$70,056	\$71,832
K	\$47,520	\$48,888	\$49,944	\$51,192	\$52,464	\$53,772	\$55,128	\$56,484	\$57,900	\$59,364	\$60,852	\$62,352	\$63,912
L	\$42,564	\$43,632	\$44,712	\$45,840	\$46,992	\$48,156	\$49,368	\$50,616	\$51,852	\$53,160	\$54,492	\$55,860	\$57,252
M	\$38,196	\$39,144	\$40,140	\$41,124	\$42,168	\$43,224	\$44,280	\$45,384	\$46,548	\$47,712	\$48,900	\$50,124	\$51,372
N	\$34,524	\$35,364	\$36,252	\$37,164	\$38,076	\$39,048	\$40,020	\$41,028	\$42,024	\$43,080	\$44,172	\$45,276	\$46,416
O	\$31,272	\$32,076	\$32,880	\$33,672	\$34,548	\$35,376	\$36,264	\$37,188	\$38,112	\$39,072	\$40,056	\$41,064	\$42,096
P	\$28,296	\$28,992	\$29,724	\$30,480	\$31,224	\$32,004	\$32,832	\$33,624	\$34,464	\$35,328	\$36,216	\$37,116	\$38,040
Q	\$25,272	\$25,896	\$26,556	\$27,204	\$27,900	\$28,596	\$29,316	\$30,048	\$30,804	\$31,560	\$32,352	\$33,144	\$33,996
R	\$17,772	\$18,228	\$18,696	\$19,152	\$19,632	\$20,112	\$20,628	\$21,144	\$21,648	\$22,200	\$22,752	\$23,328	\$23,916

Process for allocating positions to remuneration bands

2. (1) All civil service positions shall be allocated to a remuneration band by the Portfolio of the Civil Service using an objective methodology and having regard to -

- (a) the duties, responsibilities and accountabilities of the position;
- (b) the qualification, knowledge, skills and experience required; and
- (c) the relevant internal and external market rates for similar positions.

(2) In allocating a position to a band the Portfolio of the Civil Service shall-

- (a) focus solely on the factors in subclause (1) and shall take no account of the persons likely to applying for the position.
- (b) not be subject to the direction or control of any person.

Request for allocation to a remuneration band

3. An appointing officer may submit a position to the Portfolio of the Civil Service for allocation to a remuneration band, or request that an existing allocation be reviewed by Portfolio of the Civil Service, whenever he feels that any of the factors in paragraph 2(1) of this Schedule have changed.

SCHEDULE 3

PERFORMANCE-RELATED REMUNERATION

(regulations 8, 19, 36 and paragraph 3 of Schedule 1)

Performance-related remuneration shall be calculated as follows-

- (a) Performance shall be assessed in accordance with a five point rating scale as follows -
 - (i) Rating 5: Achieved the agreed performance in all respects and achieved substantially better than agreed performance in most respects;
 - (ii) Rating 4: Achieved the agreed performance in all respects and achieved better than agreed performance in some respects;
 - (iii) Rating 3: Achieved the agreed performance in all respects;
 - (iv) Rating 2: Achieved the agreed performance in some but not all respects;

- (v) Rating 1: Failed to achieve the agreed performance in a substantial way.
- (b) Where a staff member is assessed with a rating of 5, the staff member shall be entitled to a performance-related remuneration payment equal to 10% of the staff member's wages or salary, and this shall be paid as soon as is practical after the performance assessment has been completed;
- (c) Where a staff member is assessed with a rating of 4, the staff member shall be entitled to a performance related-remuneration payment equal to 5% of the staff member's wages or salary, and this shall be paid as soon as is practical after the performance assessment has been completed;
- (d) Where a staff member is assessed with a rating of 3, the staff member shall be entitled to a performance related-remuneration payment equal to 2.5% of the staff member's wages or salary, and this shall be paid as soon as is practical after the performance assessment has been completed;
- (e) Where a staff member is assessed with a rating of 2, the staff member shall not be entitled to any performance-related remuneration payment;
- (f) Where a staff member is assessed with a rating of 1, the staff member shall not be entitled to any performance-related remuneration payment, and shall be advised in writing that this level of performance is not acceptable and if performance does not improve within a reasonable period of time dismissal action will be taken on the grounds of significant inadequate performance in accordance with the provisions of section 44 (4) of the Public Service Management Law, 2005 and Regulation 42.

SCHEDULE 4

EMPLOYMENT AGREEMENTS

(regulations 9, 20 and 36)

1. An employment agreement shall be agreed with each civil servant following his appointment but prior to his commencement of duties.
2. As the employment agreement is specific to a civil servant's position, a new agreement shall be prepared and agreed whenever a person is appointed, transferred or promoted to a new or different position.

3. Whenever there is a change in circumstances that render an employment agreement at variance with those circumstances, for example a change in terms and conditions, a new employment agreement shall be prepared and agreed with the civil servant.

4. Employment agreements shall be in the form shown in the Annex to this Schedule and shall contain the following information-

- (a) the name of the employee;
- (b) the name of the employer as the Cayman Islands Government;
- (c) the position appointed to;
- (d) the period of employment;
- (e) the place of work;
- (f) the start date;
- (g) the employee's remuneration;
- (h) the terms and conditions of employment (a copy of the standard terms and conditions current at the time the employment agreement is entered into shall be attached to the agreement);
- (i) a requirement to comply with the Public Servant's Code of Conduct and workplace rules;
- (j) a requirement to participate in the performance management system including the preparation of annual performance agreements and assessments;
- (k) a requirement that the employee must not engage in any private gainful activity that conflicts with the employee's duties (or might be reasonably perceived to conflict with those duties) or impinges upon the employee's ability to complete his/her duties diligently and conscientiously, and without the written agreement of the chief officer;
- (l) an outline of disciplinary and termination processes; and
- (m) and such other information as may be agreed.

5. Employment agreements shall be signed by the employee and the appointing officer.

ANNEX TO SCHEDULE 4

**TEMPLATE FOR EMPLOYMENT AGREEMENTS FOR CIVIL
SERVANTS**

CAYMAN ISLANDS GOVERNMENT

EMPLOYMENT AGREEMENT

AGREEMENT made on *[insert date]*

BETWEEN *[insert name and title of appointing officer]* on behalf of the Government of the Cayman Islands of *[insert address of appointing officer's civil service entity]* (hereafter referred to as "the employer")

And

[insert name of employee] of *[insert address of employee]* (hereafter referred to as "the employee").

Appointment

1. The employer agrees to employ the employee in the position of *[insert name of position]* in *[insert name of civil service entity]* and the employee agrees to undertake the duties of the position diligently and faithfully.

Employee's Duties

2. The general duties of the position are specified in the Job Description attached to this Agreement, together with such other reasonable duties as may be specified by the employee's supervisor, and may be modified from time to time at the discretion of the employer. *[Attach Job Description to back of employment agreement]*

Duration of Employment

3. The employee's employment will commence on *[insert day, month and year]* and is for *[select relevant period]* an indefinite period of time (open-term) *[or]* a fixed period ending on *[insert day, month and year]* (fixed-term employment agreement) *[or]* a six month probationary period ending on *[insert day, month and year]*.

Place of Work

4. The employee's standard place of work will be *[insert name and address of place of work]* but may be varied at the discretion of the employer.

Terms and Conditions of Employment

5. The terms and conditions of employment are as specified in Schedule 1 to Personnel Regulations (as amended from time to time), and that Schedule shall be read and construed as part of this Agreement. A copy of Schedule 1 to Personnel Regulations, current at the date this Agreement was entered into, is attached to this Agreement. *[Attach a copy of Schedule 1 to Personnel Regulations to the back of employment agreement]*

Remuneration

6. The employee's remuneration will consist of:

- (a) Salary or wages of *[insert \$ amount]*;
- (b) Standard allowances of *[insert \$ amount]*;
- (c) From 1 July 2009, and where a performance-related remuneration scheme has been applied to the employee, a performance-related payment of up to 10% of the salary or wages of the employee, as specified in paragraph 3 of Schedule 1 to Personnel Regulations a copy of which is attached to this Agreement;
- (d) From 1 July 2009, and where a performance related remuneration scheme has been applied to the employee, other performance incentive remuneration, as specified in paragraph 3 of Schedule 1 to Personnel Regulations a copy of which is attached to this Agreement; *[if not applicable exclude this subparagraph]*
- (e) Where the Public Pensions Law applies to the employee, employer and employee Pension contributions as specified in paragraph 3 of Schedule 1 to Personnel Regulations, a copy of which is attached to this Agreement;
- (e) Medical, dental and optical benefits as specified in paragraph 3 of Schedule 1 to Personnel Regulations, a copy of which is attached to this Agreement;
- (f) Where the employee falls in the category of employees entitled to overtime, overtime or time-in-lieu, as specified in paragraph 3 of Schedule 1 to Personnel Regulations, a copy of which is attached to this Agreement; *[if not applicable exclude this subparagraph]*;

- (g) Public holiday pay, where the employee is entitled to it, as specified in paragraph 4 of Schedule 1 to Personnel Regulations, a copy of which is attached to this Agreement
- (h) A five-year cash grant as specified in paragraph 3 of Schedule 1 to Personnel Regulations, a copy of which is attached to this Agreement; *[if not applicable exclude this subparagraph]*
- (i) An acting allowance, where applicable, as specified in paragraph 3 of Schedule 1 to Personnel Regulations, a copy of which is attached to this Agreement;
- (j) An extra duties allowance, where applicable, as specified in paragraph 3 of Schedule 1 to Personnel Regulations, a copy of which is attached to this Agreement.

Under or Overpayment of Remuneration

7. (a) The employer agrees that any erroneous underpayment of remuneration will be paid to the employee at the next practical pay period.
- (b) The employee agrees that any erroneous overpayment of remuneration will be repaid to the employer and that to this end the employer may recover the overpayment from the employee by way of deduction from the employee's wages and salaries over a reasonable period.

Limited Engagement in Private Gainful Activity by the Employee

8. The employee agrees not to, without the written agreement of his chief officer, engage in any private gainful activity that conflicts with the employee's duties or might be reasonably perceived to conflict with those duties or that impinges upon the employee's ability to complete his duties diligently and conscientiously in a manner that would normally be expected by a principal employer.

Additional Undertakings by the Employee

9. The employee agrees to:
- (a) comply with the Public Servant's Code of Conduct specified in section 5 of the Public Service Management Law, 2005 and workplace rules and as amended from time to time. A copy of these documents, current at the date this Agreement was entered into, is attached to this Agreement; *[Attach a copy of the Public Servant's Code of Conduct, and workplace rules for the civil service entity concerned, to the back of employment agreement] and*

- (b) participate in the employer's performance management system including the preparation of annual performance agreements and annual performance assessments.

Disciplinary and Termination Arrangements

10. The employer may discipline the employee or terminate his employment under the terms and conditions of employment as specified in Schedule 1 to Personnel Regulations, a copy of which is attached to this Agreement.

No Presumption of Further Fixed-Term Employment *[Clause only applies to fixed-term employment agreements; omit for open-term agreements]*

11. The parties expressly agree that the employment of the employee on a fixed-term employment agreement establishes no presumption or expectation on the part of either party that the employee will be offered further employment at the end of the fixed-term employment period.

No Liability of Governor

12. Nothing in this Agreement imposes any liability on the Governor of the Cayman Islands acting in his personal capacity.

Interpretation

13. This Agreement shall be interpreted in accordance with the laws of the Cayman Islands and in the event of a dispute the laws of the Cayman Islands will apply.

Agreement Contains All Terms

14. Except for any provision that applies by virtue of law, this document constitutes the entire agreement between the employer and the employee and replaces all previous Employment Agreements between the employer and the employee.

Amendments

15. No amendments or modifications to this Agreement will be valid or binding unless made in writing, signed by both the employer and the employee and specifying the date in which they shall come into operation.

SIGNED (on behalf of the employer)

Appointing Officer]

.....
[Signature of

.....
Date

SIGNED (employee)

.....
[Signature of

Employee]

.....
Date

SCHEDULE 5

TEMPLATE FOR DECLARATION OF SECRECY BY CIVIL SERVANTS

CAYMAN ISLANDS GOVERNMENT

DECLARATION OF SECRECY

My attention has been drawn to my duty as an employee of the Cayman Islands Government not to disclose classified information to unauthorized persons, and also to the provisions of the Schedule to this Declaration.

I am aware of the serious consequences which may follow any breach of this duty or these provisions.

I also understand that the duty and provisions cover the publishing or divulging of any information to any unauthorised person, orally or in writing, or in any print or electronic form, without the prior consent of my appointing officer. I also understand that these restrictions apply not only to my period of employment but also after my employment as a civil service has ceased.

Signature.....Name
(print).....
Date.....

In the presence of:

Signature.....Name
(print).....
Date.....

DECLARATION OF SECRECY

SCHEDULE

This Schedule constitutes part of the Declaration

1. (1) If any person having in his possession or control any secret official code word or pass word or any sketch, plan, model, article, note, document, or information which relates to or is used in a prohibited place or anything in such a place, or which has been entrusted in confidence to him by any person holding office in the Government of the Cayman Islands, or which he has obtained or to which he has had access owing to his position as a person who holds or has held a contract made on behalf of the Government, or as a person who is or has been employed under a person who holds or has held such office or contract-

- (a) communicates the code word, pass word, sketch, plan, model, article, note, document, or information to any person other than a person to whom he is authorised to communicate it, or a person to whom it is, in the interests of the Islands, his duty to communicate it;
- (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interest of the Islands;
- (c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
- (d) fails to take reasonable care of, or so conducts himself to endanger the safety of, the sketch, plan, model, article, note, document, secret official code word or pass word, or information,

that person shall be deemed to have breached his duty of confidentiality under this Declaration.

(2) If any person having in his possession or control any sketch, plan, model, article, note, document, or information which relates to munitions of war, communicates it directly or indirectly to any foreign power or in any other manner prejudicial to the safety or interests of the Islands, that person shall be deemed to have breached his duty of confidentiality under this Declaration.

(3) If any person receives any secret official code word or pass word or sketch, plan, model, article, note, document, or information, knowing or having reason to believe, at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document, or information is communicated to

him in contravention of a duty of confidentiality under this Declaration, he shall be deemed to have breached his own duty of confidentiality under this Declaration, unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document, or information was contrary to his desire.

2. If any person –

- (a) retains for any purpose prejudicial to the safety or interests of the Islands any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by the Government or other appropriate person with regard to the return or disposal thereof;
- (b) allows any other person to have possession of any official document issued for his use alone, or communicates any official secret code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable; or
- (c) manufactures or sells, or has in his possession for sale, any die, seal or stamp of, or belonging to, or used, made or provided by, any Government Department, without lawful authority or excuse,

he shall be deemed to have breached his duty of confidentiality under this Declaration.

Made the 19th day of December, 2006.

Carmena Watler,
Clerk of the Cabinet.