

# **PUBLIC SERVICE COMMISSION REGULATIONS 1998**

## **PART I – GENERAL PROVISION**

### **1. Citation.**

These Regulations may be cited as the Public Service Commission (Amendment) **Regulations 2006.**

### **2. Interpretation**

The Public Service Commission Regulations 1998\* (hereinafter referred to as the “Principal Regulations”) are hereby amended by deleting the regulations specified herein and substituting therefore in each case the following new regulations-

**Amendment of regulations  
11, 19, 20, 21,  
24, 25, 27, 29,  
33, 37, and 39.**

### **3. Secretarial and Administrative Services**

The Secretarial and other Administration Services required to facilitate the functions of the Commission shall be provided by the Secretary of the Public Service.

### **4. Quorum at meetings**

At meetings of the commission the chairman and two other members shall constitute a quorum, subject to the provisions of Section 137 (2) of the Constitution.

### **5. Frequency of meetings**

The Commission shall meet at such intervals as necessary in the opinion of the Chairman, after consultation with the Secretary for the Public Service, to deal quickly with the Commission’s business.

### **6. Record of meetings and decision**

A record shall be kept of the members present and of business transacted at every meeting of the Commission, and of the decisions reached. Any member is present at the meeting when a decision is made shall be entitled to disagree with it and to have his reasons for doing so set out in the record of that meeting.

**7. Non-discloser of proceedings and documents.**

Neither the chairman nor any other member, nor any other person shall disclose to anyone, otherwise than to a public officer in the proper exercise of his duties, the proceedings or decisions of the Commission, nor the contents of any document, communication or information which has come to his notice in the course of duties under these Regulations.

**8. Improper Influence**

Any public officer who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any way whatsoever influences or attempts to influence any decision of the Commission or the Chairman or any other member shall be guilty of misconduct.

**9. Duty to provide information and give evidence.**

It is the duty of the public officers to provide such information and documents as the Commission may require in the exercise of its functions, and to attend to give evidence when requested. Failure to do so or wilfully to give false or misleading information is an act of misconduct.

**10. Staff Reports to be made available.**

Staff Reports on public officers shall be made available to the Commission by the Secretary for the Public Service. The Commission may call for additional reports on public officers if they consider this necessary in any particular case.

**11. Procedures for submissions**

All submissions to the Commission will be writing and copy forwarded to the Secretary of the Public Service shall be made by or through the Secretary for the Public Service for the official records.

**12. Delegation of powers.**

Where the Commission delegates powers to public officers it shall do so in writing after consultation with the Secretary for the Public Service. In delegating its powers the Commission shall take into account the administrative needs of the Public Service to conduct its affairs promptly, and the need to avoid excessive submissions to the Commission on minor matters.

**13. Exercise of powers.**

Delegation shall be exercised in accordance with the relevant provisions of these Regulations and any other conditions the Commission may impose, as well as the

appropriate administrative procedures in force. The powers shall not be sub-delegated without the written approval of the Commission who may withdraw delegated powers from any particular officer if they are misused.

**14. Appeals**

A public officer in respect of whom a decision has been taken by the Commission, or by an officer exercising delegated powers, under the provisions of these Regulations may appeal to the Commission if he is aggrieved by that decision.

**15. Time limit on appeals**

Any appeal must be made within 14 days after the date on which the decision has been communicated to the officer, or in special circumstances such period not exceeding three months as the Commission may allow.

**16. Forms of appeal**

An appeal must be made in writing, and state the grounds on which it is being made and be supported by any relevant information or evidence which may not have been available when the original decision was taken. At any interview in connection with this appeal an officer may be accompanied by a friend or an official representative of his trade union.

**PART II – APPOINTMENT TO THE PUBLIC SERVICE**

**17. Qualification for entry.**

The Secretary for the Public Service shall decide on the minimum qualification, including any examinations or tests, for entry to any cadre, group or class within the Public Service.

**18. Authority to appoint**

The Commission, or any other officer to whom they have delegated appropriate powers, shall decide on and make all appointments to the Public Service.

Comments/changes: Compatible to Section 116 of the Constitution quoted below:

**“Appointments etc. of public officers**

116.-(1) Subject to the provisions of this Constitution, power to make appointments to public offices (including power to confirm appointments) and to remove and to exercise disciplinary control over persons holding or acting in such offices is vested in the Public Service Commission.

(2) The Public Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any member of the Commission or to any public officer.”

**19. Appointments to be advertised.**

Unless the Commission otherwise agrees, all appointments to the Public Service will be publicly advertised

**20.** No person shall be appointed to any office unless he or she has the appropriate minimum entry qualifications, except that, if there are no suitably qualified candidates, the Commission may, with the concurrence of the Permanent Secretary of the relevant department through the Permanent Secretary for the Public Service, appoint a person with less than the minimum qualifications on non-permanent terms.

**21. Appointments on non-nationals.**

Non- nationals shall only be appointed where the Commission is satisfied that no qualified national is available, and then only on a non-permanent basis for such time as may, in the view of the Commission, be necessary to obtain a qualified Solomon Islands officer. The selection of officers for appointment shall be made with due regard to the need to be inclusive of men and women, people with a disability and workers from all provinces.

**22. Selection on merit**

Subject to the provisions in paragraphs 20-21, selection of officers for appointment shall be on merit.

**23. Appointment of selection panel**

To help in the selection of candidates for permanent appointment (and for promotion, under paragraph 34 and 43) selection panel will normally be appointed to interview candidates and make recommendations to the Commission.

**24. Composition of Panels**

A selection panel shall consist of a Chairman and two or more members who shall be public officers. One officer shall normally be from the Public Service Department and must hold a substantive appointment not less than level 6 or two levels above the level to which the appointment is being made whichever is the higher. The members, at least one of whom shall have relevant professional, technical or specialist qualifications and shall hold a substantive appointment not less than level 5 or one grade above the level of appointment, which ever is the higher.

**25. Reference back by Commission**

All recommendations shall be made direct to the Commission by the Permanent Secretary of the relevant department for appointments from levels 3-13. A copy shall be provided to the Permanent Secretary for the Public Service for the personnel files. All recommendations must be signed by the Permanent Secretary. If any recommendation is not accepted by the Commission, any alternative appointment shall only be made after consultation with the Permanent Secretary of the relevant department and the Permanent Secretary for the Public Service, who shall seek the views of the panel or recommending officer before submitting another opinion to the Commission

**26. Letters of appointment**

Letters of appointment will be issued by the Secretary for the Public Service or by any officer exercising delegated powers as appropriate.

**27. Probationary period for permanent appointments**

Permanent appointments will be subject to a probationary period of six months. In special circumstances the Commission may, however, on the recommendation of the supervising officer, extend this period.

**28. Confirmation, extension or termination of probationary appointment.**

The confirmation, extension or termination of probationary appointments will be decided by the Commission based on the officer's general conduct and reports submitted on his performance of duties.

**29. Reports during probations**

Reports on officers on probation will be made twice in one year. The final report must be submitted to the Commission not later than two months before the end of the probationary period.

**30. Renewal, extension or termination of appointment**

The renewal, extension or continuation of a non- permanent appointment beyond the term of appointment, or six months where no term has been specified, shall be subject to the approval of the Commission.

## **PART III - PROMOTIONS**

### **31. Selection to be competitive**

The selection of public officers for substantive promotion shall be competitive, the assessment of candidates being based on qualifications and merit, taking into account staff reports (for officer's level 3 and above), the results of examinations conducted under the 1992 PSC Examination Rules, and the recommendations of Senior Officers and any selection panel appointed by the Commission.

### **32. Seniority**

If two or more candidates are judged equal on grounds of qualifications and merit, preference will be given to the most senior.

### **33. Field for consideration for promotion.**

The field of candidates for consideration for substantive promotion shall be determined by the Secretary for the Public Service and may be restricted to officers on certain grade levels, and with more than a specified seniority.

### **34. Appointment of selection panel.**

Where there is more than one qualified candidate to be considered for substantive promotion to Level 3 and above, a selection panel will normally be appointed to make recommendations to the Commission, in accordance with the procedure in paragraphs 23 to 25 of these Regulations. Staff reports and other relevant information concerning the candidates will be made available to the panel by the Secretary for the Public Service.

### **35. Period of trial**

All substantive promotions to level 5 and above shall be subject to 6 months trial, extendable, exceptionally up to two years at the discretion of the Commission. If after due warning an officer on trial does not reach the required standard he/she will, subject to the concurrence of the Commission, be demoted.

## **PART IV – ACTING APPOINTMENTS**

### **36. When permitted**

Acting appointment will only be made:

- (a) pending a substantive promotion or appointment to a vacant office; or

(b) where the substantive holder of an office is absent; or

(c) where the post is of temporary nature.

And normally only where the officer is to perform the full duties of the office in which he is to act.

**37. Selection for acting appointments**

Appointments to act in any office shall be made by the Commission, or by an officer exercising delegated powers, who will appoint the most senior officer within the Ministry, Division or Office concerned who in their judgment is qualified and suitable to fill the office.

**38. Limitation for acting appointment**

No acting appointment shall extend beyond six months without the express approval of the Commission, which shall be withheld unless it is satisfied that the office cannot or should not be filled substantively.

**PART V - TRANSFERS**

**39. Transfer at same grade level.**

Transfer from one cadre, group, or class to another at the same grade level shall be approved by the Commission on the recommendation of the Secretary for the Public Service if the officer is qualified and such a move would be in the public interest. On transfer an officer will not carry over any seniority held in his former cadre, group or class.

*Comment/changes: this issue of transfer has no incentive to officers but a loss of recognition of the officer's seniority and contributions in the Service.*

**40. Transfer involving promotion**

Where a transfer would involve accelerated promotion, the case will be considered under the procedure for substantive promotion in Part III of the Regulations, except that the officer's seniority will not be taken into account.

**41. Reserved right to apply for advertised appointments.**

Nothing in paragraphs 39 and 40 shall preclude a public officer from applying and being considered for an appointment advertised under Part II of these Regulations, in a different cadre, group or class.

**PART VI - SCHOLARSHIP**

**42. Role of Commission.**

The Commission shall consider all proposals to send public officers on scholarships or any course of training which would lead to qualifications for promotion.

**43. Selection of candidates**

In considering such proposals the Commission will ensure that candidates are selected on merit, having regard the claims of other eligible officers. Wherever practicable the Commission will appoint a panel in accordance with the procedure set out in paragraph 23-25 of these Regulations, to make recommendations for its consideration.

**PART VII - DISCIPLINE**

**44. Definition of misconduct**

Misconduct for the purpose of these Regulations includes acts of misconduct specified in Chapter VII of the Constitution, or acts contrary to Chapter C of the General Orders, non compliance with or disobedience of Public Service Act, Public Finance and Audit Act, any General Order, Financial Instruction, Store Regulations from time to time in force, Minor acts of misconduct such as lateness, idleness or indiscipline after a written warning, acts of insubordination to Responsible Officers directives or Public Service and Cabinet directives, or acts contrary to any rules or regulations applying to public officers, or willful neglect of duty, and failure of Responsible Officers under delegated power to expedite conclusion of disciplinary and criminal proceedings within a reasonable time, or any act that the Commission considers or decides to be misconduct.

**45. Responsibility for reporting misconduct.**

It is the responsibility of the public officers to report at once suspected acts of misconduct by the staff for whom they have supervisory responsibility, and to deal with disciplinary cases promptly. Failure to do so shall in itself be treated as an act of misconduct.



**46. Contents of report**

The report shall give:

- (a) the facts of the case;
- (b) whether or not it is considered that there has been a misconduct;
- (c) the terms of the disciplinary charge, if there has been misconduct; and
- (d) all relevant documents.

**47. Action by SPS or officer exercising delegated power**

On receipt of this report the Secretary for the Public Service or officer exercising delegated powers may make such further inquiries as may be thought necessary, and if he considered there has been misconduct he will inform the officer concerned in writing of the charge.

**48. Right of accused to respond to charge**

The officer shall be given not less than seven days to respond to the charge, and if so requests he may be accompanied by a friend or an official representative of his trade union. A report of any such interview shall be placed on record and a copy sent to the officer accused of misconduct.

**49. Board of Inquiry in serious cases**

The Commission may, in serious cases of misconduct or where it is not satisfied that all the facts of the case have been established, appoint a Board of Inquiry to carry out an investigation. The Board shall consist of not more than three officers, all of whom shall be public officers senior to the accused officer, but none shall be from the department in which that officer works, nor be a relative, or have any personal or other connection with him.

**50. Procedure of Board of Inquiry**

The board shall take evidence from all parties concerned, including the officer accused of misconduct who may, if he is interviewed, be accompanied by a friend or an official representative of his trade union. The accused officer shall also be given the opportunity to be present and to put questions on his own behalf where witnesses are interviewed by the Board, and shall be allowed to see or have copies of any documents relied on for the purpose of the inquiry.

**51. Submission of report**

The Board shall submit to the Commission, through the Secretary for the Public Service, which shall set out the facts established, and recommend any changes in the terms or scope of the charges against the accused officer. If the Commission accepts any change in the charges, the officer concerned shall be informed in writing by the Secretary for the Public Service.

**52. Reporting criminal offences**

Where it appears that a public officer has in the course of his duties committed criminal offence, the police and the Secretary for the Public Service shall be informed immediately.

**53. Officers charged with criminal offences**

If a public officer has been or is to be charged with any criminal offence, no decision on any question of misconduct shall be made pending the conclusions of the legal proceedings and any consequent appeal. Nothing in this paragraph shall however preclude any investigation within the public service, nor the right to suspend an officer as provided for in paragraph 66.

**54. Completion of disciplinary action**

Following the conclusion of criminal proceedings, disciplinary action should be commenced.

**55. Officers acquitted of criminal charge**

A public officer acquitted of a criminal charge shall not be dismissed or otherwise punished for misconduct in respect of the offence alleged in that charge, but this shall not prevent his being dismissed or otherwise punished if the facts show that the officer has otherwise committed an act of misconduct under the provisions of these Regulations.

**56. Officers sent to prison**

Where an officer has been convicted and sentenced to imprisonment, his pay will stop from the date on which he was sentenced. This is a management action and is unrelated to disciplinary proceedings under these Regulations.

**57. Punishment of officers guilty of crime**

An officer convicted of criminal offence (in relation of his official work, or very severe private matter) shall be instantly dismissed.

**58. Punishments for misconduct**

Where the Commission or officer exercising delegated powers is satisfied that any act of misconduct warrant punishment, it shall be at their discretion to impose the penalties as follows:-

- (a) reprimand;
- (b) severe reprimand;
- (c) reduction in salary or wages;
- (d) demotion by one or more grade levels;
- (e) dismissal.

**59. Reduction in salary or wages**

Reduction in salary or wages under paragraph 58 (c) shall normally be an amount equal to one or more increments for a specified period, the officer's incremental progression remaining unchanged.

**60. Dismissal and probation**

An officer should only be dismissed when the Commission, or officer exercising delegated powers, is fully satisfied that the nature of his misconduct together with any other evidence regarding his previous behaviour makes him unfit to continue in office. In any particular case the Commission or officer exercising delegated powers is in doubt, a probationary period of up to two years be imposed, with or without a lesser punishment, which shall expire without further action if the officer is of good behavior.

**61. Unsatisfactory conduct during probation**

If during any probationary period imposed under paragraph 58 an officer's conduct is unsatisfactory, the facts shall be reported once to the Commission or officer exercising delegated powers, who shall decide whether the officer should in consequence be dismissed.

**62. Right of Commission**

Nothing in these Regulations shall preclude the Commission from requiring that disciplinary inquiries should be instituted if they have grounds for believing that a public officer may be guilty of misconduct.

**63. Authority to suspend from duties**

The authority to suspend an officer is vested in the Secretary for Public Service, or any officer to whom he may delegate that authority.

**64. Procedure for suspension**

An officer may be suspended from all or parts of his duties pending the conclusion of disciplinary proceedings, if this is in the interests of the Public Service. An officer will not be suspended when, as an alternative, it would be possible or appropriate to move him to other work. An officer who is suspended shall be entitled to be paid one half of his substantive pay, provided that if the disciplinary proceeding do not result in the dismissal, of the officer suspended, such officer shall be entitled to be paid the difference, if any, between the amount paid to him during the period of suspension and the amount of salary and wages that would normally be due to him if he had not been suspended.

The suspended officer must remain at his duty station unless he has the written permission of the Secretary for the Public Service or officer exercising delegated powers to leave it. A public officer who leaves his duty station without written permission of the Secretary for the Public Service is liable to be charged for misconduct.

**PART VIII – INEFFICIENCY**

**65. Scope**

The provisions in this Part of the Regulations do not apply to officers on probation or trial, which are dealt with in Part II paragraphs 27 – 29 and Part III paragraph 35.

**66. Responsibility of senior officers**

Where an officer's performance of his duties is unsatisfactory, and not up to the standard of his grade, the responsibility rests in the first place with his senior officers to try to establish the cause by discussion with the officer. The officer must in particular be told of his short comings so that he can have the opportunity to remedy them. In appropriate cases the officer should be given training or a change of work to establish whether his performance can be improved.

**67. Action in the event of continuing inefficiency**

If within six months these measures fail to improve the officer's performance to an acceptable standard, a report shall be made to the Commission, through or by the Secretary for the Public Service, or to an officer exercising delegated powers, recommending appropriate action, which may be one of the following:

- (a) demotion to a level suited to his abilities;
- (b) dismissal with due notice
- (c) retirement in the public interest.

**68. Consideration by SPS or delegated officer**

If the Secretary for the Public Service, or officer exercising delegated powers, is satisfied that any of the measures provided in paragraph 67 (a - b) should be taken he must so inform the officer in writing stating the reasons, and allow the officer 14 days to make representations.

**69. Conclusion of case**

After considering any representations the officer may make, the case shall be submitted to the Commission or dealt with under delegated powers as appropriate, and thereafter the officer will be informed of the decision.

**70. Deferment of action pending period of trial**

Nothing in this Part of the Regulations shall preclude the Commission or any officer exercising delegated powers from deferring action recommended under paragraph 67 pending a further period of trial not exceeding six months, subject to the officer being informed accordingly.

**PART IX – RETIREMENT AND TERMINATION OF EMPLOYMENT**

**71. Scope**

This Part deals with retirement and termination of employment of permanent officers, not otherwise provided for in these Regulations.

Namely:

- (a) Retirement on or after reaching the compulsory prescribed retirement age
- (b) Retirement and termination of employment prior or on or after reaching the minimum prescribe retirement age with the concurrence of the Secretary for the Public Service provided that -:
  - (i) Solomon Islands Government undertakes redundancy exercise for purposes of streamlining the size of the Public Service and facilitate improvement in the organization of the department to which he belong by which greater efficiency or economy may be affected, or Solomon Islands Government ceases to be the employer.
  - (ii) On medical evidence to the satisfaction of the Commission that he is incapable by reason of any infirmity of mind or body of

discharging the duties of his office and such infirmity is likely to be permanent.

**72. Redundancy through abolition of posts**

Where termination of employment under paragraph 71 (b) and (i) is being considered as a consequence of the reduction or abolition of posts, and there will be one or more posts remaining, officers shall be selected for termination of employment in the following order -:

- (a) Volunteers
- (b) Officers over a minimum prescribed retirement age; that is 55 years of age.
- (c) Other officers in order of juniority; the most junior first.

**73. Retirement on medical grounds**

An officer shall only be retired on medical grounds if a medical officer, appointed by the Commission on the recommendation of the Permanent Secretary, Ministry of Health and Medical Services, certifies that the officer is unlikely, because of his health, to give future satisfactory service. The medical officer appointed shall not be a relative or have any personal or other connections with the officer whose retirement is being considered.

**74. Procedure**

Any recommendation for the retirement or termination of employment of an officer in accordance with paragraph 71 shall be made to or by the Secretary for the Public Service who, if he is satisfied that such action should be taken, shall advise the officer concerned stating the reasons for the proposed action. Thirty days shall be allowed for the officer to make any representations and thereafter the case shall be submitted to the Commission for decision, together with any representations the officer may have made.

**PART X - MISCELLANEOUS**

**75. Saving under agreement of service**

Nothing in these Regulations shall restrict the right of Solomon Islands Government to terminate a public officer's employment or to take any other action in accordance with his agreement of service.

**76. Cases not provided for in Regulations**

The action to be taken on any matter within the competence of the Commission not provided for in these Regulations shall be decided by the Commission after consultation with the Secretary of the Public Service.

**77. Revocation of LN**

The Public Service Commission Regulations 1979(LN 12/79) is hereby revoked except LN 112/88.

Dated the 26<sup>th</sup> day of June, 1998.

**WAETA B TABUSASI, CSI**  
**Chairman**  
**Public Service Commission**