



## SERVICE COMMISSIONS DEPARTMENT

### CIRCULAR MEMORANDUM

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**E: 023/2022**

**FROM:** Director of Personnel Administration

**TO:** Permanent Secretaries and Heads of Departments

**DATE:** 5<sup>th</sup> May, 2022

**SUBJECT:** **Vacation Leave for Officers Charged with an Alleged Act of Indiscipline or Misconduct in the Public Service**

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Public Service Commission at its meeting of 05<sup>th</sup> April, 2022, approved the undermentioned policy guidelines to treat with vacation leave requests by officers who have been charged with an alleged act of indiscipline or misconduct.


As a general rule, in keeping with Regulation 97, vacation leave will not be granted to an officer against whom disciplinary charges have been preferred.

The Commission, in its discretion however, may consider an application from an officer against whom disciplinary charges have been preferred, for vacation leave, having regard to the circumstances and provisions outlined below:

1. An officer against whom disciplinary charges have been preferred may submit in writing to his/her Permanent Secretary or Head of Department, within the established timeframe, a request to proceed on vacation leave, such leave not specified by Regulation 97 of the Public Service Regulations, well in advance of the commencement date of the officer's requested leave outlining the following:
  - 1.1 The reasons for such leave i.e. reasons outside the provisions of Regulation 97 of the Public Service Commission Regulations;
  - 1.2 The duration of the vacation leave;
  - 1.3 Whether the leave is to be spent in or out of the country; and
  - 1.4 Documentary evidence where necessary.

2. All recommendations concerning requests by officers on a disciplinary charge for permission to proceed on vacation leave in or out of the country should contain the provision that the officer should make himself available for any hearings of the Disciplinary Tribunal which may be set during that period.
3. The Commission will carefully consider the following factors altogether in determining whether an officer who makes a request for vacation leave should be permitted to proceed on such leave: -
  - 3.1 The reason for the requested leave;
  - 3.2 The nature and seriousness of the disciplinary charge/s;
  - 3.3 The current status of the Tribunal hearings with specific reference to delays and/or possible conclusion;
  - 3.4 Whether the leave is to be spent in or out of the country;
  - 3.5 The total number of days being requested;
  - 3.6 Whether the officer has been suspended or interdicted which may prevent the officer from earning leave for the specified period of suspension/interdiction;
  - 3.7 The officer's vacation leave eligibility, indicating whether the officer has reached maximum eligibility or the possibility of deferral exists;
    - 3.7.1 In cases where maximum eligibility has been reached and the officer has not been suspended or interdicted, the Commission may consider approval of leave. If the officer however, has been suspended or interdicted, approval may not be granted as the accumulation of leave is not automatic in this instance.
    - 3.7.2 In cases where the officer has not reached maximum eligibility, all other factors being considered, the request may not be permitted as it can be deferred.
  - 3.8 Whether the request for vacation leave (*pre-retirement leave*) was prior to the officer proceeding on compulsory retirement;
  - 3.9 Comments and or/recommendations of the Permanent Secretaries/Heads of Department regarding the Application; and
  - 3.10 Previous decisions of the Commission with respect to similar requests.
4. In cases where officers request to proceed on vacation leave prior to their compulsory retirement from the Public Service (*pre-retirement leave*), in addition to the above-mentioned factors at 3, the Commission will give further consideration to the specific request. The Commission will take into consideration, among other things, whether it was anticipated that the matter will be completed before the date of retirement of the officer.

Permanent Secretaries and Heads of Departments are asked to note the above policy guidelines, and bring this Circular Memorandum to the attention of the relevant staff in their Ministry/Department and be guided accordingly.



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**Director of Personnel Administration**