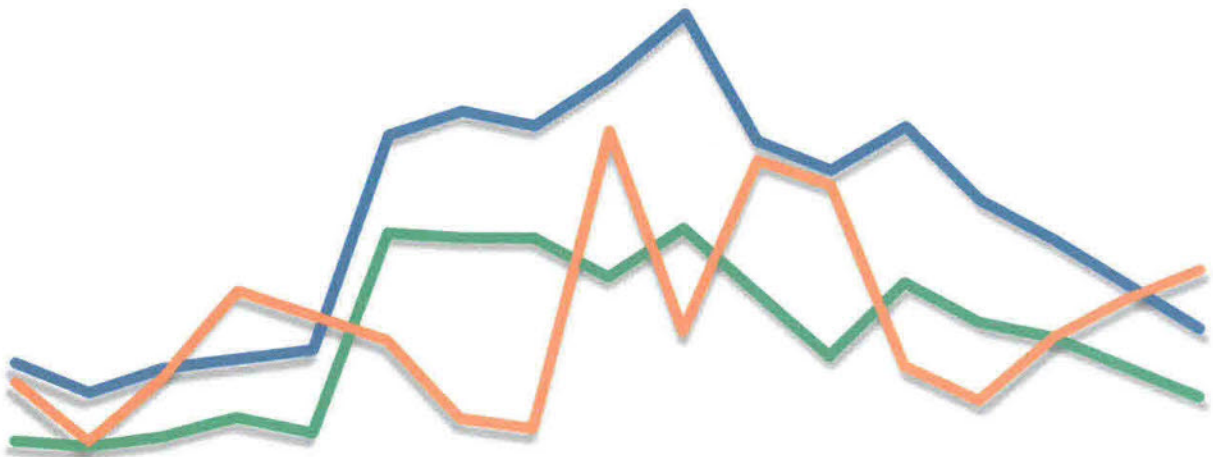




Government of the Republic of Trinidad and Tobago

PUBLIC SERVICE COMMISSION



ANNUAL REPORT 2018

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**PUBLIC SERVICE COMMISSION
ANNUAL REPORT 2018**

FOREWORD



Ms. Maureen Manchouck, Chairman

Vision, optimism and realism are essential cornerstones of effective stewardship. ...

Vision, optimism and realism are essential cornerstones of effective stewardship. All three attributes have been evident in operations of the Commission in executing its mandate in 2018. As it relates to its vision, the Commission remained acutely focused on ensuring that the Service Commissions Department (SCD) stayed on course with the institutional strengthening that is required to transition the organisation into a robust policy formulation, monitoring and evaluation entity. To this end, the change out of Human Resource Officers to Human Resource Advisers was significantly advanced in 2018. Once fully operationalized, this change will enable the SCD to support and monitor the effective discharge of the human resource function by practitioners in the respective Ministries and Departments.

Foreword (continued)

The Commission has taken note of several developments in 2018 that reinforce cautious optimism. The filling of vacancies for instance has increased by over twenty five percent (25%) on the 2017 figures and the compliance figures for executing the delegated functions in Ministries and Departments has improved from forty percent (40%) in 2017 to sixty-four percent (64%) in 2018. It is anticipated that as the changes in relation to organisational structure and human resource capacity of the SCD continue to take root, the performance outcomes will continue to trend in the right direction.

The hard reality that the Commission has not delivered in accordance with its own desired performance levels or that of key stakeholders is not lost on the Commission. As such, solutions are in train to address the perennial problems that have bedevilled our processes.

Going forward, the impact of the Electronic Document Management System and the upgrade of IHRIS on reducing the overreliance on manual systems at the SCD, cannot be overstated. Continued emphasis will be placed on streamlining the approach to coordinating the unwieldy shared public service Human Resource Management apparatus; and an overhaul of the dated Regulations will continue to receive necessary attention. The Commission will tirelessly seek to improve on the outcomes that it delivers, forever mindful of the critical role of the Public Service for achieving and sustaining national development. Accordingly, we will continue to evaluate our operations and innovate, holding fast to the principles of our constitutional mandate and within the boundaries of the regulations.

... we will continue to evaluate our operations and innovate ...

I take this opportunity to sincerely thank my fellow Commissioners, the staff of the SCD and all other stakeholders for their support in 2018. We are grateful for the opportunity to continue to be of service in 2019 and we expect and will endeavour to produce improved outcomes.



Maureen Manchouck
Chairman

EXECUTIVE SUMMARY

The 2018 Annual Report outlines the major accomplishments of the Public Service Commission in respect of its Constitutional Mandate. Some of the achievements for the year 2018, are as follows:

- Deliberated on one thousand, six hundred and twenty-nine (1,629) matters under the remit of the Public Service Commission. – **Section 3.0**
- Filled one thousand eight hundred and eighty-eight (1,888) vacancies and approved fourteen thousand, seven hundred and twenty-nine (14,729) temporary appointments. – **Sections 6.0 - 6.2**
- Empowered Permanent Secretaries and Heads of Departments in recruitment and selection. – **Section 4.7.2**
- Continued efforts to implement an Electronic Document Management System – **Section 4.5**
- Continued staff training in order to enhance human resource capacity to achieve strategic priorities. – **Section 4.6**
- Approved five thousand and seven (5,007) arrangements consequent on the realignment of Ministerial portfolios. – **Section 4.9 and Appendix V**

In accordance with the projections identified in **Section 7**, the Public Service Commission will continue to refine its strategic approach in 2019 to enable enhanced delivery on its constitutional mandate.

1.0 INTRODUCTION

This Report of the Public Service Commission (PSC) for the year 2018, is submitted pursuant to Section 66B of the Constitution of the Republic of Trinidad and Tobago (as amended by Act No. 29 of 1999) which requires the Commission to report each year on its administration, the manner of the exercise of its powers, its method of functioning and any criteria adopted by it in the exercise of its powers and functions.

1.1 Role and Function of the Public Service Commission

The Commission is an independent body established under Sections 120 and 121 of the Constitution. Section 121 gives the Commission the power to appoint persons to hold or act in offices to which that section applies, including the power to make appointments on promotion and transfer and to confirm appointments and to remove and to exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers.

Section 129 (1) of the Constitution, gives the Commission the power to regulate its

own procedures by regulation or otherwise with the consent of the Prime Minister. In 2006, the Commission delegated some of its functions to Permanent Secretaries/ Heads of Departments, the Chief Fire Officer, the Commissioner of Prisons, the Chief Administrator, Tobago House of Assembly, and to other senior officials in the Public Service as stipulated in Legal Notice No. 105 - see **Appendix I**. The Commission retains all the functions of its constitutional mandate which it has not specifically delegated.

Introduction (continued)

1.2 Role of the Director of Personnel Administration

The Service Commissions Department (SCD) was established to provide Secretariat and supporting services to enable the Service Commissions to discharge their constitutional responsibilities. The SCD is headed by the Director of Personnel Administration (DPA). The DPA is the principal adviser and Chief Executive Officer to the Public Service Commission.

As administrative head of the SCD, the DPA is responsible for the efficient conduct and work of the entire Department. To this end, the DPA has to ensure that the requisite capabilities exist within the SCD to support the Commissions in the successful realization of their goals and objectives, namely, that:

- the best possible candidates are recruited for appointment to entry level offices in keeping with the principles, procedures and policies laid down by the Public Service Commission;
- the Human Resource needs at the higher levels of the Service falling under the constitutional responsibilities of the Commission are attended to;
- the legitimate career goals and expectations of officers are satisfied, monitored and managed;
- representations and complaints from public officers and /or their representatives are received and transmitted to the Commission;
- the Commissions are represented in Court with respect to all Judicial Review matters; and
- matters of misconduct and indiscipline are speedily attended to in order to maintain the good reputation of the public service and where necessary, to safeguard the public's interest.

1.3 A Tribute To: Ms. Prabhawatie Maraj

The Commission formally extends its best wishes and sincere gratitude to Ms. Prabhawatie Maraj, Director of Personnel Administration (DPA), on the occasion of her retirement. Ms. Maraj joined the Service Commissions Department as a Deputy Director of Personnel Administration in 2015 in the midst of an institutional strengthening exercise. She was immediately thrust into service as one of the champions of this transformational initiative. Two short years later she assumed ultimate responsibility for the SCD and was formally appointed as DPA in November of 2018.

Ms. Maraj epitomized the career public servant and consummate professional.



Ms. Maraj epitomized the career public servant and consummate professional.

She joined the Public Service in 1978 and was appointed as a Clerk I in 1981. She served in several critical offices across the public service during her forty (40) plus years of service. These included stints as Bursar/Registrar, Administrative Officer II and IV, Executive Officer, Statutory Authorities Service Commissions Department and Director, Public Management. These years of service were punctuated by academic achievements. She attained a Bachelor of Arts (General) UWI, 1984, a Diploma in Public Administration 1993, an Associate Degree Computer Science, 2000, and an International Masters in Business Administration, 2004.

1.3 A Tribute (continued)

Profiles of former DPA, Ms. Prabhawatie Maraj



The Commission and her colleagues recall Ms. Maraj as, genuine, warm, friendly, personable, committed to duty and fair play, optimistic and focused on the big picture. The Public Service Commission commends Ms. Prabhawatie Maraj for her stellar public service and wishes her well in her future endeavours.



*...genuine, warm,
friendly,
personable,
committed to duty
and fair play,
optimistic and
focused on the big
picture...*

2.0 MEMBERSHIP

The Commission comprises a Chairman, a Deputy Chairman and not less than two (2) and not more than four (4) members appointed by the President of the Republic of Trinidad and Tobago after consultation with the Prime Minister and the Leader of the Opposition.

PUBLIC SERVICE COMMISSION MEMBERS



From Left to Right – Ms. Kay Charles, Mr. Martin Franklin, Mrs. Parvatee Anmolsingh-Mahabir, Ms. Prabhawatie Maraj - Acting Director of Personnel Administration, Ms. Angela Jack, Mr. Courtenay Braemar Williams, Mrs. Maureen Manchouck and Mrs. Carmini Baboolal - Secretary

Mr. Clive Pegus – Member (inset)

Membership (continued)

During the year 2018, the membership of the Commission comprised:

Mrs. Maureen Manchouck – Chairman - is a former president of NIHERST and public administrator for more than thirty years.

Mrs. Anmolsingh-Mahabir – Deputy Chairman - is a former Independent Senator (2002-2007). She has had a long and distinguished career in education.

Mr. Clive Pegus, -Member (up to 02/06/18) - a former trade unionist and public servant, is an Attorney-at-Law and legal consultant.

Mr. Martin Franklin is a retired Senior Lecturer and Head of Department at the University of the West Indies.

Ms. Kay Charles is a former senior administrator and has a long and distinguished career in the Public Service.

Mr. Courtenay Braemar Williams (Member with effect from 29/06/18) is an Attorney at Law and a Certified Mediator. He currently lectures at the Hugh Wooding Law School and serves as Deputy Chairman of First Citizens Bank Limited

Ms. Angela Jack – Member (with effect from 03/08/18) Ms Jack is a retired Permanent Secretary. She served for many years at the Personnel Department working in the area of employment and industrial relations.

3.0 MEETINGS

During the year under review, the Commission held forty-three (43) statutory meetings, six (6) special meetings and seven (7) meetings with Permanent Secretaries and Heads of Departments. Deliberations were undertaken with respect to one thousand, six hundred and twenty-nine (1,629) matters as compared with one thousand, five hundred and ninety (1,590) matters in 2017.

4.0 OVERVIEW OF ACCOMPLISHMENTS

4.1 Filling of vacancies

During the year 2018, the Public Service Commission filled one thousand, eight hundred and eighty-eight (1,888) vacancies. Seven hundred and ninety-seven (797) permanent appointments were made, while one thousand and ninety-one (1,091) promotions were made. See **Figures 1 and 2** on pages 23 and 24 respectively.

4.2 Selection Boards

In accordance with Regulation 16 of the Public Service Commission Regulations, the Recruitment Unit recommends to the Public Service Commission the establishment of Selection Boards. When the Boards are appointed, the Unit coordinates the entire interview process.

In 2018, one hundred and sixty-eight (168) persons/officers were interviewed, for vacant positions in fourteen (14) offices. This resulted in the filling of sixteen (16) vacancies. The offices of Brigade Engineer, Director Disability Affairs Unit and Director Economic and Industrial Research though filled in 2018, were advertised prior to 2018. **Appendix II** gives further details.

Accomplishments (continued)

4.3 Assessment Centre Exercise (ACE) for Selection to the Office of Deputy Director of Personnel Administration and the Office of Deputy Chief Personnel Officer

In May, 2018, following the advertisements for the offices of Deputy Director of Personnel Administration (DDPA) and Deputy Chief Personnel Officer (DCPO) in 2017, the Public Service Commission contracted PricewaterhouseCoopers Advisory Services (PwC) for the provision of consultancy services to assist the Commission with an integrated Assessment Centre approach for selection of eligible candidates to the offices of Deputy Director of Personnel Administration, Service Commissions Department and Deputy Chief Personnel Officer, Personnel Department.

The Assessment Centre for the assessment of candidates of the offices of DDPA and DCPO was held during the month of August, 2018. Subsequently, the Final Interview Stage of the process was held for those candidates who were considered as having met the requirements of the Assessment Centre. This stage was held during the months of September and October 2018 and was officially concluded with the establishment of Order-of-Merit Lists for the respective offices.

The Public Service Commission subsequently promoted/appointed candidates to the offices of DDPA and DCPO in October 2018 and December, 2018 respectively.

4.4 Review of the Public Service Commission Regulations

In 2018, the development of the policy framework for the Regulations, continued in earnest and the Commission is working towards its completion.

4.5 Electronic Document Management System (EDMS)

The Project continued with the advancement of the procurement process to retain the services of a suitable consultant/vendor for the provision of design and implementation of the EDMS. The execution of this activity rests with iGovTT. As at December 28, 2018, more than one third of the Records at the SCD was digitised. This activity continues, as the successful deployment of the EDMS will require digitised data to manipulate. This project will continue into 2019.

4.6 Staff Training

In 2018, members of staff at all levels of the SCD were exposed to a range of training courses and workshops. This is a continuous exercise to upgrade the skill and competency levels in the Secretariat to support the Commission's work. The training programme was managed so as to ensure alignment between the training activities and the strategic priorities of the organisation. Accordingly, in-house training activities were conducted in

- Professional Development for Human Resource Development
- Project Management
- Delegation
- Orientation/On-boarding of Human Resource Advisers III/II/I

The SCD was also able to access relevant training at the Public Service Academy of the Ministry of Public Administration, Ministry of Finance, Project IHRIS Office and Personnel Department. The training accessed from these institutions is detailed below.

Public Service Academy, Ministry of Public Administration

- Ethical Issues in the Public Service
- Introduction to Ethics and Values
- UNDP Procurement Certificate Level 1
- Freedom of Information
- Disciplinary Procedures in the Public Service
- Role of the Investigating Officer in the Disciplinary Process
- Supervisory Management

Staff Training (continued)

Public Service Academy (continued)

- EDP for Senior Public Service –
Module I – Human Interaction
Module II – Strategic Management
Module III- Leadership for Results
- Performance Management Appraisal System
- Office Etiquette for Administrative Staff
- Leading for Results from the Middle
- Cabinet Note Writing
- Developing Position Description
- Leading Public Sector Organisations
- Designing Orientation Programmes
- Conflict Resolution
- Improving Workplace Production
- Inventory Control and Management
- Responding to Parliamentary Questions
- Audit Report Writing
- Audit Tools and Techniques for Internal Audit Managers
- Accounting Procedure in Government
- Preparation of Estimates
- Succession Planning in the Public Service
- Salary Administration in the Public Service
- Cyber security: AMPARO-How to set up a CSIRT and Incident Management

Ministry of Finance

- Functions of the Government Accounting System
- Timely Submission of Accurate Records of Service, Pension and Leave Records and Computations of Contract Gratuities”

Project IHRIS

IHRIS testing – Labour Relations – Discipline & Recruitment

Personnel Department

Developing Job Descriptions for Contract Positions

Accomplishments (continued)

4.7 Human Resource Management Initiatives

4.7.1 Institutional Strengthening

In 2017, the Service Commissions Department's transition team assumed full responsibility for roll out of the institutional strengthening plans. The Department's strategic plan identified the priority areas listed below:

- Customer Service Improvement
- Policy and Regulation
- Human Resource Management
- Information System
- Vacancy Reduction
- Training and Mentoring
- Organizational Realignment
- Process Improvement
- Communication and Change Management

However, the human resource constraints in 2018, prevented the allocation of dedicated resources to move the above listed projects forward; a decision was therefore made to focus on the following areas in a projectised manner:

- Vacancy Reduction
- Process Improvement
- Organizational Realignment
- Change Management

As the Department continues execution of these four (4) areas, the other identified areas as and when necessary, will be profiled and scheduled for execution as identified in the Institutional Strengthening Transition Plan.

4.7.2 Empowerment of Permanent Secretaries and Heads of Departments in Recruitment and Selection

In keeping with its strategic objective to grant the required consent to allow Permanent Secretaries and Heads of Departments more extensive authority over peculiar offices; and in accordance with Public Service Commission Regulation 13(5) and (6) which states:-

(5) Notwithstanding subregulation (4), a Permanent Secretary or Head of Department may with the consent of the Public Service Commission and in consultation with the Director of Personnel Administration by-

- (a) circular memorandum; and**
- (b) publication in the Gazette,**

give notice of vacancies which exist in offices specific to the particular Ministry or Department to which any eligible officer may apply.

(6) an application to fill a vacancy as advertised pursuant to subregulation (5) shall be made directly to the Permanent Secretary or Head of Department,

A Permanent Secretary/Head of Department could advertise vacancies specific (peculiar) to the Ministry/ Department in and out of the Public Service...

the Commission in February 2017, approved the “Guidelines for the Recruitment and Selection Process for Offices Specific to Ministries and Departments” and decided that:

- i. A Permanent Secretary/Head of Department could advertise vacancies **specific (peculiar)** to the Ministry/Department in and out of the Public Service by Circular Memorandum within the Public Service and to the public through advertisement in the daily newspapers of reputable standing.

Empowerment (continued)

- ii The Guidelines for the Recruitment and Selection Process for Offices Specific to Ministries and Departments document included:
- the Guidelines to be followed for the Recruitment and Selection Process.
 - samples of the Circular Memorandum for the Advertisement of vacancies; and
 - the application for employment/promotion Checklist.

Appendix III depicts the status of those offices advertised in 2018.

4.8 Electronic Establishment Book

The Integrated Human Resource Information System (IhRIS) has been significantly upgraded with quality assurance being conducted to ensure that the Electronic Establishment Report meets the needs of the Ministries\Departments. The in-house Establishment Database which was developed by the SCD's Information Technology (IT) Unit continues to be populated by data entry officers assigned to the Judicial and Legal Service Commission, Client Services Unit and Monitoring and Oversight Unit respectively.

4.9 Approval of Arrangements Consequent on the Realignment of Ministries in the Public Service

Cabinet by Minute No. 59 dated 1st October, 2015, and with effect from 1st October, 2015:

1. Created new Ministries
2. Dis-established Ministries
3. Changed the names of Ministries
4. Changed the portfolios of Ministries; and
5. Changed the name and portfolio of Ministries

Approval of Arrangements (continued)

It should be noted that the Ministry of Health was the only Ministry wherein there were no changes. Further, Cabinet by Minute No 452 of 17th December, 2015 agreed to further adjustments to the structure of the Public Service. **Appendix IV** provides details of the realignment of Portfolios in 2015 to 2018 and other related details.

Comptroller of Accounts by Circular No FM:3/1/102 informed Permanent Secretaries that:

“Where positions have been transferred from one Ministry to another, the surrendering Ministry must carry out the following:

(a) Establishment Positions

Identify the persons attached to the relevant positions and forward a recommendation to the Director of Personnel Administration (DPA) for the transfer of the officers to the new/restructured Ministries with effect from 1st October, 2015”.

The adjustment to the Staff Establishment in the Public Service, included the transfer of permanent officers, temporary officers and officers with acting appointments. The Public Service Commission based on a recommendation from the respective Permanent Secretary approved the following re-alignment:

- a. The transfer of permanent officers from one Ministry to the other
- b. The acting and temporary appointment of officers in the new Ministries

It should be noted that in addition to the realignment arrangements that stemmed from Cabinet Minute 1424 of 22nd August 2018, some Ministries have been tardy with respect to the submission of their recommendation for the re-alignment of offices which fall under their purview. As a consequence, the re-alignment exercise continued throughout 2018.

Appendix V gives a breakdown of the number of matters which were approved by the Public Service Commission in 2018 in the different functional areas due to the realignments.

5.0 OVERVIEW OF CHALLENGES

5.1 Amendments and Cancellations

In 2018, the Public Service Commission cancelled/amended a total of four hundred and thirty-eight (438) appointments/promotions/acting appointments/temporary appointments and transfers. Three hundred and sixty-seven (367) were cancellations, while, seventy-one (71) were amendments. Administrative error was the main reason for cancellations and amendments.

5.2 Accommodation Issues

In 2018, the Service Commissions Department (SCD) continued its search for suitable accommodation. The DPA met with the Commissioner of State Lands to identify possible areas and two locations in the Port-of-Spain area, uptown and downtown were identified as ideal whilst another site in the Valsayn area was considered as 'having promise'. Collaboration between the parties on this issue will continue in 2019.

6.0 DETAILED REPORT ON PERFORMANCE IN 2018

6.1 Filling of Vacancies in the Public Service

During the year 2018, one thousand, eight hundred and eighty-eight (1,888) vacancies were filled by the Public Service Commission. Details on fillings in the Public Service disaggregated by Ministry/Department, employee class, position title and Salary Range/Grade/Salaries Review Commission (SRC) are provided in **Appendix VI**.

*1,888 offices were
filled in Ministries/
Departments in 2018*

*110 Senior Managerial Offices,
that is, (Ranges 60 and above
/Grades 4 and above) were filled
in Ministries/Departments in 2018*

Report on Performance – Filling of Vacancies (continued)

Officers receive permanent appointments, on probation, following their success in Examinations and/or interviews or based on their position on the Seniority List.

Seven hundred and ninety-seven (797) permanent appointments were approved in 2018. The Chief Fire Officer and the Commissioner of Prisons did not make any permanent appointments under delegated authority for 2018. **Figure 1** gives comparative numbers of permanent appointments over the period 2014- 2018.

**6.1.1
Permanent
Appointments**

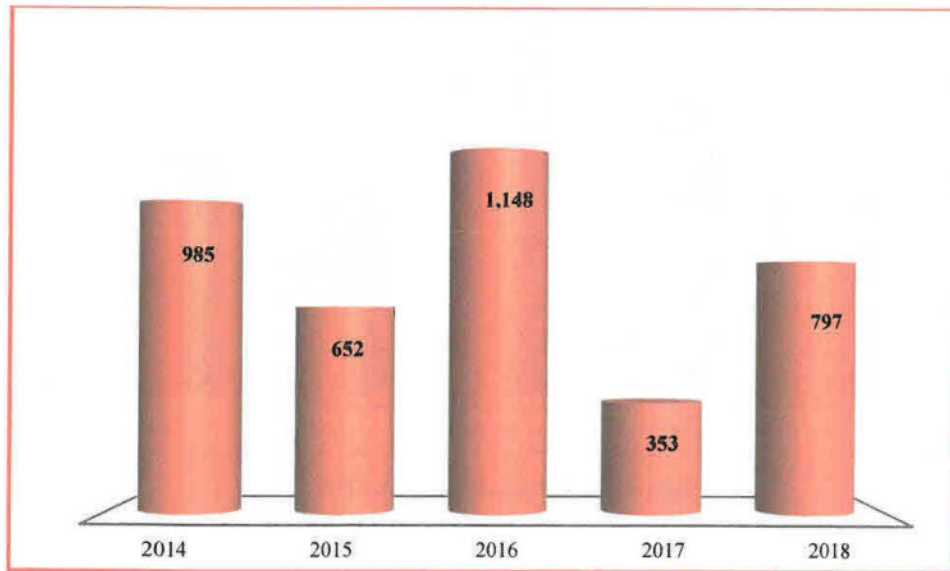


Figure 1- Permanent Appointments 2014-2018

6.1.2 Promotions

The Public Service Commission approved one thousand and ninety-one (1,091) promotions in 2018. The Chief Fire Officer and the Commissioner of Prisons did not make any promotions under delegated authority for 2018. See **Figure 2** below for comparative numbers of promotions over the period 2014-2018.

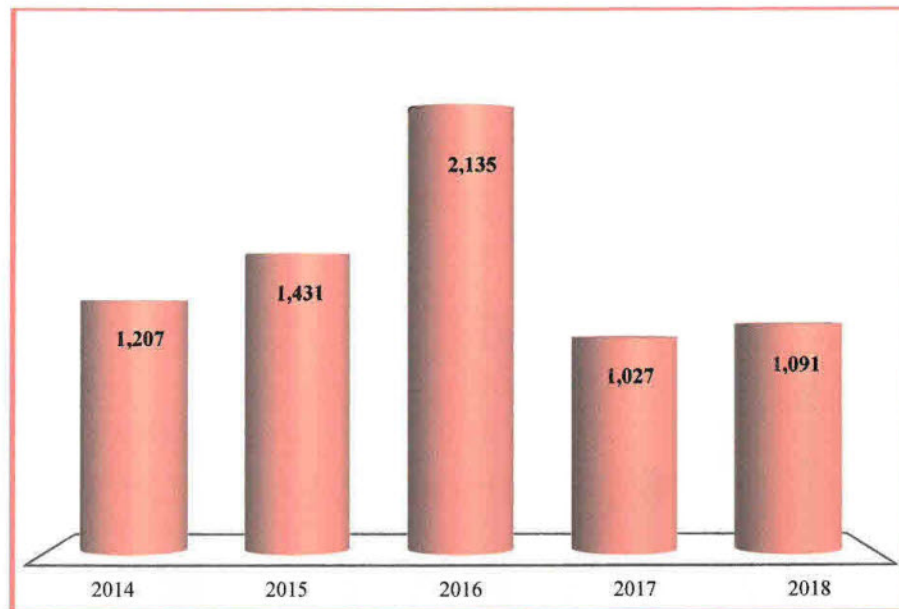


Figure 2 – Promotions 2014-2018

Report on Performance - Filling of Vacancies (continued)

6.1.3 Positions Filled in Tobago

Of the one thousand, eight hundred and eighty-eight (1,888) vacancies filled in the public service, sixty-six (66) were filled in Tobago. Two (2) first appointments were made in the Central Administrative Services, Tobago (CAST). In addition, sixty-four (64) fillings were effected in the Tobago House of Assembly (THA) and this comprised thirty-eight (38) first appointments and twenty-six (26) promotions.

*66 vacancies filled
overall in Tobago
in 2018*

*2 vacancies filled in
Central Administrative
Services, Tobago, in
2018*

*64 vacancies filled in
the Tobago House of
Assembly in 2017*

6.2 Temporary Appointment

In 2018, the Commission approved one thousand, four hundred and thirty-three (1,433) temporary appointments. From the total of 1,433, two hundred and thirty-seven (237) appointments were approved by way of Minutes to the Deputy Chairman. Permanent Secretaries and Heads of Departments effected a further thirteen thousand, two hundred and ninety-six (13,296) temporary appointments under delegated authority¹. Of the 13,296 temporary appointments made under delegated authority, a total of eight hundred and twenty-nine (829) were effected in Tobago. This consisted of six hundred and fifty-four (654) by the THA and one hundred and seventy-five (175) by CAST.

Altogether, a total of fourteen thousand, seven hundred and twenty-nine (14,729) temporary appointments were made to resource the Public Service in 2018. **Figure 3** below gives comparative numbers of acting appointments over the period 2014-2018.

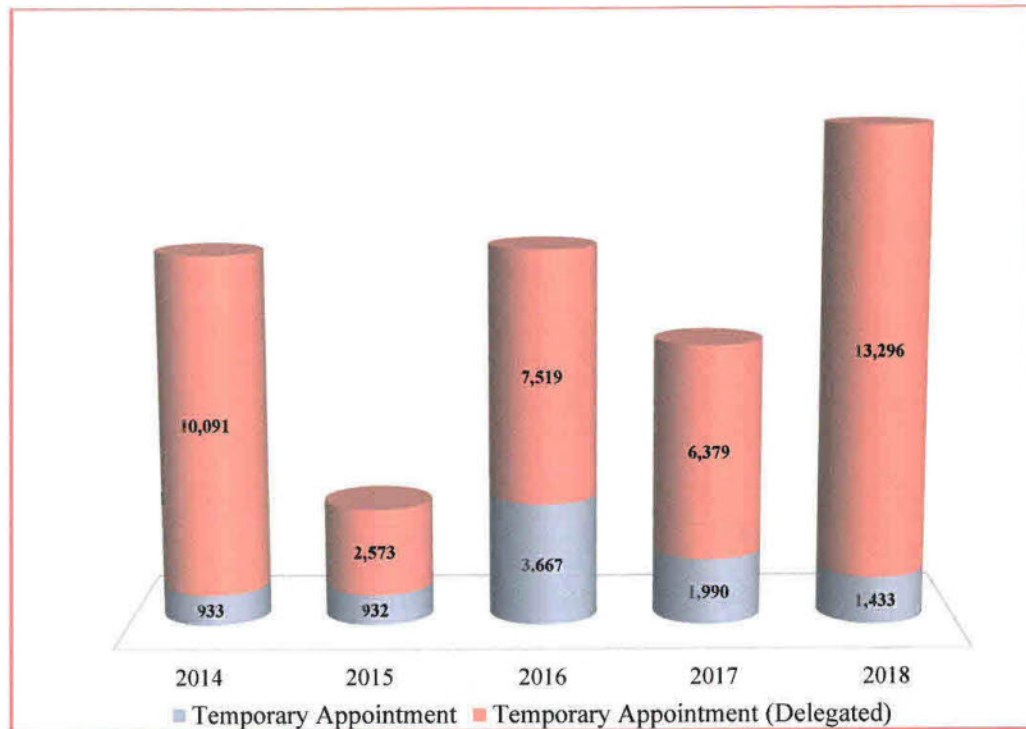


Figure 3 - Temporary Appointments 2014-2018

¹In 2015 data was only provided for the first quarter. The data provided with respect to 2015, only reflect the first quarter of that year for **Figures 3 - 9**.

Report on Performance (continued)

The Commission approved four thousand, three hundred and eight (4,308) acting appointments. A disaggregation of this total has revealed that six hundred and ninety-four (694) acting appointments were due to re-alignment of Ministerial portfolios.

**6.3
Acting
Appointments**

Permanent Secretaries and Heads of Departments effected a further twenty-one thousand, two hundred and eighty-five (21,285) acting appointments under delegated authority. Of the 21,285 acting appointments under delegated authority, a total of two thousand, one hundred and ninety-eight (2,198) were made in Tobago. This consisted of one thousand, nine hundred and fifty-two (1,952) by the THA and two hundred and forty-six (246) by CAST. The Chief Fire Officer approved two hundred and sixteen (216) acting appointments. The Commissioner of Prisons also effected one hundred and thirty-two (132) acting appointments under delegated authority.

A total of twenty-five thousand, five hundred and ninety-three (25,593) acting appointments were made in 2018. **Figure 4** gives comparative numbers of acting appointments over the period 2014-2018.

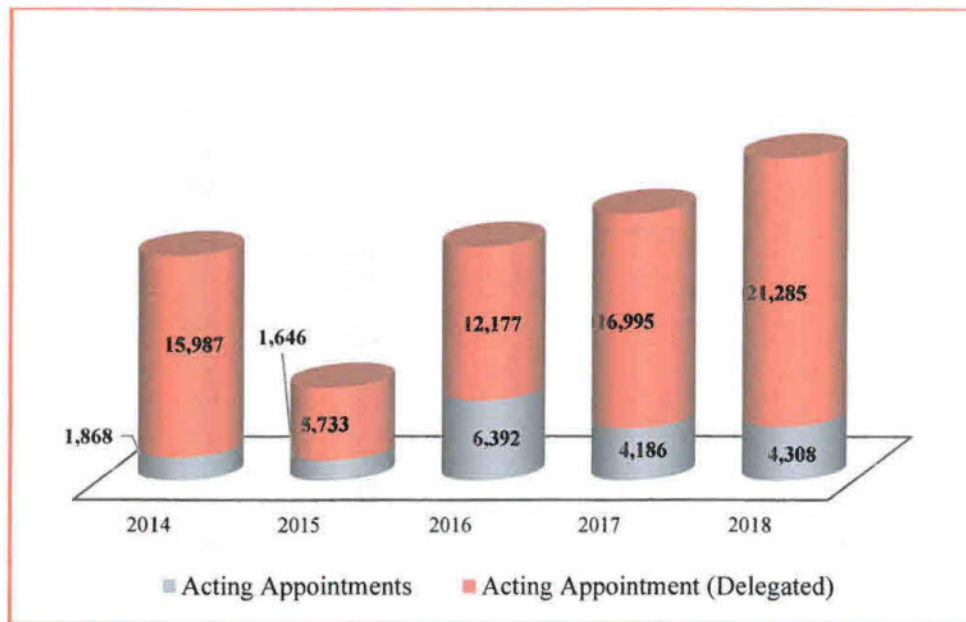


Figure – 4 Acting Appointments 2014–2018

6.4 Secondments

“Secondment” as defined in the Civil Service Regulations Chapter 2. (1), refers to the temporary movement of an officer holding an office in the Civil Service to an office or position outside the Civil Service, and includes the temporary movement of a person from an office or position outside the Civil Service to an office within such Service.

In 2018, the Commission released twenty-four (24) officers for appointment on secondment to other Service Commissions and Agencies such as, the Teaching Service Commission and appointed on Secondment from other Service Commissions three (3) officers. **Figure 5** gives comparative numbers of officers released from and seconded to the Public Service over the last five (5) years.

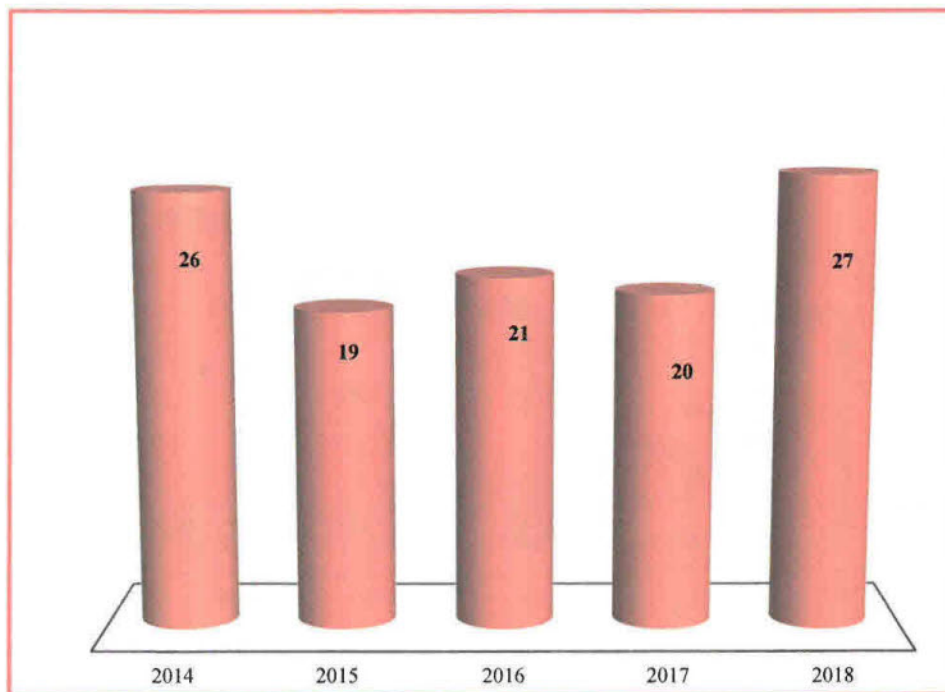


Figure 5 – Secondments 2014 - 2018

Report on Performance (continued)

During the year 2018, the Commission transferred five hundred and forty-five (545) officers, four hundred and fifty-five (455) were as a result of the re-alignment of Ministerial portfolios. Under delegated authority, ten (10) transfers were effected in Trinidad, with none being effected in Tobago.

**6.5
Transfers**

A comparison among the years from 2014 to 2018 is shown in **Figure 6** below.

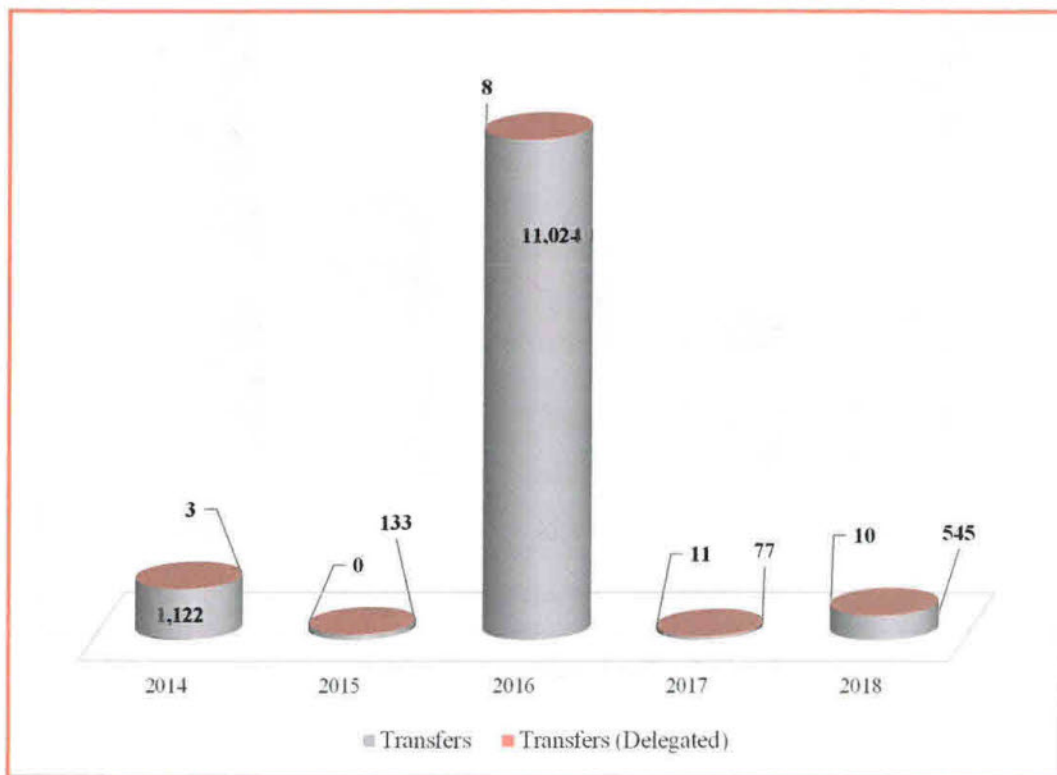


Figure 6 – Transfers 2014 - 2018

6.6 Confirmations

The responsibility to confirm appointments (up to and including Salary Range 68) was given to Permanent Secretaries and Heads of Departments by Delegation Order of 24th May 2006. During 2018, a total of one thousand, one hundred and eleven (1,111) confirmations of appointments were effected. The Commission confirmed five hundred and fifty-six (556) appointments.

Permanent Secretaries and Heads of Departments effected a further five hundred and fifty-five (555) confirmations under delegated authority. Of the 555 made under delegated authority eighty-two (82) were made in Tobago. This consisted of seventy-eight (78) by the THA and four (4) by CAST.

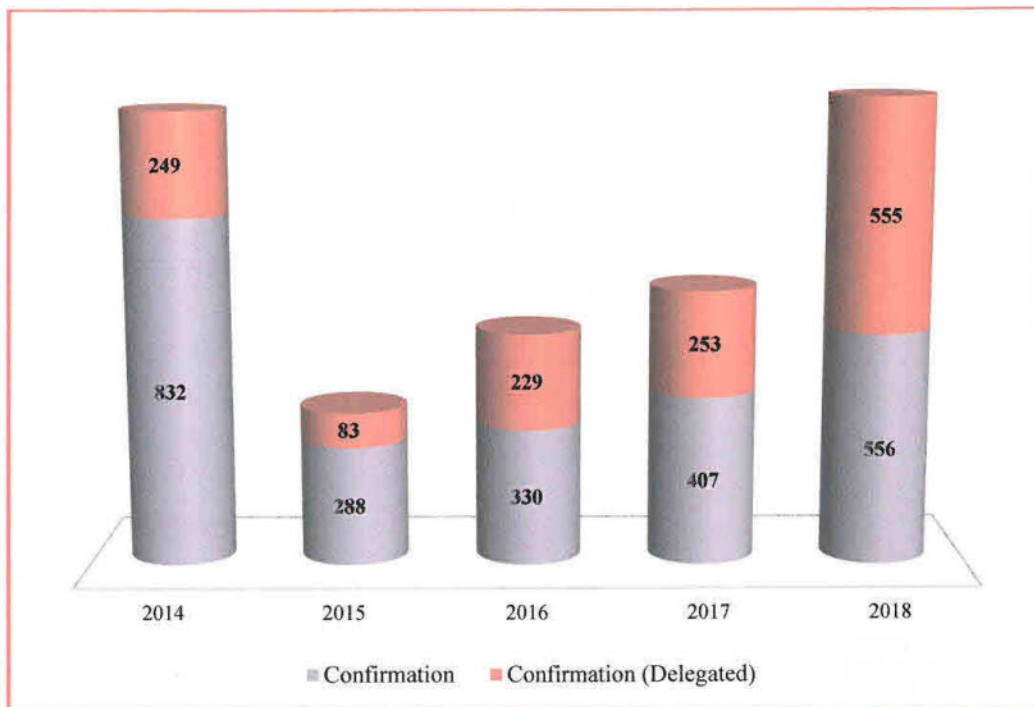


Figure 7 – Confirmations 2014 - 2018

Report on Performance (continued)

The Public Service Commission Regulations provide for public officers to be separated or removed from offices in the Public Service by resignation, retirement and termination of appointment. The undermentioned data also includes statistics from the Prison and Fire Services. **Table 1** indicates the number of officers who have separated from the Public Service during 2018.

**6.7
Separations**

Type of Separation	Total
Resignations	54
Declared to have resigned	10
Compulsory Retirement	497
Voluntary Retirement	28
Permission to Retire	12
Medical Board	14
Deaths	40
Retirement on Grounds of Marriage	1
TOTAL	656

Table 1 – Types of Separations from the Public Service in 2018

6.8 Examinations

Section 12 (1) of the Public Service Commission Regulations states that:-

Candidates for permanent appointment to public offices in the clerical and secretarial classes as prescribed by the Civil Service Regulations and to such other classes in the public service as the Commission may from time to time specify, shall be selected on the basis of written competitive examinations and interviews.

The Commission also has a policy in place for shortlisting large numbers of applications for a single office via an Examination. In this context, an Examination Board exists in accordance with Section 17(1) of the Public Service Commission Regulations.

In 2018, examinations/supplemental examinations were held for a total of sixteen (16) offices. However, at the end of 2018, examinations for five (5) offices remained to be corrected and processed, while supplemental examinations were yet to be held for four (4) offices.

A breakdown of the number of candidates who were scheduled to sit the examinations/supplemental and those who sat the examinations and were successful is shown below in **Table 2**. The percentage rates of success/failure for candidates by office are shown in **Table 3**.

Report on Performance - Examinations (continued)

EXAMINATIONS HELD IN 2018

Office for which Examination/s was held	No. of Candidates Listed to attend Examination	No. of Candidates attending Examination	No. of Successful Candidates
Lifeguard Supervisor I	6	6	2
Project Officer I	5	5	To be Corrected & Processed
Practical (Referral) to the Rank of Fire Sub Officer	60	59	54
Public Management Consultant I	92	50	23
Maid I	1,333	883	837
Motor Vehicle Driver	313	191	187
Human Resource Officer I	434	294	111
Clerk I	4,277	3379	2804
Prisons Driver	956	778	To be Corrected & Processed
Game Warden I	106	82	To be Corrected & Processed
Administrative Assistant	5	5	To be Corrected & Processed
Prisons Officer I	2019	1173	To be Corrected & Processed
Prisons Officer II	433	-	To host Supplemental
Prisons Supervisor – (Main) (Paper 1 &2)	145	-	To host Supplemental
Prisons Supervisor (Main) (Paper 3)	34	-	To host Supplemental
Assistant Superintendent of Prisons (Main) (Paper 1)	134	-	To host Supplemental
Assistant Superintendent of Prisons (Main) (Paper 2)	134	-	To host Supplemental
Assistant Superintendent of Prisons (Main) (Paper 3)	143	-	To host Supplemental
Health Control Officer I	185	-	To host Supplemental

Table 2 – Examinations Held for Offices in the Public Service in 2018

SUCCESS/FAILURE RATES IN 2018

Office	Success Rate (%)	Failure Rate (%)
Lifeguard Supervisor I	33	67
Practical (Referral) to the Rank of Fire Sub Officer	92	8
Public Management Consultant I	46	54
Maid I	95	5
Motor Vehicle Driver	98	2
Human Resource Officer I	38	62
Clerk I	83	17

Table 3 – Success/Failure Rate for Examinations Held for Offices in the Public Service in 2018

6.9 Delegation

In order to ensure that the functions delegated to Permanent Secretaries /Heads of Departments and other senior public officers are properly exercised, the Public Service Commission established in 2006, a Monitoring, Auditing and Oversight Unit.

This Unit provides training and consultancy services to the officers in the Human Resource Management Units of line Ministries/ Departments in the proper use of the delegated instruments.

6.9.1 Review of the Performance of Ministries and Departments under Delegated Authority

The Public Service Commission (Delegation of Powers) (Amendment) Order, 2006 outlines the powers delegated to Permanent Secretaries and Heads of Departments in the areas of acting appointments, transfers, further temporary appointments, confirmations and exercising disciplinary control over public officers under the One-Man Disciplinary Tribunal. Any failure to adhere to the requirements as set out in the Legal Notice No. 105 dated May 24, 2016, is regarded as non-compliance.

A review of the performance of Permanent Secretaries and Heads of Departments under delegated authority for 2018, by the Monitoring, Auditing and Oversight Unit indicates that a total of thirty-four thousand, seven hundred and ninety-one (34,791) matters were dealt with by Permanent Secretaries and Heads of Departments under delegated authority. Of this total, twenty-two thousand, one hundred and forty-five (22,145) matters were in compliance while twelve thousand, six hundred and forty-six (12,646) matters were not in compliance. In other words, the line Ministries and Departments were 36% non-compliant in the matters falling under their purview via delegated authority.

In 2018, the Commissioner of Prisons effected one hundred and thirty-two (132) acting appointments, none of these were in compliance. The Chief Fire Officer effected two hundred and sixteen (216) acting appointments during this period. None of these were in compliance.

Any failure to adhere to the requirements as set out in the Legal Notice No. 105 dated May 24, 2006, is regarded as non-compliance.

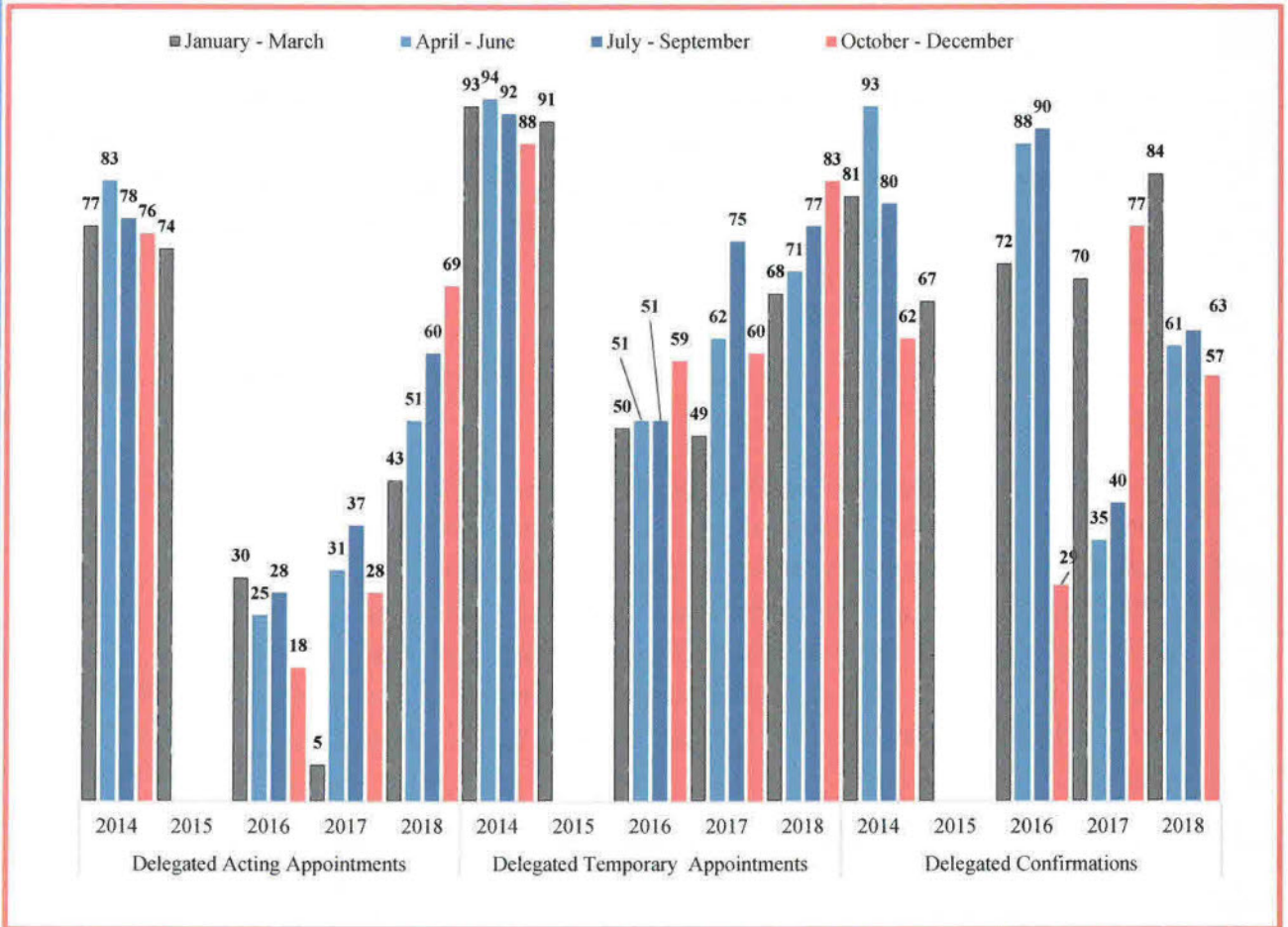


Figure 8 – Quarterly % Compliance of Delegated Functions 2014-2018

It should be noted that for the year 2015, data is only provided for the quarter January to March, as a consequence of the challenges linked to the realignment of ministerial portfolios in that year. **Figures 8 and 9** provides detail.

A lack of training in delegation for staff in the Prisons and Fire Services has been identified as a contributory factor to the high non-compliance of these agencies. Accordingly, the oversight and auditing of Ministries and Departments and the frequency of training of Human Resource personnel in the use of the delegated instruments will be prioritised for those departments which exhibit the highest levels of non-compliance.

Report on Performance - Delegated Function (continued)

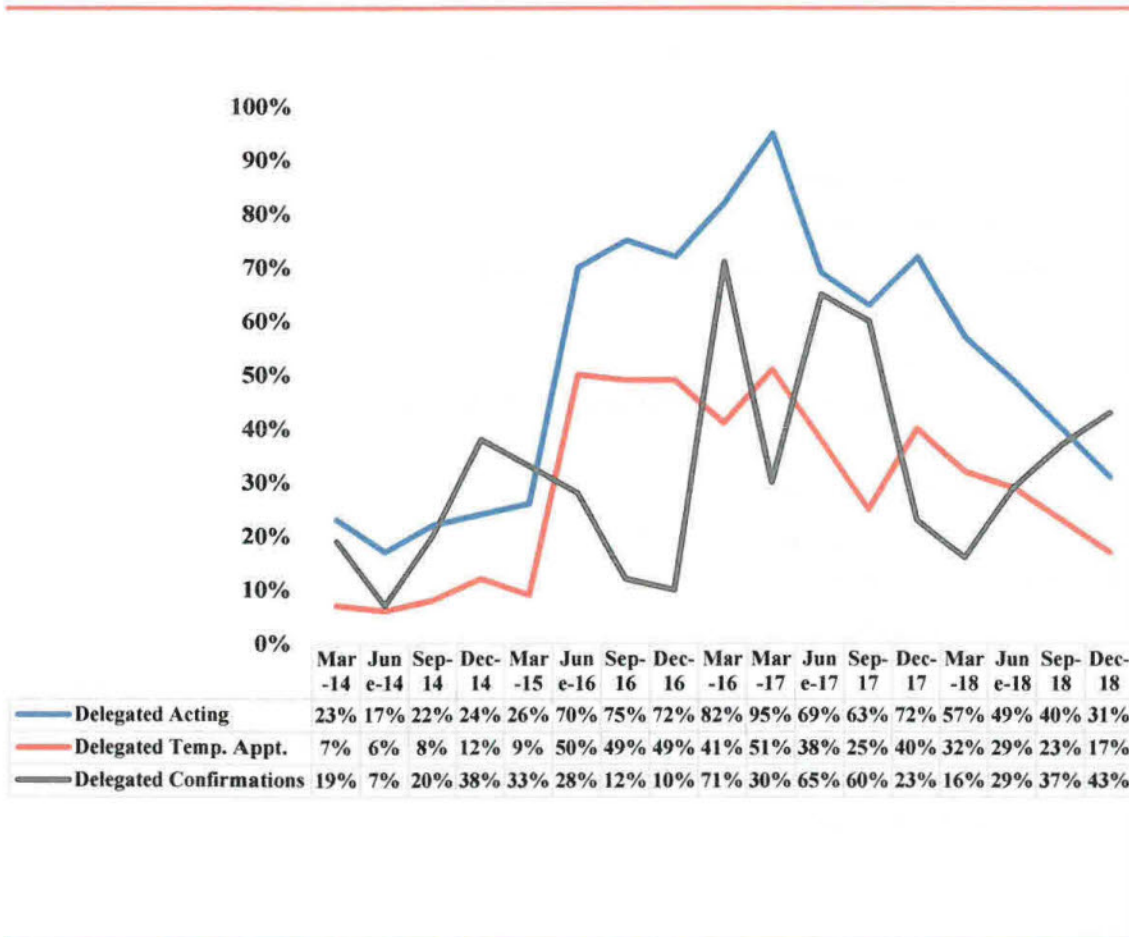


Figure 9 - Quarterly % of Non-Compliance Delegated Functions 2014 - 2018

In the 2017 Report the Commission indicated its intention to strengthen its monitoring and auditing functions of line Ministries and Departments and to conduct extensive training of line Ministry personnel in the management of delegated functions. Accordingly, one hundred and forty-four (144) Human Resource professionals in twelve (12) Ministries and Departments were afforded training in 2018.

Non - compliance (continued)

The agencies which benefited from this training initiative are itemized below:

- The Integrity Commission
- The Environmental Commission
- Office of the Prime Minister
- Registration, Recognition and Certification Board
- The Industrial Court
- Tax Appeal Board
- Statutory Authorities Service Commissions Department
- Ministry Finance
- The Ministry of Education
- The Ministry of Energy and Energy Industries
- Personnel Department
- The Ministry of Tourism

It is noteworthy that non-compliance has declined from sixty percent (60%) in 2017 to thirty-six percent (36%) in 2018. The Commission is heartened by this trend and will maintain a focus on monitoring, training and supporting Ministries and Departments in their execution of delegated functions.

6.10 Discipline

One of the important powers vested in the Commission under the Constitution is the power to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers. (Section 121 of the Constitution of the Republic of Trinidad and Tobago)

Table 4 hereunder gives a statistical representation of disciplinary proceedings against public officers in 2018:

Disciplinary Matters	Civil	Fire	Prisons	Total
No. of court matters which have been dismissed as a result of the non-appearance in court by Police Officers	0	0	0	0
No. of Court Matters Dismissed	0	3	3	6
No. of Court Matters Discharged	1	1	4	6
No. of Orders of Interdiction	8	0	11	19
No. of Orders of Suspension	12	0	1	13
No. of Lifting of Order of Suspension	7	2	5	14
No. of Officers who had allegations of misconduct made against them	10	0	4	14
No. of allegations of misconduct	55	0	11	66
No. of Preferment of Disciplinary Charges	23	0	21	44
No. of persons disciplinary charges were preferred against	15	0	04	19
No. of Outstanding Court matters at the end of 2018	28	28	51	107
No. of matters discontinued/no further action	7	1	3	11
No. of investigating officers' reports received	0	0	1	1
No. of Abandonments (Declared to have Resigned)	9	0	1	10

Table 4 – Disciplinary Proceedings against Public Officers

Report on Performance - Discipline (continued)

**6.10.1
Public Service
Appeal Board
Matters**

In 2018, three (3) officers from the Public Service filed appeals before the Public Service Appeal Board (PSAB). Appeals to the PSAB are filed where the Commission has imposed penalties on an officer at the conclusion of a disciplinary matter. The PSAB regulates its own procedure. One (1) matter came from the Civil Service and two (2) matters were from the Prison Service. No new matters were filed from the Fire Service for the period. All three (3) PSAB matters were pending as at December 31, 2018.

6.11 High Court/Court of Appeal Matters

In 2018, twenty (20) High Court matters were filed involving the Public Service Commission. From twelve (12) concluded matters, five (5) matters were concluded in favour of the claimant,

while seven (7) matters were concluded in favour of the Public Service commission. Further details are attached at **Appendix VII and Appendix VIII**.

6.12 Complaints/Representations

In 2018, a total of sixty-three (63) new complaints were received. From these new complaints received, seven (7) complaints were from Tobago. **Figure 10** disaggregates the nature and number of complaints/ representations received over the period 2014 to 2018.

Report on Performance (continued)

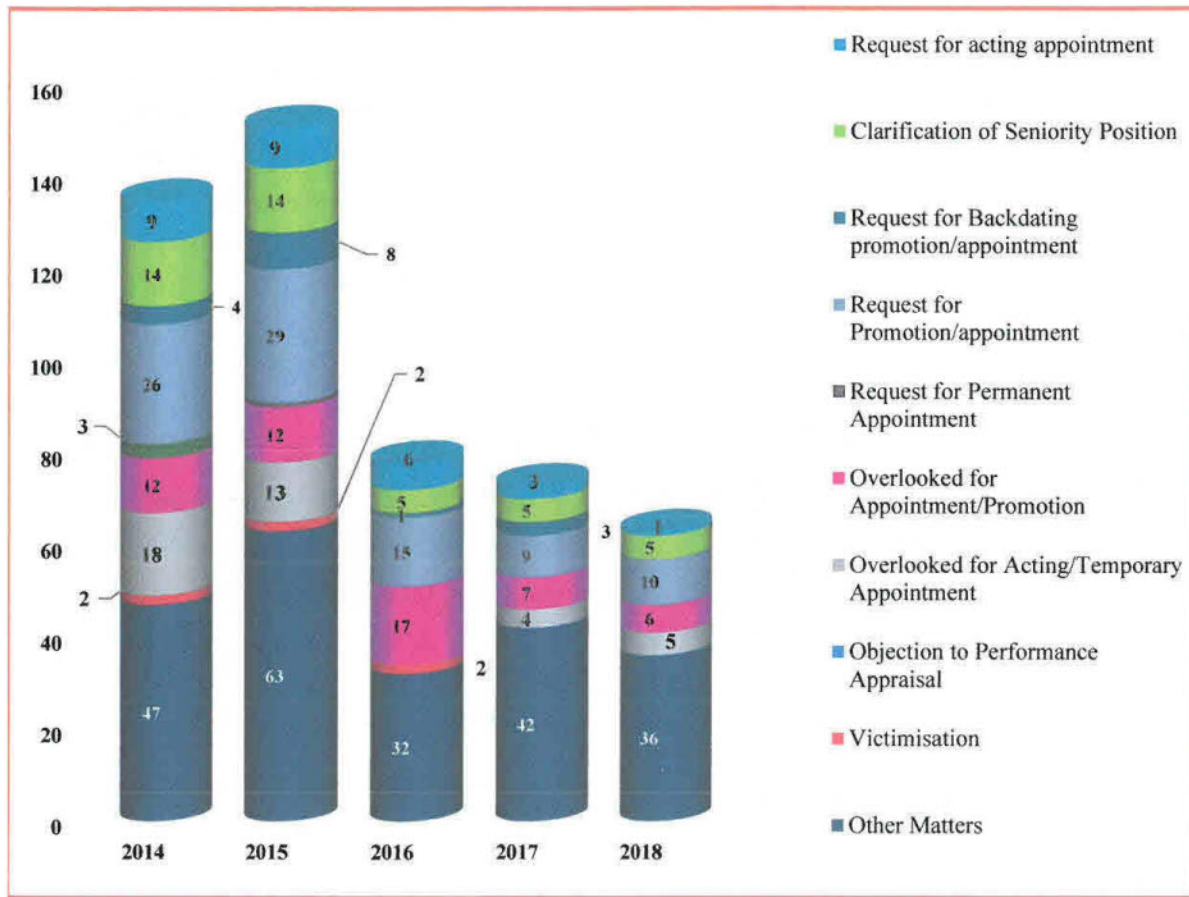


Figure 10 - Representations/Complaints 2014 - 2018

Complaints/Representations (continued)

**6.12.1
Complaints/
Representations - Tobago**

Six (6) complaints/representations were received from Tobago. Four (4) matters were received from Tobago House of Assembly (THA), while two (2) matters were received from Central Administrative Services Tobago (CAST). The matters are disaggregated in **Table 5** below.

Nature of Complaints/Representations	Ministry/ Department	No. of Complaints/ Representations
Termination of temporary employment	CAST	2
	THA	1
Dissatisfaction with the examination process	THA	1
Request for the Public Service Commission to reconsider its decision	THA	2
TOTAL		6

Table 5 - Complaints/Representations in Tobago for 2018

6.12.2 Representations from the Public Services Association

During 2018, representations were also received from the Public Services Association (PSA). The particulars on the matters received are disaggregated in **Table 6** below.

Nature of Representations Received	No. of Matters Received
Request for appointment/promotion/overlooked for appointment/promotion	10
By-passed/Request for acting appointment	5
Request for compensation/remuneration/ Travelling upkeep/ Loss of earnings	4
Non selection to write examination/Request for postponement of examination	3
Complaints of being transferred/reassigned	2
Query of seniority position	1
Allegation of Abandonment of Office	1
Request for an intervention for release	1
Request for confirmation	1
Non-payment of acting allowance/back pay	1
Status of suspension re: allegation of misconduct	1
Objection to re-assignment	1
Request for meeting	1
TOTAL	32

Table 6 – Representation from the Public Service Association for 2018

6.12.3 Interventions made by Attorneys-at-Law on behalf of Public Officers/Non-Public Officers

In 2018, interventions were made by Attorneys-at-law on behalf of Public Officers/Non-public officers. **Table 7** gives details on the nature of the matters.

Nature of Matters Received	No. of Matters Received	No. of Matters Concluded
Delay in receiving requests for information	1	1
Representation regarding penalty after discipline report	1	-
Selection for entry into Administrative Class	1	1
Payment of arrears	1	1
Failure to recommend acting appointment	1	1
Discrepancies at work place	1	1
Request for appointment	3	2
TOTAL	9	7

Table 7 - Representations Made by Attorneys-At-Law on Behalf of Public Officers/Non Public Officers for 2018

6.13 Information Requests (Freedom of Information [FOI])

The Freedom of Information Act, No. 26 of 1999, gives officers and members of the public the right of access to official documents and information held by public authorities (with exceptions). In 2016, five hundred and one (501) requests for information were submitted under the Freedom of Information Act, No. 26 of 1999.

In 2018, seven hundred and eleven (711) new Freedom of Information (FOI) requests were received from officers in the Public Service. Of this number, thirteen (13) requests were received from the Tobago House of Assembly/Central Administrative Services Tobago. **Table 8** hereunder summarises the number of FOI requests received and finalized for the Civil, Fire and Prison Services.

Service	Received	Finalised
Civil Service	621	496
Fire Service	66	41
Prison Service	24	20
TOTAL	711	557

Table 8 – FOI received by Service

Freedom of Information (continued)

Table 7 - Table 9 hereunder give a breakdown of the nature of Freedom of Information (FOI) requests received for Civil, Fire and Prison Services respectively during 2018.

Nature of FOI Requests	No. of Requests	% of Requests
Request for information	426	69.5
Position on Seniority List/Order of Merit List	154	25.1
Information/Copy of Documents	9	1.6
Results of Examinations/Practical	8	1.3
Date of appointment of officers	4	0.6
Permanent Appointment	3	0.5
Promotion	3	0.5
Scores from Interviews	3	0.5
View Confidential File	2	0.3
Results from Examinations	1	0.1
TOTAL	613	100

Table 9 – FOI Request by Civil Service

Freedom of Information (continued)

Nature of FOI Requests	No. of Requests	% of Requests
Request for information	49	76.6
Position on Seniority List/Order-of-Merit List	10	15.6
Information/Copy of documents	4	6.3
Results of Examinations/Practical	1	1.5
TOTAL	64	100

Table 10 – FOI Requests by Fire Service, Trinidad

Nature of FOI Requests	No. of Requests	% of Requests
Request for information	24	100
TOTAL	24	100

Table 11 - FOI Requests by Prison Service, Trinidad

Freedom of Information (continued)

Table 12 hereunder gives a breakdown of the nature of Freedom of Information (FOI) requests received from Tobago House of Assembly (THA)/Central Administrative Services, Tobago (CAST) during 2018.

Nature of FOI Requests	No. of Requests		% of Requests
	Civil Service	Fire Service	
Request for information	6	2	80
Position on Seniority List/ Order-of-Merit List	2	0	20
TOTAL	8	2	100

**Table 12 – Nature of the FOI in Tobago House of Assembly/
Central Administrative Services, Tobago**

6.14 Equal Opportunity Representations

The Equal Opportunity Act No. 69 of 2000 seeks to prohibit certain kinds of discrimination and promotes equality of opportunity among persons. The Act provides for the establishment of an Equal Opportunity Commission and an Equal Opportunity Tribunal and for matters connected thereto.

8. *An employer or a prospective employer shall not discriminate against a person:-*

**Section 8
of the Equal
Opportunity
Act states:**

- (a) *in the arrangements he makes for the purpose of determining who should be offered employment;*
- (b) *in the terms and conditions on which employment is offered; or*
- (c) *by refusing or deliberately omitting to offer employment*

The Public Service Commission is not the employer of public officers, however, the Commission is still subject to the jurisdiction of both the Equal Opportunity Commission and the Tribunal. A summary of matters referred to the Commission during the period under review is provided in **Table 13**.

No. of Letters	No. of Matters Finalized
5	4

Table 13 – Summary of Matters referred to the Public Service Commission

6.15 Ombudsman

The Constitution of Trinidad and Tobago provides for an Ombudsman for Trinidad and Tobago. The principal function of the Ombudsman is outlined at Section 93 of the Constitution. Section 93 states, inter alia, that:

- (1)the principal function of the Ombudsman shall be to investigate any decision or recommendation made,or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.
- (2) The Ombudsman may investigate any such matter in any of the following circumstances-
 - a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;
 - (b) where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice;
 - (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

...the principal function of the Ombudsman shall be to investigate any decision or recommendation made, ...or any act done or omitted...

The number and nature of the interventions made by the Ombudsman on behalf of Public Officers during the period under review is provided in **Table 14**.

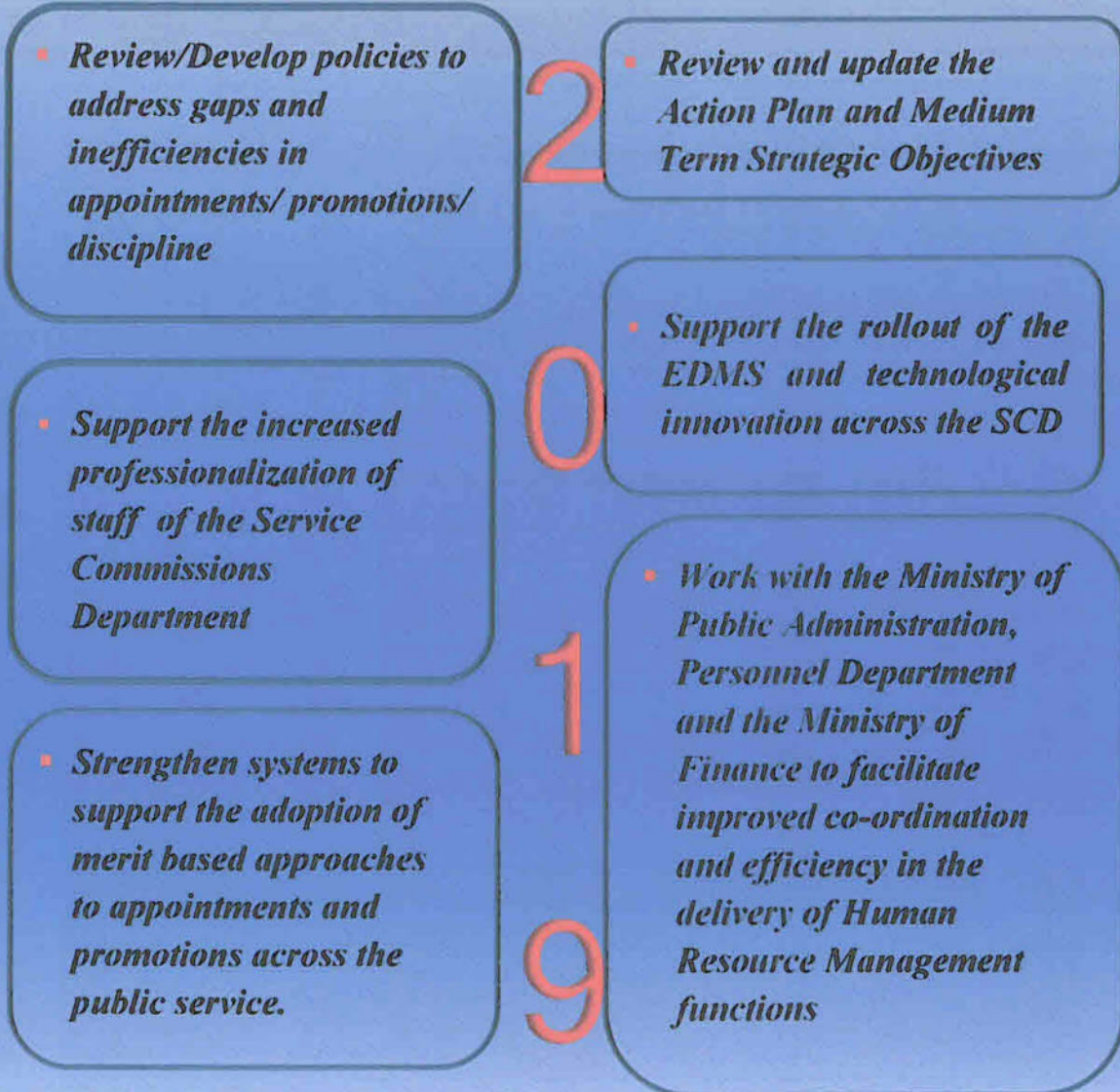
Ombudsman (continued)

The Nature of the Interventions made by the Ombudsman on behalf of Public Officers	No. of Matters	No. of Matters Concluded
Delay in processing recommendation for acting appointment	2	1
Inquiry into an officer being by-passed for promotion	1	1
Delay in receiving response to query	1	1
Delay in officer's appointment and confirmation	1	-
TOTAL	5	3

Table 14 - Nature of Interventions made by the Ombudsman in 2018

7.0 PROJECTIONS FOR 2019

In 2018, the Commission continued to work towards achieving key strategic objectives as identified in the Action Plan. Key strategic objectives identified for 2019 are as follows:



The Public Service Commission will redouble its efforts in 2019 to improve Human Resource Management policies and procedures within the Public Service in accordance with its constitutional mandate.

APPENDICES



Appendix I

Legal Supplement Part B—Vol. 45, No. 87—24th May, 2006

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LEGAL NOTICE NO. 105

REPUBLIC OF TRINIDAD AND TOBAGO

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO, CHAP. 1:01

ORDER

MADE BY THE PUBLIC SERVICE COMMISSION WITH THE APPROVAL OF THE PRIME MINISTER PURSUANT TO SECTION 127 OF THE CONSTITUTION

THE PUBLIC SERVICE COMMISSION (DELEGATION OF POWERS) (AMENDMENT) ORDER, 2006

1. This Order may be cited as the Public Service Commission Citation (Delegation of Powers) (Amendment) Order, 2006.

2. In this Order, "a reference to" "the Regulations" means, the Interpretation Public Service Commission Regulations. G.N.132 of 1966

3. Subject to the provisions set out in the Schedule, the Public Delegation Service Commission (hereinafter called "the Commission"), with the approval of the Prime Minister, hereby delegates to the authorities in the First and Second Schedules the powers specified therein in relation Schedule to the said authorities, respectively.

4. The Public Service Commission (Delegation of Powers) Order is L.N.60. of 1999 First and Second Schedules Chap. 1:01 232/1990 27/1991 103/1994 amended by revoking the First and Second Schedules and substituting the following:

"FIRST SCHEDULE

PART I

CHAIRMAN AND DEPUTY CHAIRMAN, PUBLIC SERVICE COMMISSION

1. The Chairman and the Deputy Chairman of the Commission are hereby delegated Powers the power to appoint persons on recruitment from outside the particular Service in the delegated public service on a temporary basis in any public office other than the public offices, the appointment to which is subject to consultation with the Prime Minister. Acting appointments

2. The power delegated under paragraph 1, is in respect of the public offices specified Chap. 23:01 in the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 Chap. 35:50 the Third Schedule to the Fire Service Act, the First Schedule to the Prison Service Act. Chap. 13:02 Chap. 39:01 158/1966

PART II

PERMANENT SECRETARIES AND HEADS OF DEPARTMENTS

Powers delegated	1. The powers delegated to Permanent Secretaries and Heads of Department are as follows:
Acting appointments	(a) to appoint a public officer to act in the public office in the Civil Service up to and including Salary Range 68 for periods up to six months in exercise of which power, the Permanent Secretary shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;
Transfers	(b) to transfer a public officer from an office in a grade in the Ministry or Department to which such an officer is assigned to a similar office in that grade in the same Ministry with no alteration in remuneration up to and including Salary Range 68 and this power shall be exercised subject to the provisions of regulation 29 of the Regulations which requires notice to be given to such officer and to the right of such officer and to make representations to the Commission;
Further temporary appointment	(c) to appoint persons temporarily to offices in the public service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period;
Confirmation	(d) to confirm the appointment of a public officer to a public office after consideration of all performance appraisal reports and medical reports on the officer, where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.
Application Chap. 23:01	2. The powers delegated in this Part are in respect of public officers in the Ministry under his supervision who hold the public offices specified in Salary Ranges Nos. 1 to 68 of the Classification of Offices set out in the First Schedule to the Civil Service Act, except that the power to confirm appointments to public offices applies to all offices within the Ministry or Department.
Application	3. The powers delegated in this Part do not apply to offices, the appointment or promotion to which is subject to consultation with the Prime Minister.
Report to Commission	4. A Permanent Secretary or Head of Department shall submit to the Commission once in every quarter a report of the exercise of the powers delegated to him.

PART III

DEPUTY PERMANENT SECRETARIES

Powers delegated	1. The powers delegated to Deputy Permanent Secretaries are as follows:
Acting appointments	(a) to appoint a public officer to act in a public office in the Civil Service in Salary Ranges up to and including Salary Range 45 for periods up to six months, in the exercise of which power the Deputy Permanent Secretary shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;
Further temporary appointment	(b) to appoint persons temporarily to offices in Salary Ranges up to and including Salary Range 45 in the Public Service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period;
Confirmation	(c) to confirm the appointment of a public officer to a public office in Salary Ranges up to and including Salary Range 45 after consideration of all performance appraisal reports and medical reports on the officer where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.

*Public Service Commission (Delegation of Powers) (Amendment)
Order, 2006*

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2. The powers hereby delegated are in respect of public officers in the Ministry under Application the supervision of the Deputy Permanent Secretary who hold the public offices specified in Salary Ranges up to and including Salary Range 45 of the Classification of Offices set out in the First Schedule to the Civil Service Act.

3. The powers hereby delegated do not apply to offices the appointment or promotion Application to which is subject to consultation with the Prime Minister.

4. A Deputy Permanent Secretary shall submit to the Commission once in every Report to quarter through the Permanent Secretary a report on the exercise of the power delegated Commission to him.

PART IV

DIRECTORS, HUMAN RESOURCES

1. The powers delegated to Directors, Human Resources are as follows: Powers delegated
- (a) to appoint a public officer to act in a public office in the Civil Service up to and including Salary Range 34 for periods up to six months, in the exercise of Acting appointment which power delegated the Directors, Human Resources shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;
 - (b) to appoint persons temporarily to offices up to and including Salary Range 34 Further in the Public Service for periods not exceeding six months at a time where Temporary such persons have already been appointed temporarily by the Public Service appointment Commission for a fixed period;
 - (c) to confirm the appointment of a public officer to a public office up to and Confirmation including Salary Range 34 after consideration of all performance appraisal reports and medical reports on the officer where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.

2. The powers delegated in this Part are in respect of public officers in the Ministry Application under the supervision of the Director, Human Resources, who hold the public offices specified in Salary Ranges Nos. 1 to 34 of the Classification of Offices set out in the First Schedule to the Civil Service Act.

3. The powers hereby delegated do not apply to offices the appointment or promotion Application to which is subject to consultation with the Prime Minister.

4. A Director, Human Resource shall submit to the Commission once in every quarter Report to through the Permanent Secretary a report on the exercise of its powers delegated to him. Commission

PART V

PERMANENT SECRETARY, MINISTRY OF HEALTH

1. The Permanent Secretary, Ministry of Health is delegated the powers to appoint Powers persons temporarily to the offices of Clinical Instructor and Nursing Instructor. delegated
2. The Permanent Secretary, Ministry of Health, shall submit to the Commission Report to once in every quarter, a report of the exercise of the powers delegated to him under this Commission Part.

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*Public Service Commission (Delegation of Powers) (Amendment)
Order, 2006*

PART VI

THE DIRECTOR OF STATISTICS, CENTRAL STATISTICAL OFFICE,
MINISTRY OF PLANNING AND DEVELOPMENT

- Powers delegated 1. (1) The powers delegated to the Director of Statistics, Central Statistical Office, Ministry of Planning and Development are as follows:
- (a) to appoint persons to the temporary posts of—
 - (i) Field Interviewer;
 - (ii) Clerical Assistant;
 - (iii) Statistical Assistant;
 in the Central Statistical Office.
 - (b) to remove and exercise disciplinary control over any person appointed under and in exercise of the power of appointment delegated under paragraph (a).
- (2) All appointments made under this Part shall be on a temporary basis.
- Report to Commission (3) The Director of Statistics shall submit to the Commission once in every quarter, a report of the exercise of any of the powers delegated under this Part.

PART VII

THE COMMISSIONER OF PRISONS

- Powers delegated 1. The powers delegated to the Commissioner of Prisons are as follows:
- (a) the power to appoint persons and prison officers on promotion to offices in the Prison Service below the rank of Prison Supervisor and to confirm the appointment of Prison Officers to such offices in accordance with the regulations, but the power hereby delegated shall not include the power to terminate an appointment on probation or extend a period of probation under regulation 44 of the Regulations;
 - (b) in the case of a person recruited for training to serve as a prison officer below the rank of Prison Supervisor, the power to terminate the appointment at any time on the ground of unsuitability arising from any cause;
- Appointment (c) the power to appoint prison officers to act in offices in the Prison Service below the office of Prison Supervisor and in the exercise of this power the Commissioner shall apply the principles of selection prescribed in regulation 172 of the Regulations;
- Acting appointment (d) the power to transfer prison officers from one Prison to another;
- Transfers (e) the power to direct a prison officer to cease to report for duty in accordance with regulation 88 of the Regulations and the Commissioner shall report the exercise of this power forthwith to the Commission;
- Suspension (f) the functions of the Commission under regulation 48 of the Regulations in respect of a prison officer in an office in the Prison Service below the office of Prison Supervisor.
- Resignation
2. In the exercise of the powers delegated under paragraph 1 of this Part to the Commissioner of Prisons to appoint persons and prison officers to offices specified therein, the reference to the Director in regulation 166 shall be construed as reference to the Commissioner.
- Report to Commission 3. The Commissioner shall submit to the Commission, once in every quarter, a report of the exercise of any of the powers delegated to the Commissioner and to any other prison officer.

*Public Service Commission (Delegation of Powers) (Amendment)
Order, 2006*

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PART VIII

THE CHIEF FIRE OFFICER

1. The powers delegated to the Chief Fire Officer are as follows: Powers
delegated
- (a) the power to appoint persons and fire officers on promotion to offices in the Second Division of the Fire Service below the office of Fire Station Officer and to confirm the appointment of Fire Officers to such offices in accordance with the Regulations, but the power hereby delegated shall not include power to terminate an appointment on probation or extend a period of probation under regulation 44 of the Regulations; Appointment
 - (b) in the case of a person recruited for training to serve as a fire officer below the office of Fire Station Officer, the power to terminate the appointment at any time on the ground of unsuitability arising from the cause;
 - (c) the power to appoint fire officers to act in offices in the Second Division of the Fire Service below the office of Fire Station Officer and in the exercise of this power the Chief Fire Officer shall apply the principles of selection prescribed in regulations 154, 157 and 158, and the provisions of regulations 154 and 155 of the Regulations; Acting
appointments
 - (d) the power to transfer Fire Officers from one Division or District or Branch in the Fire Service to another such Division or District or Branch; Transfers
 - (e) the power to direct a fire officer to cease to report for duty in accordance with Regulation 88 of the Regulations and the Chief Fire Officer shall report the exercise of this power forthwith to the Commission; Suspension
 - (f) The functions of the Commission under regulation 164 of the Regulations in respect of a fire officer in an office in the Second Division of the Fire Service below the office of Fire Station Officer. Resignation
2. The Chief Fire Officer shall submit to the Commission, once in every quarter, a Report to report of the exercise of any of the powers delegated to the Chief Fire Officer and to any Commission other fire officer.

PART IX

CHIEF ADMINISTRATOR, TOBAGO HOUSE OF ASSEMBLY, TOBAGO

1. The powers delegated to the Chief Administrator, Tobago House of Assembly, are as follows: Appointments
Tobago
- (a) to appoint persons on recruitment from outside the Civil Service in a temporary capacity to an office in the Tobago House of Assembly, subject to section 26(1) and the Sixth Schedule of the Tobago House of Assembly Act, No. 40 of 1996 which powers are in respect of the public offices specified in the classification of offices set out in the First Schedule to the Civil Service Act, 1965 and which are regarded as the basic normal entry points to the general clerical, secretarial and manipulative classes;
 - (b) to appoint a public officer to act in a public office in the Civil Service, Tobago House of Assembly, for periods up to six months whether such acting appointment is in a vacant office or not except that where an acting appointment is made in a vacant office the officer must be informed that such acting appointment would not give him any prior claim to eventual permanent appointment thereto and in respect of such power the Chief Administrator shall apply the principles of selection prescribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations; Acting
Appointment

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*Public Service Commission (Delegation of Powers) (Amendment)
Order, 2006*

- Transfers** (c) to transfer a public officer from an office in a grade in the Tobago House of Assembly, to which such an officer is assigned to a similar office in that grade within the Tobago House of Assembly, with no alteration in his remuneration which power shall be exercised by the Chief Administrator subject to the provisions of regulation 29.
- (d) to direct a public officer assigned to an office in the Tobago House of Assembly, to cease to report for duty in accordance with regulation 88 of the Regulations and the Chief Administrator, Tobago House of Assembly, shall report the exercise of this power forthwith to the Commission;
- (e) to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline described in Column 1 of the Second Schedule being a breach of a regulation in respect of the Civil Service as specified in Column 2.
2. In the exercise of the powers delegated under paragraph 1(e), the Chief Administrator shall—
- (a) exercise the powers of the Commission under regulation 90(6) and (7);
- (b) assign a public officer of a grade higher than that of the officer charged with misconduct or indiscipline, but in no case of a grade lower than that of the Clerk IV to be a disciplinary tribunal and that officer shall hear the facts and make a report thereon to the Chief Administrator in accordance with the provisions respecting the function and duties of a Disciplinary Tribunal as prescribed in the regulations;
- (c) any fine which the Chief Administrator imposes under paragraph (e) shall not exceed an amount calculated on four days pay per month to a maximum of three months.
- Report** 3. The Chief Administrator shall submit to the Commission once in every quarter, a report on the exercise of powers delegated to him in this Part.
- Application** 4. The powers and functions delegated in this Part are in respect of public officers who hold any of the public offices specified in Salary Ranges Nos. 1 to 68 inclusive of the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965, except that the powers delegated do not apply to offices the appointment or promotion to which is subject to consultation with the Prime Minister.

PART X

THE SENIOR PUBLIC OFFICER, HIGH COMMISSIONS, MISSIONS AND EMBASSIES
OF TRINIDAD AND TOBAGO

- Powers delegated** 1. The powers delegated to the Senior Public Officer, High Commissions, Missions, and Embassies of Trinidad and Tobago are as follows:
- (a) the power to appoint, on a temporary basis only persons resident in the jurisdiction where the particular High Commission, Mission or Embassy is situated to the non-representational staff of the said High Commission, Mission or Embassy that is to say to any office of the grade of Clerk IV and under;
- (b) the power to remove and exercise disciplinary control over any person appointed under and in exercise of the power of appointment delegated under subparagraph (a).

*Public Service Commission (Delegation of Powers) (Amendment)
Order, 2006*

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PART XI

THE PERMANENT SECRETARY, CENTRAL ADMINISTRATIVE SERVICES, TOBAGO

1. The powers delegated to the Permanent Secretary, Central Administrative Services, Tobago, are as follows: Powers delegated

- (a) to appoint persons on recruitment from outside the Civil Service in a temporary capacity to an office in a Ministry or Department or in a Division of a Ministry or Department located in Tobago (exclusive of offices in the Prison and Fire Services) which power is in respect of the public offices specified in the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 and which are regarded as the basic normal entry points to the general clerical, secretarial and manipulative classes; Chap. 23:01
- (b) to appoint a public officer to act in a public office in the Civil Service and located in the Department of Central Administrative Services, Tobago, for periods up to six months whether such acting appointment is in a vacant post or not except that where an acting appointment is made in a vacant post, the officer must be informed that such acting appointment would not give him any prior claim to eventual permanent appointment thereto, in respect of which power the Permanent Secretary shall apply the principles of selection prescribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations;
- (c) to transfer a public officer from an office in a grade in the Department of Central Administrative Services, Tobago to which such an officer is assigned to a similar office in that grade in the same Department of Central Administrative Services, Tobago, with no alteration in his remuneration, which power shall be exercised by the Permanent Secretary subject to the provisions of regulation 29 of the Regulations, which require notice to be given to such officer and which preserves the right of such officer to make representations to the Commission;
- (d) to direct a public officer assigned to an office in the Department of Central Administrative Services, Tobago, to cease to report for duty in accordance with Regulation 88 of the Regulations, and the Permanent Secretary, Central Administrative Services, Tobago shall report the exercise of this power forthwith to the Commission.
- (e) to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline described in column 1 of the Second Schedule being a breach of a regulation in respect of the Civil Service as specified in Column 2.

(2) In exercise of the power delegated under paragraph 1(e) the Permanent Secretary shall—

- (a) exercise the powers of the Commission under regulation 90(6) and (7).
- (b) assign a public officer of a grade higher than that of the officer charged with misconduct or indiscipline but in no case of a grade lower than that of a Clerk IV to be a disciplinary tribunal, and that officer shall hear the evidence, find the facts and make a report thereon to the Permanent Secretary in accordance with the provisions respecting the functions and duties of a Disciplinary Tribunal as prescribed in the Regulations;

(3) Any fine which the Permanent Secretary imposes under paragraph 1(e) shall not exceed an amount calculated on four days pay per month to a maximum of three months.

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*Public Service Commission (Delegation of Powers) (Amendment)
Order, 2006*

3. The Permanent Secretary shall submit to the Commission, once in every quarter, a report of the exercise of any powers delegated to him.

4. The powers and functions hereby delegated under this Part are in respect of public officers who hold any of the public offices specified in Salary Ranges Nos. 1 to 68 inclusive of the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965 except where such offices require the holders to perform as Heads or Deputy Heads of Ministries/Departments/Divisions and in respect of which offices consultation with the Prime Minister is required by the Commission.

Chap: 23:01

"SECOND SCHEDULE

DISCIPLINARY POWERS DELEGATED

For the purposes of regulation 85 of the Regulations, an act of misconduct or indiscipline which the Permanent Secretary or Head of Department has jurisdiction to hear and determine under that regulation is an act of misconduct or indiscipline described in Column 1 of the following Table being a breach of a regulation:

- (a) in respect of officers in the Civil Service, in Chapter XI of the Civil Service Regulations;
- (b) in respect of officers in the Fire Service, in Chapter VII of the Fire Service (Terms and Conditions of Employment) Regulations, 1998;
- (c) in respect of officers in the Prison Service, in Chapter II of the Prison Service (Code of Conduct) Regulations, 1990,

as specified in Columns 2, 3 and 4 of that Table in respect of the Civil Service, the Fire Service, and the Prison Service, respectively.

Appendix I (continued)

Public Service Commission (Delegation of Powers) (Amendment)
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SECOND SCHEDULE—CONTINUED

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Description of Misconduct</i>	CIVIL SERVICE <i>Reference to Regulation of Civil Service Regulations</i>	FIRE SERVICE <i>Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998</i>	PRISON SERVICE <i>Reference to Regulation of Fire Prison Service (Code of Conduct) Regulations, 1990</i>
Failure to attend to matters promptly within scope of office	Regulation 135(1)	Regulation 101(1)	Regulation 4(1)
Lack of courtesy to a member of the public or member of the: (a) Civil Service; (b) Fire Service; (c) Prison Service	Regulation 135(2)	Regulation 101(5)	Regulation 4(2)
Wilful failure to perform duties	Regulation 135(3)		
Absence without leave or reasonable excuse	Regulation 136(1)	Regulation 103(1)	
Failure to report absence from country	Regulation 136(2)	Regulation 103(2) and (3)	
Failure to disclose activities outside Service	Regulation 137(2)	Regulation 104(1)(b)(2)	Regulation 6(1)(d)
Breach of rules relating to broadcast	Regulation 140	Regulation 110	Regulation 12
Act of indebtedness to the extent it impairs efficiency, etc.	Regulation 141	Regulation 111	Regulation 13(1)

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SECOND SCHEDULE—CONTINUED

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Description of Misconduct</i>	CIVIL SERVICE <i>Reference to Regulation of Civil Service Regulations</i>	FIRE SERVICE <i>Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998</i>	PRISON SERVICE <i>Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990</i>
Failure to notify of bankruptcy proceedings	Regulation 142	Regulation 112	Regulation 14
Failure to perform duty in a proper manner	Regulation 149(1)(a)	Regulation 119(1)(a)	Regulation 20(1)(a)
Contravention of the:			
(a) Civil Service Regulations and other written law;	Regulation 149(1)(b)		
(b) Fire Service (Terms and Conditions of Employment) Regulations, 1998 and other written law;	Regulation 149(1)(e)	Regulation 119(1)(b)	
(c) Prison Service (Code of Conduct) Regulations, 1990.		Regulation 119(1)(c)	Regulation 20(1)(b)
Act that is prejudicial to, or discredits reputation of the Service	Regulation 149(1)(d)	Regulation 119(1)(d)	Regulation 20(1)(c) Regulation 20(1)(d)
Disobedience to orders	Regulation 149(2)(b)	Regulation 119(2)(c)	Regulation 20(2)(c)
Neglect of duty	Regulations 149(2)(d) and (f)	Regulation 119(2)(d)	Regulation 20(2)(d)
Unlawful or unnecessary exercise of duty	Regulation 149(2)(g)	Regulation 119(2)(h)	Regulation 20(2)(l)

Appendix I (continued)

Public Service Commission (Delegation of Powers) (Amendment)
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SECOND SCHEDULE—CONTINUED

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Description of Misconduct</i>	CIVIL SERVICE <i>Reference to Regulation of Civil Service Regulations</i>	FIRE SERVICE <i>Reference to Regulation of Fire Service (Terms and Conditions of Employment, Regulations, 1998</i>	PRISON SERVICE <i>Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990</i>
Malingering	Regulation 149(2)(a)	Regulation 119(2)(i)	Regulation 20(2)(m)
Absence without leave or being late for duty	Regulation 149(2)(a)	Regulation 119(2)(j)	Regulation 20(2)(n)
Persistently unpunctual			
Damage of clothing supplied		Regulation 119(2)(l)	Regulation 20(2)(p)
Unfit for duty through drunkenness	Regulation 149(2)(c)	Regulation 119(2)(m)	Regulation 20(2)(q)
Drinking on duty or soliciting drink		Regulation 119(2)(n)	Regulation 20(2)(r)
Entering licensed premises		Regulation 119(2)(o)	Regulation 20(2)(s)."

Dated this 19th day of April, 2006.

C. THOMAS
Chairman of the
Public Service Commission

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Order, 2006*

A. TIM POW
*Deputy Chairman of the
Public Service Commission*

S. SEEMUNGAL
*Member of the
Public Service Commission*

N. ROLINGSON
*Member of the
Public Service Commission*

P. BENSON
*Member of the
Public Service Commission*

S. MAHARAJ
*Member of the
Public Service Commission*

Approved.

P. MANNING
Prime Minister

Dated this 30th day of April, 2006.

Appendix II

**NO. OF FILLINGS EFFECTED IN 2018 FROM
INTERVIEWS HELD BY THE SELECTION BOARD**

Office/Range/Group/Grade	Ministry/ Department	Fillings	
		No. of Appointments	No. of Promotions
Brigade Engineer (Grade 7)	National Security	-	1
Director, Disability Affairs Unit (Range 60)	Social Development and Family Services	-	1
Director, Economic and Industrial Research (Range 61)	Industrial Court	-	1
Human Resource Adviser II (Range 59D)	Service Commissions Department	2	5
Human Resource Adviser III (Range 62)	Service Commissions Department	-	5
Transport Commissioner (Group 3B)	Works and Transport	-	1 <i>(subject to PAR)</i>
TOTAL		2	14

Appendix III

**STATUS OF OFFICES ADVERTISED IN ACCORDANCE WITH REGULATION
13(5) OF THE PUBLIC SERVICE COMMISSION REGULATIONS**

No	Name of the Ministry	Offices to be advertised/ advertised	Date of Commission's Decision	Status to date
1.	Financial Intelligence Unit (FIU), Ministry of Finance	Intelligence Research Analyst	17.04.18	Advertisement issued for the office from 26th June to 24th July, 2018. PSC considered the reports and granted permission to the PS to shortlist applicants for the office using the framework. The shortlisting process was still ongoing as at December 31 st 2018.
2.	Financial Intelligence Unit (FIU), Ministry of Finance	Operational Analyst	17.04.18	Advertisement issued for the office from 26th June to 24th July, 2018. PSC considered the reports and granted permission to the PS to shortlist applicants for the office using the framework. The shortlisting process was still ongoing as at December 31 st 2018.
3.	Ministry of Planning and Development	Town Planning Assistant I	24.07.18	24th July, 2018 The Commission decided that a Notice of Vacancy (NOV) instead of advertisement be issued. 10th September, 2018 The Commission's decision for the Notice of Vacancy was issued to the PS
4.	Ministry of Community Development	Co-ordinator, Best Village Programme	23.01.18	The office was advertised by Circular Memorandum and NOV dated 17th July, 2018 with a closing dated of 14/08/18
5.	Ministry of Health	Pesticides and Toxic Chemical Inspector I	10.07.18	10th July, 2018 The Commission decided that in accordance with Regulation 13(5) the office of Pesticides and Toxic Chemicals Inspector I should be advertised. 17th August, 2018 The Commission's decision was issued to the PS Ministry of Health

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No	Name of the Ministry	Offices to be advertised/ advertised	Date of Commission's Decision	Status to date
		Veterinary Public Health Assistant	11.09.18	<p>29th October, 2018 Director, HR and SHRO indicated that due to financial constraints, the Ministry was unable to publish the Notice of Vacancy for the office.</p> <p>3rd December, 2018 The Circular Memorandum for the Notice of Vacancy submitted by the SHRO was vetted and returned to the Ministry.</p> <p>2nd October, 2018 The Commission decided that in accordance with Regulation 13(5) the office of Veterinary Public Health Assistant I should be advertised.</p> <p>29th October, 2018 Director, HR and SHRO indicated that due to financial constraints, the Ministry was unable to publish the Notice of Vacancy for the office.</p> <p>3rd December, 2018 The Circular Memorandum for the Notice of Vacancy submitted by the SHRO was vetted and returned to the Ministry.</p> <p>19th December, 2018 The PS took a decision to postpone the advertisement of the office of Veterinary Public Health Assistant I until January, 2019.</p>
6.	Ministry of Health	Chemist I	11.09.18	<p>11th September, 2018 The Commission decided that in accordance with Regulation 13(5) the office of Chemist I should be advertised.</p> <p>29th October, 2018</p>

Appendix III (continued)

No	Name of the Ministry	Offices to be advertised/ advertised	Date of Commission's Decision	Status to date
				<p>Director, HR and SHRO indicated that due to financial constraints, the Ministry was unable to publish the Notice of Vacancy for the office.</p> <p>3rd December, 2018 The Circular Memorandum for the Notice of Vacancy submitted by the SHRO was vetted and returned to the Ministry.</p> <p>19th December, 2018 The PS took a decision to postpone the advertisement of the office of Chemist I until January 2019.</p>

Appendix IV

REALIGNMENTS IN MINISTRIES AND DEPARTMENTS

SUMMARY OF PORTFOLIO REALIGNMENT	
Particulars	No. of Ministries
Ministries with name changes only	3
Ministries with no changes	1
Ministries with portfolio changes only	6
Ministries with name and portfolio changes	4
New Ministries	9
Total	23
Dis-established Ministries	21

MINISTRIES WITH NAME CHANGES ONLY

3 Ministries

Ministry of Finance

Ministry of Foreign and CARICOM Affairs

Ministry of Energy and Energy Industry

MINISTRIES WITH NO CHANGES

1 Ministry

Ministry of Health

Appendix IV (continued)

MINISTRIES WITH PORTFOLIO CHANGES ONLY**6 Ministries**

Ministry of Public Administration

Ministry of Tourism

Ministry of Education

Ministry of National Security

Ministry of Public Utilities

Office of the Prime Minister

MINISTRIES WITH NAME AND PORTFOLIO CHANGES**4 Ministries**

Ministry of Housing and Urban Development

Ministry of Labour and Small Enterprise Development

Ministry of Planning and Development

Ministry of Trade and Development

NEW MINISTRIES**9 Ministries**

Ministry of Agriculture, Land and Fisheries

Ministry of the Attorney General and Legal Affairs

Ministry of Communications (2015 and 2018)

Ministry of Community Development, Culture and the Arts

Ministry of Rural Development and Local Government

Ministry of Social Development and Family Services

Ministry of Sports and Youth Affairs

Ministry of Works and Transport

Ministry of Public Administration and Communications (2016)

Appendix IV (continued)

DIS-ESTABLISHED MINISTRIES
21 Ministries
Ministry of the Attorney General
Ministry of the Arts and Multiculturalism
Ministry of Community Development
Ministry of Environment and Water Resources
Ministry of Food Production
Ministry of Gender, Youth and Child Development
Ministry of Justice
Ministry of Land and Marine Resources
Ministry of Legal Affairs
Ministry of Local Government
Ministry of National Diversity and Social Integration
Ministry of the People and Social Development
Ministry of Science and Technology
Ministry of Sport
Ministry of Tertiary Education and Skills Training
Ministry of Tobago Development
Ministry of Transport
Ministry of Works and Infrastructure
Ministry of Communications (2016)
Ministry of Public Administration (2016)
Ministry of Public Administration and Communications (2018)

Appendix V

**NO. OF MATTERS APPROVED BY THE PUBLIC SERVICE COMMISSION
IN 2018 IN FUNCTIONAL AREAS DUE TO REALIGNMENTS**

Requesting Ministry	Total Number of Arrangements per Category per Ministry		
	Transfers	Temporary appointments	Acting appointments
Public Administration	95	42	80
Planning and Development			1
Works and Transport		106	167
Agriculture, Lands and Fisheries		397	1888
Public Administration and Communications	225	59	119
The Attorney General and Legal Affairs	5	0	160
Communications	130	48	109
Trade and Industry	nil	1	8
National Security		12	1
Finance		930	339
Sport and Youth Affairs			85
TOTAL	455	1595	2957
GRAND TOTAL	5007		

Appendix VI

**NO. OF FILLINGS EFFECTED BY THE PUBLIC SERVICE COMMISSION
IN MINISTRIES/DEPARTMENTS IN 2018**

No.	Ministry/ Department	First Appointments	Promotions	Total Filled
1	Agriculture, Land and Fisheries	41	85	126
2	Attorney General and Legal Affairs	4	36	40
3	Auditor General's Department	19	34	53
4	Communications	0	1	1
5	Community Development, Culture and the Arts	9	7	16
6	Education	201	41	242
7	Elections and Boundaries Commission	5	7	12
8	Energy and Energy Industries	8	16	24
9	Environmental Commission	0	2	2
10	Finance	88	245	333
11	Foreign and CARICOM Affairs	1	16	17
12	Health	109	79	188
13	Housing and Urban Development	5	5	10
14	Industrial Court	3	5	8
15	Integrity Commission	0	2	2
16	Judiciary	26	20	46
17	Labour and Small Enterprise Development	13	13	26
18	National Security	43	106	149
19	Office of the Ombudsman	1	1	2
20	Office of the Parliament	4	4	8
21	Office of the President	1	0	1
22	Office of the Prime Minister	4	21	25
23	Office of the Prime Minister, Central Administrative Services Tobago (CAST)	3	0	3

Appendix VI (continued)

No.	Ministry/ Department	First Appointments	Promotions	Total Filled
24	People and Social Development	0	1	1
25	Personnel Department	1	26	27
26	Planning and Development	29	55	84
27	Public Administration	8	1	9
28	Public Administration and Communication	3	44	47
29	Public Utilities	4	10	14
30	Registration Recognition and Certification Board	0	1	1
31	Rural Development and Local Government	19	44	63
32	Service Commissions Department	18	45	63
33	Social Development and Family Services	12	12	24
34	Sport and Youth Affairs	17	7	24
35	Tax Appeal Board	1	1	2
36	Tobago House of Assembly	33	29	62
37	Tourism	3	5	8
38	Trade and Industry	6	7	13
39	Transport	0	2	2
40	Works and Transport	55	55	110
	Total	797	1091	1888

Appendix VI (continued)

**NO. OF FILLINGS EFFECTED IN 2018 FROM
INTERVIEWS HELD BY THE SELECTION BOARD**

OFFICES FILLED BY CLASS IN MINISTRIES/DEPARTMENTS (CIVIL SERVICE) IN 2018				
No.	Class	First Appointments	Promotions	Total Vacant Offices Filled
1	Administrative	1	36	37
2	Professional and Scientific	89	226	315
3	Technical	160	438	598
4	Clerical	123	48	171
5	Secretarial	136	173	309
6	Manipulative	287	137	424
7	Undetermined	1	33	34
	TOTAL	797	1091	1,888

OFFICES UNDER THE SALARIES REVIEW COMMISSION (SRC) FILLED IN 2018

Service	Office	SRC	First Appointments	Promotions	Total vacancies Filled
Civil Service	Permanent Secretary to the Prime Minister	Group 1A	0	1	1
	Permanent Secretary	Group 1B	0	1	1
	Chief Personnel Officer	Group 1C	0	1	1
	Deputy Secretary to the Cabinet	Group 4B	0	1	1
	Transport Commissioner	Group 3B	0	1	1
Prisons Service	Deputy Commissioner of Prisons	Group 2	0	5	5
	TOTAL		0	10	10

Appendix VI (continued)

OFFICES FILLED BY GRADES IN THE FIRE SERVICE IN 2018

Office	Grade	First Appointments (under Delegated Authority)	Promotions	Total Vacancies Filled
Brigade Engineer	Grade 7	0	1	1
TOTAL		0	1	1

OFFICES FILLED BY GRADES IN THE PRISON SERVICE IN 2018

Office	Range	First Appointments (under delegated Authority)	Promotions	Total Vacancies Filled
Prisons Welfare Officer II	Grade 3	0	1	1
Assistant Commissioner of Prisons	Grade 7	0	5	5
TOTAL		0	6	6

Appendix VII

**HIGH COURT ACTION COMPLETED IN FAVOUR OF THE
PUBLIC SERVICE COMMISSION IN 2018**

**No. 1 - Sheila Seecharan, Deputy Permanent Secretary, Ministry of Legal Affairs
vs Public Service Commission**

H.C.A. # / Date filed: CV2015-04145, 2nd December, 2015

- i) An order of certiorari to remove into the High Court of Justice and quash the said decision;
- ii) A declaration that the said decisions are unlawful and in breach of the principles of fairness and/or natural justice;
- iii) A declaration that the said decision are unreasonable, and/or irregular and/or an improper exercise of discretion and/or are irrational;
- iv) A declaration that the said decisions are in breach of sections 4(b) and 5 (2) (e) of the Constitution of the Republic of Trinidad and Tobago, i.e. the right of the individual to the protection of the law, and the right not to be deprived of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of their rights and obligations;
- v) A declaration that the said decisions were a breach of section 20 of the Judicial Review Act, chapter 7:08, that is the duty of a public authority when acting in the exercise of a public duty or function to exercise that duty or perform that function fairly.
- vi) An order of mandamus directing the Public Service Commission to disclose to the Applicant the report of the investigating officer appointed pursuant to Regulation 87 of the Public Service Commission Regulations, Chapter 1:01, to investigate allegations of misconduct against her;
- vii) Costs; and
- viii) Such further and/or other relief as this Honourable Court appear just.

Date of Outcome: 22nd June 2016

No. 1 - Sheila Seecharan, Deputy Permanent Secretary, Ministry of Legal Affairs
vs Public Service Commission

H.C.A. # / Date filed: CV2015-04145, 2nd December, 2015

Order/Judgment:

1. The Application filed on 2nd December, 2015, be and is hereby dismissed.
2. The Application to pay the Respondent's cost, to be assessed if not agreed.
3. Statement of Costs to be filed and served on or before 9th July, 2016.
4. Responses to be filed and served on or before 23rd July, 2016.
5. Assessment of Cost to be considered in Chambers.

Appendix VII (continued)

No. 2 - Sherimatie Pardassie et al, Clerical Officers, Ministry of National Security
vs Public Service Commission

H.C.A. # / Date filed: CV2017-00324, 26th January, 2017

A. Relief Sought:

An Order prohibiting the Respondent from holding the 2017 Civil Service Entrance (Main) Examination to be held on the **28th day of January, 2017** to the Office of Administrative Assistant and/ or in the alternative an order staying the holding of said examinations to the Office of Administrative Assistant until the determination of this application for judicial review.

B. Substantive Relief

- i. A declaration that the decision of the Respondent dated the 16th day of December, 2016 and communicated to the Applicants by letter of even date hold examinations for appointment to the office of Administrative Assistant and to not appoint and/or promote the Applicants to the substantive office of Administrative Assistant without being required to write an examination and to do so retroactively and/or otherwise is unlawful, unreasonable, irrational, procedurally improper, in breach of the principals of natural justice, null and void an of no legal effect;
- ii. An order of Certiorari to bring into the High Court of Justice and quash the said decision of the Public Service Commission not to appoint and/ or promote the Applicants to the substantive office Administrative Assistant retroactively and/or otherwise;
- iii. A declaration that the decision of the Respondent by Notice dated the 16th day of December, 2016, and communicated to the Applicants by letter of even date that would require the Applicants to sit an examination to be considered for promotion to the office of Administrative Assistant is unlawful, unreasonable, irrational, procedurally improper, in breach of the principals of natural justice , null and void and of no legal effect;
- iv. An Order of Certiorari to bring into the High Court of Justice and quash the said decision of the Public Service Commission to require the Applications to sit an examination to be considered for promotion to the office Administrative.
- v. A declaration that the Application were each the beneficiaries of a legitimate expectation that they would be appointed to the position of Administrative Assistant (substantive) after obtained the Certificate in Public Administrative they were acting in the Administrative and Human Resource Series for more than (2) years with the relevant seniority, qualifications, knowledge, skills and abilities as well as satisfactory performance appraisal reports;

No. 2 - Sherimatie Pardassie et al, Clerical Officers, Ministry of National Security
vs Public Service Commission

H.C.A. # / Date filed: CV2017-00324, 26th January, 2017

- vi. A declaration that the Applicants were each the beneficiaries of a legitimate expectation that they would be appointed to the position of Administrative Assistant (substantive)) after obtained the Certificate in Public Administrative they were acting in the Administrative and Human Resource Series for more than (2) years with the relevant seniority, qualifications, knowledge, skills and abilities as well as satisfactory performance appraisal reports for the office of Administrative Assistant without having to sit an examination;
- vii. A declaration that the continuing failure and/or omission and/or neglect of Respondent to appoint the applicants as Administrative Assistant is irrational, unreasonable, unlawful, procedurally improper and in breach of the principals of natural justice;
- viii. A declaration that the decision of the Respondent by Notice dated 16th day of December, 2016 not to promote the applicants to the office of Administrative Assistant, when other Officers in the Public Service to whom were joined and/or less qualified and/or similarly circumstanced were promoted to the office of Administrative Assistant, is irrational, unreasonable, unlawful, procedurally improper and in breach of the principals of natural justice and contravened the Applicants' fundamental right to equality of treatment from the public authority in the exercise of a public function, as guaranteed by Section 4 (d) of the Constitution of Trinidad and Tobago;
- ix. A declaration that the decision of the Respondent by Notice dated 16th day of December, 2016 not to promote the applicants to the office of Administrative Assistant, when other Officers in the Public Service to whom were joined and/or less qualified and/or similarly circumstanced were promoted to the office of Administrative Assistant, is irrational, unreasonable, unlawful, procedurally improper and in breach of the principals of natural justice and contravened the Applicants' fundamental right to equality of treatment from the public authority in the exercise of a public function, as guaranteed by Section 4 (d) of the Constitution of Trinidad and Tobago;
- x. An order that the Applicants are eligible for retroactive appointments and/or appointments to the office of Administrative Assistant to the dates that each of the respective Applicants are found by the Court to have been eligible for same;

No. 2 - Sherimatie Pardassie et al, Clerical Officers, Ministry of National Security
vs Public Service Commission

H.C.A. # / Date filed: CV2017-00324, 26th January, 2017

- xi. An order that the Respondent retroactively appoint and/or appoint the Applicant to the office of Administrative Assistant to the dates that each of the respective Applicants are found by the Court to have been eligible for same;
- xii. An Order for monetary compensation to be assessed in favour of the Applicants;

C. Further Relief Sought

- i. Costs;
- ii. Interest;
- iii. Pursuant to section 8 of the Judicial review Act Chapter 7:08 any further orders, directions or writs as the court considers just as the circumstances warrant.

Date of Outcome: 27th June, 2017

Order/Judgment:

The Honourable Madam Justice Eleanor Donaldson-Honeywell delivered the following order, which states:

- 36. Based on the analysis, it is my determination that the Claimant have not established any grounds for judicial review of the decision of the Defendant (i) to promote certain other officers before them or (ii) to require an examination for eligibility for promotion to the post of Administrative Assistant.**
- 37. The reliefs sought are therefore refused and an award of costs to be assessed by the Master if not agreed, is made in favour of the Defendant.**

Appendix VII (continued)

No. 3 - Garvin Ali, Prison Officer I, Ministry of Justice vs Public Service Commission

H.C.A. # / Date filed: CV2014-04868, 24th December 2014

Relief Sought are:

1. That time for the filing of this Application for Permission to seek Judicial Review be and is hereby extended to the date of the filing herein.
2. An Order that the Public Service Commission and the Commissioner of Prisons do hold open a vacancy in the post of Prisons Officer II pending the determination of the proceedings stated herein.
3. A Declaration that the Applicant was and remains entitled to make representations in accordance with Regulation 168 (4) of the Public Service Commission Regulations Chapter 1:01 of the Laws of the Republic of Trinidad and Tobago.
4. A Declaration that the failure and/or refusal of the Public Service Commission to determine the Applicant's representations dated the 20th day of June, 2013 in accordance with Regulation 168 of the Public Service Commission Regulations, Chapter 1:01 of the Laws of the Republic of Trinidad and Tobago is unlawful and illegal.
5. An Order that the Public Service Commission do determine the representations of the Applicant within 14 days thereof.
6. A Declaration that the Applicant is entitled to have special consideration given to his sick leave for the period 2008 to 2009 as injury leave as result of an accident in accordance with General Order No: 82 of 2011 under the category "General Fitness".
7. An Order quashing the decision of the Public Service Commission and the Commissioner of Prisons to place the Applicant at number 526 on the May 2013 Order of Merit List.
8. Further, an order remitting the Applicant's assessment in the category "General Fitness" to the Public Service Commission and/or the Commissioner of Prisons for re-assessment and that said re-assessment should be conducted in accordance with the judgement of the Honourable Court.
9. A Declaration that the failure and/or refusal of the Public Service Commission and/or the Commissioner of Prisons to consider the Applicant's number of years in the Prisons Service as an Auxiliary Prison Officer during the years 1990 to 1994 as part of the assessment for promotion is illegal.

Appendix VII (continued)

No. 3 - Garvin Ali, Prison Officer I, Ministry of Justice vs Public Service Commission

H.C.A. # / Date filed: CV2014-04868, 24th December 2014

10. An Order that the Public Service Commission and/or the Commissioner of Prisons do reconsider the Applicant's number of years that he served as an Auxiliary Prisons Officer as part of the assessment for promotion in the category of "Position on the seniority list".
11. A Declaration that the failure of the Commissioner of Prisons to advise the Applicant of his omission from the list for promotion in accordance with Regulations 168 (3) of the Public Service Commission Regulations or otherwise prior to the promotions of Prisons Officers to the post of Prison Officer II made and/or notified to those promoted in the months of April, 2013; March and September, 2014 is unlawful.
12. A Declaration that the decision of the Public Service Commission and/or the Commissioner of Prisons to by-pass the Applicant for promotion while his representations remained pending is illegal and unlawful.
13. An Order that the decision of the Public Service Commission and/or the Commissioner of Prisons to by-pass the Applicant for promotion be quashed and that the said decision be remitted to the Public Service Commission and/or the Commissioner of Prisons for reconsideration which said re-consideration shall also include the consideration of the effective date of appointment of any promotion to the post of Prisons Officer II.
14. Costs
15. Such further or other relief as this Honourable Court may deem fit in the circumstances of the case.

Date of Outcome: 8th August 2017

Order/Judgment:

"The Claimant's claim or judicial review is refused. The claimant is to pay 40% of the Defendants' cost to be assessed in default of agreement."

No. 4 - Ms. Angela Guerra, Chief Executive Officer, Ministry of Local Government
vs Public Service Commission

H.C.A. # / Date filed: CV2017-04582, 18th January 2018

Relief Sought:-

1. A declaration that the appointment of Ms. Marcia London- Mc Kellar by the Defendant dated the 27th day of September, 2017 to investigate allegations of misconduct against the Claimant is illegal, null and void and contrary to the principles of natural justice and in excess of jurisdiction.
2. A declaration that the Defendant acted with bad faith and was biased in appointing Ms. Marcia London-Mc Kellar on the 27th day of September 2017 to investigate allegations of misconduct against the Claimant.
3. An Order of Certiorari to quash the decision of the Defendant to appoint Ms. Marcia London – Mc Kellar by virtue of appointment dated the 27th day of September, 2017 to investigate allegations of misconduct against the Claimant.
4. A declaration that the suspension of the Claimant from the 28th day of June, 2017 and continuing is illegal, null and void.
5. A declaration that the initial decision by the Defendant to suspend the Claimant from the 28th day of June, 2017 with the corresponding appointment of an investigating officer was and is a nullity and was made without jurisdiction.
6. A declaration that the Claimant is in entitled to the minutes of meeting of the Defendant wherein the Defendant formed the opinion that the Claimant should be suspended pursuant to Regulation 88 (1) of the PSCR.
7. A declaration that the Claimant is entitled to the minutes of meeting of the Defendant wherein the Defendant determined the matter in which the case against the Claimant is to be dealt with.
8. A declaration that the Claimant is entitled to a copy of entries in her Confidential Personal File relative to the alleged act of indiscipline.
9. An Order that the Defendant do supply to the Claimant:
 - (a) Minutes of meeting of the Defendant wherein the Defendant formed the opinion that the Claimant should be suspended pursuant to Regulation 88 (1) of the PSCR or any of the Regulations.

Appendix VII (continued)

No. 4 - Ms. Angela Guerra, Chief Executive Officer, Ministry of Local Government
vs Public Service Commission

H.C.A. # / Date filed: CV2017-04582, 18th January 2018

- (b) Minutes of meeting of the Defendant wherein the Defendant determined the manner in which the case against the Claimant is to be dealt with; and
 - (c) Copies of entries in the Claimant's Confidential Personal File relative to the alleged act of indiscipline
10. An order that the suspension of the Claimant be lifted and that she be reinstated to her substantive post.
11. Damages
12. Costs.
13. Interest.
14. Such further and/or other reliefs as may be just in the circumstances.

Date of Outcome: 16th July 2018

Order/Judgment:

Honourable Madam Justice Margaret Y. Mohammed delivered the following order:-

- 94. The Claimant's Fixed Date Claim filed on the 18th January, 2018 is dismissed.
- 95. The Claimant to pay the Defendant's its costs.

**No. 5 - Ian Green, Fire Sub Station Officer, Ministry of National Security
vs Public Service Commission**

Civil Appeal 99 of 2013, 29th April 2013

Grounds of Appeal:

- a) The learned trial judge misdirected herself in law by directing herself that the Appellant was not similarly circumstanced to Assistant Divisional Fire Officer, Peter Baptiste, Harold St. Louis, Earl Brown and Saheed Tajudeed, all of whom failed their interviews to promotion;
- b) The learned trial judge wrongly treated the Public Service Commission as having legal competence to add to the qualification prescribed by Regulation 9 (3) of the Fire Service (Terms and Condition of Employment) Regulation 1998 for promotion to an office of the First Division of the Fire Service, other than that of Assistant Divisional Fire Officer;
- c) The learned trial judge wrongly held that the Appellant did not satisfy the statutory requirements for promotion to the office of Divisional Fire Officer;
- d) The learned judge wrongly gave no or no sufficient weight to the evidence of the Appellant's witness, retired Chief Fire Officer Justin Bowen, as contained in his affidavit filed on the 11th day of June, 2012;
- e) The learned trial judge wrongly failed to construe the letter dated the 2nd day of July 2008 from the Permanent Secretary, Ministry of National Security, to the Chief Fire Officer, exhibited as "I.G.1" to the Appellant's affidavit filed on the 27th day of June 2012 as constituting the grant of an exemption to the Appellant' and
- f) The learned judge wrongly failed to exercise her discretion in favour of the Appellant by granting him the relief prayed for.

The Relief sought:

An order setting aside the decision of the learned trial judge with costs of the appeal herein and the Court below, certified fit for Counsel.

Dates of Outcome: 24th October 2018 and 19th November 2018

Order/Judgment:

Court of Appeal, dismissed the Appeal with costs to be paid by Mr. Green to the Commission.

Court of Appeal dismissed the Appellant's application for conditional leave to appeal to the Privy Council and ordered that the Appellant pays the Respondent's cost of the application to be taxed.

Appendix VII (continued)

No. 6 - Jamal Julien, Former Prison Officer I, Prison Service, Ministry of National Security
vs Public Service Commission

H.C.A # / Date filed: CV2018-00697, 28th February 2018

Relief Sought:-

- a) A declaration that the decision of the Public Service Commission (the PSC) made on the 26th day of February, 2016, whereby it retired the Claimant as a Prison Officer I in the Public Service in the public interest, pursuant to Regulation 54 (1) of the Public Service Commission Regulations, Chapter 1:01 without informing him in writing of his right under Section 132 (1) of the Constitution of Trinidad and Tobago (The Constitution) to appeal the said decision to the Public Service Appeal Board (the Board), contravened the Claimant's fundamental right to the protection of the law, as guaranteed by Section 4 (b) of the Constitution;
- b) An order directed to the PSC requiring it to inform the Claimant in writing of his aforesaid right of appeal;
- c) Alternatively, an order giving liberty to the Claimant to appeal the aforesaid decision to the Board;
- d) An order for monetary compensation in favour of the Claimant for the contravention of his aforesaid fundamental rights;
- e) Costs;

Date of Outcome: 9th July 2018

Order/Judgment:

“AND UPON a Notice of Discontinuance being filed on the 9th day of July, 2018.

IT IS ORDERED that in light of the filing of the Notice of Discontinuance, the Claimant shall pay costs to the Defendant assessed in the sum of Two Thousand, Five Hundred Dollars (\$2,500.00)”

**No. 7 - Mr. Ian Besson, Fire Sub Station Officer, Fire Service, Ministry of National Security
vs Public Service Commission**

H.C.A. # /Date filed: CV2018-03070, 21st September 2018

Relief Sought:-

1. A declaration that the Respondent/Proposed Defendant breached its statutory duty under Section 15 of the Freedom of Information Act (FOIA) to take reasonable steps to enable an applicant to be notified of the approval or refusal of his request as soon as practicable but in any case not later than 30 days after the day on which the request is duly made;
2. An order of mandamus to compel the Respondent/ Proposed Defendant to render a decision on the Applicant/Proposed Claimant's FOIA request for access to official documents dated the 14th March, 2018 within seven (7) days hereof, and inform him whether his application has been approved or refused in accordance with Section 15 of the FOIA.
3. Alternatively, and/or additionally, a declaration that Applicant/Proposed Claimant is entitled to access the requested information pursuant to his application under the FOIA dated 14th March, 2018.
4. Costs.
5. Such further other orders, directions or writs as the courts considers just and as the circumstances of this case warrant pursuant to Section 8 (1) (d) of the Judicial Review Act, Chap. 7:08.

Date of Outcome: 2nd November 2018

Order/Judgment:

The Honourable Justice Rahim ordered that permission be granted to the Claimant to withdraw Application for leave with no order as to costs. Therefore, this matter is now closed.

Appendix VIII

**HIGH COURT ACTION COMPLETED AGAINST THE
PUBLIC SERVICE COMMISSION IN 2018**

No. 1 - Mr. Harold Baldeo, Mr. Kenneth Beedase, Mr. Saishnarine Bissessar,
Public Health Inspectors, Ministry of Health
vs Public Service Commission

H.C.A. # / Date Filed: CV2017-03752, 26th October 2017

Relief Sought:-

1. A declaration that the Defendant breached its statutory duty under **Section 15 of the Freedom of information Act (FOIA)** to take reasonable steps to enable an applicant to be notified of the approval or refusal of his request of his request as soon as practicable but in any case not later than 30 days after the day on which the request is duly made.
2. An order of mandamus to compel the Defendant to render a decision on the Claimants' FOIA requests for access to official documents dated the 24th day of March within seven (7) days hereof, and inform them whether their applications have been approved or refused in accordance with Section 15 of the FOIA;
3. Alternatively, and/or additionally, a declaration that the Proposed Applications/Claimants are entitled to access the requested information pursuant to their application under the FOIA dated 24th day of March 2017;
4. Cost;
5. Such further other orders, directions or writs as the courts considers just and as the circumstances of this case warrant pursuant to **Section 8 (1) (d) of the Judicial Review Act, Chap.7:08;**

Date of Outcome: 23rd March, 2018

Order/Judgment

The Honourable Madam Justice Wilson delivered the following order, which states:

1. Permission is hereby granted to the Applicants/Proposed Claimants to withdraw the Notice of Application filed on 26th October, 2017.
2. Cost to be paid by the Respondent to the Applicants/Proposed Claimants in the sum of Five Thousand dollars. (\$5,000.00)

Appendix VIII (continued)

No. 2 - Mr. Rudolph Jones, Former Fire Sub Station Officer, Fire Service,
Ministry of National Security vs Public Service Commission

H.C.A. #/ Date Filed: CV2017-00796, 20th March 2017

Relief Sought:

- a) A Declaration that the decision of the Public Service Commission made on the 6th of December, 2016, whereby it failed to confirm the appointment of the Applicant retroactively to the office of Fire Station Officer, was unreasonable, contrary to the principles of natural justice and constituted an abuse of power;
- b) A Declaration that the decision of the Public Service Commission whereby it delayed between 2011 and 2016 in confirming the appointment of Fire Sub Station Officers to the office of Fire Station Officer, was contrary to the principles of natural justice, Section 20 of the Judicial Review Act 2000, Regulation 13 of the Public Service Commission Regulations Chapter 1:01 and constituted an abuse of power.
- c) An Order directed to the Public Service Commission requiring it to confirm the appointment of the Applicant retroactively to the office of Fire Station Officer retroactively, alternatively requiring it to consider the question of doing so;
- d) An Order for monetary award in favour of the Applicant;
- e) Interest; and
- f) Costs.

Date of Outcome: 31st July, 2018

Order/Judgment:

Application of law to facts

37. The Claimant did not have the right to be promoted but had a right to be considered for promotion as he had the pre-requisite qualifications and had efficiently acted in the post for a substantial period.
38. The Commission did not entertain or consider the issue of the promotion of FSSO's to the office of FSO between the period 2011 and 2016 as it sat inactive and awaited the promotion list from the Chief Fire Officer. The evidence established that the Claimant was allowed to act in the office of FSO for a period of 5 years and within this time there was no

No. 2 - Mr. Rudolph Jones, Former Fire Sub Station Officer, Fire Service,
Ministry of National Security vs Public Service Commission

H.C.A. #/ Date Filed: CV2017-00796, 20th March 2017

evidence to suggest that he was considered for promotion, though he discharged the mandate of the post admirably as evidenced by his 'very good' and 'outstanding' appraisal reports.

39. The Commission is a creature of the Republican Constitution of Trinidad and Tobago and it is responsible, inter alia, for making appointments on promotion in the public service. The Commission is therefore a public authority which is vested with public functions and had a statutory mandate to discharge the functions vested in it by virtue of Regulation 158 and Regulation 159. Although the Chief Fire Officer is empowered under Regulation 160 to make recommendations for the filling of vacancies, the actual power to effect the promotion vests with the Commission.
40. The inaction of the Commission between 2011 to 2016 in relation to its failure to make substantive appointments to the post of FSO and the failure to discharge its statutory mandate is unacceptable and impacts upon good governance. Inherent in the discharge of public functions is an obligation to engage in prompt, unbiased and sound decision making.
43. The Court is of the view that the failure to promote officers to the post of FSO between the period 2011 to 2016 is unacceptable and demonstrates the level of institutional decay that is retarding and restricting this Republic's realisation of its fullest potential.
47. The evidence established that the issue of retroactive appointments is not fixed and there is a certain degree of flexibility. The evidence suggests that the Claimant acted in the post of FSO for a significant period and discharged the functions of the office efficiently. The Defendant was aware that the substantive posts of FSO had to be filled and is deemed to have had within its remit information as to the Claimant's date of compulsory retirement. The Defendant in fact would have accepted the Claimant's application to proceed on pre-retirement leave in 2016. This Court is therefore of the view that the Defendant should have addressed and considered the issue as to the Claimant's retroactive appointment.
48. The Court next considered the issue as to whether the monetary compensation should be awarded to the Claimant.
50. The Claimant adduced no evidence to support the recovery of damages and has not established an entitlement to monetary compensation.

Appendix VIII (continued)

No. 2 - Mr. Rudolph Jones, Former Fire Sub Station Officer, Fire Service,
Ministry of National Security vs Public Service Commission

H.C.A. #/ Date Filed: CV2017-00796, 20th March 2017

51. For the reasons that have been outlined the Court hereby remits the issue as to whether the Claimant should be retroactively appointed to the Defendant for its consideration. The parties shall now be heard on the issue of costs.

Appendix VIII (continued)

No. 3 - Shareeda Narsiah, Research Officer II, Ministry of Finance and the Economy
vs Public Service Commission

H.C.A. # / Date Filed: CV2015-01285, 8th May 2015

Relief Sought:-

1. A declaration that the decision and/or action of the Defendant to cancel the Applicant's substantive position of Senior Research Officer which she held since 20th June, 2010 and to demote her to the position of Research Officer II with effect from 20th June, 2010 for four letters dated 19th December, 2014 and received on 23rd January, 2015 was unlawful, unfair and unreasonable.
2. A declaration that the said decision of the Defendant was in breach of the principles of natural justice, the Claimant as an employee having been treated unfairly.
3. A declaration that the said decision of the Defendant has caused the Claimant to be deprived of a legitimate expectation that she was appointed in the said position and entitled to the remuneration and benefits of the said position (Range 60) and that she would be eligible to apply for and to be considered for the position of Deputy Permanent Secretary for which position she had applied for in or about June, 2014.
4. A declaration that the Claimant is entitled to be retained in the said substantive position of Senior Research Officer to which she was appointed on the 20th June, 2010.
5. An order of certiorari to remove into the Honourable Court and quash the four letters dated the 19th day of December 2014.
6. An order of mandamus directing the Defendant to confirm that the claimant was promoted to the position of Senior Research Officer with effect from 20th June, 2010.
7. Damages
8. Costs
9. Such further and/or other reliefs as the Honourable Court deems just in the circumstances of the case.

Date of Outcome: 7th April 2016

Appendix VIII (continued)

No. 3 - Shareeda Narsiah, Research Officer II, Ministry of Finance and the Economy
vs Public Service Commission

H.C.A. # / Date Filed: CV2015-01285, 8th May 2015

Order/Judgment:

Honourable Mr. Justice Rahim ordered:-

- 1) The decision of the Defendant to cancel the Applicant's appointment to the post of Senior Research Officer made with effect from the 20th June, 2010 (the decision) was in breach of the principles of natural justice in that it was unfair.
- 2) The decision deprived the Claimant of the legitimate expectation that she was appointed to the post of Senior Research Officer and was thus entitled to the remuneration and benefits that attach to the said post.
- 3) An order of Certiorari is granted to move the decision into the High Court and the decision is quashed.
- 4) The Defendant shall pay the Claimant's costs to be assessed in default of agreement.

Appendix VIII (continued)

No. 4 - Krishna Sankar, Former Fire Sub Station Officer, Fire Service,
Ministry of National Security vs Public Service Commission

H.C.A. # /Date Filed: CV2017-00753, 13th March 2017

Relief Sought:-

1. A declaration that the Defendant breached its Statutory Duty in Section 15 of the Freedom of Information Act (FOIA) to take reasonable steps to enable an Claimant to be notified of the approval or refusal to provide the documents requested as soon as practicable but in any case not later than thirty (30) days after the day on which the request is duly made.
2. A declaration that there has been unreasonable delay on the part of the Defendant in making and/or communicating as access decision in accordance with Section 15 of the FOIA.
3. An order of mandamus to compel the Defendant to make a decision of the Claimant's FOIA request within seven (7) days thereof and notify the Claimant whether his application has been approved or refused in accordance with Section 15;
4. Alternatively or additionally a declaration that the Claimant is entitled to access to the requested information pursuant to his application dated 4th day of October, 2016 under the FOIA;
5. Costs;
6. Such further other orders, directions or writs as the courts considers just and as the circumstances of this case warrant pursuant to Section 8 (1) (d) of the Judicial Review Act Chap. 7:08;

Date of Outcome: 4th May, 2017

Order/Judgment:

Honourable Mr. Justice Harris ordered:-

1. Permission is granted to the Claimant to withdraw the Notice of Application filed on the 24th February, 2017
2. Cost to be paid to the Claimant assessed in the sum of Six Thousand dollars (\$6,000.00)

Appendix VIII (continued)

No. 5 - Jocelyn Lynch-Benjamin, Public Health Inspector III, Tobago House of Assembly vs Public Service Commission

H.C.A. # / Date Filed: CV2016 - 02796, 11th August 2016

Relief Sought:-

- i. An order of certiorari, quashing the decision of the Chief Administrator (Public Administration) of the Tobago House of Assembly to appoint Mr. Ferdinand Wheeler Public Health Inspector I to act as Public Health Inspector IV, made on or about 16th May, 2016, as being in fundamental breach of Regulations 18, 24 and 26 of the Public Service Regulations and consequently of the Public Service Commission (Delegation of Powers) (Amendment) Order 2006.
- ii. A declaration that the applicant had been the Acting Public Health Inspector IV in her department at the time of the purported appointment of Mr. Wheeler and continued in law to hold this acting position.
- iii. Damages under Section 8 (4) of the Judicial Review Act Chap 7:08 of the Laws of Trinidad and Tobago.
- iv. Costs
- v. Such further and/or other relief as the Honourable Court considers just.

Date of Outcome: July 2018

Order/Judgment:

Mr. Justice R. Mohammed delivered a Consent Order which states:-

1. The Second Defendant do pay the Claimant the sum of Six Thousand Four Hundred and Twenty-One Dollars (\$6,421.00) being compensation for the performance of duties of Public Health Inspector IV.
2. The Second Defendant do pay the Claimant the sum of Fifteen Thousand Dollars (\$15,000.00) in Damages.
3. The Second Defendant do pay the Claimant the sum of Fifteen Thousand Dollars (\$15,000.00) representing legal costs in this matter.
4. There be a stay of execution of sixty (60) days.
5. The parties have liberty to apply.



Government of the Republic of Trinidad and Tobago

PUBLIC SERVICE COMMISSION

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