



Public Service Management Code



OFFICE OF THE PRINCIPAL PERMANENT SECRETARY
OFFICE OF THE PRIME MINISTER



Public Service
Management Code

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Preamble

The Public Service's Vision

The Public Service aims to give a service of excellence to all its clients, both external as well as internal ones, characterised by professionalism, quality and courtesy. Additionally, it is Government's vision to bring services closer to citizens and to give the opportunity to every citizen to access public services through their smartphones, so as to provide a 24/7 service.

Principles and Values of the Public Service

These core principles and values of the Public Service, enshrined in the Public Administration Act, bind public employees to:

- exercise any powers vested in them by law, and deliver services to the public, courteously, expeditiously and impartially
- provide objective and knowledgeable advice on matters within their competence
- efficiently and effectively implement the policies of the government of the day
- contribute towards the co-ordination of Government policy in conjunction with departments, agencies, government entities and local councils
- contribute through their own conduct to making their workplace one which recognises talent, develops skills and abilities, rewards performance, avoids discrimination and offers safety

Foreword

The PSMC has been assigned the legal status of a directive under the Public Administration Act, whereby the provisions of the Code are binding and enforceable in terms of article 15(2) of the PAA, reinforcing the importance of this Code as reflected by Directive No 1.

The PSMC has undergone a simplification process to ensure that it is useful for managers and employees alike. It is complemented by a number of manuals relating to specific areas. In this regard, through Amending Directive 1-1, the legal status of a directive under the said Act, has been extended to these manuals.

As the PSMC deals with the management of human resources, it is dynamic and constantly evolving with a view to enhancing policies, standard practices and procedures aimed at facilitating management-employee relations. Through regular updating and fine-tuning, the PSMC aims to define and regulate the HR management function, as well as the rights and obligations of employees.

Note: Provisions marked with an asterisk (*) are also applicable to public sector employees

List Of Manuals To Which The Legal Status Of Directive Has Been Extended Through Amending Directive 1-1

By virtue of Directive 1, which was issued on the 5th March 2010 by the Principal Permanent Secretary in terms of the Public Administration Act, the Public Service Management Code (PSMC) and all the rules, policies and instructions contained therein were assigned the status of a directive in terms of the Public Administration Act.

Through Amending Directive 1-1, the legal status of a directive under the Public Administration Act, has been extended to the manuals listed hereunder:

- Manual on Resourcing Policies and Procedures
- Manual Regarding Positions of Assistant Director, Senior Manager, Manager and Assistant Manager in the Public Service
- Manual of Allowances
- Manual on the Procedure and Computation of Salaries
- Manual on Special Leaves
- Manual on Work-Life Balance Measures
- Manual on Transport and Travel Policies and Procedures
- Manual on Social Security Contributions, Benefits and Pensions
- Treasury Pensions Manual

The provisions of these manuals are binding on public officers and enforceable in terms of article 15(2) of the Public Administration Act.

01

1.1 Directive 10 – the submission and approval of business and HR plans

Ministries are required to prepare 3-year HR plans, revisable annually, as part of the Business and Financial Planning process under the Fiscal Responsibility Act (Chap 534 of the Laws of Malta). The concept of forward HR planning aims at entrenching a holistic approach to HR requirements through forward-planning and the prioritisation of resourcing exigencies, ensuring predictability in resourcing levels and the attainment of the optimum size of the Public Service and of the Ministerial objectives to reach set goals.

Permanent Secretaries are empowered to create vacancies within existing grades and positions, according to the approved budget, without the need for approval from central authorities (i.e. the People & Standards Division and MFIN). The creation of a position with a new nomenclature or the re-designation of an existing position, however, require PSD approval, which is sought through the submission of a prescribed form – this will ensure across-the-board consistency in designations and benchmarks as regards remuneration and eligibility requirements.

The following is an outline of the process of HR Planning:-

- i. By the end of the 1st quarter of the year, Ministries are to submit 3-year HR Plans to MFIN, within the projected budgetary allocations stipulated in the latest Estimates;
- ii. MFIN communicates its feedback to Ministries, which may include amendments to submitted HR Plans;
- iii. By the 1st week of September, Ministries are to endorse MFIN feedback or else submit representations thereon;
- iv. Upon publication of the Estimates, Ministries are to draw up revised HR Plans and send to PSD on a prescribed form, copying MFIN;
- v. It is only upon the submission of the revised HR Plan to PSD that a Ministry can start implementing it;
- vi. The process allows for departures from the HR Plan – if departures are within budget then no approval is needed, if budget will be exceeded then a request to PSD is to be made, which request will be considered by a forum composed of PSD and MFIN representatives.

1.2 Directive 9 - delegation of authority to conduct selection processes and make appointments in the malta public service

Whenever a vacancy is to be filled through competitive selection, Permanent Secretaries are empowered to:

- i. Issue a call for applications (public/service-wide/sector-wide/departmental call, as applicable), provided that the vacancy/ies is/are included in the approved HR Plan revised as necessary in accordance with MFIN budgetary allocation and referred to PSD;
- ii. Approve selection criteria and weightings and publish Selection Board results;
- iii. Approve, make and postpone appointments on the basis of a valid order of merit, and
- iv. renew fixed-term appointments for a second or subsequent term, provided that the initial appointment was made on the basis of a competitive selection process.

1.3 Other resourcing policies and procedures

Detailed policies and procedures pertaining to the whole remit of the People Resourcing & Compliance Directorate within PSD are compiled in the following manuals:-

- i. Manual on Resourcing Policies and Procedures, covering:
 1. Recruitment and Appointment in the Public Service,
 2. Advertisement of Vacancies in the Public Service,
 3. Progression and Promotion in the Public Service,
 4. Employment on Definite Basis,
 5. Public Sector Resourcing, and
 6. Re-employment, Re-instatement, Engagement on temporary basis of former public officers who are granted Parole and Re-integration after dismissal on disciplinary grounds;
- ii. Manual on the Selection and Appointment Process under Delegated Authority in the Malta Public Service (Annexed to Directive 9 and updated as necessary on the Resourcing Manuals webpage);
- iii. Manual Regarding Positions of Assistant Director, Senior Manager, Manager and Assistant Manager in the Public Service, and
- iv. Manual for Public Sector Entities - Delegation of Recruitment Approval (Annexed to Directive 7 and updated as necessary on the Resourcing Manuals webpage).

The manual on Resourcing Policies and Procedures and the Manual Regarding Positions of Assistant Director, Senior Manager, Manager and Assistant Manager in the Public Service may be accessed at

<https://opm.gov.mt/en/PublicService/Pages/Public-Service-Management-Code.aspx>

The Manual on the Selection and Appointment Process under Delegated Authority in the Malta Public Service and the Manual for Public Sector Entities - Delegation of Recruitment Approval may be accessed at

<http://opm.gov.mt/en/PSD/RESOURCING/Pages/Resourcing%20Manuals/Resourcing-Manuals.aspx>.

02

2.1 Attendance

2.1.1 Attendance: Standard working hours

The standard work schedule is based on a forty (40)-hour five (5)-day week. Directorates may make arrangements for public officers to work on a six (6)-day week or on flexible work schedules, provided that they work the same aggregate amount of hours.

In the case of employees who provide essential services¹ to the community, the working of a five (5)-day week schedule should be arranged in such a way that these services are provided throughout the whole week.

Shift workers are required to work a forty (40)-hour week schedule. Those who worked a $51\frac{1}{3}$ hour week prior to 26 December 1973 are, however, allowed to put in $46\frac{2}{3}$ hours per week at extra remuneration.

Watchmen are required to work a forty-four (44)-hour week. Those who worked a fifty-six (56)-hour week prior to 26 December 1973 are allowed to put in $51\frac{1}{3}$ hours per week at extra remuneration. Rosters and methods of computing payment are provided in the Manual on the Procedure and Computation of Salaries. Certain departments/directorates may, nevertheless, adopt different rosters, according to the exigencies of the respective department/directorate.

In the case of Gozitan employees working in Malta, these should, whenever possible:

1. be posted on, or near to, the Ċirkewwa bus route;
2. be allowed to work on a flexi arrangement, provided that the official number of hours are worked.

The standard timetable is shown hereunder:

Malta

16 June to 30 September	Mondays to Fridays: 7.30 a.m. to 1.30 p.m.
1 October to 15 June	Mondays to Fridays: 7.45 a.m. to 5.15 p.m. ($\frac{3}{4}$ hr break)

Gozo

16 June to 30 September	Mondays to Fridays: 7.00 a.m. to 1.00 p.m
1 October to 15 June	Mondays to Fridays: 7.15 a.m. to 4.45 p.m. ($\frac{3}{4}$ hr break)

¹ Essential Services include services such as Doctors & Nursing services. For the complete list, one can refer to the Employment and Industrial Relations Act.

The mid-day break should normally start at 12.30 p.m. till 1.15 p.m. If it is considered necessary to stagger the lunch period in order to ensure continuous service, a note is to be made on the 'Remarks' column of the attendance register to indicate the names of officers on different time-tables.

In a department/section comprising a mix of industrial and other grades, work schedules should be aligned as far as possible. The standard timetable for **employees in industrial grades** is shown below:

16 June to 30 September	Mondays to Fridays: 6.30 a.m. to 1.00 p.m. (20 minutes break at 9.00 a.m.)
1 October to 15 June	Mondays to Fridays: 7.00 a.m. to 4.45 p.m. (¹ / ₄ hr break at 9.00 a.m. & ³ / ₄ hr break at 12.30 p.m.)

Directorates may opt to work on different work schedules, other than those specified above. However, prior to effecting any changes to the normal timetable, Directors/Heads of Department are to ensure that the necessary consultations with the Industrial Relations Unit (IRU) and the unions, as well as PSD's approval are sought.

2.1.2 Recording of Attendances

At the beginning of each week, Directors, or authorised senior officers, are to see that the previous week's record of attendance is complete in every detail, and all employees are accounted for. Under no circumstances should employees be allowed to sign their attendance after it has been certified. Attendance registers should invariably be sent to the HR sections every week. Muster rolls, showing details of employees on a fortnightly basis, should be certified and sent to the HR sections every fortnight. Temporary absence sheets and log books are to be similarly checked at least once a fortnight.

In line with the retention policy for HR documents, as required by the Data Protection Act, attendance registers are to be retained for two (2) years, with the exception of those for the years 1976 to 1979.

i. Attendance Sheets

Attendance sheets (GP41, vide Appendix 2.I), are to be kept in loose-leaf A3 forms and all employees are required to sign and register the arrival and departure times in respect of morning and afternoon sessions. Directorates may keep as many attendance sheets as required according to the physical distribution of offices and the categories of employees.

Immediately after normal opening hours, attendance sheets are to be withdrawn by senior officers (not below the rank of Principal), as delegated by the Director concerned. Late arrivals are to register their attendance in senior officer's office, providing an explanation as required.

When modifications to signature and/or arrival/departure times, are required, these should not be deleted through the use of correcting fluid or any other concealing material. The original signature and/or arrival/departure time should be crossed out and a fresh entry at the side or above, as the case may be, is to be included. Any adjustments to attendance sheets must be signed and authenticated by the senior officer in charge.

Absences on account of sick or vacation leave are recorded in red ink. Late arrivals should be indicated by a red line drawn across the box provided for the recording of time of arrival.

ii. Attendance Verification Systems (Avss) And Devices²

Attendance Verification Systems (AVS) are an effective means of recording employee attendance by means of decentralised electronic reading devices. These devices eliminate manual data entry of absences from attendance sheets and muster rolls into HR systems, and simplify payroll calculations.

The use of AVSs is explained in detail in the document entitled 'Attendance Verification Systems - Policy and Guidelines'. Data protection issues and implications, correct data protection practices and all related data protection matters are included in the document entitled 'Data Protection Requirements for Attendance Verification Systems'.

2.1.3 Recording of Absences

1 Temporary Absence Sheets

Temporary absences on official business are to be recorded in a Temporary Absences Record Sheet (GP 42, vide Appendix 2.ii Leaving the place of work on personal business is to be covered by vacation leave / TOIL. The utilisation of Temporary Absence Sheets for personal purposes should only be allowed in very exceptional circumstances, such as attendances to ante-natal examinations as per L.N. 439 of 2003 – Protection of Maternity (Employment) Regulations. Such absences are to be authorised by the senior officer in charge who should initial the entry and include one's name in the column entitled "Authority".

It must be ensured that:

- i. A Temporary Absences Record Sheet should be kept in respect of each employee.
- ii. Record Sheets in respect of each employee should be numbered consecutively.
- iii. When full, sheets should be inserted in the officer's personal file.
- iv. In case of transfers, the Temporary Absence Record Sheet/s should be forwarded to the receiving department in the officer's personal file. The transfer date and the new department are to be included on the Temporary Absence Record Sheet.

² OPM Circular No 51/2000 and OPM Circular No 14/2009

2 LOG BOOKS

Public officers mainly engaged on outdoor duties, are to keep a log-book (GP 50, vide Appendix 2.iii Any deviation from this form to suit the particular requirements of different directorates may be effected with the authority of the Directors who are responsible to ensure that correct details of these duties are kept. The use of a log-book is complementary to the provisions regulating temporary absences.

Log books are to be inspected at least once a fortnight by Directors responsible for Corporate Services, or a senior officer authorised by them, who is to ensure that the previous fortnight's record is complete in every detail.

2.1.4 Absences

2.1.4.1 Unauthorised Absences: Deduction Of Pay³

When employees are absent from work without permission, Directors may summarily deduct, from these officers' basic salary, that part of their salary relative to the period of time lost due to their absence from their place of work. Directors are to ensure that the absence was without permission, before deducting the pay.

Action for deduction in pay is separate from any disciplinary action which may be necessary in connection with the absence, as indicated in the Public Service Commission (Disciplinary Procedure) Regulations, 1999. Any unauthorised absences are to be recorded in the employee's schedule of service.

The deductions in pay of Industrial staff who are not present at work when the roll-call is read, are outlined in the Manual on the Procedure and Computation of Salaries.

2.1.4.2 Authorised Absences: Evidence In Court

Officers who are required to absent themselves from work to give evidence in Court are to be given every facility to do so and no deduction in salary is to be made. This concession is not applicable when the evidence is given in cases instituted at private instance.

2.1.4.3 Absence Management

Heads of Section are responsible for the careful monitoring of attendance as well as the performance of employees under their responsibility. The personal departmental record of an officer should invariably show any period of absence, whether on full pay, half pay or on no pay. These periods of absences are to be recorded in the officer's schedule of service as leave on grounds of public policy / not on grounds of public policy, as applicable. Leaves which are not on grounds of public policy are to be deducted from the whole service, for pension purposes.

³ OPM Circular No 40/2002

DCSs are ultimately responsible for the accuracy of detailed information upon which pensions and gratuities are calculated. DCSs are to record data on all absences ranging from vacation and sick leave, to special un/paid leaves and absences on work-life balance measures. They are to ensure that particulars furnished on pension papers are complete and accurate.

2.2 Remuneration

2.2.1 Payment Of Salaries

The salaries payable to public officers are published in the Budgetary Estimates for each financial year. A Schedule of Grades falling within each salary scale is available at <http://mfin.gov.mt/en/The-Budget/Pages/The-Budget-2017.aspx>. Cost-of-living increases are generally included in the salaries listed in the Estimates.

All public officers are paid every four (4) weeks on the basis of thirteen (13) equal installments of the annual salary. Payments of salaries are credited directly to public officers' private bank accounts.

The salaries payable to **apprentices** in Government employment are laid down in circulars issued from time to time by the Ministry for Finance. A deduction equivalent to ¹/₅ of the appropriate weekly rate is made for each day of absence.

Part-time and temporary staff⁴ are remunerated pro-rata, that is at the hourly rate calculated on the salary scale of the appropriate full-time counterpart.

Public officers on a **reduced hour work schedule** are paid on a pro-rata basis of a normal day's pay of a full-time counterpart.

The procedure for the payment and computation of salaries, including computation of bonus, income supplement and increments, is found in the Manual on the Procedure and Computation of Salaries.

2.2.2 Bonus

In addition to the salary, all public officers, including part-time and temporary staff, are entitled to a statutory bonus payable in two (2) equal installments of €135.10. Payment is made during the 6th Pay of June, covering period from 1st January to 30th June, and the 12th Pay of December, covering period 1st July to 31st December, and any uncovered periods. Public officers who have been in the public service for a period of not less than thirty (30) days but less than twelve (12) months in a calendar year, are entitled to receive a proportionate amount of the bonus.

⁴ MF Circular 1/2003

No payment of bonus should be made in respect of any periods of special leave without pay. However, no deductions in the bonus should be made in the case of absences on sick leave, whether such sick leave is on full pay, half pay or on no pay.

2.2.3 Income Supplement

All public officers, including part-time and temporary employees but excluding students and trainees not engaged by appointment, receive an allowance at the rate of €4.66 per week. The income supplement, which is to be paid from one source only, is payable in March to cover period 1st October to 31st March, and September to cover period 1st April to 30th October. No weekly supplement is paid when a public officer is on no pay. The income supplement of public officers on a reduced/part-time basis is paid pro-rata according to the number of hours worked.

Advisors, Consultants and other persons under contractual agreement with the government who receive a government pay or honorarium and who may also be in receipt of a government pension, will only be entitled to receive the income supplement from one source.

2.2.4 Increments

Public officers in Scale 5 and lower receive a yearly increment, up to the maximum of one's respective salary scale and subject to satisfactory performance. Public officers who are not on a fixed salary (such as part-timers working irregular hours per week), are entitled to periodical pro-rata increments.

Increments are paid on one of the four (4) incremental dates below:

Appointments between	Incremental Date
16 November and 15 February	1 January
16 February and 15 May	1 April
16 May and 15 August	1 July
16 August and 15 November	1 October

An increment due on the date of assimilation to the new scale should be granted on the old scale followed by assimilation to the new scale.

On re-engagement, retired employees will earn an increment as from the incremental date within which their appointment falls, as indicated above, if:

1. employees had earned part of an increment before their retirement; and
2. when the number of days worked and the amount of days following re-engagement equal one (1) year.

2.2.5 Allowances

Allowances are paid to cover specific/special situations, or the provision of services not normally required from the employees in a particular grade. Allowances take up a large portion of government expenditure and every effort should be made to regulate related expenditure as well as rationalise and streamline allowances.

Related policies on the management of allowances in the public service, together with worked examples, are given in the Manual of Allowances.

This manual covers standard allowances which are not exclusive to particular career streams, but are payable to officers across various departments and/or grades. Specific departmental allowances or honoraria paid to Members on Government Boards and Committees are not covered by this Manual. These are normally provided for in the respective Sectoral Agreement / related legislation.

2.2.6 Overpayments

In cases when overpayments in salaries, bonuses, income supplements, National Insurance contributions, allowances and overtime are detected and need to be recouped, Salaries Officers are required to refer to a set of guidelines which streamline and standardise the prevailing practices concerning the re-imbursalment of monies overpaid as personal emoluments. These guidelines set clear parameters, and provide a detailed description of those measures that need to be taken to recoup overpaid funds in an efficient, effective and fair manner.

Officers who are assigned duties in Salaries Sections are expected to adhere to these guidelines in order to secure, as far as possible, the fiscal obligations of the public service, whilst, concurrently ensuring that no employee is exposed to financial hardship. This policy can be viewed in the Refund Policy – Guidelines on the reimbursement of overpayments, paid as personal emoluments to employees on the Government Payroll.

2.2.7 Overtime Pay And Time-Off-In-Lieu (TOIL)⁵

Directors/Heads of Department may require employees to work more than their daily/ weekly standard hours, including public holidays. Overtime work should be resorted to only in exceptional circumstances.

The respective Permanent Secretaries are responsible for regulating all overtime work within their Departments. They may approve overtime work for periods not exceeding

⁵ MF Circular 1/2003

three (3) months and as far as possible, this should be linked to ad hoc assignments with specific targets to be attained. The authority vested in the Permanent Secretaries cannot be delegated. The 'Request for Overtime Work' application form is attached at Appendix 2.iv

Periodic reviews of overtime work should be made with the aim of economising on overtime, while increasing productivity. It may be necessary to consider the introduction of new work patterns, the adjustment of existing work schedules, the restructuring of work processes or a combination of these and similar measures.

2.2.7.1 Eligibility And Conditions For The Payment Of Overtime / TOIL

Unless the provisions regarding 'Official Engagements Abroad During Public Holidays' apply, overtime pay and TOIL is granted to officers in salary scale 7 and below who are required to work over and above their standard work schedule. The hourly overtime/TOIL rate is calculated at one and a half ($1\frac{1}{2}$) times the basic hourly rate and the maximum rate of overtime payment is to be invariably pegged to the maximum of Salary Scale 10.

The following are the conditions for the payment of overtime:

- i. if TOIL is not availed of within a period of four (4) weeks;
- ii. overtime pay/TOIL worked is to be accompanied by certified attendance records;
- iii. the minimum rest break periods stipulated in the relevant legislation are to be respected, both in cases of work in the normal timetable during overtime and in between, where applicable. Only in exceptional circumstances can the duration of meal breaks be shortened and overtime during such breaks be permitted;
- iv. in exceptional circumstances officers may be assigned to perform overtime work in lower grades. The overtime rate payable is the lower rate;
- v. in certain Departments such as the Customs and the Police Departments, it may be necessary for staff to undertake overtime work at the request of private individuals. Payment of this overtime is chargeable to the parties requesting such overtime, and the rates are governed by Departmental regulations.

In the case of public officers who die while still in service and have TOIL to their credit, their heirs will be granted an ex-gratia payment equivalent to one half ($\frac{1}{2}$) of the amount due in hours worked out at overtime rates.

2.2.7.2 Remuneration For Duty On Sundays / Public Holidays

Staff eligible for overtime payment, who attend for work on Sundays / Public Holidays (between 0001 and 2400 hours) are remunerated at double the plain hourly rate for every hour of work performed, which amount should not be less than the minimum of a day's pay, calculated as: (Annual salary) \div 261

Work performed on Sundays/public holidays is compensated by actual payment and not by TOIL, unless the employee opts to be compensated by a day-off-in-lieu and the difference between the amount due and the equivalent of a day's pay. Furthermore, Sunday pay is only paid for work which is actually performed

on a Sunday. Public officers who do not attend work on Sunday are not to be remunerated at Sunday pay rates, even if such absence is due to illness or injury on duty. If payment is due, it is to be paid at the plain hourly rate.

2.2.7.3 Remuneration For Duty On Sunday By Workers On Shift Basis

Shift workers required to work on a Sunday, and for whom Sunday is an on-duty day on their shift roster, are remunerated as follows:

- a. those who attend for **less than half (1/2)** an average day's work receive extra payment equal to an average day's pay;
- b. those who attend for **half (1/2) day's work** or more receive an extra payment equivalent to the number of hours worked multiplied by the plain hourly rate.

If Sunday attendances are evenly spread across the year, payments may be made on the basis of ^{1/13} of the amount which would be payable yearly for Sunday attendances in respect of each particular roster. When this option is adopted, deductions in respect of any absences, which include Sunday hours on a particular roster, are to be made. The deduction should be equal to the number of hours on which an employee is absent on Sunday multiplied by the plain hourly rate. These deductions in respect of extra Sunday remuneration are in addition to any salary which may need to be withheld because of absences on no pay.

2.2.7.4 Remuneration For Duty On Public Holidays By Workers On Shift Basis

Shifts workers who are off duty and are not called for work on a public holiday, which does not fall on a Saturday or Sunday, are allowed a day-off-in-lieu or an extra day's payment when this is not possible within one (1) month.

Shift workers, whether on or off duty, who attend for work on a public holiday are remunerated as follows:

When the public holiday does not fall on a Sunday	Shift workers are remunerated at double the plain hourly rate for every hour of work performed on the respective public holiday, which amount should not be less than the minimum of a day's pay.
When the public holiday falls on a Sunday	<ol style="list-style-type: none"> 1. those who attend for less than half (1/2) an average day's work receive extra payment equal to an average day's pay; 2. those who attend for half (1/2) day's work or more receive an extra payment equivalent to the number of hours worked multiplied by the plain hourly rate.

In addition to the above entitlements, if the public holiday does not fall on a Saturday or Sunday, shift workers who are off-duty but attend for work, are entitled to an extra day off. When this is not possible within one (1) month, an extra day's payment is to be paid.

Whenever a public holiday occurs during any period of leave, no deduction is made for that day from the leave entitlement.

2.2.7.5 Official Engagements Abroad During Public Holidays

All officers, who are requested by their superiors to attend duties abroad, including seminars, conferences and meetings, shall be compensated at double the basic hourly rate. Payment is made for every hour of actual work performed or for every hour of attendance to seminars, conferences and meetings which occur during a public holiday. In all instances, attendance must be endorsed by one's respective superior. The pegging to the maximum rate of overtime payment to the maximum of Salary Scale 10 applies.

2.2.8 FS3 FORMS

Annual earnings of employees are shown on the FS3 Form, which is used for Income Tax purposes.

FS3 Forms are generated automatically from the payroll system by the People & Standards Division, and distributed by e-mail to those who have an e-mail account, while a hard copy is given to those who do not have an e-mail account. Copies of these Forms are also sent to all responsible salary officers in line departments. These forms should be attached to the respective Income Tax Returns where applicable.

The term "Gross Emoluments" in the FS3 Form includes, in aggregate, the basic salary, overtime pay, fees, honoraria, allowances, bonuses, commissions, and all remuneration arising out of employment, in gross figure, that is, before tax and Social Security deductions.

Appendix 2.ii

Temporary absences record sheet

TEMPORARY ABSENCES RECORD SHEET

1.	DESCRIPTION	A sheet on which temporary absences are recorded.
2.	SIZE	32.5cms X 20cms (printed on both sides)
3.	RULE	Sub-paragraphs 3.1.2.2 and 3.1.2.3 of PSMC.
4.	INSTRUCTIONS	Temporary absences should be authorised by the senior officer in charge who should sign his name in the 'Authority' column.
5.	NUMBER OF COPIES TO BE DRAWN UP	
6.	DISTRIBUTION	
7.	WHAT TO SEND WITH FORM	
8.	WHEN TO SUBMIT FORM	In case of transfer of an employee, the Temporary Absences Record Sheet/s should be forwarded to the receiving department and an entry should be made on the next available line showing the date of transfer and new department.
9.	NOTES	(i) A Temporary Absences Record Sheet should be kept in respect of each employee. (ii) Record Sheets in respect of each employee should be numbered consecutively. (iii) When full, sheets should be inserted in the officer's personal file. (iv) Absences on personal business are allowed only in special circumstances.

Appendix 2.iii

Record of outdoor duties (log book)

RECORD OF OUTDOOR DUTIES (LOG BOOK)

Date		Time		Details of Service Performed	
Month	Day	From	To	Place	Nature

GP 50

Appendix 2.iii

Record of outdoor duties (log book)

RECORD OF OUTDOOR DUTIES

1.	DESCRIPTION	A log book kept by staff mainly engaged on outdoor duties for the daily recording of their trips and services performed
2.	SIZE	20cms x 16.25cms (supplied in booklets of 24 pages
3.	RULE	Sub-paragraphs 3.1.2.4 of PSMC.
4.	INSTRUCTIONS	
5.	NUMBER OF COPIES TO BE DRAWN UP	
6.	DISTRIBUTION	
7.	WHAT TO SEND WITH FORM	
8.	WHEN TO SUBMIT FORM	
9.	NOTES	Log books are to be inspected at least once a fortnight by Directors responsible for Corporate Services or a senior officer authorised by him, who is to ensure that the previous fortnighy's record is complete in every detail.

Appendix 2.iv

Request for overtime work

REQUEST FOR OVERTIME WORK

Permanent Secretary
Ministry of _____

Approval is hereby requested for the performance of overtime work, during the period⁶
_____, in the Department of _____.

- (i) Justification for the request.
- (ii) Total number of hours of overtime being requested.
- (iii) Number and grades/positions of employees in respect of whom overtime is requested.
- (iv) Specific targets to be attained during overtime work (where applicable).
- (v) Please specify whether targets established in previous request have been attained.

Signed: _____

Director of _____

Director of _____

Above-mentioned request not approved / approved subject to the following conditions.

Signed: _____
Permanent Secretary

* the period for which approval is requested not to exceed 3 months.

03

When employees work irregular hours, and not according to an established pattern, the average daily working hours are to be taken for the previous seventeen (17) weeks.

Public officers may be further eligible to special paid/unpaid leave. Further information on special leaves, as well as information on the Cooperatives Scheme may be found in the Manual on Special Leaves.

3.1 Vacation Leave Entitlements⁸

3.1.1 New Recruits

The vacation leave entitlement during the calendar year of first engagement is established on a pro-rata basis, depending on the date of entry. New recruits are entitled to the equivalent in hours of one (1) day leave per month during the first three (3) months of their engagement, and the balance of their entitlement thereafter.

Vacation leave entitlement of new recruits, appointed without interruption of service from a casual or temporary post, should be a continuation of the entitlement for the current year.

3.1.2 Shift Workers

Shift workers are those whose hours or days of work are not constant, and vary in accordance with a pattern established by their directorate. They are also required to work on Saturdays, Sundays and Public Holidays when such days fall within the established pattern.

Employees who on 31st December 2005 were working on existing shift rosters in a particular directorate, whether engaged on a full-time, reduced hours, part-time, temporary or casual basis, shall continue to enjoy, on a personal basis, the vacation leave entitlement equivalent in hours tied to the particular shift roster on which the serving officer is deployed. These hours will be frozen as on 31st December 2005 and employees will continue to enjoy them as long as they are deployed on such rosters, in the same directorate.

For the purposes of the above paragraph, leave will be deducted in hours but in accordance with the same parameters adopted when leave was computed in days, that is:

⁸ MPO Circular No 6/2003 and MPO Circular No 9/2006

- a. for an absence of vacation leave of three (3) or less attendances, only the hours of the respective attendances are to be deducted from the leave entitlement;
- b. for an absence of vacation leave between four (4) and six (6) days at a stretch, the hours of the respective attendances and 'off duties' are to be deducted from the leave entitlement;
- c. for every week of vacation leave availed of at a stretch, the hours of the respective attendances and 'off duties' are to be deducted from the leave entitlement with the seventh day being considered as 'off duty' and not deducted from the leave entitlement; and
- d. whenever a public holiday occurs during any period of leave, no deduction from the leave entitlement is to be made for that day. Staff in receipt of extra duty pay (EDP) for working on a 46.66 (46^{2/3}) hour week schedule, forfeit entitlement to EDP (6.66 hours) for any absences equivalent to aggregates of seven (7) days of attendance, whether these absences are accumulated over a period or availed of at a stretch. The payment of EDP is calculated as follows:
(Basic Salary) ÷ 313

EDP deduction should be computed accordingly.

3.1.3 Definite Contracts

For every calendar year, employees on a definite contract of employment are entitled to vacation leave computed on the number of hours worked in four (4) weeks and four (4) days. The vacation leave entitlement is calculated on a pro-rata basis, from the contract commencement date up to the end of the calendar year. When the contract of employment is due to be terminated, vacation leave is calculated pro-rata from 1st January up to the termination date of the contract.

3.1.4 Pro-Rata Entitlement

The vacation leave entitlement of public officers who intend to avail themselves of any unpaid leave or are due to retire or resign, is on a pro-rata basis for the service given during that calendar year. Public Officers are required to refund the salary received for any vacation leave that exceeds the pro-rata entitlement. Utilisation of special paid leave does not affect the annual vacation leave entitlement.

3.1.5 Planning Of Vacation Leave

It is essential that vacation leave is planned and managed carefully within each directorate. Directors are to ensure that vacation leave:

- a. is programmed and spread evenly throughout the year, to secure utilisation and allow for the better management of workloads;
- b. is not left to accumulate towards the end of the calendar year; and
- c. from the next year's entitlement is not utilised in the current year, in any circumstances.

Employees are expected to plan at least 75% of their Vacation Leave entitlement (including any accumulated Vacation Leave from the previous year) at the beginning of the calendar year. The vacation leave plan (vide Appendix 3.i) must be submitted for the consideration of the respective Director (or the delegated senior officer) at the beginning of each calendar year. The remaining balance of vacation leave may be utilised throughout the year, subject to the exigencies of work.

The respective Director may require employees to utilise their vacation leave if s/he is not satisfied with the rate at which leave is being availed of. However, this provision shall not apply if an officer has submitted repeated requests for vacation leave but approval was not granted because of work exigencies.

3.1.6 Applying For Vacation Leave

Applications for vacation leave are made on the officer's Vacation Leave Application Form and Record (GP44) and referred for the consideration of the Director / a senior officer authorised by him/her. Directors are responsible to make arrangements for the smooth running of the Section.

When applying for three (3) consecutive days or less, applications are to be made at least three (3) working days prior to the date applied for. The applicant's Director (or the authorised senior officer) shall inform the applicant whether the vacation leave is approved or otherwise by not later than one (1) working day prior to the date applied for.

When applying for vacation leave in excess of three (3) working days, applications are to be made at least five (5) working days prior to the commencement of the leave applied for. The decision whether the vacation leave is approved or otherwise shall be communicated at least three (3) working days in advance of the commencement of the leave applied for.

3.1.6.1 Retention Of Vacation Leave Application Form And Record Cards

Completed Vacation Leave Application Forms and Record cards (GP44) are to be retained for four (4) years, in line with the retention policy for HR documents, as required by the Data Protection Act.

3.1.7 Conditions Of Vacation Leave

Vacation leave is to be availed of either in:

- i. whole days/attendances computed in hours; or
- ii. shorter absences, minimum of one (1) hour at a time, up to a maximum of 50% of the present year's Vacation Leave entitlement.

The grant of vacation leave is always subject to management's approval. Vacation leave, whether availed of in full days or on an hourly basis, is granted on condition that:

- i. no inconvenience is caused to the Service;
- ii. the officers requesting leave have no accumulated work;
- iii. the availing of vacation leave does not disrupt the smooth running of operations or any other duties and responsibilities that the respective officer may have, such as in the case of officers who are members of Boards or Committees, managing EU Funded projects etc.
- iv. satisfactory arrangements are made for the adequate discharge of the officer's duties without cost to public funds.

When proceeding abroad on vacation leave, staff on duties connected with essential services may be required to give particulars of where they would be residing so that they may be contacted should there be an absolute need of their recall.

Judicial, educational and other officers who are not required to attend for work during the period of vacation of the Court or institution at which they are employed are, under ordinary circumstances, granted vacation leave only during the ordinary vacations of the Court or institution.

3.1.7.1 Vacation Leave Immediately Following Sick Leave

Vacation leave immediately following sick leave is not usually allowed, except in the following instances:

- a. the Director concerned deems that a case merits an exception and is satisfied that there is no backlog of work. A medical certificate of fitness to return to duty is to be furnished in these cases; and
- b. when vacation leave is utilised before making use of half-pay sick leave, in cases of long sick leave. In such cases, absences are to be registered on the Attendance Sheet (GP41) as Vacation Leave and a note indicating that Vacation Leave has been utilised in lieu of Sick Leave is to be inserted in the Remarks Column. Medical Certificates are to be produced.

Vacation leave is not to be allowed when sick leave is granted by a Medical Board. An employee must first be certified fit to resume duty by a Medical Board and the employee has to effectively resume duty, before being granted vacation leave.

3.1.7.2 Sick Leave Coinciding With Approved Vacation Leave

A public officer who becomes unfit for work during a period of paid vacation leave may avail of the vacation leave which coincided with the period of sick leave at a later stage, even if this means accumulating it to the next year, subject to the existing parameters regarding accumulation of vacation leave, and provided that the sick leave procedure is followed.

3.1.8 Computation Of Vacation Leave

Vacation leave is computed on the number of hours worked in four (4) weeks and four (4) days, for every calendar year. The vacation leave entitlement is calculated on the basis of a five (5)-day, forty (40)-hour working week and an eight (8)-hour working day (that is, on the basis of a total of 192 hours) exclusive of the intervals for breaks, meals and rest.

In cases where the average weekly working time, calculated on the basis of a reference period of seventeen (17) weeks is below or exceeds forty (40) hours per week, the annual leave entitlement in hours, irrespective of the number and duration of weekly attendances, shall be adjusted accordingly as a percentage of 192 hours on the basis of the following formula:

$$\frac{\text{Average hours worked per week} \times 192}{40 \text{ hours}}$$

Where new rosters are introduced within a directorate, the number of hours of vacation leave to which the employee is entitled, is to be calculated using the above formula.

3.1.9 Accumulation Of Vacation Leave

Accumulation of leave is only allowed on the authority of the applicant's Director/Head of Department, after having taken into consideration the exigencies of the service.

A proportion of the vacation leave entitlement, not exceeding fifty per cent (50%) of the annual vacation leave entitlement, may, by mutual agreement between the respective Director/Head of Department and the employee, be carried over once to the next calendar year. Vacation leave accumulated from the previous year is to be utilised first, and may not be carried forward again.

Special consideration for accumulation of vacation leave beyond the 50% limit may be given by the respective Permanent Secretary in:

- exceptional circumstances (against the submission of documentary evidence), and;
- circumstances where, owing to work exigencies, management was unable to approve the utilisation of vacation leave. In this regard, the formal application of vacation leave for each requested day/period and the corresponding refusal on the basis of work exigencies should be clearly demonstrated.

3.2 Sick Leave

Sick leave is applicable in cases of unfitness for duty. Sick leave cannot be availed of for regular visits such as checkups, blood tests etc. It is at management's discretion whether in such cases temporary absence is granted, as long as public officers compensate for the hours availed of as temporary absence.

Absences due to sickness, including half-day absences, are to be deducted from the officer's sick leave entitlement. When officers have already exhausted their paid sick leave entitlement, payment is only to be made for that part of the day which has been worked, unless such absence is covered by vacation leave or time-off-in-lieu.

Pensionable staff seconded for duty to any temporary non-industrial post are eligible for the sick leave allowances as stipulated in sub-section 3.2.1.2 at the pay of the seconded post. Any leave in excess of these allowances to which these officers may be entitled by virtue of their substantive post may be granted under the conditions and at the rate of salary of the substantive post.

3.2.1 Entitlements

3.2.1.1 Pensionable Public Officers

All public officers who were already pensionable (in terms of the Pensions Ordinance) prior to the 15th January 1979 are entitled to full pay sick leave for a period not exceeding six (6) months, in aggregate, during any period of twelve (12) months.

At least one (1) month before the six (6) month limit of sick leave entitlement is reached, the respective Head of the Department is to submit an application on General Form GP 49 (to access form [click here](#)) to the Director General, Health Care Services, for the appointment of a Medical Board to ascertain the officer's health. The Director General, Health Care Services shall appoint and/or refer the case to the Medical Board within two (2) working days. The Medical Board is to call the public officer for assessment within fifteen (15) working days. The Board's report is to reach the department concerned not later than the day after that on which the full-pay sick leave expires. The Head of Department shall notify the respective public officer not later than two (2) working days from receipt of the Board's report. When full pay sick leave expires, the officer is not to receive further payment until the medical board's report is received. If the officer is called upon to retire on grounds of ill health, retirement takes effect from the date of the medical board's report.

When an officer's aggregate sick leave exceeds twelve months (365 days) during any period of four (4) years, the payment of salary is to cease, unless approved by the President. When pay is granted, it shall not exceed the amount of pension to which the officer would have been entitled to, at the expiration of twelve (12) months sick leave, or half-pay, if this is lower.

Subject to the preceding paragraph, if an officer ultimately resumes duty, further sick leave on half-pay may be allowed, after re-examination by a Medical Board. Such re-examination is not, however, required, if the officer, after having resumed duty, avails him/herself of further sick leave, which in aggregate does not exceed thirty (30) calendar days.

An officer who is granted sick leave on the recommendation of a Medical Board is not to be permitted to return to duty before s/he is re-examined by the Board, or by one of its members delegated by the Chairman, and pronounced fit for duty.

3.2.1.2 Non-Pensionable Public Officers

Public officers, who were not already pensionable prior to the 15th January 1979, are entitled to thirty (30) working days sick leave on full pay and thirty (30) working days sick leave on half pay in every calendar year. These officers may avail themselves of any vacation leave that may still be due to them, before resorting to half-pay sick leave.

In addition, a further period of unpaid sick leave may be allowed to bring the total sick absence up to six (6) months (182 days) in any period of twelve (12) months, provided such further period is covered by sickness reports or is supported by evidence that sickness benefit was paid during the period.

At least one (1) month before the six (6) month limit is reached, the respective Head of Department is to submit an application form on General Form GP 49 (to access form click here) to the Director General, Health Care Services, for the appointment of a Medical Board to ascertain the officer's health. Within two (2) working days, the Director General, Health Care Services shall appoint and/or refer the case to the Medical Board. The Medical Board is to call the public officer for assessment within fifteen (15) working days. The Board's report is to reach the department concerned within the afore-mentioned six (6) month limit. The Head of Department shall notify the respective public officer not later than two (2) working days from receipt of the Board's report.

An officer who is granted sick leave on the recommendation of a Medical Board is not to be permitted to return to duty before s/he is re-examined by the Board or by one of its members delegated by the Chairman, and pronounced fit for duty.

3.2.1.3 New Recruits

New recruits, irrespective of the status (full-time/part-time/temporary employee), are entitled to fifteen (15) working days sick leave on full-pay, during the first six (6) months' service, and the remaining balance of sick leave on full-pay following completion of the first six (6) months' service.

The sick leave entitlement of new recruits, appointed without a break in service from a casual post, should be a continuation of the entitlement for the current year. Therefore, the provisions of the above paragraph do not apply in such cases.

3.2.1.4 Re-Instated Pensioners

Re-instated pensioners are entitled to sick leave as per entitlement prior to their retirement.

3.2.1.5 Re-Instatement/Re-Employment After Resignation Or Dismissal

Officers who are re-instated or re-employed after resignation or dismissal are entitled to sick leave in the same way as new recruits.

3.2.2 Accumulation Of Sick Leave⁹

All non-pensionable public officers, including officers engaged on contract, will be entitled to carry over from the previous four (4) years, 50% of the unutilised sick leave (whether on full pay or half-pay) to be utilised in cases of:

- hospitalisation and subsequent convalescence

OR

- serious illness which incapacitates them from attending to their duties.

Accumulation of sick leave should not be allowed merely to prolong sick leave. A list of conditions in which the term “serious illness” is applicable is found at Appendix 3.ii Officers who apply for the utilisation of accumulated sick leave are required to produce a certificate from their medical consultant or specialist, in addition to the normal Social Security sickness certificate, to attest that they need prolonged sick leave. Requests for accumulation of sick leave are to be approved by the Director responsible for the employees making the request. It is at the officers’ discretion whether to avail themselves of accumulated sick leave or of their annual sick leave entitlement.

3.2.3 Computation Of Sick Leave

For the purpose of computation of sick leave allowed by these regulations, the periods of six (6) months and twelve (12) months are to be reckoned as 182 days and 365 days respectively.

The sick leave of **pensionable officers** is computed in terms of calendar days. Saturdays, Sundays and Public Holidays occurring at the beginning or at the end of any period of sick leave are not considered as sick leave.

Sick leave of **non-pensionable officers** is calculated in terms of working days except where reference is made to periods of six (6) months and twelve (12) months.

⁹ OPM Circular No 38/1998

In the case of non-pensionable staff who work on a forty (40) or forty-four (44)-hour week, but not on the normal timetable, an absence on sick leave of one (1) week at a stretch is to be computed as five (5) days' sick leave, irrespective of whether more or less than five (5) attendances are involved. Any intervening public holidays should not be counted. Sickness absences of less than five (5) days, if taken in isolation, are to be computed as follows:

Attendance	Sick Leave Deduction
nine (9) hours or less	1 day
exceeds nine (9) hours but not thirteen (13) hours	1 ^{1/2} days
exceeds thirteen (13) hours	2 days

Staff in receipt of extra duty pay (EDP) for working on a 46.66 (46^{2/3}) hour weekly schedule, forfeit entitlement to EDP (6.66 hours) for any absences equivalent to aggregates of seven (7) days of attendance, whether these absences are accumulated over a period or availed of at a stretch. The payment of and deductions in EDP are calculated as: (Basic Salary) ÷ 313

Public holidays occurring during or following sick leave on half pay are to be paid in full.

3.2.4 Notification And Certification Of Absence On Sick Leave¹⁰

Officers who are unable to report for work owing to sickness, are to notify their superior officer, or when this is not possible, the directorate responsible for Corporate Services, at the very start of working time. Supervisors are responsible to ensure that the necessary arrangements are in place for timely notification to be possible. In areas where it is essential that a replacement be immediately available, supervisors may also establish time limits prior to starting time when such notification should be made. In such cases, supervisors must clearly communicate the procedures to be followed to all employees. Shift workers, those on night duty or working irregular hours are to observe the procedure established by their directorate.

Supervisors are to:

- i. ensure that adequate arrangements are in place for the substitution of sick employees, if required;
- ii. record in writing (in the remarks column on the attendance sheets) the notification of sick leave, giving particulars of the person who received the message, the time and date of notification;
- iii. ensure that when they absent themselves on sick leave, all employees under their charge submit the necessary medical certificates in time and that proper recording of certificates is maintained;
- iv. ensure that the sickness certificate number is recorded on the attendance sheet and the copy of the certificate is attached to the attendance sheet.

¹⁰ MPO Circular No 84/2008

3.2.4.1 Certification Of Sickness Absence Locally

Officers on sick leave are to request a medical certificate (NI46) from their doctor on the first day of sickness. On the same date of issue, the original certificate should be sent by the employee to the Department of Social Security, Valletta or left at any of the District Offices. The copy is to be handed personally to the officer in charge of the employee on the date when the public officer resumes duty. The reverse side of the original certificate is to be filled in by the employee and countersigned by the doctor, only if the certified period exceeds three (3) days.

When a public officer remains unfit for duty for a prolonged period of time, the medical certificate (NI46) is to be produced weekly. The reverse side of the original certificate is also to be filled in. The certificates are to be sent to the employing Department, addressed to the officer in charge of the respective public officer.

No medical certificate is accepted unless it is drawn up on the prescribed form (NI46). Copies of sick leave certificates held at the employing department are to be retained for one (1) year from the date of issue of the certificate, in line with the retention policy for HR documents as required by the Data Protection Act.

The certification procedure outlined above applies also in cases of injury on duty.

3.2.4.2 Certification Of Sickness Absence Abroad

Officers who are required to utilise sick leave for treatment abroad are to inform their respective Director in writing and support their request with all relevant medical certificates. Before giving the necessary approval, the Director is at liberty to request certification by the Director General, Health Care Services, as to the authenticity of the request.

Officers authorised to proceed abroad on sick leave for medical treatment are to give their address and contact details to their Director, should the need arise.

Officers who are on sick leave abroad and who, on the expiration of the locally certified period of sick leave, require further sick leave, should cover the period of further sick leave by a medical certificate issued by the examining doctor abroad. On the officers' return to Malta, the medical certificate should be authenticated by the Ministry for Foreign Affairs. The address of the accredited embassy can be obtained from the Ministry for Foreign Affairs. In cases where officers fail to get the necessary authentications, absences are to be reckoned as vacation leave/leave without pay, as applicable. These provisions apply also to officers who fall sick whilst abroad on vacation leave and who may consequently be unable to return to Malta before the expiration of their vacation leave.

3.2.5 Verification Of Sick Leave¹¹

Permanent Secretaries have the authority to enter into a contract with private doctors, on an individual or group basis, with a view to conducting house visits, as and when necessary. Sick leave should be verified in suspected cases of abuse and when such leave is excessive or regular. DCSs are to co-ordinate Sickness Verification Schemes, and in so doing, should consider the financial implications involved. The necessary controls should be in place before new arrangements come into force. Once in force, such arrangements should be communicated to all employees within the Ministry / Department and the procedures that are to be followed should be clearly outlined. Notwithstanding the applicability of a sickness verification scheme, employees on sick leave are still obliged to produce a medical certificate (NI46), within the current stipulated periods and refer to the respective DCS and to the Department of Social Security.

3.2.6 Medical Boards¹²

A Director may request examination by a medical board if s/he:

- i. considers that an officer's behaviour is due to a medical condition; or
- ii. is uncertain about any medical certificate submitted by an employee. In such cases, Directors should obtain a general report from the employee's medical practitioner before referring the case for examination by a medical board.

In line with the retention policy for HR documents as required by the Data Protection Act, requests for the appointment of a medical board on GP 49 are to be retained until the officer reaches the age of 75. The subsequent medical board report should also be retained for the duration of the period.

The report of the government medical board prevails over that of the medical practitioner. However, if the employee produces a medical certificate by a medical consultant, the medical board will be asked to re-examine the employee in the presence of the medical consultant and the report of this board will then be final.

Officers may be required or permitted to retire on satisfactory medical evidence that they are incapable, by reason of some infirmity of mind or body, of performing the duties of their office, and that such infirmity is likely to be permanent.

Officers who are found unfit for further service by a Medical Board shall be asked to apply for permission to retire and are considered to have retired from the Service with effect from the date they are certified by the Medical Board to be unfit for further service. In cases where officers decline to apply for permission, the People Support and Wellbeing Directorate shall proceed to have the officers concerned retired from the Public Service on grounds of public interest in accordance with Regulation 35 of the Disciplinary Procedure in the Public Service Commission Regulations.

¹¹ OPM Circular No 4/1999

¹² MPO Circular No B1 13/94 and MPO Circular No 13/96

3.3 Public Holidays

The following dates are allowed to all staff as holidays with pay:

1 January	New Year's Day
10 February	Feast of St Paul's Shipwreck
19 March	Feast of St Joseph
31 March	Freedom Day
	Good Friday
1 May	Labour Day
7 June	Sette Giugno
29 June	Feast of St Peter and St Paul
15 August	Feast of the Assumption
8 September	Victory Day
21 September	Independence Day
8 December	Feast of the Immaculate Conception
13 December	Republic Day
25 December	Christmas Day

Appendix 3.i
Vacation Leave Planner

VACATION LEAVE PLANNER

JAN 2017	Mon	Tue	Wed	Thur	Fri	Sat	Sun
							1
	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	29
	30	31	1	2	3	4	5
FEB 2017	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	1	2	3	4	5
MAR 2017	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30	31	1	2
APR 2017	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
MAY 2017	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30	31	1	2	3	4
JUN 2017	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30		

JUL 2017	Mon	Tue	Wed	Thur	Fri	Sat	Sun
						1	2
	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
	31	1	2	3	4	5	6
AUG 2017	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30	31	1	2	3
SEP 2017	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	1
OCT 2017	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	29
	30	31	1	2	3	4	5
NOV 2017	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30	1	2	3
DEC 2017	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31

Employee Details

Name & Surname _____
 Grade _____
 ID Card No _____

Vacation Leave Plan approved by

Name & Surname _____
 Grade _____

Notes

- This form is to be used in conjunction with the Vacation Leave Application form and Record (GP44)
- Employees are expected to plan at least 75% of their Vacation Leave entitlement including any accumulated Vacation Leave from the previous year) of the beginning of the calendar year. The remaining balance of Vacation Leave may be utilised throughout the year, subject to the exigencies of work, the notes below, and to the relevant PSMC provisions
- Vacation Leave shall be taken in accordance with the exigencies of work and it is expected on the employees' part, that vacation leave is spread over the whole year.
- Employees (including those on reduced hours) may avail themselves of periods of less than a full working day/attendance up to a maximum of forty (40) hours, subject to a minimum of one (1) hour.
- In exceptional circumstances, the employee may request a revision of the Vacation Leave Plan, which may be approved by the employee's superior.
- No employee may, unless written approval has been given beforehand, leave more than five (5) days (forty hours) vacation leave pending for the months of November and December.
- A proportion not exceeding fifty per cent (50%) of the annual vacation leave entitlement, may by mutual agreement between management and the employee, be carried over once to the next calendar year.

Appendix 3.ii

List Of Conditions To Which Accumulation Of Sick Leave Would Be Applicable

- all cases of malignant tumors
- all cases referred for medical treatment overseas
- post major abdominal surgery*
- acute hepatitis
- chronic pancreatitis*
- advanced chronic active hepatitis
- advanced hepatic cirrhosis
- myocardial infarction
- severe, unstable angina
- post open heart surgery
- congestive heart failure
- cerebrovascular accident
- severe head injury*
- intracranial surgery
- psychotic illness
- fractures disabling to the individual
- severe inflammatory arthritis*
- chronic renal failure*
- chronic obstructive airways disease*
- Fibromyalgia *
- Myalgic Encephalomyelitis (ME) *

The conditions marked with an asterix can only be considered following a confidential report from the consultant in charge of the case at Government Hospitals. In addition extension of sick leave is to be given to those individuals who are forced to stay off work on public health grounds.

04

4.1 Eligibility

Work-life balance measures are applicable to all public employees, whether on full-time or part-time basis, irrespective as to whether they are engaged on a definite or indefinite basis. In the case of employees engaged on a definite basis, the work-life balance measures will only run up to the term of engagement.

4.2 Available Measures

While provisions such as maternity and paternity leave apply specifically to parents, other policies such as Reduced Hours, Flexi-time and Teleworking are not limited only to those with children. The list below is a comprehensive list of work-life balance measures available to public employees:

- Marriage / Civil Union leave
- Maternity leave and breastfeeding facilities
- Release to attend ante-natal examinations
- Paternity leave
- Adoption Leave
- Bereavement leave
- Urgent family leave
- Donation of vacation leave/TOIL for humanitarian reasons
- Leave to accompany spouse/partner in a civil union on Government-sponsored courses or assignments
- Parental leave - Applicable to Parents, Legal Guardians and Foster Carers
- Career break
- Responsibility leave
- Leave for special reasons
- Reduced Hours
- Telework
- Flexi-Time

The full information regarding eligibility, application procedure and conditions for each measure is detailed in the Manual on Work-Life Balance Measures.

4.3 Internal Policies

For reasons of transparency, as well as to safeguard equity in the implementation of Work-Life balance measures, particularly Reduced Hours, Telework, and Flexi-Time, Directors are encouraged to draw up internal written policies which clearly define the applicable parameters to be used by the respective Department/Directorate, in respect of each policy. In cases where, owing to the particular circumstances of the Department/Directorate, the 'Teleworking Policy in the Public Administration' (at Appendix 12 of the Manual on Work-Life Balance Measures) does not meet the Department's/Directorate's requirements, the development of an internal policy complementary to and in line with the main policy is mandatory.

Each internal policy shall include such clauses as:

- a. core hours (i.e. the number of hours during which employees are expected to be available for duty);
- b. staff ratios (i.e. the proportion of employees that may avail themselves of work-life policies in an office/unit);
- c. particular requirements resulting from operational demands of the Department/ Directorate concerned;
- d. arrangements for employees working on a shift/roster basis;
- e. arrangements regarding technical support (i.e. equipment required, telephone diversion etc.);
- f. training requirements;
- g. impact on counterparts who are not benefitting from Work-Life Balance Measures.

In addition to the above, Directors shall refer to the Guidelines on the Drawing up of Policies for the Management of Work-Life Balance Measures at Appendix 4.I, for more detailed guidance on the drawing up of such internal policies. The internal policy shall be communicated to all employees.

4.4 Application Procedure

Requests¹³ for work-life balance measures are to be submitted for the consideration of the respective Director.

When considering applications for any of these measures (including renewals), Directors/ Heads of Department are encouraged to convene a meeting with the applicant to discuss:

- a. whether the application/renewal/modification is in line with the PSMC parameters and the Department's internal policy; and
- b. whether the reason for which the work-life balance measure was requested still applies; (in the case of renewals).

When a request for work-life balance measures is refused, the respective Director shall give the reason for refusal in writing. The employee may then appeal to the Permanent Secretary who shall investigate the case and explore whether an alternative solution may be found. A solution might require, e.g. a redistribution of work and movement of staff. The decision taken by the Permanent Secretary will be final.

Employees who benefit from work-life balance measures (excluding flexi-time) may not engage in private work or work with voluntary organisations, even after office hours. If these officers wish to perform part-time work, they may be granted, where possible, work in government employment subject to the approval of the respective Permanent Secretary¹⁴.

Attention is being drawn on PAHRO Circular No 4/2015 entitled 'Reckoning of Paid/Unpaid Leave for the purpose of Service in the Grade'.

¹³ MPO Circular 36/2010

¹⁴ MPO Circular No 86/2008

Appendix 4.i

Guidelines On The Drawing Up Of Internal Policies For The Management Of Work-Life Balance Measures

1.0 Document Overview

This document is intended to provide the line Ministries and departments with guidance on the drawing up of internal policies for the management and implementation of work-life balance measures. It identifies those areas which Directors should address when devising, reviewing and implementing Department/Directorate-specific policies for the management of work-life balance measures.

2.0 Considerations for the Internal Policy

2.1 Identifying task and employee suitability

In evaluating requests for teleworking and in granting approval, it is the responsibility of Directors to ensure that tasks can be carried out remotely. For example, tasks which require the employee's on-going physical presence at the office, or jobs that require face-to-face interaction with the public and/or other members of staff, are not to be considered as suitable for Teleworking.

In this light, Section 2 of the 'Application for Telework' entitled Job and Employee Suitability is to be filled in carefully by the respective Director.

In evaluating each and every request, it is the responsibility of Directors to ensure that service quality standards and efficiency are maintained by teleworkers at the same level as when the same tasks and duties are carried out from the office.

In those cases where tasks are not deemed as suitable for Teleworking, Directors shall consider whether these may be re-engineered to accommodate teleworking requests. In so doing, Directors are to evaluate the application for Telework by assessing:

- the need for the identified task;
- why it is better to perform such task/s by Telework; and
- what are the expected results of such a proposed arrangement.

However, the main focus should remain on job performance and meeting business demands.

Similarly, when considering requests and in granting approval for reduced hours and flexi-time, it is the responsibility of Directors to ensure that tasks can be carried out without any impacts on service delivery. For example, tasks which require face-to-face interaction with the public during specific business hours are not considered as suitable for such arrangements if the requested hours do not match the opening hours. However, even in such cases, Directors are to consider alternative solutions in an effort to accede to these requests.

2.2 Level of Proficiency

Directors are to ensure that an adequate level of proficiency is reached before approval is granted for work-life balance measures. This is particularly, but not only, relevant in applications for telework in view that the beneficiaries would be working without direct supervision for a proportion of their working time.

Such a measure would ensure that the established and agreed standards are met and that the applicant can work with limited supervision from home before approval is granted. For example, for qualitative work that requires the drawing up of reports, review of documentation or drafting of replies to correspondence that requires a degree of research and consultation, it should be ascertained that the officer in question is well aware of procedures and stakeholders that would help to effectively deliver results for such tasks. These officers should also be able to deliver tasks in a timely manner with minimal supervision.

2.3 Monitoring of Performance

With a view to ensuring that the quality of work and general job performance are not in any way jeopardised, Directors or their delegates (who should be in a senior/middle management position such as Heads of Sections), are required to monitor telework on a regular basis. This should take place in the context of open and constructive feedback.

It may therefore be appropriate to determine and clearly explain the methods which are best suited to monitor the particular tasks identified as suitable for teleworking before such tasks are assigned. For example, a Director may establish that the assessment of quantitative tasks reaching a set quota may be the performance measure whilst for a task involving report writing one may identify the timeliness, conciseness, comprehensiveness and quality of drafts produced as the performance measures that will be monitored.

Although the frequency of monitoring depends on the nature of the work, particularly if this is predictable and quantifiable, ideally such monitoring should be carried out on a regular basis, such as on a weekly/monthly basis, or, in less quantifiable scenarios, as often as required. It may also be appropriate that teleworkers submit periodical reports in connection with the work carried out remotely, especially if the work is of a qualitative nature and not easily measurable.

2.4 Adequate Resourcing

It is the responsibility of Directors to ensure that effective contact facilities with the public and other sections within the Departments are provided at all business times (including instances of employees on telework/flexi-time arrangements). Therefore, the approach to be followed must be built around equitable arrangements that effectively take into consideration the needs of office-based workers and those of work-life balance measures beneficiaries.

In practice, this may entail that Directors establish in their internal policy the staff complement required at the office at particular times, especially during peak times/hours, and that this will be one of the factors considered when evaluating requests for work-life balance measures.

Job shadowing is encouraged as this allows management to give parallel tasks to different members of staff, ensuring that duties related to such tasks can be performed and followed up as necessary. Job shadowing would make it possible to retain employees trained in particular areas of the service and ensure a smooth continuation to tasks that may not always be possible when staff members are availing themselves of work-life balance measures.

2.5 Renewal of Agreements

Requests for the renewal of work-life balance arrangements should be treated in line with the timeframes stipulated in Directive 8. It is to be emphasised that the renewal of such arrangements is not to be taken for granted and prior to approving such requests, Directors should consider whether there is still a valid reason for the employee to avail of such measures or whether previous arrangements require changes to provide such opportunities to a new or pending application.

Furthermore, Directors could consider aligning the termination date of all agreements regulating work-life balance measures to allow for better overall visibility, especially when considering both existing and new applications and evaluating their impact at work. Any new applications received throughout the rest of the year, if considered eligible, could be accommodated through an agreement with a shorter timeframe that terminates concurrently with the other agreements.

2.6 Core Hours

It is essential that core hours are established during which all staff members are expected to be reachable and in a position to adequately respond to all requests (including those made by phone). Applications for Reduced Hours and Flexi-time should ideally also be considered and approved in line with these hours. As regards Telework, during such hours, beneficiaries would be expected to be reachable within the same response time as during office work.

2.7 Twilight Hours¹⁵

Directors are to explore the feasibility of establishing twilight hours for both front-office operations (in the case of flexi-time) and back office/administrative duties in the case of teleworking. In the former scenario, this may be beneficial for external clients, who would have the possibility of accessing services before / after normal office hours.

When such a system is adopted, senior and middle management are required to be readily available during such hours and to reach an agreement with the pertinent sections within the Ministry or Department about logistical arrangements, including opening of offices, monitoring attendance, security issues, etc.

¹⁵ Twilight hours are hours of work outside (both before and after) the normal office hours / official working hours

2.8 Work Distribution

In cases where tasks assigned for telework do not exactly replicate the way the same task is carried out by an office based worker, for example because of reengineering (see section 2.1), Directors may consider assigning different quotas or performance measurements from those assigned to office workers, as long as this is adequately and fairly justifiable.

If, for instance, a Teleworker is required to assess more claims than an office worker doing the same work on the grounds that the Teleworker has less disruptions at home, the additional quota assigned to the teleworker must be directly linked to the amount of time the teleworker is saving by not being disrupted and which in turn is converted to additional work. It is advisable that prior to implementing such a procedure, more thorough job analysis exercises are carried out for both office workers and teleworkers so that the established quotas are fair and reasonable.

Conversely, section heads may consider, rather than assigning additional quotas to teleworkers, to give lower quotas to office workers on the grounds that the latter are asked to perform additional routine office tasks as a result of their colleagues not working from the office. Even in such cases, the lower quota assigned to the office worker must be directly linked to the amount of time the office worker is taking to perform these additional routine office tasks.

2.9 Prioritization

Notwithstanding that giving a justification/reason is not a mandatory requirement in the applications for work-life balance measures, when such information is voluntarily provided by the applicant, Directors could consider giving due weight to the reasons provided when evaluating requests.

This may come particularly useful when, despite having implemented one or a number of the measures/guidelines outlined in the previous sections, a Director is still in a position where s/he cannot accommodate multiple applications. For the sake of transparency and fairness, such prioritization should be stated in the Directorate's internal policy.

3.0 Conclusion

It should be noted that the outlined above-listed considerations are not an exhaustive list and there may be department-specific circumstances and/or operational demands which may also require inclusion in the departmental Internal Policy for the Management of Work-Life Balance Measures. It is further recommended that any internal policies adopted by Line Ministries/Departments/Directorates are periodically reviewed to ensure alignment with the evolving requirements and/or circumstances

05

5.1 Equal Access To Information

All public employees should have equal access to information. It is the employees' duty to keep themselves informed and updated, and also the duty of the Permanent Secretaries, DCSs, Directors and Heads of public sector organisations to ensure that all circulars are brought to the immediate attention of all employees falling under their responsibility, including those who:

- i. have no e-mail account;
- ii. are on paid or unpaid leave;
- iii. are serving in an entity and therefore have no access to the intranet.

To this effect, DCSs should ensure that all the relevant circulars are distributed to Heads of public sector organisations falling within their Ministry's portfolio so that they may circulate to their employees accordingly.

Official Circulars include central and internal circulars, official orders, memoranda and any other instructions issued by the Principal Permanent Secretary, Permanent Secretaries/ Heads of Department and Heads of public sector organisations. All official circulars are to be issued in both English and Maltese, using gender neutral terminology.

Employees who have an e-mail address shall be furnished with an electronic copy of all circulars. A hard copy is to be circulated and duly signed by those employees who do not have an e-mail account to confirm that they have read the particular circular.

Employees, persons with a disability and members of the public, may request their Director/Head of Department that official circulars of relevance to them, be provided in large print, electronic or audio format. Directors/Heads of Department are expected to give information in **alternative formats**, provided that such information is relevant to those requesting it. Employees may also be assigned to read circulars to those requiring assistance.

The **Foundation for IT Accessibility (FITA)** aims to facilitate the integration of employees with a disability by providing information on appropriate ICT enabling accommodation. This foundation has also published a set of general guidelines on how information can be made more accessible. These are available on:

- i. http://www.fitamalta.eu/FITA/wp-content/uploads/2012/05/sd_accessible_media.pdf
- ii. <http://www.fitamalta.eu/FITA/wp-content/uploads/2012/05/webpages.doc>

5.1.1 Access To Information On Government Websites *

Departments and directorates having an online presence, either in the form of a fully-fledged website or a webpage, have a crucial tool for keeping the general public informed about Government strategies and the provision of government services. Permanent Secretaries and Directors/Heads of Department must therefore ensure that websites/webpages are regularly updated.

In order to accommodate the needs of persons with disability, where reasonably possible, Directors/Heads of Departments shall ensure that their websites abide by a set of special standards. These standards ensure that websites are fully accessible to users with visual impairment and include not only the requirement that these can be fully read by specific programmes but also that the colour schemes used are acceptable. The standards are further elaborated in the document entitled 'Website Accessibility Standard'.

Public employees are to regularly check the official government websites, the Public Service website (<http://www.publicservice.gov.mt>) and also the Government Intranet (<http://intra.gov.mt>).

5.2 Health and Safety

Occupational health and safety is regulated by the Occupational Health and Safety Authority Act (Cap. 424). Regulations under this Act, together with occupational health and safety codes of practice, are accessible on the OHSa website at <http://ohsa.org.mt/>.

Occupational health and safety is a matter of public interest. It is the duty of each Director/Head of Department to ensure the health and safety, at all times, of all persons who may be affected by the work being carried out for the department or directorate. They are advised to consult the Occupational Health and Safety Authority (OHSa) on occupational health and safety issues.

Directors/Heads of Department shall safeguard the health and safety of employees by:

- i. carrying out a risk assessment, on a regular basis, of all the occupational health and safety hazards which may be present at the workplace, including the risks involved when performing duties, and keep a written record of the findings;
- ii. providing all the necessary health and safety clothing/equipment. Employees are to be informed that such clothing/equipment shall remain the property of Government;
- iii. providing information, instructions, training and supervision in health and safety measures that may be required; and
- iv. ensuring the selection and appointment of the Workers' Health and Safety representative/s by the workers themselves, and the designation of the officer/s to assist the Director/Head of Department in promoting and undertaking health and safety measures. The names of these officers must be communicated to all employees under their charge.

It is also the duty of every employee to observe health and safety regulations with particular reference to the regulations relating to the Organisation of Working Time Regulations. Employees are required to:

- i. report for work duly rested in order not to constitute a danger to themselves and to others. For example, an employee who, because of activities outside one's normal working schedule reports for work in a condition that constitutes a danger to health and safety, s/he would be in breach with the provisions of the working time regulations. As a result, the employee may either be refused access to the workplace or be sent home. In these cases, the employee shall be considered as having been absent without authorisation, shall lose the day's pay and be subject to disciplinary action which may lead to dismissal.

- ii. cooperate with and report to the Director/Head of Department concerned and the Workers' Health and Safety Representative/s on all matters relating to health and safety. Employees must follow any order, instruction, or direction issued on health and safety.
- iii. sign for and make careful use of the protective clothing/equipment supplied. Employees who cause negligent or deliberate damage to health and safety clothing/equipment will be asked to refund through a deduction in their salary or otherwise.

5.2.1 Workers' Representative And Officer/s Assisting On Occupational Health And Safety

Public officers within a department/directorate are required to select from among themselves a Workers' Health and Safety Representative/s to represent them and make proposals to the respective Director/Head of Department on matters relating to occupational health and safety. If, for some reason, public officers fail to choose from amongst themselves an officer to act as their representative, the Director/Head of Department shall appoint an officer to act in this role, after consulting all the respective officers. The Workers' Health and Safety Representative shall be consulted in advance and in good time by the Director/Head of Department on matters which may affect occupational health and safety.

Directors shall provide the Workers' Health and Safety Representatives with the necessary tools to enable them to carry out their functions effectively. Workers' Health and Safety Representatives must not get involved in work that might give rise to a conflict of interest in the discharge of their functions. The sole objective of the Workers' Health and Safety Representatives is that of safeguarding the health and safety of their colleagues.

Furthermore, Directors/Heads of Department shall designate one or more officers having the necessary aptitude, capabilities, competence and training to assist them in undertaking the required measures to protect the health and safety of employees and the prevention and control of risks. The decision on how many officers are to assist on this matter depends on the size of the department/directorate, the number of officers present at any time and the hazards to which the employees are exposed.

5.2.2 Non-Smoking Environment

Smoking is prohibited within the workplace except from designated areas. The designated areas must be totally separated from those normally occupied by non-smokers.

In light of the above, Directors/Heads of Department shall:

- i. Provide clear and visible signs indicating smoking/non-smoking areas;
- ii. Establish detailed guidelines, including the reasonable amount of cigarette breaks that can be taken. The aim of such guidelines is to acknowledge the needs of smokers while ensuring that the number and length of breaks do not incur any negative impacts on the employees' performance.

5.3 Reaching Out

5.3.1 Employee Support Programme (ESP) *

The ESP aims to identify and respond to the needs of employees experiencing personal, emotional and/or behavioural problems which are interfering with their work-life balance. The programme deals with a broad range of difficulties such as work-related stress, mental health, emotional issues, marital and family concerns, bereavement and terminal illness, addictive behaviour and disability issues. The overall objective is to enable employees to be healthier, more productive and provide a quality service.

This is a **confidential service** and the superior's permission is not required to contact the Unit. However, in order to attend appointments during working hours, the prior approval of the respective Director/Head of Department is invariably required. Employees need not disclose the reason for accessing the ESP. The ESP Unit will issue a confirmation ticket to confirm the employee's attendance.

Employees' confidentiality is to be respected at all times. Under no circumstances, nor for any reason whatsoever, should Directors/Heads of Department or employees request any information as to why the person made use of the ESP's services, the topics discussed and/or the resultant outcomes, unless it is the person's wish to disclose such information.

Employees who wish to access the service should contact the ESP Unit, either by e-mail on esp.opm@gov.mt or by telephone on 2200 1210. Appointments can be scheduled during or after the normal working hours.

5.3.2 Blood Donations

Public officers are encouraged to donate blood. Officers who donate blood may be exempted from their duties for the rest of the day. Arrangements are to be coordinated in such a way so as to avoid unnecessary disruptions in the department or directorate.

5.3.3 Donations To Non-Profit Organisations¹⁶

Public Officers may voluntarily donate, directly from their salary:

- €0.23 per week to Dar tal-Providenza and/or Inspire
- €0.25 per week to the 34u Campaign
- €1/€5/€10 from each salary in favour of the President's Campaign.

¹⁶ OPM Circular 24/2007

Interested officers are to fill in the relevant form at Appendix 5.i and forward it to the Salaries Section of the respective Ministry. The money donated will be deducted from the employees' salary and deposited, by direct credit transfer, into the Institutions' bank account. The donations may be discontinued at any time by giving specific instructions to the Salaries Section of the respective Ministry. No refund of donations will be allowed once deductions have been effected.

Deductions are to be set out in detail on the payroll against the gross emoluments due to recipient.

Appendix 5.i

Vacation Leave Planner

DONATIONS IN FAVOUR OF: INSPIRE / ID-DAR TAL-PROVIDENZA / 34U / PRESIDENT'S EURO CAMPAIGN

I, the undersigned, hereby authorise the Director, _____

_____, Office of the Prime Minister, to deduct from my salary the amount/s shown below: (please tick as required)

inspire	€0.23 per week	<input type="checkbox"/>		
Dar tal-Providenza	€0.23 per week	<input type="checkbox"/>		
34U	€0.25 per week	<input type="checkbox"/>		
President's Euro Campaign	€1	<input type="checkbox"/>	€5	<input type="checkbox"/>
			€10	<input type="checkbox"/>

Personal Details: (please use black capitals)

Name & Surname _____

ID Number _____

Place of Work _____

Signature _____

Date _____

The completed form is to be forwarded to the Salaries Section of your Ministry/Department.

The information supplied in this application form shall be used exclusively by the employing Ministry for record keeping and verification purposes. Personal information provided on this application form is protected and used in accordance with the provisions of the Data Protection Act.

06

It is the responsibility of public employees to observe the Code of Ethics, together with the Directives issued by the PPS in terms of Article 15 of the PAA. Other statutes that determine principles governing behaviour include:

- Official Secrets Act
- Freedom of Information Act
- Data Protection Act
- Interpretation Act
- Financial Administration and Audit Act
- Disciplinary Procedure in the Public Service Commission Regulations
- Whistleblower Act

In summary, the principles governing behaviour stipulate that employees must:

- a. keep abreast with advances and changes in their area of expertise;
- b. comply with any legislative, industrial or administrative requirements;
- c. treat members of the public and other staff members with courtesy and sensitivity to their rights;
- d. provide all necessary and appropriate assistance to members of the public;
- e. maintain adequate documentation to support decisions taken;
- f. strive to obtain value for public money and avoid waste and extravagance in the use of public resources; and
- g. give full support to the Government of the day, regardless of which political party is in office. When a public officer is required to implement a public policy which s/he feels that it goes against one's personal values, discussion on the matter with one's superior is suggested. Public officers' own values and beliefs shall not take precedence over the explicit or implicit values stated in government policy.

Public employees shall not:

- a. Harass, bully or use discriminatory work practices on the grounds of sex, marital status, pregnancy, age, race, sexual preference, gender identity, colour, nationality, physical or intellectual impairment, or religious, political or other beliefs when dealing with colleagues and members of the public. In this regard, public employees are also bound by the provisions of the policy entitled Employee Wellbeing: A Harassment and Bullying Free Workplace.
- b. Take or seek to take improper advantage of any official information gained in the course of employment.
- c. Wilfully supply incorrect or misleading information.
- d. Retain without any right any document or part of a document for any purpose which goes against the interests of the State;
- e. Allow, without the right to do so, any unauthorised person to be in possession of a document or part thereof;
- f. Indulge in favouritism or nepotism.
- g. Attempt to attain favour with their Minister or superior by failing to render objective and impartial advice.
- h. Engage in any behaviour which will discredit one's position or reflect adversely on the Public Service. This may include gambling (unless participation is within reasonable and

responsible limits) as well as substance misuse.

- i. Accept employment in the private sector if they will be placed in a position where they can make use of any 'insider information', obtainable to them as a direct result of their public employment.

Public employees have a duty to report to a senior officer any unethical behaviour or wrongdoing, which has occurred or is likely to occur by any other public employee during the course of their duties or by another person while on government property. The provisions regarding reporting to the Whistleblower office/unit may also be followed in the circumstances stipulated in the Whistleblower Act.

Existing principles within the Code of Ethics may be broadened further to address the department's special requirements, so long as these are consistent with the contents of the Code. For example, directorates may address matters such as:

- a. security - particular requirements;
- b. conduct and dress regulations - if particular requirements exist; or
- c. dealing with clients - specifying any behaviour which is prohibited or encouraged.

6.1 Professional Standards: Fostering Positive Attitudes*

6.1.1 Office Attire

Employees are representing their organisation, therefore, maintaining professional attire is key to the organisation's corporate image. The following table lists types of acceptable and unacceptable office wear. These lists are not exhaustive and should therefore not be considered as such. Rather, these should be considered as guidelines for proper attire. Directors/ Heads of Department/Organisation, through the respective Permanent Secretary, may also issue instructions with regard to particular forms of dress as may be required according to the needs of the particular offices within their ministry.

Item	Acceptable	Unacceptable
Trousers	Full-length trousers.	Sweatpants, shorts, three quarters, bermudas, leggings.
Shirts	Shirts with collar, cardigans, sweaters, blouses.	tank tops, halter tops, t-shirts (unless worn under another shirt, blouse, dress etc).
Skirts	Knee-length and longer skirts.	miniskirts, high slit skirts.
Footwear	Polished shoes, boots, sandals.	flip-flops, trainers.

Unacceptable attire also includes transparent clothing, visible underwear/tattoos/piercings and all forms of beachwear/sportswear, heavy make-up and jewellery, and conspicuous hair colour.

In cases where employees are required to wear uniforms, it must be ensured that full (including badges and cap), clean and properly pressed uniforms are worn at all times, while on duty. However, it must be ensured that uniforms must not be worn in cases where prior to starting or after finishing work, one has to attend to personal activities, including personal court cases (when the officer is not representing his/her respective department).

Winter uniforms are to be worn from the beginning of November till the end of April, and summer uniforms from the beginning of May till the end of October¹⁷. When uniform changeover dates are due, Heads of Department are to remind their respective employees to ensure that the stipulated dates are observed.

Public employees will be asked to refund, through a deduction in their salary or otherwise, the cost of any unworn uniform or which has been deliberately or negligently damaged.

When procuring uniforms to which members of their staff may be entitled, DCSs are to abide by the procedures laid down by the Department of Contracts from time to time. Entitlement to uniforms of messengerial grades and security guards is set out in Appendix 6.i

6.1.2 Dealing With The Public And Internal Clients

Dealing with the public and internal clients is governed by the provisions of Directives 4 and 8.

The public, as well as internal clients, have a right to expect quality service, which is rendered with efficiency, excellence, fairness, impartiality and integrity. Requests, complaints or grievances are to be handled with diligence and courtesy, with a view to reflecting a positive attitude which further enhances the reputation of the public service. When decisions require the involvement of higher levels of authority, employees are required to refer the case to the appropriate level. This is also required when further representations are made. In such instances, these should be noted by the public employee handling the case, who shall then communicate with the required levels accordingly. It must be ensured that clients are not directed to higher offices or to Ministers, at any time.

Public employees shall not:

1. express their opinions on any requests, before matters have been duly considered by the proper authorities;
2. copy external organisations in correspondences addressed to central offices, as well as endorse proposals made by such organisations before such matters have been duly considered by the proper authorities;
3. reveal to members of the public, or to external organisations, the names of persons responsible for disclosing confidential information to public authorities.

¹⁷ OPM Circular No. 25/2012

6.2 Professional Standards: Avoiding Conflicts Of Interest

The Code of Ethics defines conflict of interest as a situation in which a public employee has a private or personal interest, sufficient enough to influence or appear to influence the objective exercise of his/her duties. In many cases, only the individual employee is aware of the actual or potential conflict. Therefore, it is the responsibility of the employee to inform one's Permanent Secretary, in writing, and within a week from assuming office or upon a change in duties/circumstances.

Consonant with professional ethics, it is the practice to avoid having in the same unit, members of the same family or persons with business ties where the relationship can impinge on the official duties and may cause potential conflict of interest.

6.2.1 Acceptance Of Gifts Or Benefits*

No public employee, or any member of his/her household, should accept gifts or services or any promises of such, which could create an obligation, real or perceived. A gift can be interpreted as an inducement or a reward simply because of its intrinsic value. Therefore, only token gifts may be accepted. This principle does not apply in cases of public employees who, on the occasion of their retirement receive a gift from their colleagues.

Gifts received from foreign dignitaries are to be handed over to the State, and when received on behalf of the State, these are to be included in the Directorate's inventory. Any reciprocated gifts are to be given at Government's expense.

6.2.2 Political Participation And Communications With The Media

Ministerial and public confidence in the impartiality of the Public Administration shall not be impaired in any way. Public employees need to ensure that political participation does not bring them into conflict with their primary duty to serve the Government of the day. On the other hand, active participation in the political wellbeing of the country is to be encouraged. For this reason, most posts¹⁸ in the Public Service are classified as "politically free". However, a number of posts are regarded as "politically restricted"¹⁹, as listed in Schedule A-1 of Amending Directive 5-1, which list may be updated by the Principal Permanent Secretary. In the eventuality that a post is re-classified as "politically restricted", the re-classification of the post has to be announced at least three (3) months in advance.

¹⁸ Unless otherwise indicated, the words "post" and "Scale" are used as an all-encompassing terms and therefore reference to posts/grades also includes, amongst others, grades, scales, positions, contractees, irrespective of whether the individual is engaged on a full- or part-time basis. On the other hand, reference to scale includes reference to positions in the same level unless otherwise expressly stated.

¹⁹ If the post is politically restricted, it is immaterial whether the individual takes up a part-time lectureship at University.

For the purposes of this section, it shall be up to each agency and entity, subject to the approval of the responsible Permanent Secretary, to establish the cut-off point beyond which positions are to be classified as senior posts and to draw up a list of politically restricted posts. Amendments to the list may be made by the agency or entity with the approval of the responsible Permanent Secretary. The People and Standards Division is to be informed accordingly.

Notwithstanding any other provision of this Section, no employee can indulge in political discussions or any other political activity during working hours or on official premises. Political activity cannot be carried out on Government-owned property and/or premises occupied by a department, a Government entity or some such similar organisation. Government-owned or leased assets cannot be used for such a purpose.

6.2.3 Private Work And Investments*

Notifications of private investments and requests for permission to perform private work or hold a police trading licence should be processed through the DCS of the Ministry concerned, who shall retain records of all these cases. It must be ensured that public employees are not, in any way, involved in their private work/business/investment during working hours.

Former public employees must ensure that they do not accept employment or engage in activities which may cast doubts on their own integrity or that of the department/directorate/organisation in which they were previously employed or of the Public Administration in general.

6.2.3.1 Private Work

In all cases concerning outside employment, public employees should give their employment with the public administration priority and avoid situations which could give rise to a conflict of interest, perceived or otherwise. In particular, they must consider whether:

- a. the company or organisation concerned is in, or entering into, a contractual relationship with Government;
- b. the company or organisation concerned has, as its primary purpose, the lobby of Government organisations, departments/directorates or MPs; or
- c. Government is in a regulatory relationship with the company or organisation.

Before engaging in any form of business outside their official duties, public employees are required to submit the 'Request to Perform Private Work' form (Appendix 6.ii) and obtain approval from their respective Permanent Secretary or the Chairperson/CEO. When considering whether to approve requests or otherwise, Permanent Secretaries/Chairpersons/CEOs are to take into account any particular condition that may be attached to the appointment or position held by the applicant. DCSs/Head of Organisation shall inform public employees of the approval to perform private work or otherwise. Once approved, the respective DCS/Head of Organisation shall also inform the applicant that details concerning his/her part-time work will be sent to the Commissioner for Revenue. Approvals granted to officers to perform private work are to be retained in line

with the Retention Policy for HR Documents as required by the Data Protection Act.

If during the period of approval to perform private work, a public officer is transferred, progresses or promoted to a higher grade/scale, permission to perform private work shall be deemed as having been automatically withdrawn and a fresh approval shall be sought.

Public employees who benefit from work-life balance measures may not engage in private-work or work with voluntary organisations, even after office hours. Nevertheless, those who wish to perform part-time work are not precluded from applying for work in government employment, subject to approval from the respective Permanent Secretary²⁰.

6.2.3.2 Service As Court Experts And Advice To Third Parties

Public officers are to request permission from their Permanent Secretary to give expert advice or other service in Court in respect of specific cases which they do not deal with in the course of their duties. These officers are allowed to retain 85% of the fee assessed by the Court.

6.2.3.3 Private Investments

Public employees shall avoid any financial or other undertaking that could directly or indirectly compromise the performance of their duties. Public employees are expected to abstain from indulging in any activities with inherent risks of their eventually finding themselves in financial difficulties.

Public employees are to notify their Permanent Secretary, through the Director/Head of Department/Organisation, within a week from assuming office or upon a change in duties/circumstances, of all relevant personal, financial, business or other interest in particular:

- a. any directorship, partnership, agency or any shareholding;
- b. any interest in any activity or business in which or with which the organisation is engaged; or
- c. any interest in goods or services recommended or supplied to the organisation.

6.2.3.4 Police Licenses For Business Premises

Public employees may be granted permission by their Permanent Secretary, through their Director/Head of Organisation, to hold, in their own name, a police licence for operating a shop or business premises, including a special driving licence, provided that there is no connection whatsoever between the business and the public employees' work in the Public Administration.

²⁰ MPO Circular No 86/2008

6.2.3.5 Registration Of Non-Political Clubs

Public employees may be granted permission by their respective Director/ Head of Department/Organisation to hold the registration certificate of a non-political club in their own name, provided that the activities of the club do not conflict with their official duties and that they are not involved in the activities of the club during official hours. If the premises of the club are to be used for any business activity, the provisions of paragraphs 6.2.3 shall apply. As regards political clubs, the policy at sub-section 2.5 of Directive 5 is to be followed.

6.3 Professional Standards: Use Of Official Data, Information & Resources*

6.3.1 Access To Personal Data

In line with the Data Protection Act, 2001, public employees shall have the right of access to their personal data and have any inaccurate personal details rectified or erased.

Public employees wishing to have access to any information contained in their personal file shall, in the first instance, submit a written request, addressed to the Data Protection Officer of the respective Ministry. No information relating to third persons shall be accessed and disclosed, unless such third persons are acting in an official capacity in connection with the request.

Day-to-day enquiries for routine information such as details of vacation leave entitlement, salary information and similar requests, shall continue to be dealt with by the respective DCSs without further reference to the Ministry's Data Protection Officer. The procedure to be followed by the Ministry's Data Protection Officers when dealing with request for personal data is as outlined in the document Data Protection - HR Corporate Procedures.

6.3.2 Retention Policy For HR Documents

One of the basic principles of the Data Protection Act is that personal data cannot be kept longer than what is necessary to address the purposes for which data is processed. The Archives Act also stipulates that all public documents of endurance value, including HR data, must be retained for archives purposes. To strike a balance between the requirements of the Data Protection Act and the Archives Act, a retention policy was developed, setting clear guidelines on the retention of HR-related data.

6.3.2.1 Retention Of Manual And Electronic Records

Manual records include working papers commonly used in departments/entities. Whilst referring to original paper documents, this category of records does not exclude the need to retain electronic records required for the purposes of effective human resources management. Records that are retained until the employee reaches the age of seventy-five (75) years are all kept in the

employee's personal file. In this regard, and unless there are other pending issues regarding the employee concerned, personal files are kept until employees are seventy-five (75) years of age.

Personal files of officers terminating government service are to be kept by the registry of the last employing department/directorate. The officer in Charge Registry is accountable for these files and final responsibility is vested in the respective Director. It must be ensured that these files are properly recorded, kept in good condition and that confidentiality of content is safeguarded.

As regards electronic records, it should be likewise ensured that all necessary deletions are effected upon the attainment of the employee's seventy-five (75) years of age, provided that there are no pending issues regarding any particular employee.

6.3.2.2 Exceptions

There may be instances where records may be kept longer than the periods stipulated above. For example, if the National Archivist identifies a record of being of archive value, such record is to be kept in accordance with the Archives Act. Furthermore, as it is considered more likely for employees in headship positions and ministries to have records that are of historic value, all personal files of employees who have occupied a headship position, including such positions as Chairperson and CEO in Public Sector Entities, are to be kept for an indefinite period. These files may only be destroyed if the National Archivist approves such destruction, in accordance with the Archives Act.

6.3.2.3 Retention Schedule

The Retention Schedule of HR Forms may be downloaded from Appendix 6.iii or from: <https://intra.gov.mt/data-protection-1/files-3/policy-guidelines/retention-policy-for-hr-documents>

6.3.2.4 Implementation

The implementation of the above-mentioned retention schedule is categorised as follows:

- a. personal files;
- b. forms which are used **as from the date of issue** of the policy guidelines (April 2012) termed as **new forms**;
- c. forms which have been collected **prior** to the issue of these guidelines termed as **old forms**.

a. Personal files

An annual exercise should be conducted to identify employees who have reached seventy-five (75) years of age. The HR Manager should generate a list of employees who will turn seventy-five (75) in that particular year. The personal files of these employees are brought up for disposal. The National Archives are

to be informed four (4) months in advance, to provide ample time for Archives Officers to carry out sampling exercises by randomly selecting files to be archived if they so deem fit. Files not selected are to be destroyed once the four (4)-month notice period to the National Archives has elapsed. If the Archives Officers fail to carry out this selection process, one of the personal files brought up for disposal (chosen at random by the HR Manager) should be kept to be handed over to the National Archives. All the other files are to be destroyed.

A record of all personal files transferred to the National Archives as well as those which are destroyed, is to be kept.

b. New forms

Forms and records which are generated as from the date of the retention policy are to be destroyed after the lapse of retention period indicated in the retention schedule. The disposal procedure of forms and records placed in personal files is to conform with the disposal procedure applicable for personal files.

c. Old forms

This category includes all forms and records retained before the issue of the retention policy. Forms held in personal files will be destroyed when the respective personal file is brought up for disposal. Other old forms that are kept separately, including attendance sheets, are to be destroyed according to the retention schedule, with the exception of those attendance sheets for the years 1976 to 1979.

HR Managers are to co-ordinate any disposal of personal files and forms identified in the retention schedule, in line with established guidelines. Employees performing this function are considered to be the contact persons in instances when the National Archives needs to be consulted on the disposal of personal files. The National Archivist is also to nominate an employee representing the National Archives to coordinate with HR Managers and the People & Standards Division in this exercise.

6.3.3 Use Of Official E-Mail And Internet

Government e-mail is to be considered as the medium of first preference in official correspondence, unless there is a valid reason to the contrary. Government e-mail and internet facilities are intended solely to enable officers to work more efficiently for the benefit of their Directorate and the public. For information on 'E-mail Etiquette Guidelines', vide Appendix 6.iv.

All communications through the Government's electronic network, including any material downloaded from the Internet, are Government property and are subject to audits to ensure that the network is not misused. Among other things, public employees should not:

- a. install any software that is not work-related;
- b. connect unauthorised hardware to the network;
- c. use the Internet for private purposes or for entertainment;
- d. disable anti-virus software;
- e. send e-mails that are not work-related or offensive messages or attachments;
- f. forward the e-mail addresses of other employees to third parties;
- g. engage in any private commercial or promotional activity using official facilities;

Government e-mail account holders should not disclose their password to anyone other than in terms of law e.g. the Criminal Code (Cap. 9) or the Electronic Commerce Act (Cap. 426). Furthermore, they should ensure that their personal user details are up-to-date, that they access their e-mail accounts regularly and give prompt replies to incoming messages as stipulated in Directives 4 and 8. It is unacceptable for e-mail accounts to be left inactive. Employees on leave should use the “Out of Office Auto-reply” function and auto-forwarding facilities.

Public employees shall for their guidance, consult the publication entitled Government of Malta Computer Misuse Handbook. Furthermore, guidelines on the use of e-mail for formal correspondence are shown in Appendix 6.v.

6.3.3.1 Channels Of Communication

Any communication, queries and/or complaints which public officers may wish to make regarding conditions of service, employment, prospects of promotion or any other matters relating to their employment should be invariably addressed to their Director or to the DCS within the respective line ministry, copying the respective Director.

Public Officers shall not approach members or the staff of the PSC to enquire about matters under consideration by the PSC. Attempts to use influence by means of representations made otherwise are considered to be in breach of discipline. These provisions do not apply to representations made in the normal way by recognised Unions.

6.3.4 Use Of Public Resources And Personal Effects

It is expected that public employees are:

- a. efficient and economical in the use and management of public resources; and
- b. scrupulous in their use of public property and services and not permit their abuse by others.

Official facilities and equipment shall only be used for private purposes when official permission has been granted.

Privately owned property (other than personal effects which are readily identifiable as such) is not to be stored in Government premises unless there is the written consent of the Director concerned or of a person duly authorised by the Director. In the case of property belonging to an employee in a headship position, written consent of the respective Permanent Secretary is required. Nevertheless, Government does not accept, under any circumstances, responsibility for the safety of private property or equipment left on Government premises.

Consent may be given only when:

- a. the property or equipment is required by the employees for the performance of their duties; or
- b. it is an explicit or implicit condition in the employees' conditions of service that they should use their own tools and/or equipment; or
- c. it is a matter of convenience for both Government and the employees that these items should be kept on Government premises.

When private property or equipment has to be kept on Government premises, it is to be rendered distinguishable through appropriate marking or other device. In the absence of such marking, it is assumed that any piece of property or equipment found on Government premises in the course of an audit, inventory checking exercise or any other inspection, belongs to Government and is taken on charge.

6.4 Professional Standards: Expenditure On Government Hospitality*

In incurring expenditure out of public funds on hospitality, public officers are to abide by the standards of 'Personal and Professional Behaviour' established in the PAA, which states that public employees shall:

1. strive to obtain value for public money spent and avoid waste and extravagance in the use of public resources; and
2. be efficient and economical in the use and management of public resources.

Requests for expenditure under this section include the donations of gifts/lunches/dinners etc., given to guests of the Maltese government and requests for the purchase of spirits/ refreshments for entertainment of VIPs and official guests of Ministers and officers in headship positions.

Authority for the disbursement of public funds in connection with Government hospitality is obtained as follows:

- a. the request must be endorsed by the Permanent Secretary of the respective Ministry before the expenditure is incurred;
- b. full reasons are to be given beforehand as to why hospitality is necessary; and
- c. in incurring expenses on hospitality, officers in headship positions must consult the Guidelines on Government Hospitality (vide Appendix 6.vi).

6.5 Professional Standards: Union Activities*

The responsibilities of public employees should in no way be negatively affected as a result of union membership or office. Amongst other things, they are on no account to divulge official information unless specifically authorised.

Participation in union activities, as a union member/representative and related activities is allowed, so far as they act in conformity with existing laws or collective agreements or other jointly agreed agreements, as stipulated by law in force from time to time.

Directors/Heads of Department are to provide reasonable facilities for union representatives to carry out their trade union functions promptly and efficiently, subject that the service is not negatively affected. Union representatives shall be allowed:

- facilities to collect fees from members;
- to distribute union literature; and
- to post union notices on the workplace, in accessible places agreed upon by management.

Union representatives shall also be granted access to all workplaces where such access is necessary to enable them to carry out their representation functions, ideally during break time, subject that the service is not negatively affected. Permission from one's superior must be sought in advance and should not be unreasonably withheld.

6.5.1 Industrial Action

Industrial action in the Public Service is set out in the Employment and Industrial Relations Act (Cap. 452) as well as in the Collective Agreement for Employees in the Public Service (2011 - 2016).

Employees who take industrial action on their own initiative will be in breach of the Collective Agreement for Employees in the Public Service (2011-2016) and shall be subject to disciplinary action in accordance with the Disciplinary Procedure in the Public Service Commission Regulations.

Public officers will enjoy Legal protection if they follow industrial action within the parameters of law and the Collective Agreement, in force from time to time.

6.6 Discipline

Discipline in the Public Service is regulated by the Disciplinary Procedure in the Public Service Commission Regulations - termed as 1999 Disciplinary Regulations for the purpose of this section. The 1999 Regulations came into effect on 1 February 2000 and amended by Legal Notices 67 of 2006, 345 of 2009 and 247 of 2012.

The provisions of the 1999 Regulations and amendments apply to disciplinary or criminal cases initiated on or after the 1 February 2000, and are applicable to officers recruited in the Public Service in terms of Section 110 of the Constitution, as well as officers who migrate to entities.

6.6.1 Delegation And Jurisdiction

By means of the Instruments of Delegation dated 18 June 2014 and 2nd February 2015, the Prime Minister, in terms of Section 110 of the Constitution, delegated to authorised officers the authority to exercise disciplinary control over public officers under their jurisdiction in accordance with the 1999 Regulations. The list of authorised officers and authorities and their area of jurisdiction is listed in the Schedule to the aforementioned Instruments of Delegation. (Vide Appendix 6.vii).

6.6.2 Liability To Disciplinary Proceedings

An officer shall become liable to disciplinary proceedings for conduct that brings the Public Service into disrepute, for misconduct, for any breach of discipline or code of ethics, or for unsatisfactory work, without prejudice to the generality of the following:

- a. for any breach of, or failure to comply with any laws, rules, regulations or codes governing from time to time the Public Service, or the conduct of public officers, or the transaction of government business; or
- b. for any breach of, or failure to comply with any lawful order, direction or instruction, whether written or verbal, that may properly be given by a superior officer or authority.

A categorisation of offences and of corresponding penalties that may be imposed by the Prime Minister acting on the recommendation of the PSC, or by an authorised officer to whom disciplinary control has been delegated (with the exception of penalties applicable to Police officers, which are set out in the relevant provisions of the Malta Police Regulations, are listed at Appendix 6.viii and 6.ix). Hereunder, is a list of disciplinary actions which shall only apply where **the exercise of disciplinary powers and control has been delegated to an authorised officer** or authority by the Prime Minister in accordance with article 110 of the Constitution, and shall apply only to the extent specified.

**Disciplinary Action
Regulation No.**

Purpose

<p>Admonishment Letter Regulation 18</p> <p>Specimen at Appendix 6.x</p>	<p>A supervisory officer can admonish another officer for minor misconduct, breach of discipline or unsatisfactory work after the officer has been given the opportunity to exculpate oneself.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Supervisory officer needs to take action as soon as s/he becomes aware of the alleged offence. • Admonishment letter is to be handed personally to the officer by the supervisory officer. • Officer is allowed ten (10) working days to reply in writing. • Record is destroyed by supervisor after six (6) months. No record is to be retained. • The supervisory officer shall report to the Head of Department in instances when another officer s/he is in charge of has been admonished on three occasions in any period of six (6) months.
<p>Summary Proceedings Regulation 19</p> <p>Specimen at Appendix 6.xi</p>	<p>The authorised officer can issue a written warning to an officer for minor misconduct, breach of discipline or unsatisfactory work after the officer has been given the opportunity to exculpate oneself.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The authorised officer needs to take action as soon as s/he becomes aware of the alleged offence. • A written notification regarding the alleged offence is to be handed personally to the officer by the authorised officer or by a responsible officer or sent by registered mail, as the case may be. • Officer is allowed ten (10) working days to reply in writing. • Notification should be attached to the Personal Record Sheet (PRS) (GP 46) and an appropriate note is to be made in pencil on the PRS. After the lapse of twelve (12) months no record is to be retained. • Whenever a second case of minor misconduct or beach of discipline or unsatisfactory work by an officer takes place within twenty-four (24) months from the commission of a previous minor disciplinary offence treated under regulation 20, the latter case shall not be treated under this provision (regulation 19), but shall be treated under regulation 20.

**Disciplinary Action
Regulation No.**

Purpose

Issue of Disciplinary Charge
Regulation 20

Specimen at Appendix 6.xii

The authorised officer shall prepare a written statement of charges against the officer who has been charged for misconduct or breach of discipline, as expeditiously as practicable, and in no case later than thirty (30) working days from the date when the authorised officer becomes aware of the alleged offence, or not later than ninety (90) working days from the date of the signing of a report made in terms of the Inquiries Act, as the case may be.

Notes:

1. The written statement of charges should:
 - be specific, containing all the required details.
 - indicate whether the offence constitutes a minor or a serious offence or whether the offence could lead to dismissal.
 - be sent by registered mail, or handed personally by a responsible officer to the officer answering charges, provided that proof of such delivery is retained.
2. Officer is allowed ten (10) working days to reply in writing.
 - If after considering the officer's reply, the authorised officer is satisfied that the officer has exculpated oneself, s/he shall so inform the officer. All the documents related to the case shall be destroyed after two (2) months.
 - If the officer admits the charge or charges, the authorised officer shall communicate to the officer charged his/her decision on the charge or charges and the penalty, if any.
 - If the officer does not furnish a reply within the period specified, or does not, in the opinion of the authorised officer, exculpate her/himself, the authorised officer shall so inform the officer. Within twenty (20) working days from the receipt of a reply or from the date on which such a reply was due, the authorised officer shall refer the case to a Disciplinary Board appointed under regulation 21.

Guidelines for Chairpersons and members of Disciplinary Boards and Departmental Representatives are found at:
<http://intra.gov.mt/management-resources/brief-guidelines-for-disciplinary-boards>

A specimen Disciplinary Board report may be found at Appendix 6.xiii It shall be at the discretion of the Disciplinary Board to decide whether to use the Maltese or English version.

**Disciplinary Action
Regulation No.**

Purpose

<p>Unauthorised Absences Regulation 36</p> <p>Specimen at Appendix 6.xiv</p>	<p>The authorised officer shall initiate proceedings against a public officer who has absented oneself from work without authority for a period of not less than ten (10) consecutive working days, so that the public officer be considered as having resigned from the Public Service.</p> <p>Notes:</p> <ul style="list-style-type: none">• The authorised officer shall notify the officer that unless justifiable reasons are given, the officer shall be considered as having resigned from the Public Service with effect from the eleventh working day.• Notification is to be sent by registered mail, preferably using the AR Card System.• Officer is allowed ten (10) working days to reply in writing and justify his absence. (If the Department is aware that the officer may have proceeded abroad, s/he should be allowed sufficient time to justify his/her absence). <p>If the officer reports for work before the date of notification by the authorised officer or before the expiration of the ten (10) working days, s/he should be allowed to resume his/her duties without prejudice to any disciplinary action which may be taken against her/him.</p>
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6.6.3 Procedure Regarding Criminal Cases

If criminal proceedings are being taken against a public officer in any Court, the officer shall inform the Head of Department, within three (3) working days from the date of the commencement of such proceedings. The Commissioner of Police shall also report to the Head of Department that criminal proceedings are being instituted against the public officer, provided that neither the officer nor the Commissioner of Police shall be obliged to inform the Head of Department about criminal proceedings instituted solely in connection with a contravention, unless that contravention is alleged to have occurred at the officer's place of work or is related to his duties.

If the Head of Department considers that any criminal proceedings, which have been instituted against a public officer in any Court, are of a nature likely to warrant disciplinary action, s/he shall immediately report the facts to the PSC with a recommendation, giving reasons as to whether the officer should be temporarily suspended from the exercise of his/her duties, or otherwise. Prior to making such a recommendation, the Head of Department shall take into account the criteria mentioned hereunder and consider these criteria against the potential hardship that the officer would undergo whilst on temporary suspension, as well as the burden that temporary suspension would have upon public funds and the Public Service in general. No disciplinary proceedings against such an officer

upon any grounds involved in the criminal charge shall be taken until the conclusion of the criminal proceedings and the determination of any appeal.

The criteria that Heads of Department need to consider when making a recommendation to the PSC as to whether an officer should be temporarily suspended or otherwise are the following:

- the gravity of the criminal charges brought against the officer;
- the correlation between the criminal charges and the officer's duties;
- whether the officer would be placed in a conflict of interest as a result of the charges against him/her, if s/he continues to perform his/her duties;
- whether other members of staff or the general public would be put at risk if the officer continues to perform his/her duties;
- whether the officer would be in a position to tamper with any evidence in the department's possession or whether any witnesses in the case might be subject to influence or intimidation, if the officer continues to perform his/her duties; and
- whether temporary suspension is necessary to uphold public confidence in the department, especially if the department is particularly sensitive to such public confidence (e.g. departments connected with law and order, revenue-raising departments, or departments concerned with the care of minors or other vulnerable persons).

Although one or more of the above criteria may apply, Heads of Department may propose that instead of temporary suspension, the officer concerned would be assigned alternative duties that are commensurate to the officer's grade/position and salary scale, if this would address the risks associated with the officer's retention. In such a case the Head of Department should specify what alternative duties s/he proposes to assign to the officer concerned, either within the same Department or elsewhere within the relevant Ministry, in agreement with the respective Permanent Secretary.

Heads of Department as well as Heads of Public Sector Organisations who have the delegated authority to take disciplinary action against public officers detailed or deployed with their organisation, are to submit to the PSC the declaration set out in Appendix 6.xv, whenever they report a criminal case to the PSC.

Where the Head of Department has recommended to the PSC that the officer should be temporarily suspended, s/he may summarily suspend the officer from the exercise of the powers and functions of his/her office, pending the decision of the Prime Minister acting on the recommendation of the PSC. In the event that the request for temporary suspension is not authorised, the officer under summary suspension shall be immediately recalled for duty and shall be refunded any salary withheld during the period of summary suspension.

6.6.4 Withholding Of Treasury Pension

Whenever a pensionable officer, who is due to retire from the Public Service (either on medical grounds or on superannuation) has a fourth minor case / a serious disciplinary case / a criminal case still pending against him, the respective Head of Department should inform the People & Standards Division accordingly. The Head of Department shall also submit information whether the officer opted for a commuted or an uncommuted pension. At this stage, the Head of Department shall hold the pension papers of the retiring officer in abeyance.

The People & Standards Division (PSD) shall seek the concurrence of the PSC, in accordance with Section 114(1) of the Constitution, if it considers that the nature of the alleged criminal or disciplinary offence warrants the withholding of the officer's Treasury pension or part thereof. When the concurrence of the PSC is obtained, PSD shall inform the Head of Department who shall then proceed to process the relative pension papers. At Section 15 of the GP 61, the advice of the PSC should also be included.

When the disciplinary or criminal case is concluded, the Head of Department shall inform PSD of the outcome of the case. If the officer is found guilty, PSD shall, once again, seek the concurrence of the PSC in terms of Section 114(1) of the Constitution as to whether any withheld pension, or part thereof, is to be restored or otherwise. PSD shall then inform the Head of Department concerned so that the necessary action may be taken accordingly. If the officer is acquitted from all charges, the right to a full pension shall be restored.

6.6.5 Confidentiality

No public officer, Board, Commission or Authority, nor any other person shall, without written permission of the Prime Minister, publish or disclose to any person information whatsoever relating to disciplinary cases, unless it forms part of one's official function.

6.6.6 Reporting Of Disciplinary Cases

DCSs are responsible for compiling data on disciplinary cases initiated/concluded within their respective ministry (departments and entities), and communicate such to the Executive Secretary, PSC, copied to Director, People Support & Wellbeing.

The forms that are to be used may be downloaded from the Government intranet at <http://intra.gov.mt/management-resources/mpo-employee-relations-forms-discipline-and-staff-welfare>.

Returns should be submitted bi-annually within a month from the end of the six (6)-month period. Nil returns should also be submitted. Guidelines on how these forms are to be submitted are shown at Appendix 6.xvi.

6.6.7 Disciplinary Case Files

A departmental disciplinary file with a yellow cover should be opened as soon as disciplinary proceedings are initiated against a public officer and all correspondence relating to that particular case shall be dealt with in that file. The reference number of the discipline file shall replicate the personal file number of the officer concerned, preceded by the letters 'DISC'. Correspondence concerning the particular disciplinary case shall also bear, as reference, the abbreviated name of the Department (for example Disc/PSD).

6.6.7.1 Pending Disciplinary Case

A pending disciplinary case file shall not be attached to the personal file of the officer concerned and its movement shall be handled with the strictest confidentiality, as specified in the procedure for “Movement of Personal Files” stipulated in the document Data Protection - HR Corporate Procedures at <http://intra.gov.mt/file-attachments-2010/data-protection/policy-guidelines/data-protection-hr-corporate-procedures>.

When the disciplinary case is still pending, a note shall be attached in the officer’s personal file, indicating such. This note shall be placed on the left-hand side, at the top of the minute-sheet containing the last entry. This note shall be removed and destroyed when the case in the discipline file is closed. It shall contain:

- a. the officer’s ID number and discipline file number;
- b. the type of the pending disciplinary case, that is, whether it is a minor or serious disciplinary case; or a criminal case; and
- c. a reminder to delete this note when the case in discipline file is closed.

If, while the disciplinary case is still pending, there are any other pending issues in the personal file, a note shall be attached in the officer’s discipline file accordingly. This note shall be placed on the left-hand side, at the top of the minute-sheet containing the last entry. This note shall be removed and destroyed when the case in the personal file is closed. It shall contain:

- a. the officer’s ID number and personal file number;
- b. a brief description of the pending issue in the personal file; and
- c. a reminder to delete this note when the case in the personal file is closed.

While the disciplinary case is still pending, no reference to the case shall be made on the minute sheet of the personal file, in the Personal Record Sheet (GP46) and in the Service and Leave Record (GP 47) of the officer concerned.

6.6.7.2 Conclusion Of The Disciplinary Case

On the conclusion of a disciplinary case, the discipline file shall be sealed in an envelope by the officer responsible for HR matters in the Department, or his delegate, and signed along the flap of the sealed envelope. The discipline file shall be attached to the officer’s personal file.

During the period of retention, the sealed discipline files shall be retained in the HR Unit of the Department. They shall only be opened or referred to an officer performing duties outside the HR Unit with the authorisation of the Head of Department of the disciplined officer, or of the delegate on such matters or of an officer acting on his behalf.

If the officer is acquitted of the charge against him/her, the discipline file shall be detached from the personal file and it shall be destroyed after two (2) months from the conclusion of the disciplinary proceedings or from the determination of any appeal therefrom, as the case may be.

When the officer is acquitted from the charge issued against him/her, no reference to the case shall be made in the minute sheet of the personal file, in the Personal Record Sheet (GP46) and in the Service and Leave Record (GP 47) of the officer concerned.

If the officer is found guilty of the charge issued against him/her, the sealed disciplinary file shall remain attached to the personal file. An entry shall be made of the outcome of the disciplinary case in the minute sheet of the personal file, in the Personal Record Sheet (GP46) and in the Service and Leave Record (GP47) of the officer concerned. Record is to be retained for ten (10) years from termination of employment and record is to be shown permanently in the Personal Record Sheet (GP 46).

Appendix 6.i

(Section 6.1.1)

ISSUE OF UNIFORMS TO MESSENGERIAL STAFF AND SECURITY GUARDS

(The same entitlement, differing only in colour, is issued to Security Guards)

Officers in charge of minor staff & Senior Messengers

Winter uniform

Jacket (blue) single breasted with appropriate braiding (*)	1 every 3 years
Trousers (blue) (*)	1 pair yearly
Shirts (light blue) (*)	2 yearly
Tie (dark blue) with embroidered Maltese flag (*)	1 yearly
Socks (black)	2 pairs yearly
Shoes (black)	1 pair yearly
Pullover (dark blue) with padded shoulders and 'V' neck (the pullover is not issued during the year that messengers are granted a winter jacket)	2 every 3 years
Raincoat	1 every 4 years

Summer uniform

Trousers (grey) (*)	1 pair every summer
Shirts (light grey) with half sleeves and two pockets	2 every summer
Shoes (black)	1 pair yearly
Socks (dark grey)	2 pairs every summer

Note: The amounts for the items marked with an asterisk (*) are doubled when the items are issued for the first time and are forfeited in the following year.

Messengers

Messengers are entitled to the same uniforms as Senior Messengers. However, winter jackets are to be without braiding.

Female Messengers

In the case of female Messengers the issues are the same as those for their male counterparts with the option of skirts instead of trousers. Female messengers can opt for 4 pairs of beige coloured tights to cover winter and summer requirements in lieu of socks.

Special situations

In the case of certain institutions like the Courts of Justice and the House of Representatives where it is considered appropriate that officers wear a cap and/or a summer jacket, messengers are expected to wear such items of uniforms. In these cases the cap will continue to be issued once every 4 years and a summer uniform will be issued in lieu of the grey shirts and trousers referred to in the section dealing with summer uniforms.

Staff performing messengerial duties in the private secretariats of Ministries or Parliamentary Secretariats should be granted the above uniforms.

Appendix 6.ii
(Section 6.2.3.1)

REQUEST TO PERFORM PRIVATE WORK

NAME: MR/MS _____

GRADE/POSITION: _____ ID NO: _____

DIRECTORATE: _____

OFFICER'S ADDRESS: _____

NAME OF EMPLOYER: _____

If self-employed, please give your VAT Registration No. _____

TYPE OF PRIVATE WORK: _____

WEEKLY NUMBER OF HOURS WORKED: _____

REMUNERATION INVOLVED: _____

Signature

Date

Director's remarks.

Approved /Not Approved

Director's Signature

Permanent Secretary' Signature

cc: Commissioner of Inland Revenue

Information Protected: Personal information provided on this form is protected and used in accordance with the Data Protection Act (Cap 440). The information shown may be used for record purposes by the Ministry/Department indicated and the Department of Inland Revenue.

Appendix 6.iii
(Section 6.3.2.3)

RETENTION SCHEDULE OF HR FORMS

Category	Retention
<p>Recruitment and Career Progression Application Form for the filling of posts in the Public Service</p>	<p>Until age 75 (in the case of successful applicants);</p> <p>All others, 1 year after the validity period of the relevant call for applications (unless in the interim, a complaint connected with a particular call for applications has been filed).</p>
<p>Application Forms for the filling of Headship Positions</p>	<p>1 year from the filling of post (unless in the interim, a complaint connected with a particular call for applications has been filed).</p>
<p>Application Form for the filling of vacant positions of Assistant Director</p>	<p>1 year from the filling of post (unless in the interim, a complaint connected with a particular call for applications has been filed).</p>
<p>Applications for external training</p>	<p>1 year from conclusion of selection process.</p>
<p>Declaration of employment/appointment</p>	<p>Until age 75</p>
<p>Confirmation of appointments (PSMC 1.1.12.)</p>	<p>Until age 75</p>
<p>Personal Record Sheet (GP 46)</p>	<p>Until age 75</p>
<p>Service & Leave Record Form (GP 47)</p>	<p>For the same period as that kept for the relevant job application forms</p>
<p>Annual performance reports (including PMPs)</p>	<p>10 years</p>

Category	Retention
General Employee Records	
Approval to perform private work	Until age 75
Direct deposit of salary form	Current
Pension form	Until age 75
Discipline	
Admonishments	Destroyed by supervisor after six months; no record retained
Written warnings (PSC Regulation 19)	Attached to the Personal Record Sheet (PRS) (GP 46) and an appropriate note made in pencil on the PRS; after 12 months all references to such warning should be deleted.
Minor disciplinary cases	After conclusion of case:
Serious disciplinary cases	<ul style="list-style-type: none"> •if found guilty, documents retained until age 75 years and record shown permanently in Personal Record Sheet (GP 46) and in the Service and Leave Record (GP 47); •if found not guilty, documents retained for 2 months from conclusion of case and no record kept thereafter.
Absence Management	
Attendance sheets	2 years
Vacation leave application forms	2 years
Vacation leave cards	4 years
Health and Medical Records	
Sick leave certificates (copies held at employing department)	1 year from issue of certificate
Request for the appointment of a medical board (GP49)	Until age 75
Report by a medical board	Until age 75
Sick leave card	Until age 75

OPM Circular No 4/2015
Appendix A

EMAIL ETIQUETTE GUIDELINES

1. Use the **“To”** address line for the primary recipient/s only. These are the ones from whom you anticipate a response. If necessary, state within your email-content what is expected from each and every individual you have added to the **“To”** recipients. Start off your mail by asking yourself these simple questions

My mail will reach a busy inbox:

- Will this add value to my purpose?
 - Are all the **“To”** and **“Cc”** recipients valid?
 - What action am I expecting back and from whom?
2. Use the carbon copy **“Cc”** features appropriately. Avoid copying people who do not need to see your message. Recipient included in the **“Cc”** needs to know about the contents of the email for information only and overseeing this email by the recipient will not cause an obstacle to your task/instruction. Overuse can cause your emails to be ignored. When replying, do not include the person in the **“Cc”** field unless you have a particular reason for wanting this person to see your response.
 3. It is rarely appropriate to use the **“Bcc”** feature. Make sure when using **“Bcc”** that your intentions are proper. To send **“Bcc”** copies to others as a way of talking behind someone’s back is inconsiderate. On the other hand, you may wish to use the **“Bcc”** feature so as to distribute a mail-shot (memoranda and social activities) to a number of recipients (usually 10 people or more) without exposing other contact’s email address. This will also avert an unsolicited ‘Reply to All’ action by the receiver.
 4. Refrain from using the **“Reply to All”** feature so as to give your opinion to those who may not be interested. In most cases replying to the Sender alone is your best course of action. Only use **“Reply to All”** if you really need your message to be seen by each person who received the original message and make sure to remove mail addresses from the **“To”** and **“Cc”** field that don’t need to see your reply. Never use **“Reply to all”** when you receive an email as a member of a large geographic or service-wide distribution list.
 5. When **“Forwarding”** email, if you cannot take the time to type a personal comment to the person you are **“forwarding”** to, then don’t bother. Don’t forward anything without checking out all the mail thread. This might lead to distributing unwanted information. Check out the internal and external recipient. You may wish to omit some receivers at this stage.
 6. Do not request delivery and read receipts on every single email. Doing so is viewed as intrusive, annoying and can be declined by the other side anyway.

7. Always include a brief concise “**Subject**”. No subject can get your email flagged as spam. A clear subject will help the recipient to prioritise his invaded inbox and will also demonstrate clarity. Later on, your message may be searched or sorted by the subject field. Keep in mind that the recipients might have rules pertaining to subjects which will automatically divert your mail to the appropriate channel.
8. Always reply to each e-mail within at least 24 hours, and preferably within the same working day. If the email is complicated, just send an email back saying that you have received it and that you will get back to them. This will put the sender’s mind at rest and usually the individual will then be very patient!
9. When you reply to an email, you must include the original mail in your reply, in other words click ‘Reply’, instead of ‘New Mail’. A ‘threadless email’ will not provide enough information and the recipient will have to spend a frustratingly long time to find out the context of the email in order to deal with it.
10. Other useful tips:
 - a. Be concise and to the point
 - b. Do not attach unnecessary files
 - c. Do not overuse the high priority option
 - d. Use the words URGENT and IMPORTANT only in very exceptional cases.
 - e. Do not write in CAPITALS - IF YOU WRITE IN CAPITALS IT SEEMS AS IF YOU ARE SHOUTING

Once an organisation manages to bring to fruition such policies, the result will be stunning. Users within the organisation have to be disciplined and do not hesitate to ask;

- Why have you copied me?
- What is expected of me once I got your mail?
- I do not need to be informed in such instances, etc.

Anything which reduces the invasion to your inbox has to be communicated. This is a learning process. After all, you have all the right to stop intruders from littering your home postal mailbox. The same applies electronically.

GUIDELINES ON THE USE OF E-MAIL FOR FORMAL CORRESPONDENCE

Correspondence within and between departments/directorates

It is normally sufficient proof of the sender's identity that a message originates from his/her personal Government e-mail account. Indeed, e-mail offers greater security in this respect than a signature on a letter, provided that officers safeguard their passwords with due care.

Where an officer is writing formally on behalf of his/her department or directorate, the text of the message should begin with the relevant file number, then a blank line followed by the addressee's position, section and/or department/directorate. The sender should give his/her own name, position and department/directorate at the end of the message. The addressee's name and the message subject will of course appear in the appropriate fields.

Incoming and outgoing messages of this kind should be printed out and filed in the same way as a normal letter. The only proviso is that the sender should verify that a message has been delivered prior to retaining it as an official record.

Wherever possible officers should communicate with other public officers by e-mail, even when initiating correspondence. The intended recipient's e-mail address can be obtained from the mail server directory and his/her identity can be usually confirmed from the user details available therein. This is why it is important for officers to keep their own user details up to date.

As much business as possible should be transacted directly in the text of e-mail messages rather than by sending attachments unless the sender has verified that the recipient has compatible software.

MS Word features a self-generating date facility. This should not be used on attachments, or indeed any document, because the date is updated whenever the document is opened.

Correspondence with the public

Until electronic signatures come into use, Internet e-mail addresses do not necessarily represent proof of identity. Officers should therefore exercise caution in providing confidential or personal information via e-mail, except where (for instance) applicants for a service have given their e-mail addresses to the department/directorate; or where an inquiry by e-mail includes a reference number or other information known only to the purported sender.

Notwithstanding the above, e-mails which ask for non-confidential information should be accorded no less importance than postal correspondence. Replies can and should be sent via e-mail.

Outgoing messages to a member of the public should be headed by the file number or other reference, if applicable, particularly if the message is to be retained on file. The sender should conclude with his or her own position and Department/Directorate title.

Officers should consider including their Internet e-mail address routinely in correspondence by post.

Appendix 6.vi

(Section 6.4)

GUIDELINES FOR EXTENDING HOSPITALITY

Definition of Hospitality

Hospitality is the complementary provision of refreshments (beverages and light snacks) meals and sometimes entertainment, to guests of the Government, and where appropriate, to public officers, and accompanying persons at public expense.

Hospitality may exceptionally consist of one or more of the following:

- tickets to cultural or sporting events
- tours of places of interest
- transportation
- room rental
- incidentals such as flowers

Hospitality function

A hospitality function is an event or occasion where one or more forms of hospitality are provided. An event or occasion may cover a single meal or, such as in the case of a conference, may include various forms of hospitality over a number of days.

Occasions for extending hospitality

Hospitality may be extended on behalf of the Government when:

- discussions on official matters are held with persons who are not public officers, including interviews with members of other governments, industry, public interest groups, unions, seminars, or during special events such as public openings
- persons visiting Malta as member of national or international organisations are involved in activities relating to those of the government, or wish to obtain an understanding and an appreciation of Maltese life and development or an understanding of the work of the Government
- the government sponsors formal conferences, and other governments or business groups are represented
- a prestigious ceremony takes place, attended by foreign dignitaries distinguished persons from the private sector, or both.

Location

Government-owned facilities shall be used when available and appropriate. Hospitality held in private residences and hospitality in less formal or recreational settings must have the prior approval of the Permanent Secretary who may clear the matter with the Minister, if considered necessary.

Costs

The cost of hospitality functions should be minimized, but be consistent with the following:

- the status or rank of the guest(s)
- the number of persons attending
- the circumstances

Proposals for hospitality should, where possible, identify the anticipated cost.

Public officers

Provision of hospitality to public officers is subject to the following direction:

- Public officers are not considered to be guests. They are entitled to hospitality only when attending a function in their official capacity together with other guests
- Non-alcoholic beverages and snacks may be offered to public officers when without prior notice they are required to work through “breaks” when this is justified by management. Such hospitality should be restricted to occasions of a formal nature where the dispersal of participants during a break period is not desirable.
- Managerial discretion and due regard for economy should be used in identifying such occasions and in ensuring that hospitality is not offered during meetings of close colleagues working together on a regular basis
- When public officers attend functions at public expense at which there are guests who are not public officers, the number of public officers must not exceed the number needed to conduct government business.

Accompanying persons

An accompanying person of a public officer involved in an official capacity may only receive hospitality where:

- their presence enhances the conduct of the hospitality
- associated costs are pre-authorized.

Exceptions

Hospitality functions that are exceptions to these hospitality guidelines must have the prior approval of the Permanent Secretary.

Appendix 6.vii

(Section 6.6.1)

DELEGATED OFFICER AND AREA OF JURISDICTION

The public officers and other authorities listed hereunder shall have the power to exercise disciplinary control, in terms of the Disciplinary Procedure in the Public Service Commission Regulations (S.L.Const.03) and the Instrument of Delegation of which this Schedule forms part, without reference to the Public Service Commission, over public officers within their areas of jurisdiction, and subject to the special provisions applicable thereto:

Officer or authority	Area of Jurisdiction	Special Provisions
Principal Permanent Secretary	<p>In the capacity of Head of the Public Service:</p> <ul style="list-style-type: none">a. public officers in his own office;b. Permanent Secretaries, Heads of Department, Directors General and Directors, as provided for by regulation 8 of S.L.Const.03;c. public officers in salary scale2;d. public officers in any office or establishment which does not form part of a ministry or department of Government, as provided for by regulation 9 of S.L.Const.03. <p>In the capacity of Permanent Secretary, Office of the Prime Minister, under article 13(5) of the Public Administration Act:</p> <ul style="list-style-type: none">a. other public officers in the Office of the Prime Minister and its subordinate departments;b. public officers assigned to government agencies, entities, and other public bodies under the responsibility of the Prime Minister;	<p>The Principal Permanent Secretary may assign jurisdiction over any categories of public officers in the Office of the Prime Minister, its subordinate departments, and entities falling thereunder, to any Permanent Secretaries who are appointed to assist him in accordance with the proviso to article 13(5) of the Public Administration Act.</p>

Officer or authority	Area of Jurisdiction	Special Provisions
	<p>c. public officers formerly belonging to the Office of the Prime Minister or its subordinate departments who have been assigned to a non-Government body; and</p> <p>d. public officers in the secretariat of the Prime Minister and any Parliamentary Secretaries reporting to the Prime Minister.</p>	
Secretary to the Cabinet	Public officers in the Cabinet Office.	
Permanent Secretaries	<p>a. Public officers in their own offices;</p> <p>b. other public officers in their ministry and its subordinate departments;</p> <p>c. public officers assigned to government agencies, entities, and other public bodies under the responsibility of the ministry;</p> <p>d. public officers formerly belonging to the ministry or its subordinate departments who have been assigned to a non-Government body; and</p> <p>e. public officers in the secretariat of the Minister and any Parliamentary Secretaries in the ministry.</p>	
Commissioner of Police	Police officers and any other public officers assigned to the Malta Police Force.	<p>Powers of Head of Department with respect to police officers shall not be exercisable by the relevant Permanent Secretary or any other officer or authority save the Commissioner of Police.</p> <p>Delegated authority shall be exercised by the Commissioner in accordance with the relevant provisions of the Police Act (Cap. 164).</p>

Officer or authority	Area of Jurisdiction	Special Provisions
Directors General, Directors, and other public officers in salary scale 4 or higher, save those listed elsewhere in this Schedule	Public Officers in their Divisions, Departments, Directorates or Office.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Directors (Corporate Services) and any other public officers in salary scale 4 or higher who are responsible for human resource management, corporate services or administration across a ministry	<ul style="list-style-type: none"> a. Public officers in their own directorates or offices; b. other public officers within the area of jurisdiction of the Permanent Secretary. 	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Public officers in salary scale 4 or higher who are responsible for human resource management, corporate services or administration across a department	<ul style="list-style-type: none"> a. Public officers in their own directorates or offices; and b. other public officers in their department. 	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Director of Correctional Services	Public officers in the Correctional Services Department.	<p>Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.</p> <p>The following disciplinary penalties may be imposed on public officers in the Correctional Services Department as a result of disciplinary proceedings under delegated authority:</p>

Officer or authority	Area of Jurisdiction	Special Provisions
		<ul style="list-style-type: none"> a. disciplinary transfer; b. a fine not exceeding thirteen days' pay; c. deferment of increment for a period not exceeding one incremental year; d. stoppage of weekly rest days, not exceeding seven; e. severe reprimand; f. reprimand; g. caution.
Director responsible for Local Councils	<ul style="list-style-type: none"> a. Public officers in the Local Government Department; and b. Public officers assigned to Local Councils and other local government bodies. 	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Attorney General	Public officers assigned to the Office of the Attorney General.	Powers of Head of Department with respect to public officers in the Office of the Attorney General shall not be exercisable by the relevant Permanent Secretary or any other officer or authority save the Attorney General.
Auditor General	Public officers assigned to the National Audit Office.	Powers of Head of Department with respect to public officers in the National Audit Office shall not be exercisable by the relevant Permanent Secretary or any other officer or authority save the Auditor General.
Commanding Officer, Armed Forces of Malta	Public officers assigned to the Armed Forces of Malta.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.

Officer or authority	Area of Jurisdiction	Special Provisions
Chief Executive Officers, or persons functioning in an equivalent capacity, of government agencies, government entities, or other public bodies other than Local Councils and other local government bodies, save those Chief Executive Officers listed elsewhere in this Schedule	Public officers assigned to the government agency or entity or other public body, other than Local Councils and other local government bodies.	<p>Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.</p> <p>Such instructions may require any Chief Executive Officer or person functioning in an equivalent capacity to keep the Permanent Secretary informed of disciplinary proceedings instituted by him against public officers.</p>
Chief Executive Officer, Primary Health Care	Public officers performing duties in the field of primary health.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Chief Executive Officer, Mater Dei Hospital	Public officers performing duties at Mater Dei Hospital.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Chief Executive Officer, Karin Grech Rehabilitation Hospital	Public officers performing duties at Karin Grech Rehabilitation Hospital.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.

Officer or authority	Area of Jurisdiction	Special Provisions
Chief Executive Officer, Mount Carmel Hospital	Public officers performing duties at Mount Carmel Hospital.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Chief Executive Officer, Central Procurement Supplies Unit	Public officers performing duties in the Central Procurement Supplies Unit.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Chief Executive Officer, Pharmacy of Your Choice	Public officers reporting to the Chief Executive Officer, Pharmacy of Your Choice.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Chief Executive Officer, St Vincent de Paul Residence for the Elderly	Public officers performing duties at St Vincent de Paul Residence for the Elderly.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Chief Executive Officer, Gozo General Hospital	Public officers performing duties at Gozo General Hospital.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.

Officer or authority	Area of Jurisdiction	Special Provisions
Medical Administrator, Sir Paul Boffa Hospital	Public officers performing duties at Sir Paul Boffa Hospital.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Commanders of Detention Centres	Public officers performing duties at each respective Detention Centre.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Human Resource Manager, Environmental Landscapes Consortium Limited	Public officers assigned to Environmental Landscapes Consortium Limited.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Officers in a supervisory capacity (with respect only to regulation 18 of S.L.Const.03)	Public officers under their charge.	
Head (Operations) Detention Centres	Public officers performing duties at Detention Centres.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.

Officer or authority	Area of Jurisdiction	Special Provisions
Chief Operations Officer, Karen Grech Rehabilitation Hospital	Public officers performing duties at Karen Grech Rehabilitation Hospital.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Chief Operations Officer, Mount Carmel Hospital	Public officers performing duties at Mount Carmel Hospital.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Chief Operations Officer, Sir Paul Boffa Hospital	Public officers performing duties at Sir Paul Boffa Hospital.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this

Appendix 6.viii

(Section 6.6.2)

CATEGORISATION OF OFFENCES

Minor Offences (without serious consequences):

- a. habitual late attendance;
- b. absence from office or work area without leave or permission;
- c. idling at place of work;
- d. disobeying superior instructions or insubordination;
- e. disregard of or failure to obey rules and regulations;
- f. fighting or causing a disturbance at place of work;
- g. concealing one's defective work;
- h. being on duty while under the influence of drink or drugs;
- i. negligence in the performance of duties or shoddy or defective work or work output below standard;
- j. use of foul language;
- k. giving wrong information;
- l. malingering.

Serious Offences (when no criminal proceedings are instituted):

- a. conduct which discredits the department or, more generally, brings the public service into disrepute;
- b. arrogant, abusive or violent behaviour towards the public or other public officers;
- c. failure to exercise proper supervisory functions;
- d. disobeying superior instructions or insubordination with serious consequences;
- e. serious neglect or dereliction of duties;
- f. violent or threatening behaviour or use of offensive or foul language towards a superior;

- g. damage to government property;
- h. immoral, indecent or disgraceful conduct at place of work;
- i. misuse of government funds, property or equipment;
- j. gross negligence at work;
- k. tampering with or misuse of attendance sheets and records (including punch cards/clocks);
- l. falsification or misuse of or tampering with official documents;
- m. divulging of secret or confidential information;
- n. unauthorised absence of more than one day/shift;
- o. sexual harassment;
- p. misuse of electronic equipment;
- q. victimization of witness or an officer/person lodging a report or doing his duty under the regulations;
- r. disregard of or failure to obey with regard to directives issued under Public Administration Act;
- s. other offences indicated under "Minor Offences" but having serious consequences.

Appendix 6.ix
(Section 6.6.2)

PENALTIES

The penalties that may be imposed following disciplinary action shall be as follows:

Penalties for Minor Offences

First Disciplinary Case	Written Warning
Second Disciplinary Case	Suspension without pay for a definite period up to three (3) working days
Third Disciplinary Case	Suspension without pay for a definite period up to five (5) working days and a "Warning of Dismissal"
Fourth Disciplinary Case	Dismissal

Provided that in determining whether the disciplinary charge is a first, second, third or fourth minor case not being instituted under regulation 19, no account shall be taken of offences which occurred prior to twenty-four months from the date of the offence under investigation:

Provided further that a written warning will lapse after twelve months from the date the written warning is issued if no other offence is committed within that period.

Penalties for Serious Offences (including criminal conviction)

- a. Suspension without pay for a definite period not exceeding five (5) working days, or
- b. Suspension without pay for a definite period not exceeding five (5) working days and a "Warning of Dismissal", or
- c. Dismissal:

Provided that the penalty in paragraph a. hereof, that is, "suspension without pay for a definite period not exceeding five days" may not be awarded in respect of more than two serious disciplinary cases:

Provided also that in the case of an officer who had been temporarily suspended, the provisions of regulation 12(7) shall also apply:

Provided also that in the case of a public officer found guilty of a criminal charge in any Court, the Commission may, where appropriate, at its discretion recommend to the Prime Minister other penalties in addition to or instead of those listed in this Schedule:

Provided also that where the Commission recommends the imposition of a warning of dismissal, the Commission may also, at its discretion, recommend that the said warning should expire at the end of a period specified by the Commission.

Appendix 6.x

(Section 6.6.2)

SPECIMEN LETTER OF ADMONISHMENT

(Maltese Version)

Data:

Isem:

Grad:

Bi ħsiebni nagħtik ċanfira skont Regolament 18 tar-Regolamenti tal-1999 tal-Kummissjoni dwar is-Servizz Pubbliku (Proċedura ta' Dixxiplina) talli:

[dettalji tal-akkuża]

Qed nagħtik għaxart (10) ijiem ta' xogħol żmien minn meta tirċievi din l-ittra sabiex tiskolpa ruħek minn din l-akkuża.

Regolament 18 jgħid li jekk tonqos milli twieġeb għal din l-ittra, jew jekk int tammetti l-akkuża miġjuba kontrik, jew jekk ma tammettix din l-akkuża u jien inkun tal-fehma li bir-raġunijiet li ġibt int ma neħhejtx il-ħtija minn fuqek, rekord ta' din iċ-ċanfira jinżamm għandi, iżda dan jitħassar ma' għeluq is-sitt (6) xhur mid-data ta' din l-ittra.

[firma]

Uffiċjal responsabbli

(English version)

Date:

Name:

Grade:

I intend to admonish you in terms of Regulation 18 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999, for:

[details of offence]

You are being given 10 working days from the day you receive this letter to exculpate yourself.

Regulation 18 provides that if you fail to reply to this letter, or if you admit to the facts, or if you do not admit to the charge but I consider that you did not exculpate yourself, a record of this admonishment will be kept by me but this shall be cancelled at the expiration of six (6) months from the date it is administered.

[signature]

Supervisory Officer

Appendix 6.xi

(Section. 6.6.2)

SPECIMEN WRITTEN WARNING

(Maltese version)

Data:

Isem:

Grad:

Bi ħsiebni nagħtik twiddiba bil-miktub skont Regolament 19 tar-Regolamenti tal-1999 tal-Kummissjoni dwar is-Servizz Pubbliku (Proċedura ta' Dixxiplina) talli:

[dettalji tal-akkuża]

Qed nagħtik għaxart (10) ijiem ta' xogħol żmien minn meta tircievi din l-ittra sabiex tiskolpa ruħek minn din l-akkuża.

Regolament 19 jgħid li jekk tonqos li twieġeb għal din l-ittra, jew jekk inti tammetti l-akkuża miġjuba kontrik, jew jekk ma tammettix din l-akkuża u jien inkun tal-fehma li bir-raġunijiet li ġibt int ma neħhejtx il-ħtija minn fuqek, din it-twiddiba tiddaħħal fir-rekord tas-Servizz tiegħek.

Jekk tingħata din it-twiddiba, din tithassar ma' għeluq it-tnax (12)-il xahar mid-data li fiha tkun ingħatat.

[firma]

Uffiċjal Awtorizzat

(English version)

Date:

Name:

Grade:

I intend to give you a written warning in terms of Regulation 19 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999, for:

[details of offence]

You are being given ten (10) working days from the day you receive this letter to exculpate yourself.

Regulation 19 provides that if you fail to reply to this letter, or if you admit to the facts, or if you do not admit to the charge but I consider that you did not exculpate yourself, this warning will be entered in your record of service.

If you are given this warning it shall be cancelled at the expiration of twelve (12) months from the date that it is administered.

[signature]
Authorised Officer

Appendix 6.xii

(Section 6.6.2)

SPECIMEN CHARGE SHEET

(Maltese version)

Data:

Isem:

Grad:

Bi ħsiebni nieħu passi dixxiplinarji kontrik skont Regolament 20(2) tar-Regolamenti tal-1999 tal-Kummissjoni dwar is-Servizz Pubbliku (Proċedura ta' Dixxiplina) talli:

[dettalji tal-akkuża]

Għaldaqstant int qed tiġi akkużat li:

[ara l-iSkeda tal-Offiżi]

Fl-opinjoni tiegħi dan huwa reat

[minuri / serju / li jista' jwassal għat-tkeċċija tiegħek mis-Servizz]

Għaldaqstant qed nagħtik għaxart (10) ijiem ta' xogħol mid-data li tirċievi din l-ittra biex tgħidli bil-miktub ir-raġunijiet li bihom tħoss li m'intix ħati ta' dan ir-reat.

[firma]

Uffiċjal Awtorizzat

(English version)

Date:

Name:

Grade:

I intend to take disciplinary action against you in terms of Regulation 20(2) of the Public Service Commission (Disciplinary Procedure) Regulations, 1999, for:

[details of offence]

Therefore you are being charged with:

[see Schedule of Offences]

In my opinion this offence is:

[minor / serious / one that could lead to your dismissal from the Service]

You are being given ten (10) working days from the day you receive this letter to reply in writing, stating the reasons why you believe you are not guilty of these charges.

[signature]
Authorised Officer

Appendix 6.xiii

(Section 6.6.2)

RAPPORT TA' BORD TA' DIXXIPLINA

(Maltese version)

Uffiċjal akkużat: Mr/Ms [isem]
[Inkludi n-numru tal-karta tal-identità tal-akkużat hawnhekk]
[Inkludi l-grad jew il-pożizzjoni tiegħu hawnhekk]
[Inkludi d-dipartiment jew il-ministeru tiegħu hawnhekk]

Referenza: [Niżżel in-numru tal-fajl tad-dipartiment dwar il-każ]

Data tar-rapport: [Agħti d-data ta' meta r-rapport għie finalizzat]

Daħla

Il-firmatarji ta' dan ir-rapport inħatru skont ir-regolament 21 tar-Regolamenti tal-Proċedura ta' Dixxiplina tal-Kummissjoni dwar is-Servizz Pubbliku, 1999, sabiex jinvestigaw l-akkużi miġjubin minn [isem il-Kap tad-Dipartiment u l-kariga tiegħu] kontra l-uffiċjal imsemmi hawn fuq nhar il-[data tad-dikjarazzjoni bl-akkużi ipprezentata mill-Kap tad-Dipartiment lill-akkużat] taft ir-regolament 20(2) tal-istess regolamenti.

L-uffiċjal imsemmi hawn fuq għie akkużat b'dan li ġej:

[L-akkuża jew akkużi għandhom jiġu riprodotti hawnhekk kelma b'kelma kif tniżżlu fid-dikjarazzjoni bl-akkużi pprezentati mill-Kap tad-Dipartiment lill-akkużat, iżda għandu jingħad ukoll meta u fejn sar l-allegat reat jew reati, jekk dawn id-dettalji mhux diġà huma inkluzi fid-dikjarazzjoni tal-Kap tad-Dipartiment.]

Dan ir-reat għie meqjus bħala minuri / gravi / reat li jista' jwassal għat-tkeċċija. [Hassar kif xieraq skont id-dikjarazzjoni bl-akkużi.]

Sommarju tal-proċess dixxiplinarju

Il-Bord ta' Dixxiplina ltaqa' biex jisma' l-każ nhar il-[data ta' kull seduta].

L-uffiċjal akkużat għie assistit quddiem il-Bord minn [niżżel isem l-avukat jew rappreżentant ieħor tal-akkużat, jew inkludi minflok din is-sentenza dikjarazzjoni li l-akkużat għażel li ma jkollux min jassistih, jekk dan kien il-każ].

Mr/Ms [isem, kariga, u direttorat jew uffiċċju] kien/kienet preżenti bħala r-rappreżentant tad-Dipartiment.

L-akkużi kontra Mr/Ms [isem l-uffiċjal akkużat] inqraw miċ-Chairperson tal-Bord ta' Dixxiplina.

Mistoqsi/ja jekk jammettix/tammettix l-akkużi, Mr/Ms *[inkludi isem l-akkużat/a u għid kif wieġeb/wieġbet.]*

Stqarrija fil-qosor taċ-ċirkostanzi li wasslu biex il-Kap tad-Dipartiment joħroġ/toħroġ l-akkużi nqrat mir-rappreżentant tad-Dipartiment. Din l-istqarrija hija riprodotta fl-appendiċi ta' dan ir-rapport.

Dawn li ġejjin issejġu bħala xhieda mid-Dipartiment:

[niżżel isem kull xhud, kif ukoll il-kariga tiegħu/tagħha u l-uffiċċju fejn j/taħdem]

Dawn li ġejjin issejġu bħala xhieda mill-akkużat/a:

[niżżel isem kull xhud, kif ukoll il-kariga tiegħu/tagħha u l-uffiċċju fejn j/taħdem]

[Għid ukoll jekk ir-rappreżentant tad-Dipartiment u l-akkużat/a tawx xhieda huma stess.]

Sommarju tax-xhieda

[Din it-taqsimha tar-rapport għandha tinkludi sommarju tax-xhieda mogħtija minn kull xhud. Kull sommarju għandu jkun fil-qosor u fattwali, u għandu jiskarta informazzjoni rrelevanti, kif ukoll opinjonijiet mogħtija mix-xhud li ma jkunux marbutin ma' fatti.]

[Din it-taqsimha għandha tinkludi wkoll rendikont ta' fatti rilevanti li joħorġu mix-xhieda dokumentarja ppreżentata mid-Dipartiment u mill-akkużat/a. Ix-xhieda dokumentarja għandha tiġi mehmuża bħala appendiċi ma' dan ir-rapport.]

[Barra minn hekk, rimarki rilevanti li setgħu saru mill-akkużat/a u/jew ir-rappreżentant/a tiegħu/tagħha għandhom jiġu nkluzi f'din it-taqsimha, b'mod partikolari punti dwar proċedura jew l-interpretazzjoni ta' regoli u regolamenti relatati mal-każ.]

Evalwazzjoni u konkluzjoni

[F'din it-taqsimha, il-Bord ta' Dixxiplina għandu jinkludi dan li ġej:

- *referenza għal dawk il-partijiet tax-xhieda verbali u dokumentarja li l-Bord iqis rilevanti;*
- *il-konkluzjonijiet tal-Bord dwar il-fatti tal-każ, inkluż il-baži fuqjex il-Bord irrisolva konflitti fix-xhieda;*
- *il-konkluzjonijiet tal-Bord dwar kwistjonijiet ta' proċedura jew ta' interpretazzjoni ta' regoli u regolamenti li setgħu tqajmu mill-akkużat/a, inkluż deċiżjonijiet tal-Kummissjoni dwar is-Servizz Pubbliku fuq punti li ġew riferuti lilha;*
- *stqarrija ċara li, fil-fehma tal-Bord, l-akkużat/a ikkommetta/iet jew ma ikkommettix/ietx kull wieħed mir-reati li ġie/t akkużat/a bihom mill-Kap tad-Dipartiment u li huma riprodotti fid-daħla ta' dan ir-rapport, flimkien ma' stqarrija*

fil-qosor tar-raġunijiet li wasslu għall-konkluzjoni tal-Bord fir-rigward ta' kull reat; u

- *konsiderazzjonijiet li, fil-fehma tal-Bord, itaffu jew jaggravaw il-ħtija tal-akkużat/a, jekk inhu l-każ.]*

Rakkomandazzjonijiet

[F'din it-taqsim, li mhix obligatorja, il-Bord jista' jagħmel rakkomandazzjonijiet dwar prattiċi li fil-fehma tiegħu għandhom jiġu introdotti sabiex jevitaw li jinqalgħu każi simili fil-futur.]

[Isem]
[Kariga]
Chairperson

[Isem]
[Kariga]
Membru

[Isem]
[Kariga]
Membru

Xhieda dokumentarja

[Għandha tiġi inkluża fost oħrajn l-istqarrija dwar iċ-ċirkostanzi li wasslu biex il-Kap tad-Dipartiment ħareġ l-akkużi, hekk kif indikat fit-tieni paġna ta' dan l-abbozz.]

DISCIPLINARY BOARD REPORT

(English version)

Officer under charge: Mr/Ms [insert name]
[Insert ID number here]
[Insert officer's grade or position here]
[Insert officer's department and ministry here]

Reference: [Insert departmental file reference]

Date of report: [Insert date of finalisation of report]

Introduction

The signatories to this report have been appointed in terms of regulation 21 of the Disciplinary Procedure in the Public Service Commission Regulations, 1999, to investigate charges preferred by [insert name and position title of the Head of Department who issued the charges] against the above-mentioned officer on [insert date of statement of charges] under regulation 20(2) of the same regulations.

The above-named officer was charged with the following:

[Reproduce charge/s here verbatim as worded in the statement of charges, stating also the date when and the place where the offence/s allegedly occurred if these details are not already contained in the statement of charges.]

This offence was considered to be minor / serious / potentially leading to dismissal. [Delete as appropriate according to the statement of charges.]

Summary of proceedings

The Disciplinary Board held hearing/s on [amend as appropriate and insert date or dates].

The officer under charge was assisted at the hearing/s by [insert name of officer's legal or other representative, or if the officer was not assisted, replace with a statement to this effect].

Mr/Ms [insert name, grade or position, and directorate or office] was present in the capacity of departmental representative.

The charge preferred against Mr/Ms [insert name of accused] was read by the Chairperson of the Disciplinary Board.

Asked whether or not s/he admitted to the charge, Mr/Ms [insert name of accused and state how he/she replied.]

A concise statement of the circumstances which led the Head of Department to issue the charge was read out by the departmental representative. This statement is reproduced in the appendix to this report.

The following were called as witnesses by the Department:

[list names, grades and offices of each witness]

The following were called as witnesses by the officer under charge:

[list names, grades and offices of each witness]

[State also whether or not the departmental representative and the officer under charge gave evidence.]

Summary of evidence

[This section of the report should include a summary of the evidence given by each witness. Each summary should be concise, emphasising facts, avoiding irrelevant information, and excluding opinions offered by the witness that are not based on factual information.]

[This section should also include a summary of relevant facts contained in any documentary evidence which may have been presented by the departmental representative and by the officer under charge. Documentary evidence should be included as an appendix to the report.]

[In addition, this section should include any relevant remarks made by the officer under charge and/or the person defending him/her, particularly any issues relating to procedure or the interpretation of relevant rules or regulations.]

Evaluation and conclusion

[In this section, the Disciplinary Board should include the following:

- a reference to those parts of the evidence that the Board considers relevant;
- the Board's conclusions as to material questions of fact, including the basis on which the Board has resolved conflicts in the evidence;
- the Board's conclusions concerning any issues of procedure or interpretation of rules and regulations which may have been raised by the accused, including any rulings obtained from the Public Service Commission;

a statement whether, in the Board's opinion, the officer under charge has or has not committed each of the offences listed in the statement of charges and reproduced in the introduction to this report, together with a brief statement of the reasons sustaining the Board's opinion with respect to each offence; and

details of any matters which mitigate or aggravate the gravity of the offence.]

Recommendations

[In this section, which is optional, the Board may, if appropriate, include recommendations on practices which may be adopted so as to avoid the offence/s occurring again in future.]

[Name]
[Grade/position]
Chairperson

[Name]
[Grade/position]
Member

[Name]
[Grade/position]
Member

Documentary Evidence

[To include among other documents a statement of the circumstances which led the Head of Department to issue the charge, as per page 2 of the report template.]

Appendix 6.xiv

(Section 6.6.2)

SPECIMEN LETTER FOR ABSENCE WITHOUT LEAVE

(Maltese version)

-POSTA REĠISTRATA-

Data:

Isem:

Grad:

Indirizz:

Jirriżulta li inti nqast li tirraporta għax-xogħol mill- [data] mingħajr awtorità jew mingħajr ma ġġustifikajt dawn l-assenzi tiegħek b'xi mod jew ieħor.

Għaldaqstant qed nagħtik għaxart (10) ijiem ta' xogħol minn meta tirċievi din l-ittra biex tgħarrafni bil-miktub bir-raġunijiet li jista' jkollok biex tiġġustifika dawn l-assenzi.

Skont Regolament 36 tar-Regolamenti tal-1999 tal-Kummissjoni dwar is-Servizz Pubbliku (Proċedura ta' Dixxiplina) jekk tonqos li tagħti raġunijiet ġustifikati għall-assenza tiegħek inti tiġi kkunsidrat bħala li rriżenajt mis-Servizz Pubbliku b'seħħ mill-[data].

[firma]

Uffiċjal Awtorizzat

(English version)

-REGISTERED MAIL-

Date:

Name:

Grade:

Address:

You have failed to report for work from [date] without authorisation or without your justifying your absences in any way.

You are therefore being given ten (10) working days from the day you receive this letter to inform me in writing of any reasons you may have to justify these absences.

In terms of Regulation 36 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999, if you fail to give justifiable reasons for your absence you will be considered as having resigned the Public Service with effect from [date].

[signature]
Authorised Officer

Appendix 6.xv
(Section 6.6.3)

Reference No:

Date:

Executive Secretary
Public Service Commission

Criminal Proceedings: Temporary Suspension:

Mr/Ms _____²¹

In terms of Regulation 14(4) of the Disciplinary Regulations, I submit my recommendation in respect of Mr/Ms _____²², who has been charged with _____²³. Copy of the police report and bill of indictment are attached.

In making this recommendation to the Public Service Commission, I confirm that I have kept the criteria below in mind, and I have considered these criteria against the potential hardship that the officer concerned would undergo whilst on temporary suspension, as well as the burden that temporary suspension would have upon public funds and the Public Service in general.

The criteria that apply to the case under consideration are marked below:

- the gravity of the criminal charges brought against the officer;
- the correlation between the criminal charges and the officer's duties;
- the officer would be placed in a conflict of interest as a result of the charges against him/her, if s/he continues to perform his/her duties;
- other members of staff or the general public would be put at risk, if the officer continues to perform his/her duties;
- the officer would be in a position to tamper with any evidence in the Department's possession and/or any witnesses in the case might be subject to influence or intimidation, if the officer continues to report for his/her duties;

the necessity to uphold public confidence in the Department which is particularly sensitive to such public confidence;

_____²⁴

Although one or more of the above considerations apply, I propose that instead of resorting to temporary suspension, Mr/Ms _____²⁵ be assigned alternative duties that are commensurate to his/her grade and salary scale. I propose that Mr/Ms _____²⁵ be assigned _____²⁶ duties.

I therefore recommend that Mr/Ms _____²⁶ should be temporary suspended/not temporary suspended from the exercise of the powers and functions of his/her office.

²⁷In the meantime, I have summarily suspended Mr/Ms _____²⁷ from his/her duties in terms of Regulation 14 (5) of the Disciplinary Regulations, pending the approval of his/her temporary suspension by the PSC.

_____²⁸

_____²⁹

²¹ Insert name, surname, ID number, and grade/position of officer

²² Insert name and surname

²³ Details of criminal charge

²⁴ Specify other reasons if any

²⁵ Details of alternative duties that officer is to be assigned. This paragraph should be deleted if it does not apply.

²⁶ Delete as appropriate

²⁷ This paragraph should be deleted if the officer is not suspended pending temporary suspension

²⁸ Signature of Head of Department

²⁹ Insert name and position of Head of Department

Appendix 6.xvi

(Section 6.6.2)

GUIDELINES FOR THE COLLECTION OF DATA ON DISCIPLINE

1. Information related to Disciplinary Procedure in the Public Service Commission Regulations is collected in three categories:

- Reg. 18 (Admonishments) and Reg. 19 (Summary discipline);
- Reg. 20 (Minor disciplinary cases); Reg. 20 (Serious disciplinary cases); and
- Regs. 14 – 16 (Criminal Offences)

There are standard forms for each, category available from the Public Service Intranet (<http://intra.gov.mt>) in the 'Management Resources' section.

2. DCSs are required to collect filled forms from the Departments and Entities falling within their Ministry and then send them in batches to the Executive Secretary, PSC copied to the Director (People Support & Wellbeing) at OPM. Two batches are to be sent in a calendar year, the first covering the period 1 January to 30 June, the second covering the period 1 July to 31 December. Batches are to be sent within a month from the end of the period they cover. Should there be no cases in any category DCSs are still required to send in nil returns. A filled return form should also be sent for cases which are discontinued.
3. **In cases dealt with under Regs. 18 and 19 (Admonishments and Summary discipline)** the DCS is to send a single form for all the departments and entities falling within the Ministry, covering a six-month period and recording the number of admonishments and summary disciplinary warnings actually given to officers.
4. **In cases dealt with under Reg. 20 (Minor disciplinary cases) and Reg. 20 (Serious disciplinary cases)** a filled return form is to be sent for each individual case when a Disciplinary Board is appointed and again when a case is concluded from the Department's end (i.e. when the Head communicates his decision to the officer charged or when a case that could lead to dismissal is referred to the PSC). Whenever these happenings fall within the same six-month period only one return for that individual case need be filled and sent.

These cases are considered as concluded from the Department's end either when the Head of Department decides on the case in terms of Regulation 26 (1) (where the case cannot lead to dismissal) or when the Head of Department refers the case to the PSC in terms of Regulation 26 (2) a. (where the case could lead to dismissal).

5. **In cases dealt with under Regs 14 – 16 (Criminal Offences)** a filled return form is to be sent for each individual case instituted by the Police in the Criminal Court against a public officer for having allegedly committed an offence of a criminal nature. These cases are considered as concluded when an officer has been acquitted or found guilty of a criminal offence.

References to DCSs is to be taken to refer to Directors (Corporate Services) and any other public officers on salary scale 4 or higher who are responsible for human resource management, corporate services and administration across a Ministry.

Addresses

Director (People Support & Wellbeing),
People & Standards Division
(Attn: Ms Loredana Muscat)
3, Castille Place,
Valletta VLT 1062

Executive Secretary,
Public Service Commission
Level 2, Palazzo Spinola,
46, St Christopher
Valletta VLT 1464



OFFICE OF THE PRINCIPAL PERMANENT SECRETARY
OFFICE OF THE PRIME MINISTER