MANUAL ON RESOURCING POLICIES AND PROCEDURES

OFFICE OF THE PRINCIPAL PERMANENT SECRETARY
OFFICE OF THE PRIME MINISTER

Manual on Resourcing Policies and Procedures

Last updated 2 July 2026

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Recruitment and Appointment In the Public Service

1.1 HR Requirements – Ministries and Departments

1.1.1

Ministries and Departments are obliged, under article 14 of the Fiscal Responsibility Act (Chap. 534), to prepare a three-year rolling Business and Financial Plan. The Business and Financial Planning exercise includes a holistic review of the HR requirements in the Public Service for the upcoming three-year period, aimed at:-

- sustaining HR planning capabilities,
- assisting in the identification of recruitment priorities with a view towards securing transparency, certainty and predictability in resourcing levels,
- supporting the reorganisation of operations, and
- identifying gaps which could potentially be addressed through the rationalisation of human resources.

Permanent Secretaries are to ensure that prior to submitting their Ministry's / Departments' HR Plans, requirements have been adequately evaluated and prioritised, and that internal consolidation and rationalisation processes have been fully explored. Full details may be found in MFIN Circular 1/2015.

1.2 Filling of Vacancies in the Public Service by Transfer of Public Officers between Government Departments

Notwithstanding the provisions in this Section, the People & Standards Division retains the prerogative to: (a) effect any transfer of officers for service delivery purposes across the Service, and (b) retract any delegated authority devolving on any Permanent Secretary if, and when, cogent reasons so warrant.

1.2.1 Intra-Ministerial transfers (movement of staff between the Departments of a Ministry)

- Authorised by the Permanent Secretary or by a senior official to whom such an authority has been delegated by the Permanent Secretary, (e.g. Director responsible for People Management);
- The People & Standards Division does not need to be consulted but is to be immediately notified of such transfer and, as a regulator, will intervene if government policies regarding staff movements are not adhered to;
- The People & Standards Division will formalise the transfer by issuing the relative transfer list.

1.2.2 Inter-Ministerial transfer (movement of staff between Ministries or between Departments of different Ministries)

A. Under delegated authority

Inter-Ministerial transfers may be made under delegated authority in the case of officers holding the following grades/positions:

i. Officers holding grades pertaining to the General Service and the Messengerial Class;

ii. Officers holding substantive appointment as Officer in Grade;

iii. Officers holding grades pertaining to the Technical, Supervisory and Industrial Classes which are ordinarily transferable between ministries;

iv. Officers holding a position which is not tied to a particular ministry and can be ordinarily transferred between ministries, and

v. officers in grades/positions which, though not transferable service-wide, are ordinarily transferable between particular ministries, e.g. posts/positions in the medical professions and in the nursing class, which are ordinarily transferable between the Ministry responsible for Health and the Ministry responsible for the Elderly.

- -. Upon agreement between line ministries to transfer between them officers in any of the above grades/positions, such transfer will be authorised by the mutual consent of the responsible Permanent Secretaries.

- -. The People & Standards Division (People Resourcing & Compliance Directorate) is to be invariably informed, as the central body which monitors the deployment of human resources within the Public Service.

B. Not under delegated authority

- Instances of requests for transfer raised by officers, through their respective Director responsible for People Management, in the grades/positions outlined above should be referred for possible factoring by the People & Standards Division when:

i. the parent Ministry, though not objecting to release the officer concerned, has an urgent need for replacement which cannot be addressed through internal re-structuring or through an exchange with the Ministry of the officer's preference for transfer, or

ii. if it is a case of transfer to an alternative work environment, as recommended by a Medical Board, which cannot be accommodated within the officer's parent Ministry.

- The transfer of officers in grades/positions which are tied to a specific Ministry will be factored and approved by the People & Standards Division, following a written request through the Director responsible for People Management (indicating also whether a replacement is required, if applicable) when:

i. there are extenuating circumstances prevailing;

ii. there are grievous humanitarian grounds, following the advice of a Medical Board, or

iii. it is in the interest of the service.

- Requests for transfer not under delegated authority are to be endorsed by the respective Permanent Secretary and then forwarded for People and Standard Division approval;

- Once the interests of the Public Service are satisfied and agreement is reached between the parties concerned, the People and Standard Division approves such transfers.

1.2.3

In the case of non-General Service grades/positions tied to a particular department / directorate, both intra-Ministerial transfers as well as inter-Ministerial transfers may not be effected before the probationary period of the officer concerned has expired, unless a different period is specified in the call for applications. This provision, however, does not apply in the case of public officers whose principal place of residence is in Gozo but who perform duties in Malta, when such officers are transferred to Gozo in terms of the provisions of paragraph 1.2.4 below or for proven medical reasons as certified by a Medical Board.

1.2.4

The transfer of staff from Malta to Gozo is managed as follows:

i. Public officers whose principal place of residence[1] is in Gozo but who perform duties in Malta are transferred to Gozo strictly on the basis of waiting lists, which lists are purposely drawn up and maintained to determine whose turn it is for transfer.

ii. The question as to whether a public officer's principal place of residence is in Gozo or not, and hence whether s/he is entitled for inclusion in the waiting list, is determined by:

[1] The term "principal place of residence" is to be taken in the same context as that assigned in sub-article (2) (b) of article 5 of the Identity Cards and Other Identity Documents Act (Chap. 258)).

a. the address appearing on the officer's identity card, which in terms of the Identity Cards and Other Identity Documents Act (Cap 258 of the Laws of Malta), is defined as a document issued in respect of a person for the purpose of identifying that person and includes, inter alia, the address of the person's principal place of residence;

OR

b. the person's address according to the Common Database (CdB);

Provided that, in extenuating circumstances, consideration is given for inclusion in the waiting list of public officers whose residence, as explained at (a) and (b) above, is registered in Malta but whose wish is to work in Gozo. In such cases, the officer is to inform the People & Standards Division or the respective head of department, as the case may be, of his/her wish to be included in the respective waiting list together with the relevant justifications. Following the consideration of justifications, the People & Standards Division or the respective head of department, as the case may be, will inform the officer concerned whether the request was accepted or not. If the request is not accepted, the reason for refusal is also given.

iii. The order of placing on these lists is determined as follows:

a. by the date of appointment in the particular career stream and the order of merit attained in the particular selection exercise by the officer concerned, the former criterion taking precedence upon the latter;

b. in the case of public officers who change their principal place of residence from Malta to Gozo, by the date when such public officers formally indicate to the People & Standards Division or the respective head of department, as applicable, in writing, their wish to be transferred there (this is subject to verification as per (ii) above).

c. in the case of public officers whose request for inclusion in terms of the proviso at (ii) above is accepted, by the date when the written request is made;

d. officers who are re-employed in terms of the prevailing policy will be placed on the respective waiting list with effect from the date of re-employment;

e. in the case of re-instatement, if the officer had served his/her term in Malta and had already been transferred to Gozo before being medically boarded out, then s/he will be posted in Gozo upon re-instatement; if the officer was still serving in Malta prior to boarding out, then s/he will be placed on the waiting list with effect from the date of re- instatement.

iv. The following general rules are to be strictly observed:-

a. Once a public officer is included in the respective waiting list for transfer to Gozo, s/he will not be removed unless upon the specific written request of the officer concerned, in which case any rights as regards the previous placing will be lost;

b. At the point of transfer and before any transfer from Malta to Gozo is effected, the People & Standards Division or the head of department, as applicable, will verify with the CdB whether the officer's principal place of residence is still in Gozo. If in the negative, the officer will be asked to submit his/her representations within a period of one (1) week. If justified reasons exist, then either the transfer will be effected or the transfer will not be effected but the officer will be retained for extenuating circumstances on the waiting list, depending on the officer's submission. If no justifications exist for the transfer to Gozo or for retention on the waiting list, then the officer will be deleted from the waiting list and informed accordingly.

v. The People & Standards Division manages the transfer of General Service employees, officers appointed to positions filled across the Public Service and Officers in Grade/ Officers in Scale, whose principal place of residence is in Gozo but who are posted for duty in Malta. For this purpose, the People Resourcing & Compliance Directorate within the People & Standards Division maintains five waiting lists in respect of General Service officers – one for Clerks/Senior Clerks; one for Executive Officers, one for Assistant Principals; one for Principals and the other for Senior Principals – and other separate waiting lists for holders of each respective Service-wide position and Officers in Grade/Officers in Scale.

vi. The People & Standards Division will communicate in writing every six months with officers in the General Service grades, officers appointed to positions filled across the Public Service and Officers in Grade/Officers in Scale who are on the waiting lists for transfer to Gozo. The People & Standards Division will ask such officers to declare whether they would be interested in being transferred to Gozo on the basis of vacancies arising during the coming six-month period (January - June and July- December). Officers who declare in the affirmative but then refuse any posting offered, will lose the chance to be transferred to Gozo permanently within the respective six-month period, should a vacancy arise. However, officers who declare in the negative will retain the possibility of changing their option at any time should a vacancy arise prior to the expiry of the respective six-month period, by sending written communication to the People Resourcing & Compliance Directorate within the People & Standards Division. Officers who fail to reply by the given date will be considered as not interested in being transferred permanently to Gozo during the respective six-month period. This exercise is intended to facilitate and expedite the process of transfers to Gozo.

vii. In the case of officers in the General Service grades, officers appointed to positions filled across the Public Service and Officers in Grade/Officers in Scale,, if an officer serving in Gozo after having served his/her term in Malta is promoted to a higher grade/position, then s/he is allowed to remain in Gozo provided a vacancy in the higher grade/position is available, even if he/she is junior to either other Gozo-resident officers serving in Malta in the higher grade/position or to newly-appointed Gozo-resident officers in the same selection process. In the case that a vacancy is not available in

Gozo, the officer concerned would be transferred back to Malta upon promotion to the higher grade/position and placed at the top of the respective waiting list.

viii. In the case of the General Service Grades, if a Clerk, having his/her principal place of residence in Gozo and who is still serving his/her term in Malta, is promoted to the grade of EO, then he/she is deleted from the Clerk waiting list and placed on the EO waiting list. His/her placing on the EO waiting list will be determined according to the criteria at sub-paragraph (iii) above. The same procedure is followed in the case of promotion to other grades.

ix. Likewise, and where applicable (namely in the case of certain grades within the Health and Education Sectors), departments/directorates are required to maintain waiting lists of staff, in departmental grades, whose principal place of residence is in Gozo but who are performing duties in Malta and who wish to be transferred to Gozo in accordance with these guidelines; only that such transfers to Gozo will still be authorised by the People & Standards Division.

x. If a public officer whose principal place of residence is in Gozo is transferred to Gozo after having served his/her term in Malta and requests to be transferred back to Malta, the transfer will be affected subject to the relevant provisions at paragraphs 1.2.1 – 1.2.3 above. Should the officer still wish to be on the waiting list, s/he will be re-entered in the list at the bottom of the order of placing.

xi. If a public officer, whose principal place of residence is in Gozo, is next in turn to be transferred to Gozo after having served his/her term in Malta, but is not willing to accept immediate transfer at that particular point in time, he/she will retain his/her placing in the respective waiting list.

xii. If a public officer, whose principal place of residence is in Gozo, is appointed to a position of a definite nature in Gozo following competitive selection, including through a call for expression of interest, then the officer will be considered as having been permanently transferred to Gozo, even in those cases where the definite position/ assignment is not renewed / is terminated and the officer reverts to his/her previous grade / indefinite status. This is subject to the proviso that a vacancy is available in that capacity in Gozo. If a vacancy is not available in Gozo, the officer would be transferred back to Malta and placed on the respective waiting list. The period spent performing the duties of the definite position in Gozo will count as service in the class for the purpose of determining the placing.

xiii. In the case of a public officer whose principal place of residence is in Gozo who is performing duties on grounds of public policy (e.g. serving in a Private Secretariat, detailed/deployed with a Public Sector entity) or is on paid or unpaid leave on grounds of public policy or is on any form of paid leave at the time of being due to be transferred to Gozo, the respective transfer will be effected on a notional basis with the Ministry for Gozo and the officer concerned will not be required to take up duties in Gozo with immediate effect. The officer is to be clearly informed in writing that his/her transfer to Gozo has been effected on a notional basis and that he/she may make the actual move from Malta to Gozo whenever his/her current arrangement on grounds of public policy/paid leave ceases to be in force. In such cases, the next Gozo-resident officer on the waiting list working in Malta will be permanently transferred to Gozo to fill the vacancy.

xiv. If a public officer, whose principal place of residence is in Gozo, is already performing duties in Gozo and is identified by the Administration, in the interest of the Service, to perform duties temporarily in Malta, s/he will not forfeit his/her posting in Gozo. Once his/her assignment in Malta ceases for whatever reason, s/he will report back for duties in Gozo.

xv. Transfers of General Service officers on the basis of an intra-departmental arrangement, whereby an officer is transferred from Malta to the Gozo Branch of the same Department, are not permitted under any circumstances.

xvi. Pregnant officers whose principal place of residence is in Gozo but who are performing duties in Malta may be temporarily transferred to Gozo until confinement, subject to a medical certificate by a treating specialist, stating their inability to travel to Malta (vide also relevant paragraph regarding Family Friendly Measures). The same policy applies in the case of pregnant officers whose principal place of residence is in Malta but who are performing duties in Gozo. Cases regarding General Service officers are processed centrally by the People & Standards Division whilst those of departmental grade officers are processed by the respective department.

xvii. Public officers whose principal place of residence is in Gozo and who occupy an Assistant Director position in Malta, may apply laterally for the filling of an Assistant Director position in Gozo whenever such a vacancy arises. The provision emanating from the policy regarding lateral applications in the case of Assistant Directorships, restricting lateral applications to officers who have served for two years of the second or subsequent term in their current position, is not applicable in such cases.

xviii. Without prejudice to any specific arrangements which may be in force from time to time with regard to the filling of vacancies in grades within the Health and Education Sectors, all other existing vacancies in the departmental/ professional/technical grades in Gozo are invariably filled through a selection exercise following a call for applications. The following parameters apply:

a. Public officers whose principal place of residence is in Gozo but who are working in Malta, and who hold an appointment in the same substantive grade being advertised, may apply laterally, both in the case of internal calls for applications as well as in the case of public calls. Thus, the provisions which preclude lateral applications (vide Section 2.2.4) are not applicable in such cases.

b. In the case of public calls for applications, a service-wide circular is issued concurrently with the public call to draw the attention of eligible officers.

c. Public officers whose principal place of residence is in Gozo but who are working in Malta within the Managerial and Other Qualified Personnel Class, wishing to apply laterally within the same Class in Gozo, are relieved from the requirement of having served for a two-year period in order to be eligible to apply.

d. If a successful applicant is moving laterally, irrespective of whether such a move is a result of an internal or a public call, s/he will be permanently assigned to work in Gozo, carrying his/her substantive grade, salary entitlement and salary point, including entitlement to increments and progression to higher scales.

e. Such lateral applications by public officers are allowed even if the officer is not confirmed in his/her current post. In the case of officer who are still under the probationary/trial period, there will be a continuation of such period upon their transfer to Gozo.

1.3 The Making of Appointments in the Public Service

1.3.1 General

Article 110 of the Constitution states that power to make appointments to public office, including appointments on promotion, is vested in the Prime Minister acting on the recommendation of the Public Service Commission, unless an Instrument of Delegation is issued in terms of sub-article (2) of article 110, whereby the Prime Minister delegates this power to another public officer or authority.

1.3.2 The making of appointments under delegated authority

Through an Instrument of Delegation issued under article 110 of the Constitution and approved by the Prime Minister on the 16 September 2015 with an effective date of 1 February 2016, as amended through a subsequent Instrument of Delegation dated 11 February 2020, Permanent Secretaries were empowered to:

- Make appointments to public offices under article 110 of the Constitution, other than headship and assistant directorship positions, provided that such appointments are made following a competitive selection process and on the basis of a valid order of merit;

- Approve the postponement of such appointments up to a date within the validity period of the result;

- Make appointments to posts in Salary Scale 20 from outside the Public Service, provided that such appointments are made either following a call for applications or from amongst candidates referred by JobsPlus, subject to such eligibility requirements as may apply; and

- Renew appointments of a definite nature for a second or subsequent term, or extend such appointments, provided that the initial appointment was made on the basis of a competitive selection process.

When making appointments, postponement and renewals/extensions thereof under delegated authority, Ministries and Departments are regulated by Part IV of the Public Service Commission Appointments Regulations and are to follow the procedures available in the "Manual on the Recruitment and Selection Process under Delegated Authority in the Malta Public Service", attached to Directive 9 issued by the Principal Permanent Secretary on 18 September 2015. The latest version of the Manual is available on the Manuals webpage of the People Resourcing & Compliance Directorate which may be accessed at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/Manuals.aspx .

1.3.3 The making of appointments NOT under delegated authority

When the power to make appointments has not been delegated, the procedure to be followed is according to the provisions of Part V of the Public Service Commission Appointments Regulations.

In the case of appointments through direct recommendation (i.e. appointments not involving competitive selection) and renewal/extension/postponement thereof (when applicable), the following procedure applies:

a. Ministries/Departments are to submit their recommendation directly to the Public Service Commission for the making of a direct appointment. The recommendation should be backed by a strong justification and should be made only after calls for applications issued in the normal manner, as per approved HR Plan, have not yielded any successful candidates;

b. If the vacancy is to be filled in a new position instead of a post/grade, approval needs to be sought and obtained from the People & Standards Division;

c. Upon receipt of notification from the PSC, the letter of appointment is to be issued under the endorsement of the Permanent Secretary;

d. In the case of direct appointments involving retired persons beyond statutory retirement age:-

   i. Appointees are to be given a one-year definite contract, renewable, with inclusion of the objective reason of "temporary substitute employee" in terms of regulation 7[4][a] of S.L.452.81 entitled "Contracts of Service for a Fixed-Term Regulations";

   ii. Ministries/Departments are to submit their recommendation to the Public Service Commission copying the People & Resourcing Directorate within P & SD and, should OPM approval be forthcoming, the People & Resourcing Directorate will proceed to verify the recommendation and refer for the consideration of the Public Service Commission;

   iii. If s/he is to be appointed in the same grade s/he held prior to retirement, s/he will be placed on a salary equivalent to his/her salary point as on date of retirement (if applicable), with due increments and progression (if and as applicable);

   iv. Persons so engaged / re-engaged are not eligible to apply through 'normal' calls for applications for the filling of vacancies in the Public Service;

e. Appointees are to be considered as public officers and shall carry the responsibilities and obligations pertaining to public office, in particular the enforcement of Disciplinary Regulations governing the Public Service;

f. Renewal/extension of such appointments (initially made through a direct recommendation to PSC and hence not involving competitive selection) in scale 6 and lower is delegated to Permanent Secretaries, unless otherwise specified in a particular scheme. Renewal/extension of such appointments in scale 5 and higher is to be made following a recommendation to the Public Service Commission, copying in the P&SD for verification purposes; and

g. Postponement of such appointments (initially made through a direct recommendation to PSC and hence not involving competitive selection) for more than 12 weeks from the effective date thereof is approved at the discretion of the respective Permanent Secretary.

1.4 Recruitment Procedures During Holding of General Elections

1.4.1

During the period that Parliament stands dissolved (upon the announcement of the holding of general elections) no recruitment, appointments or promotions, or other changes affecting the conditions of service of staff in Public Service departments and Public Sector entities should take place until a new Cabinet is formed and OPM instructions are issued. If it is in the interest of the Service that certain essential vacancies are filled or appointments made, then the final authority of the Principal Permanent Secretary must be obtained.

1.5 Letters of Appointment

1.5.1

Formal letters of appointment are issued in either of the official languages, i.e. in Maltese or in English, to all public officers upon appointment to a substantive grade, to an indefinite position or as 'Officer in Grade' or upon appointment to a position of a definite nature.

1.5.2

Letters of Appointment in respect of (i) General Service Grades across the Service and (ii) Departmental grades / 'Officers in Grade'* / officers appointed to indefinite/definite positions within the Office of the Prime Minister are signed by the Principal Permanent Secretary, or as otherwise delegated; and those of Departmental Grades / 'Officers in Grade'* / officers appointed to indefinite/definite positions in other Ministries are signed by the respective Permanent Secretary.

**Excluding 'Officers in Grade' resulting from Headship/Assistant Directorship positions, which are processed centrally*.

1.5.3

Letters of appointment are issued in respect of the following (as per applicable template on the Forms and Templates webpage accesible at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx :-

- Appointment to a substantive grade / indefinite position / as 'Officer in Grade';
- Appointment to a Scale 5 position where there is no objective reason i.t.o. S.L. 452.81;
- Appointment to a definite position - i.e. a position where there is an objective reason i.t.o. S.L. 452.81 - of a person who does not already hold an appointment to a substantive grade / an indefinite position / as 'Officer in Grade';
- Appointment to a position on a definite assignment basis - i.e. a position where there is an objective reason i.t.o. S.L. 452.81 - of an officer who already has an appointment to a substantive grade / an indefinite position / as 'Officer in Grade'.

In terms of the provisions of Clause 18.3 of the Collective Agreement covering the period 01.01.2017 – 31.12.2024, the respective Permanent Secretary and the Principal Permanent Secretary may approve that an appointee may be placed on a higher salary step than the minimum of the scale – vide also Section 3.3 of the Manual on the Procedure and Computation of Salaries.

1.5.4

Where the appointee may be required to proceed abroad for training, the following paragraph is to be inserted:

"Inti tista' tintbagħat barra minn Malta minn żmien għal żmien, biex tagħmel korsijiet approvati ta' taħriġ taħt il-kundizzjonijiet imniżżlin fil-Gazzetta tal-Gvern Nru. ..... mahruġa il- Kull ksur ta' dawn il-kundizzjonijiet jista' jwassal għat-tmiem ta' din il-ħatra."

"You may be required to proceed abroad from time to time to undergo approved courses of training in terms of the conditions stipulated in Government Gazette No issued on ……. Failure to comply with these conditions may lead to termination of this appointment."

1.5.5

Where the appointee must obtain a particular qualification within a stipulated time, in failure of which, the appointment will be revoked, the following paragraph is to be inserted:

"Skont it-termini tas-sejħa għall-applikazzjonijiet li permezz tagħha inti applikajt, inti marbut/a li fi żmien ..... mid-data ta' din il-ħatra, inti ġġib ..... Fil-każ li inti tonqos milli tagħmel dan fiż-żmien stipulat, din il-ħatra tiġi mneħħija."

"According to the terms of the call for applications through which you applied, you are bound to obtain ..... within ..... from the date of this appointment. In the event that you fail to do so within the stipulated time, this appointment will be revoked."

1.5.6

In the case of professional officers debarred from the private practice of their profession, the following condition is to be inserted in the letter of appointment:

"Din il-ħatra hija fuq bażi "full-time" u ma tkun intitolat għal ebda ħlas għal xogħol ieħor li inti tista' tkun mitlub tagħmel, direttament jew indirettament, għall-Gvern fil-kariga professjonali tiegħek. Inti lanqas ma tista' teżercita l-professjoni tiegħek privatament."

"This appointment is on a full-time basis and you will not be entitled to any other payment for work which you may be required to perform, directly or indirectly, for Government in your professional capacity. The private practice of your profession is not allowed."

1.5.7

In the case of professional officers allowed the private practice of their profession the following condition is to be inserted in the letter of appointment:

"Din il-ħatra hija fuq bażi "full-time" u ma tkun intitolat għal ebda ħlas ieħor għal xogħol li inti tista' tiġi mitlub/a tagħmel, direttament jew indirettament, għall-Gvern fil-kariga professjonali tiegħek. Inti titħalla teżerċita l-professjoni tiegħek privatament, dment li tinħareġ l-approvazzjoni meħtieġa, sakemm dan ma jmurx kontra l-interessi tal-Gvern, u sakemm ma jkunx hemm kunflitt ta' interess jew tfixkil fil-qadi ta' dmirijietek."

"This appointment is on a full-time basis and you will not be entitled to any other payment for work which you may be required to perform, directly or indirectly, for Government in your professional capacity. The private practice of your profession is allowed subject to the requisite approval, and as long as this does not go against the interest of Government and there is no conflict of interest and it does not interfere with the performance of your duties."

1.5.8

People & Standards Division clearance is to be sought when, for particular reasons, it is necessary to depart from the above specimens or to include some special condition.

1.5.9

A copy of each letter of appointment issued is to be forwarded to the People Resourcing & Compliance Directorate , People & Standards Division together with a Service and Leave Record Sheet (General Form GP 47). One copy each is to be forwarded to the Treasury and to the Office of the Auditor General. All copies are to include the following details:

i. Identity Card Number;
ii. National Insurance Number;
iii. PAYE No;
iv. Date of Birth;
v. Previous appointment.

1.5.10

In those cases where the power to make appointments has not been delegated, once the Prime Minister has approved a recommendation by the Public Service Commission and signed the relative approval under Article 110 of the Constitution, the appointment of the Public Officer concerned is perfected and cannot be withdrawn even if the relative letter of appointment has still not been given or handed to the person concerned. However, the Public Service Commission may consider recommending the revocation of an appointment in terms of the provisions of regulation 32 of the Public Service Commission Appointments Regulations. In such cases, final approval for the withdrawal of an appointment is given by the Prime Minister acting on the recommendation of the Commission.

1.6 Concurrent Appointments

1.6.1

The provisions of this Section are subject to the overriding requirement at Section 2.2.2.

As a general rule, a public officer cannot retain an appointment unless the probationary/trial period has been successfully completed and the appointment has been confirmed following such completion.

Furthermore, an officer cannot be awarded an appointment on a notional basis, unless s/he is in an equivalent or higher position. This condition does not apply when an officer is performing the duties of a position, and by virtue of another concurrent appointment to a grade, is due for progression to a higher scale within the same grade or is due for promotion to a higher grade within the Class in terms of the provisions of the respective Class Agreement. If the officer opts to continue with the duties of the position, s/he will continue to earn the salary attached to the position, and any due progression or promotion will be made on a notional basis, even if the new notional scale is higher than the scale attached to the position.

The following scenarios are given by way of examples:-

Scenario 1 – A public officer qualifies for appointment to a grade following a call for applications':

a) If the officer holds an appointment in an equivalent or higher position, s/he will retain the appointment in the equivalent/higher position and be concurrently appointed notionally in the new grade;

b) If an officer holds a position that is lower than a grade applied for, the grade cannot be taken on a notional basis in order to continue in the lower position. The officer must choose between retaining the position or the appointment in the grade.

c) When the officer already holds a confirmed appointment in a grade and qualifies for appointment to a new grade, s/he is to take up the duties of the new grade, and is entitled to reversion to the previous grade until the expiry of the trial period in the new grade (vide Section 1.11.1), and

d) When the officer holds an unconfirmed appointment in a grade and qualifies for appointment to a new grade, s/he is to take up the duties of the new grade, and reversion to the previous unconfirmed grade is not possible.

Scenario 2 – A public officer qualifies for appointment to a definite position:

An officer holding an indefinite appointment, who applies and is selected for a definite position will revert to his/her previous indefinite appointment, irrespective of whether this indefinite appointment was confirmed or not, if the assignment is terminated or is not renewed.

1.6.2

A public officer may apply for a position which is pegged to a salary scale which is higher, at the same level, or lower than his/her current scale. If appointed, the officer will be paid the salary pertaining to the position. The principle with regard to pay structure and salary point will apply.

1.6.3

The period spent performing the duties of a position pegged to a salary scale which is lower than that of the substantive grade of a public officer does not count as “service in the grade”. Consequently, increments, progression and promotion arising from the substantive grade are withheld during such period.

Conversely, and subject to the above policy, any period spent satisfactorily performing the duties of a position pegged to a salary scale which is higher than, or at the same level as, that of the substantive grade is reckonable as “service in the grade”, subject that the duties performed in the position are of the same nature. Hence, any due progression/promotion within the substantive grade is to be proceeded with. Moreover, any period spent satisfactorily performing duties in the position will count towards satisfying the probationary/trial period, if applicable, related to the substantive grade.

1.6.4

Where applicable, the Treasury pension/gratuity under the 1937 Pensions Ordinance (Chap. 93 of the Laws of Malta) will be calculated on the basic salary of the substantive grade, or on the basic salary of the actual office, if lower, at the time of leaving the Service.

1.7 Duties

1.7.1

Public officers are required to perform the duties attached to their post/position as advertised in the respective call for applications. In general, officers are not to be allotted the duties of another grade except when it may be necessary to do so for short periods of time.

1.7.2

The duties of non-industrial grades are defined in departmental instructions as well as the Collective Agreements and, in the case of certain grades, in various legal enactments. The definition of duties of the General Service Grades and of the industrial staff falling within the Classification of Grades can be found in the relevant Reform Agreements or the Manual on Job Descriptions held at the Research & Personnel Systems Directorate at the People & Standards Division.

1.8 Probationary / Trial Period, Confirmation of Appointment and Extension/Termination of the Probationary / Trial Period

A. Probation

1.8.1

A probationary / trial period is meant to provide an opportunity for establishing whether, on an assessment of work performance during such a period, an appointee is fit to be confirmed in his/her appointment. A **probationary period** is applicable in the case of **appointment from outside the Public Service**, while a **trial period** is applicable in the case of internal appointment. Senior officers must drive home the significance of probationary / trial periods by pointing out that, if the ability and efficiency displayed in the performance of duties fall short of the required standard, probationary / trial periods may be terminated. Consequently, extensions of the probationary / trial period may only be resorted to in exceptional / genuine cases, such as due to periods of prolonged sick leave and use of family-friendly measures.

1.8.2

Unless stated otherwise in any regulations in force governing a particular sector, the duration of the probationary / trial period is as follows[4]:

Indefinite appointment:-

- officers appointed to a grade/position with a basic Salary Scale 10* or higher are subject to a probationary / trial period of twelve (12) months;
- officers appointed to a grade/position with a basic Salary Scale 11* or lower are subject to a probationary / trial period of six (6) months.

* *Basic Salary Scales as appear in the Schedule of Grade as an Appendix to the Annual Financial Estimates*.

Definite appointment:-

- officers appointed on a definite basis, for a duration exceeding one (1) year, to a position with a basic Salary Scale 10 or higher are subject to a probationary / trial period of twelve (12) months;

- officers appointed on a definite basis, for a duration exceeding one (1) year, to a position with a basic Salary Scale 11 or lower are subject to a probationary / trial period of six (6) months;

- officers appointed on a definite basis for a duration of one (1) year in any Salary Scale are subject to a probationary / trial period of three (3) months;

- in the case of appointments on a definite basis whose duration is of less than one year, the duration of the probationary / trial period will be determined following consultation with the People & Standards Division.

In the case of the renewal of appointments on a definite basis, the renewed appointment will not be subject to a probationary / trial period.

The above is subject to the proviso that an officer who re-applies, through a call for applications, and is appointed to the same post/position in which s/he had been previously confirmed, will not be subject to a new probationary / trial period if the break in service between resignation and re-appointment is of less than 12 months.

Moreover, upon taking up a succeeding appointment with essentially the same job description, after having served in the capacity on a "supply" or "trainee" basis, officers are not subject to a new probationary / trial period, since they would be continuing with the same duties. In such cases, if they were confirmed in their previous appointment, they will carry such confirmation upon taking up the new appointment; if they were still under probation / trial, they

will continue their probationary / trial period and be confirmed in the new appointment when the combined period is equal to the duration of the probationary / trial period attached to the latter appointment. It is the responsibility of the respective Permanent Secretary to certify that the officer concerned is continuing with essentially the same duties.

An assimilation does not involve an appointment or a promotion, and, hence, is not subject to a probationary/trial period. However, in instances where, at the time of assimilation, an officer is still undergoing the applicable probationary/trial period and not yet confirmed in appointment in the original grade, on which basis assimilation is being effected, such probationary/trial period remains applicable and must be duly completed, irrespective of the assimilation.

[4] Clause 14.1 of the Collective Agreement for Employees in the Public Service covering 01.01.17 - 31.12.24.

1.8.3

The probationary / trial period is to be considered as having commenced on the date of the approval of the new appointment or the date upon which new duties were actually assumed by the appointee, whichever is the later.

B. Confirmation of appointment

1.8.4

Officers will be confirmed in their post when they satisfactorily perform the duties pertaining to their appointment for a period equivalent (in aggregate) to the duration of the probationary / trial period.

1.8.5

Confirmation of appointment is approved by the respective head of department as per specimen form which is available for download at the address https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx .

The Director responsible for the HR function within the Ministry/Department is to inform officers of the confirmation of their appointment by means of an official letter. **In the absence of such a letter by the lapse of the probationary / trial period, an appointment is automatically deemed to be confirmed.**

1.8.6

Officers on their probationary/trial period who are authorised to avail themselves of **unpaid leave** of less than one (1) year duration will have their probationary/trial period automatically extended by the corresponding number of days utilised as unpaid leave.

Officers on their probationary/trial period who are authorised to avail themselves of **unpaid leave** of more than one (1) year duration will commence their probationary/trial period afresh upon resumption of duties.

Moreover, officers who avail themselves of **maternity leave** during the probationary / trial period are subject to the provisions of regulation 12A of S.L. 452.91 (Protection of Maternity [Employment] Regulations) and S.L. 452.105 (Extension of Applicability to Service with Government (Protection of Maternity [Employment] Regulations).

Pre-retirement leave is reckonable for the purpose of satisfying the probationary / trial period, without prejudice to the requirement of satisfactory performance of duties during the period that the officer performs the duties pertaining to the new appointment.

1.8.7

The duration of the probationary / trial period, however, will not be affected by reason of an officer availing himself/herself of a reduced-hour schedule or working on a part-time basis.

1.8.8

The power to extend the probationary / trial period for any other reason that justifies such action, or to terminate the probationary / trial period for any reason that justifies such action, as deemed appropriate, is delegated to the respective Permanent Secretary, who may exercise this power without reference to the Public Service Commission, subject to the following provisions:

i. the probationary / trial period may be extended more than once, but up to a total of no more than twenty-four months over and above the original probationary / trial period, not including any automatic suspensions or extensions as explained above;

ii. the Permanent Secretary is to inform the officer concerned, in writing as per template available on the Forms and Templates page, of his/her intention to extend or terminate the probationary / trial period before the officer's probationary /trial period expires;

iii. the officer concerned should also be informed of his/her entitlement to appeal to the Public Service Commission against the decision taken by the Permanent Secretary within ten working days from the date when s/he is so informed;

iv. concurrently with (ii) and (iii) above, the Permanent Secretary is to inform the Public Service Commission that s/he has initiated action to extend or terminate the officer's probationary / trial period and, upon the expiry of the ten-working day period, s/he is to enquire with the Commission whether an appeal has been submitted;

v. communication issued from Ministries should accurately make reference to the term "probationary period" or "trial period", as applicable;

vi. a decision to extend an officer's probationary / trial period or to terminate an officer's appointment during the probationary / trial period should not take effect during the aforementioned period of ten working days, and if the officer appeals to the Commission, the decision should not take effect unless it is confirmed by the Commission;

vii. if an officer's probationary / trial period expires while an appeal is pending, the probationary / trial period shall be regarded as continuing in force until such time as the Commission decides the appeal and the decision is put into effect.

1.8.9

The Public Service Commission and the People Resourcing & Compliance Directorate of the People & Standards Division within the Office of the Prime Minister are to be informed by the respective head of department, on a case-by-case basis and with the applicable details, of such instances where the probationary / trial period is suspended, extended or terminated for the reasons mentioned above. The Auditor General and the Assistant Director (Salaries and Pensions), MGOZ, are also to be informed accordingly.

1.8.10

The probationary period may only be exceptionally extended by a second term if there is sufficient reason to believe that the officer will upgrade his/her performance if given an extra probationary / trial term.

1.9 Appointment whilst on Maternity and Parental Leave

1.9.1

Officers who qualify for appointment during Maternity and Parental Leave will be granted their due appointment, even if they are unable to take up the duties within the validity period of the appointment. This concession applies also to pregnant external recruits who qualify for Maternity Leave as stipulated in Section 1.3 of the Manual on Work-Life Balance Measures (https://publicservice.gov.mt/Media/PSMC%20Documents/Manual_on_Work-Life_Balance_Measures.pdf.pdf) at the same time that they qualify for an appointment with the Public Service.

1.9.2

Appointees under the provisions of the preceding paragraph are bound to perform their probationary/ trial period when they take up the new duties and will only be confirmed in their appointment on satisfactory completion of the probationary/trial period.

1.10 Officers who qualify for an Appointment whilst they are away from their Public Service duties

1.10.1

Public officers who were identified to serve on grounds of public policy who are selected for appointment in a grade or a definite position without objective reason:

- Such officers will be given their due appointment on a notional basis and will remain serving at their posting on grounds of public policy. The new appointment will be confirmed after the expiry of the respective probationary/trial period;
- If the appointment is one of a definite nature, the officer will be entitled to indefinite status as “Officer in Grade” with the Public Service on the basis of his/her definite notional Public Service position, after four years in terms of S.L. 452.81 entitled “Contracts of Service for a Fixed Term Regulations”, provided that the duties being performed are at a level comparable to, or higher than, the notional Public Service position;
- The candidate who is next-in-line in the order of merit will also be appointed to the grade/position.

1.10.2

Public officers who were detailed with a Public Sector entity, officers on long unpaid leave excluding Parental Leave, etc, who are selected for appointment in a grade or an indefinite position:

- Such officers must choose between taking up the duties of the new appointment with the Public Service, in which case their detailing will be revoked/they will resume duties, or else continuing with their duties with the Public Sector entity/unpaid leave as applicable;

- Those who opt to continue with their duties with the Public Sector entity/unpaid leave, may either definitely refuse appointment or opt to remain on the order of merit till the validity of the result, and the candidate who is next-in-line in the order of merit will be appointed to the grade/ position.

1.10.3

Public officers as per 1.10.1 or 1.10.2 above, who are selected for a position with an objective reason:

- Such officers must choose between taking up the duties of the new appointment with the Public Service, in which case their detailing will be revoked/they will resume duties, or else continuing with their duties with the Public Sector entity/unpaid leave as applicable;

- Those who opt to continue with their duties with the Public Sector entity/unpaid leave, may either definitely refuse appointment or opt to remain on the order of merit till the validity of the result, and the candidate who is next-in-line in the order of merit will be appointed to the grade/ position.

1.10.4

The above arrangement is applicable both in the case of internal calls for applications as well as in the case of external calls, and does not affect appointments on the basis of satisfactory service as provided by Classification Agreements.

1.10.5

Any particular difficulties encountered in applying the above policy (e.g. cases where, due to the organisation structure, only 1 post should be filled) are to be referred for the advice of the People and Standards Division.

1.11 Reversion to Former Indefinite Appointment

1.11.1

Subject to what is stated in Section 1.6, an officer who resigns from an indefinite appointment during the probationary/trial period and who previously held another indefinite appointment will revert to the former indefinite appointment and seniority order (if applicable). The following procedure is to be followed:

a. The respective Director responsible for People Management is to inform the People Resourcing & Compliance Directorate, People & Standards Division that the officer concerned has resigned from his/her indefinite appointment during the probationary/trial period and will, consequently, revert to his/her former indefinite appointment;
b. The People Resourcing & Compliance Directorate will assign the officer concerned to address service delivery needs within the Service.

1.11.2

In the case of officers who request reversion to their former indefinite appointment after expiry of the probationary/trial period in the new indefinite appointment, the following parameters and procedures apply:

a. Reversion to the former indefinite appointment after expiry of the probationary/trial period in the new indefinite appointment may only be considered for medical or humanitarian reasons and subject to the provisions of Section 1.6;

b. In the case of reversion for medical reasons, the officer concerned has to be certified unfit to carry out the duties of the new indefinite appointment, but deemed fit to perform the duties of the previous indefinite appointment, by an official Medical Board. Such requests are to be considered solely in exceptional instances and where both the individual and the Service are deemed to be negatively affected by the officer's medical condition;

c. It is at the discretion of the Permanent Secretary concerned whether or not to approve such requests. In the case of a negative reply, the Permanent Secretary is to also inform the officer concerned of his/her right to appeal to the Public Service Commission within ten (10) working days. After the lapse of the ten (10) working days appeal period, the Permanent Secretary should enquire with the Commission whether any appeal was submitted.

1.11.3

When an officer opts to revert to the former indefinite appointment, there is no need for a fresh probationary/trial period.

1.12 Calls for Expressions of Interest

1.12.1 Definition

A call for expressions of interest is issued in order to identify public officers who are interested in being assigned to perform particular duties for a given duration. Such assignments do not involve a change of nomenclature. For this reason, calls for expressions of interest are distinct from calls for applications - the latter should invariably be used to fill positions carrying a specific nomenclature, since such positions involve an appointment in terms of article 110 of the Constitution.

1.12.2 Procedure

a. The processing of calls for expressions of interest is subject to the timeframes stipulated in Appendix 2 of the Manual on Industrial Relations and the Selection & Appointment Process under Delegated Authority.

b. Calls for expressions of interest are issued through internal circulars (a specimen is available for download at the website of the People Resourcing & Compliance Directorate at the address https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx).

c. Eligible applicants are assessed on their suitability for those duties in which they expressed an interest. The assessment is carried out by a departmental board appointed for this purpose and is to be carried out uniformly amongst all eligible applicants. Eligible applicants are to be made aware in good time (minimum one week) of the date of their assessment.

d. Ineligible applicants are to be informed accordingly and are to be given the reason for their ineligibility, together with the relevant paragraph in the expression of interest. These applicants are to be informed also of their right to submit representations with regard to their ineligibility, to the Permanent Secretary of the Ministry issuing the expression of interest, within five (5) working days from the date of notification, giving justified reasons.

e. The result of the selection process is published by respective head of department and exhibited on the notice board of the department which is issuing the call. Any petitions relating to the selection process should reach the Permanent Secretary of the Ministry issuing the expression of interest within ten (10) working days from the date of publication of the result. The Permanent Secretary will deal with such petitions, unless s/he is chairing the selection process.

f. The result shall remain valid for a period of one (1) year from the date of publication.

g. Selected candidates are deployed according to both the outcome of the assessment and Public Service exigencies.

h. Selected candidates normally continue to receive the salary of their substantive grade for the period during which they are assigned the particular duties, although some assignments might involve the payment of an allowance. They will resume the duties of their substantive grade once their deployment on such duties ceases.

i. Selected Officers are required to sign an undertaking signifying their commitment to the assignment for which they are selected. Such undertakings, whether they are first- time undertakings or renewals of existing ones, are to be signed without the need for reference to, or authorisation from, the Public Service Commission.

j. For the period during which they are assigned such duties, selected officers are accountable to the respective head of department, or his/her representative, where they are assigned.

k. The period of assignment is reckonable as 'service in the grade' for the purpose of computation of length of service, seniority, salary, progression and, where applicable, for treasury pension purposes. The performance of such duties is also acknowledged in the Record of Service (GP47).

1.13 Retirement

General

1.13.1

Statutory retirement age in terms of the Social Security Act (Cap. 318) is currently 64 years.

Thus, in the case of a person born during the calendar years 1959 to 1961, retirement age is 64 years and in the case of a person born on or after the 1st January 1962, retirement age is 65 years.

1.13.2

A public officer / public sector employee may retire prior to attaining the statutory retirement age, but in any case not before his/her 61st birthday, if that officer / employee satisfies the respective statutory conditions under the Social Security Act.

1.13.3

Persons who have opted to retire in terms of the provision at 1.13.2 may be re-employed, and are advised to consult the Department of Social Security on any possible impact that such decision might have on their entitlement to a pension under the Social Security Act.

1.13.4

A public officer who is pensionable under the Pensions Ordinance (Cap. 93) may opt to withdraw from Government service at the age of 60 years and thus receive his/her Treasury Pension/Gratuity. The officer, however, will only be entitled to receive a National Insurance Pension upon attaining the respective statutory retirement age in terms of the Social Security Act or upon availing himself/herself of the option at paragraph 1.13.2 above. Public officers who are considering withdrawing from Government service at 60 years of age are, likewise, advised to consult the Department of Social Security on any possible impact that such decision might have on their entitlement to a pension under the Social Security Act.

Public officers who are pensionable under the Pensions Ordinance (Cap 93), who remain in service up to their statutory retirement age, will benefit from the said pension under the Pensions Ordinance upon their retirement from the Public Service. Public officers who are pensionable under the Pensions Ordinance, who remain in service beyond statutory retirement age on an approved extension of service, will benefit from the pension under the Pensions Ordinance upon termination/expiration of their approved extended service. The only exception is as provided under sub-section 12 (2) of the Pensions Ordinance, whereby certain public officers may benefit from such pension whilst remaining in office as a public officer on an approved extension of service.

1.13.5

Public officers should inform their respective head of department at least four months in advance if they wish to retire between the age of 61 years and their statutory retirement age. The same applies to officers who are pensionable under the Pensions Ordinance who opt to withdraw from Government service at the age of 60 years. In the case of General Service Staff, information as to the officer's option should be transmitted to the People Resourcing & Compliance Directorate, People & Standards Division.

1.13.6

Persons (including ex-public officers / ex-public sector employees) over retirement age are not eligible to apply through external calls for applications within the Public Administration (unless the call is specifically targeted for the engagement / re-engagement of retired persons / officers in areas of acute shortage of staff).

In the case of calls for applications specifically aimed at persons over statutory retirement age, in areas of acute shortage within the Public Administration, the prior approval of OPM should be sought for the issue of the call. Such requests for approval should be backed by a strong justification and should be made only after calls for applications issued in the normal manner have not yielded any successful candidates. Once approval is forthcoming, the call may be issued and processed as per established procedures. The parameters below should be observed:-

a. Appointees are to be given a one-year definite contract, renewable, with inclusion of the objective reason of "temporary substitute employee" in terms of regulation 7[4][a] of S.L.452.81 entitled "Contracts of Service for a Fixed-Term Regulations";

b. When a retired officer/public sector employee is selected for a vacancy in the same grade s/he held prior to retirement, s/he will be placed on a salary equivalent to his/her salary point as on date of retirement (if applicable), with due increments and progression (if and as applicable). This unless there are other specific provisions in the related sectoral agreement;

c. Appointees are to be considered as public employees and shall carry the responsibilities and obligations pertaining to their office, and are subject to any applicable disciplinary regulations; and

d. Persons so engaged / re-engaged are not eligible to apply through 'normal' calls for applications for the filling of vacancies in the Public Administration.

Extension of service beyond retirement age

1.13.7

As from 1st July 2023 , the following policy applies to officers who are nearing, or are of retirement age, and who are holders of, or candidates to, a Headship/Directorship position:-

1. In order to be eligible to apply for, or to be appointed in, a Category "A" position, the candidates who have reached the statutory retirement age would need the written approval of the Principal Permanent Secretary following the endorsement of the Permanent Secretary so as to work beyond the statutory retirement age;

2. In the case of officers holding a Category "A" position, or officers selected for a Category "A" position, who are nearing statutory retirement age, the performance agreement will cease to be in effect when the officer reaches such age if no endorsement by the respective Permanent Secretary has been given;

3. However, at the officer's own request, the remaining term of the performance agreement may be completed, if such term does not exceed a period of twelve (12) months;

4. In all other instances, where the officer, or the Administration, requests that the the full term is completed, the matter is to be referred for the approval by the Principal Permanent Secretary upon the recommendation of the respective Permanent Secretary, and

5. In line with current regulations, any new application, appointment or extension beyond the age of 65 years of age will unfailingly require the approval of the Prime Minister following endorsement by the Principal Permanent Secretary.

In all other cases, requests for extension of service beyond statutory retirement age made in respect of public officers and Public Sector employees, are to be submitted for the consideration of the respective Permanent Secretary (or his/her delegate) / Head of Entity, as applicable. Authority to approve such requests is delegated to the Permanent Secretary (or his/her delegate) / Head of Entity, as applicable, who is to ensure that the following conditions are satisfied:-

1. there is a demand for the services tied to the grade/position in question or proven humanitarian reasons exist;

2. the officer/employee concerned has rendered satisfactory service;

3. funds are available;

4. extensions are made for a period not in excess of one year, renewable, **up to the age of 65 years**;

5. the request is to be processed four (4) months before the officer/employee attains retirement age or, in the case of further extensions, before the date of expiry of current approval; and

6. an understudy is, complementarily, identified well before the expiry of the extension to ensure smooth transfer of duties.

Requests for extension in respect of public officers/Public Sector employees **beyond 65 years of age** are to be invariably referred to P&SD for OPM approval.

It is clarified that public officers / Public Sector employees, who have their service extended beyond retirement age, are not eligible to apply through calls for applications for the filling of vacancies in the Public Service / Public Sector. They are, however, entitled to due increments and progression (if and as applicable) plus any applicable allowances for duties actually performed.

Requests for information regarding NI Pension deferral top-up beyond the age of 61 are to be referred to the Department of Social Security.

1.14 Notice of Termination of Employment

Indefinite Appointment

1.14.1

A public officer holding an indefinite appointment (i.e. a substantive grade / indefinite position / officer in grade), who is selected for appointment to another grade/ position in another Ministry, should, immediately upon notification of the new appointment, inform his/her head of department in writing in order that the necessary arrangements with regard to handover are made. In any case, handover arrangements, over a period not exceeding four (4) weeks, are to be mutually agreed upon between the respective heads of department.

1.14.2

An officer holding an indefinite appointment, who applies for and is selected to fill a vacancy with a Public Sector entity advertised through a public call, may take up the post/position with the entity without having to resign from his/her indefinite appointment with the Public Service, subject to the consent of the Permanent Secretary of the ministry with whom he/she is currently employed, and subject that no overall increase in headcount (i.e. Public Service/Public Sector) shall result. The officer is detailed/deployed with the entity concerned, and is subject to a 4-week period of notice, at the discretion of the ministry consenting to the officer's detailing/deployment.[6]

[6] PAHRO Circular 15/2014

1.14.3

Should an officer on an indefinite appointment opt to resign from the Public Service for the purpose of taking up new employment with a Public Sector entity, the officer is, likewise, subject to a 4-week period of notice.

1.14.4

Public officers holding an indefinite appointment, who terminate their employment with the Service, not for the purpose of taking up new employment with a Public Sector entity, are subject to a period of notice of termination of employment as stipulated below. The length of the notice period depends on the length of service of the officer concerned, in accordance with the following schedule, up to a maximum of 8 weeks[7]:

Length of Service	Period of Notice
More than 1 month but less than 6 months	1 week
More than 6 months but less than 2 years	2 weeks
More than 2 years but less than 4 years	4 weeks
More than 4 years	8 weeks

[7] PAHRO Circular 3/2013

1.14.5

In the case of technical, administrative, executive or managerial posts, longer periods of notice may be agreed between the employer, represented by the respective line Ministry, and the officer. The People & Standards Division is to be notified of such arrangements.

1.14.6

In the case of officers holding an indefinite appointment who are on a reduced hour schedule or who are on a part-time basis, the period of notice specified above is likewise applicable (e.g. an officer working on a reduced 20 hour per week schedule, and whose length of service is of 2 years but less than 4 years, will be bound by a 4-week notice period, at 20 hours per week).

1.14.7

In the case of officers who have availed themselves of periods of paid/unpaid leave, the period of notice is to be calculated on the length of active service together with any periods of paid leave and/or unpaid leave which is reckonable as service in the grade.

1.14.8

An officer holding an indefinite appointment who resigns from the Public Service is to give not less than the period of notice specified above, or in accordance with any agreement made in terms of paragraph 1.14.4 above. If such notice is not given, the employee will be liable to pay Government half of the salary that would have been earned during the unelapsed period of notice.

Definite Appointment [8] [9]

1.14.9

Termination of a definite appointment on the part of either the officer or the Permanent Secretary during the probationary period is subject to a 1-week notice period or the payment of half the salary that would have been earned during the unelapsed period of notice by the respective party if the officer has been in employment for more than 1 month, provided that if the officer terminates the definite appointment in order to take up another employment with the Public Service or with an entity of the Public Sector, then only the 1-week period of notice is applicable. No notice is required by either party in the case of termination within the first month of employment.

1.14.10

Public officers whose only employment with the Public Service is on a definite appointment, and who abandon the Public Administration (i.e. abandon the definite appointment not to take up another employment with the Public Service or with an entity of the Public Sector) after the lapse of probation but before the expiration of the time definitely specified by the definite appointment, shall pay to the employer a sum equal to one-half of the full salary to which they would have become entitled if they had continued in their definite appointment for the remainder of the time so specifically agreed upon.

[8] PAHRO Circulars 7/2014 and 8/2014.

[9] The provisions under this sub-heading are applicable to public officers (i.e. appointees in terms of article 110 of the Constitution of Malta) who are not on a Category A Performance Agreement. Moreover, termination of employment by the Permanent Secretary on behalf of the Government is subject to the approval of the Public Service Commission in terms of the said Constitutional provision, unless the officer is still undergoing the probationary period, in which case the employer may act under delegated authority in terms of the applicable provisions.

1.14.11

Conversely, public officers whose only employment with the Public Service is on a definite appointment, which appointment is terminated by the Permanent Secretary on behalf of the Government after the lapse of the probationary period but before the expiration of the time definitely specified by the definite appointment for reasons other than any of the provisions contained in the PSC Disciplinary Regulations (S.L. Const. 07) or termination due to the loss of the right to work in Malta in terms of the Immigration Act (Chap. 217 of the Laws of Malta), shall receive one-half of the full salary that would have been earned in respect of the remainder of the time specifically agreed upon.

1.14.12

Public officers whose only employment with the Public Service is on a definite appointment, who terminate the definite appointment after the lapse of probation but before the time definitely specified by the definite appointment, in order to take up another appointment within the Public Administration (i.e. including entities within the Public Sector), shall be subject to a 4-week notice period.

1.14.13

Public officers who hold an indefinite appointment and a concurrent definite appointment, who abandon the Public Administration (i.e. abandon the definite as well as the indefinite appointment not to take up another employment with the Public Service or with an entity of the Public Sector) after the lapse of probation but before the time definitely specified by the definite appointment, shall be subject to the notice provisions applicable to the actual appointment being performed by the officer at the time of resignation, as specified in the respective applicable paragraph of this section.

1.14.14

Public officers who hold an indefinite appointment and a concurrent definite appointment, who terminate their definite appointment after the lapse of probation but before the time definitely specified but do not resign from the service (i.e. they fall back on their substantive / indefinite appointment in the Public Service) as well as public officers who terminate the definite appointment to take up another appointment within the Public Administration (i.e. including entities of the Public Sector, in which case the officers concerned need not resign from their indefinite appointment with the Public Service but may be detailed/deployed with the entity)[10], shall be subject to a 4-week notice period.

1.14.15

Public officers who hold an indefinite appointment and a concurrent definite appointment, whose definite appointment is terminated by the Permanent Secretary on behalf of the Government (except in terms of any of the provisions contained in the PSC Disciplinary Regulations [S.L. Const. 07] or termination due to the loss of the right to work in Malta in terms of the Immigration Act [Chap. 217 of the Laws of Malta]) after the lapse of probation but before the expiration of the time definitely specified, shall be given a 4-week notice period OR paid half the salary that would have been earned during the unelapsed period of notice.

1.14.16

In the case of officers holding a definite appointment who are on a reduced hour schedule or who are on a part-time basis, the period of notice specified above is likewise applicable.

Public officers who resign whilst on long leave of absence are subject to the notice period

1.14.17

Public officers who tender their resignation, whilst on approved **long leave of absence**, including absences in terms of the Manual on Special Leaves and the Manual on Work-Life Balance Measures, are still subject to give the prevailing applicable **notice period**. Hence, public officers who resign from the Public Service have to communicate their intended resignation, at own volition, to their parent ministry/department, in advance of the due onset of their applicable notice period, pre-resignation. This, without having to perform the actual duties of their grade if on long leave of absence; **or,** should they be attached to an organisation or body, beyond the Public Administration, they are to honour their notice period obligations thereat.

1.14.18

Failure on the part of such public officers to scrupulously observe and abide by their applicable notice provision, renders them liable to payment of the imposed pecuniary penalty provision, in part or in full, as applicable.

Resignation as a result of a disciplinary measure

1.14.19

A public officer who is considered as having resigned from the Public Service in terms of Regulation 32 of the PSC Disciplinary Regulations (S.L. Const. 07) shall be liable to pay the applicable pecuniary damages as specified in the preceding paragraphs of this Section.

Termination of employment by a public officer who is detailed with a Public Sector entity

1.14.20

A public officer who is detailed with a Public Sector entity, who resigns from his/her employment with the Public Sector entity as well as from the Public Service, shall be subject to the notice provisions applicable to the actual appointment with the entity being performed by the officer at the time of resignation, as spelt out in his/her contract with the entity or the entity's collective agreement, whichever is applicable. In the absence of a contract with the entity/applicable collective agreement, the detailed officer is subject to the notice provision applicable to the substantive grade held in the Public Service, with the applicable notice period being worked within the entity. The officer is to inform his/her respective Director responsible for People Management and the Research & Personnel Systems Directorate within P&SD of his/her resignation from the Public Service.

1.15 Concession to Clinical Grades to switch from full-time to part-time basis

1.15.1

In order that the Public Service maximises as much as possible the utilisation of clinical resources available, public officers in the clinical grades are to given the opportunity to be able to switch from a full-time to a part-time basis if they request it and at the discretion of management in line with the exigencies of the Service.

02

Background: C:\pdf\green.pdf

Advertisement of Vacancies in the Public Service

2.1 Wording of Calls for Applications

2.1.1

Calls for applications are based on the specimen templates available to HR units on the Government of Malta Recruitment Portal.

2.1.2

When People Resourcing & Compliance Directorate authorises the concurrent issue of an internal (Service-Wide or Sector-Wide) call and a Public Call for a particular vacancy in order to address requirements across the Public Service in the shortest time possible, the Public Call should clearly indicate that the order of merit pertaining to the Public Call shall only be resorted to once the internal order of merit is exhausted, subject to availability of vacancies within the validity period of the result. In this regard, both results are to be published on the same date, as different dates of expiry might lead to recourse to the order of merit of the Public Call while the internal order of merit is expired but not exhausted.

2.1.3

In the case of calls for applications for the filling of vacancies in Gozo, the following paragraph is to feature in the text of the advert:

Internal calls:

"Public officers who are ordinarily resident in Gozo but currently working in Malta, and who hold the same substantive grade as that being advertised, may apply. If selected, such public officers will be permanently assigned to work in Gozo, carrying their respective grade, salary entitlement and salary point, including entitlement to increments, any progression and promotion tied to the post."

Public calls:

"Public officers who are ordinarily resident in Gozo but currently working in Malta, and who hold the same substantive grade as that being advertised, are still required to apply through this call for applications if they are interested in working in Gozo. If selected, such public officers will be permanently assigned to work in Gozo, carrying their respective grade, salary entitlement and salary point, including entitlement to increments, progression and promotion elements tied to the post."

2.2 Basic Eligibility Requirements

2.2.1

Public officers (i.e. officers appointed in terms of Article 110 of the Constitution - vide section 1.1.3) are eligible to apply through calls for applications advertised means of a circular (e.g. Ministry or Departmental Circular, Service-wide Circular, Sector-wide Circular), irrespective whether the applicants are employed on an indefinite or a definite contract, as long as they satisfy the eligibility criteria stipulated in the respective call for applications.

2.2.2

A public officer must be confirmed in his/her current appointment prior to being eligible to apply laterally (vide Section 2.2.4) or for promotion to a higher grade/position, unless the current appointment is in a different class/stream or in a definite position, but may apply for a lower grade/position even if not confirmed and whether in the same stream or not. This is subject to the following proviso:-

(i) In the case of officers applying within their career stream / sectoral agreement, when eligibility is open to holders of grades at different levels within the career stream, an officer who is not confirmed in his/her current grade, but is confirmed in his/her previous grade within the same stream, shall be eligible to apply, provided all other eligibility requirements are satisfied; and

(ii) In the cases referred to at (i) above, once the officer is confirmed in the new higher grade, the uncompleted trial period tied to his/her previous grade will be deemed as having been satisfied by virtue of the fact that the officer would have been confirmed in a higher grade. Hence, should the officer request reversion to previous grade, in terms of the provisions of Section 1.11.2, s/he would be entitled to revert to such grade. Furthermore, if the trial period in the new higher grade is not completed in full, but satisfactorily, because the officer requests reversion to previous grade, then the trial period performed with respect to the new higher grade will be taken in aggregate with the trial period performed with respect to the previous grade for the purpose of confirmation of appointment in the previous grade.

2.2.3

Eligibility requirements must be satisfied both at the point of applications as well as at the point of appointment.

2.2.4

All other things being equal (e.g. the salary package), lateral applications (i.e. applications by public officers who already hold an appointment in the same grade or position being advertised) are not allowed, except for instances when the area of specialisation of the advertised vacancy is different to the one held by the public officer and requires a specific related qualification as an eligibility requirement, which the applicant must satisfy. This applies both in the case of internal and external calls for applications and is without prejudice to:-

i) the provisions of Section 1.2.4 (xviii) which states that public officers whose principal place of residence is in Gozo but who are working in Malta, and who hold an appointment in the same grade/position being advertised, may apply laterally, and

ii) cases of officers holding a position of a definite nature (i.e. with objective reason), who are in the last four (4) months of their definite term – such officers may apply laterally, even if the advertised position carries the same specialisation that they currently hold.

The provisions of this section are subject to the overriding requirement that to be eligible to apply for a lateral/higher grade/position, an officer must be confirmed in his/her current appointment (vide section 2.2.2).

2.2.5

Acceptance of an **indefinite** appointment signifies that any pending applications within the Public Service are automatically considered renounced, unless the latter are:-

(i) applications for SAAC/ADAC positions; or
(ii) applications for a definite position; or
(iii) applications by Gozo-resident officers who have accepted an appointment in Malta while having a pending application for a post in Gozo; or
(iv) applications for a post/indefinite position which is higher than the one accepted.

Acceptance of a **definite** appointment signifies that any pending applications within the Public Service are automatically considered renounced, unless the latter are:-

(i) applications for SAAC/ADAC positions; or
(ii) applications for a post/indefinite position;
(ii) applications by Gozo-resident officers who have accepted an appointment in Malta while having a pending application for a definite position in Gozo; or
(iii) applications for a definite position which is higher than the one accepted.

Full details of the procedures to be followed are available in Section 5.2 of the Manual on Industrial Relations and the Selection and Appointment Process under Delegated Authority in the Malta Public Service (https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/Manuals.aspx).

2.2.6

In the case of grades/positions which have been identified as involving regulatory or inspectorate functions, for the purposes of sub-article 5 of article 4 of the Public Administration Act, as defined in the Annex to Directive 14.1, this is to be clearly stated in the call for applications. The call should also state that the relevant conditions laid out in the Public Administration Act and Directive 14.1 apply.

Moreover, the call should state, as applicable, that selected candidates will be required to fill in the Declaration available at Appendix 1 to Directive 16 regarding the "Governing Framework for Preventing and Managing Conflicts of Interest in the Public Administration", issued by the Principal Permanent Secretary on 27th November 2023 and which came into force on 1st February 2024. (available here: https://publicservice.gov.mt/en/people/Documents/Directives/Framework%20for%20Preventing%20and%20Managing%20COI%20in%20the%20Public%20Sector.pdf), if the post/position (i) is in salary scales 5 or higher and/or (ii) is considered to be a high risk post/position as listed in the Sixth Schedule to the Public Administration Act and/or (iii) involves regulatory / inspectorate functions as listed in the Annex to Directive 14.1. In all other cases, selected candidates are to report any known actual, potential or apparent conflicts of interest prior to accepting an appointment, through the said Declaration.

2.2.7

As regards age limits, the legal compulsory school age (vide articles 2 and 58 of the Education Act [Cap. 605]), as well as the maximum statutory retirement age as specified at paragraph 1.13.1, are applicable to posts/positions in the Public Administration. The latter limitation, however, does not apply in the case of calls for applications issued specifically for the engagement / re-engagement of retired persons / officers in areas of acute shortage of staff as determined by the Principal Permanent Secretary (vide Section 1.13.6).

2.2.8

Candidates for admission into the Malta Public Service must be[12] :

a. citizens of Malta; or

b. citizens of other Member States of the European Union who are entitled to equal treatment to Maltese citizens in matters of employment by virtue of EU legislation and treaty provisions dealing with the free

movement of workers; or

c. citizens of any other country who are entitled to equal treatment to Maltese citizens in matters related to employment by virtue of the application to that country of EU legislation and treaty provisions dealing with the free movement of workers; or

d. any other persons who are entitled to equal treatment to Maltese citizens in matters related to employment in terms of the law or the above-mentioned EU legislation and treaty provisions, on account of their family relationship with persons mentioned in paragraph (a), (b) or (c); or

e. third country nationals who have been granted long-term resident status in Malta under regulation 4 of the "Status of Long-Term Residents (Third Country Nationals) Regulations, 2006" or who have been granted a residence permit under regulation 18(3) thereof, together with family members of such third country nationals who have been granted a residence permit under the "Family Reunification Regulations, 2007"; or

f. in possession of a residence document issued in terms of the Residence Status of United Kingdom Nationals and their Family Members in Malta in accordance with the Agreement on the Withdrawal of the United Kingdom and Northern Ireland from the European Union and the European Atomic Energy Community Regulations.

[12] S.L. 595.03

The advice of the Citizenship and Expatriates Department should be sought as necessary in the interpretation of the above provisions.

The appointment of candidates referred to at (b), (c), (d) and (e) above would necessitate the issue of an employment license in so far as this is required by the Immigration Act and subsidiary legislation. JobsPlus should be consulted as necessary on this issue.

2.2.9

When suitable candidates as specified at (a) to (f) above cannot be found, the procedure outlined at Section 4.6 is to be followed.

2.2.10

As a general rule, posts/positions which involve the exercise of public authority and the safeguarding of the general interests of the State may only be filled by Maltese citizens. Such posts/positions include:

a. posts/positions in the Office of the President, the House of Representatives, the Prime Minister's and Ministers' secretariats, the Cabinet Office, and the offices of the Principal Permanent Secretary and any Permanent Secretary;
b. posts/positions involving the preparation of expert advice in the field of prosecution of offences or lawmaking, and posts/positions entailing responsibility for advisory constitutional bodies;
c. posts/positions involving the sovereignty of the State, including diplomatic and foreign representation;
d. certain posts/positions in the Office of the Prime Minister and the Ministries of Finance, Justice, Home Affairs and Foreign Affairs;
e. posts/positions within departments charged with the protection of the economic interests of the State, including tax authorities;
f. positions in the Higher Executive Service as specified in sub-article 19(1) of the PAA, i.e.:-
    - heads of department as listed in the Second Schedule of the PAA;
    - Directors General, Directors and the holders of equivalent positions which the Permanent Secretary may indicate within each Ministry and those who have been charged with primary responsibility for any of the following or similar functions:-
    1. the management of corporate services;

2. policy development and monitoring of implementation, and
3. information management;

g. posts/positions in the disciplined forces and offices responsible for defence matters; and
h. posts/positions in the security services and in the field of civil protection and defence.

Authority to determine whether or not a post/position should be reserved for Maltese citizens is vested in the Principal Permanent Secretary.

2.2.11

In addition, calls for applications are to clearly indicate:

a. any academic and/or other professional qualifications or experience that are required;

b. any language requirements tied to the particular post/position, provided that such requirements are proportionate and reasonably necessary for the proper fulfilment of the tasks involved and in order to sufficiently and adequately carry out the duties applied for; and

c. any special skill or other specific requirement as the case may be.

2.2.12

In the case of calls for applications for the filling of vacancies in substantive grades, the eligibility requirements and salary scales for a particular post are determined by the applicable Classification Agreements.

2.2.13

Some classification agreements/documents contemplate definite positions which generally stipulate the relevant eligibility requirements. However, the creation of ad hoc definite positions may occasionally be necessary, subject to the following:

a. Ad hoc positions should only be resorted to in exceptional cases, and as a general rule the grades and positions created by the Classification Agreements should be utilised;

b. In calls for applications for the filling of such ad hoc definite positions issued according to the service delivery needs of the Service, eligibility requirements are dependent upon the particular position as well as the remuneration Scale to which the particular position is pegged. Eligibility benchmarks for the filling of positions on a definite basis are available for download at the Forms and Templates webpage of the People Resourcing & Compliance Directorate at the address https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx . These benchmarks are aimed at maintaining standards and consistency across the Public Service;

c. Ad hoc eligibility requisites may be set for positions only where skills shortages exist in the labour market, or where the nature of the duties necessitates the possession of particular capabilities. Such eligibility requisites are to be established in consultation with the People & Standards Division;

d. Public calls for definite positions extending eligibility also to Public Officers on the basis of their experience (i.e. officers not below a certain Scale with a number of years of relevant work experience) are considered only in exceptional circumstances and on a case-by-case basis.

2.2.14

In specific cases where it proves highly difficult to recruit, this on the basis of higher remuneration being paid by the private sector in comparable positions, a 'market correctivity allowance' may be granted in addition to the basic remuneration. The payment of such an allowance requires the concurrence of the Principal Permanent Secretary and the Permanent Secretary of the Ministry responsible for Finance.

2.2.15

Moreover, non-category 'A' and non-managerial positions pegged to Salary Scale 7 or above may attract a performance bonus of a maximum of 10% of the basic salary. The award of a performance bonus is only resorted to exceptionally and is granted only in cases where the output can be readily measured against pre-determined targets. These targets are usually pre-determined between the respective Permanent Secretary and the selected candidate. The award of a bonus tied to performance will need to be advertised in the

call for applications and will form part of the contract of employment. The creation of a performance bonus is recommended by the respective Permanent Secretary and approved by the Principal Permanent Secretary prior to the issue of the call for applications.

2.2.16

Issues as to whether an applicant is in possession of the qualifications required should be determined by the respective Selection Board and matters relating to professional or occupational qualifications or experience are to be addressed in terms of applicable

legislation, including the Mutual Recognition of Qualifications Act (Chap. 451) including any Regulations issued in terms of said Act.

2.3 Special Arrangements for Persons with Disability

2.3.1

Persons registered with Aġenzija Sapport shall be given reasonable accommodation in terms of Article 27 of the Second Schedule of the United Nations Convention for the Rights of Persons with Disability Act (Chapter 627 of the Laws of Malta) as further interpreted by the Fourth Schedule of the same Act, even if they do not satisfy, in full, the requirements for the post/position, provided they can carry out, in essence, the duties related to the post/position and subject to the approval of the Public Service Commission.

2.3.2

The following procedure is to be followed:

i. A person with a disability who requires reasonable accommodation in connection with an application for a post or position within the Public Service, may submit a request for such accommodation by means of the form available on the Forms and Templates webpage of the People Resourcing & Compliance Directorate at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx .

ii. This form is to be submitted with the application for the post/position, together with the required documentation, which should include:

   a. a copy of the EU Disability Card issued by Aġenzija Sapport; and

   b. a copy of a medical certificate, issued by a specialist medical practitioner confirming the applicant's disability. This certificate is valid as long as its date of issue is not earlier than two years from the date of application. In case the applicant's disability is of a permanent nature, the validity of the certificate is not time-barred.

iii. The Selection Board appointed to evaluate such applications, will, in turn, submit this form, together with all supporting documentation, to the Public Service Commission (PSC) without retaining a copy. The relative application form for the post/position applied for is to be retained by the Selection Board.

iv. The PSC will, on the merits of the applicant's request, decide in favour of the waiver of one or more of the eligibility requirements or otherwise, and issue instructions to the Selection Board accordingly. The PSC may also need to consult with the Head of Department (responsible for the issuing of the relative call for applications) as to whether it would be feasible to waive an eligibility requirement if that requirement appears to constitute a core requirement for the post/position applied for.

v. Once the PSC has taken its decision, the reasonable accommodation form and all relevant documentation will be destroyed. An extract of the PSC decision should be inserted in the relevant PSC file.

2.3.3

In addition to the above, where calls for applications for posts/positions require sitting for an examination, persons registered with Aġenzija Sapport are to be allowed special examination arrangements. These arrangements are to be introduced in line with those established in the University of Malta Guidelines to MATSEC Examinations Access Arrangements, 2011 (these may be accessed on http://www.um.edu.mt/about/services/support/access).

2.3.4

The clauses stipulating the above arrangements for reasonable accommodation are included in the General Provisions pertaining to calls for applications, to which there is a link in the call. The clauses are as follows:

> "Persons registered with Aġenzija Sapport shall be given reasonable accommodation in terms of Article 27 of the Second Schedule of the United Nations Convention for the Rights of Persons with Disability Act (Chapter 627 of the Laws of Malta) as further interpreted by the Fourth Schedule of the same Act, even if

they do not satisfy, in full, the requirements for this post/position, provided they can carry out, in essence, the duties related to the post/position and subject to the approval of the Public Service Commission.

Requests for reasonable accommodation are to be made through the specific form available on the Forms and Templates webpage of the People Resourcing & Compliance Directorate at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx , which should be attached to the application form and supported with relevant documentation including documentary evidence of registration with Aġenzija Sapport. Reasoned justification should be given why full eligibility requirements are not being met and why reasoned considerations are merited. All correspondence is to be addressed to the receiving Department/ Directorate.

Moreover, in those cases where the call for applications stipulates entry into a grade/ position through an examination, whether public or internal, in the case of persons with a disability registered with Aġenzija Sapport, special examination arrangements shall be made as established in the University of Malta Guidelines to MATSEC Examinations Access Arrangements, 2011 (these may be accessed on http://www.um.edu.mt/about/services/support/access).”

2.3.5

Moreover, in order to increase opportunities for persons with a disability to work in the Public Administration, the following procedure is to be followed by departments and entities seeking to fill vacant posts/positions:

i. Prior to resorting to recruitment through the normal channels (i.e. through a call for applications or through JobsPlus, as applicable), departments and entities are to identify whether vacant posts/positions may be filled by persons registered on the JobsPlus register of disabled unemployed, subject that they can perform, in essence, the duties of the post/position.

ii. In the case of the Public Service, this measure is applicable to recruitment in salary scales 12 to 20 (both scales included).

iii. When a department/entity intends to fill a vacancy from JobsPlus register of disabled unemployed, the department/entity is to notify JobsPlus of the pre-requisites of the post/position to be filled. By virtue of the principle of reasonable accommodation, such pre-requisites may be less than those usually required by the applicable Classification/ Collective Agreement, or established eligibility benchmarks in the case of positions.

iv. JobsPlus shall then provide the department/entity with a list of registered disabled unemployed who, in its judgement, may perform, in essence, the duties of the post/ position.

v. Subsequently, the department/entity is to appoint a selection board, inclusive of a member nominated by Aġenzija Sapport, which board shall select the candidate most suited to fill the post/position. If the selection board declares that it cannot fill the vacancy from the list provided by JobsPlus, the burden of proof rests with the department/entity to justify accordingly. In the case of a vacancy to be filled in the Public Service, should no agreement be reached by the members of the Selection Board regarding the filling of the post/position, the matter should be referred to the PSC which shall act as a Board of Appeal. In the case of Public Sector entities, where agreement cannot be reached by the selection board, the matter is to be referred to Aġenzija Sapport for investigation, by virtue of the power conferred upon Aġenzija Sapport by law.

2.4 University Degree as an Eligibility Requirement

2.4.1

The possession of a degree as an eligibility requirement should read as follows:

English Version:

" ..... be in possession of a recognised Degree in, or have been approved by the University for the award of that Degree."

Maltese Version:

"..... ikollhom grad Universitarju rikonoxxut jew li għandhom l-approvazzjoni tal-Universita' li kkwalifikaw għal dan il-grad."

2.4.2

In the case of those candidates who have not yet been formally awarded a Degree, these would be expected to produce satisfactory evidence from the University concerned that they have, in fact, been approved by the University for the award of a Degree.

2.4.3

In the case of those calls for applications where, in addition to the possession of a degree, the possession of a warrant is also a requirement, the clauses in italics above would not apply and instead reference is to be made to the warrant required.

2.4.4

With the exception of those qualifications referred to in paragraphs 2.4.5 and 2.4.6 hereunder, applicants are required to produce a recognition statement by the Malta Qualifications Recognition Information Centre (MQRIC) within the Malta Further and Higher Education Authority, which is to be obtained by submitting an online "Application for the Recognition of Qualifications" at https://mfhea.mt/academic-qualifications/ . Such statement should be attached to the application and the original presented at the interview.

2.4.5

Prior to requesting recognition statements as per paragraph 2.4.4 above in respect of their qualifications, candidates should first consult the "Malta Qualifications Database" of the MFHEA which can be accessed on http://qualifications.ncfhe.gov.mt/#/dashboard . Applicants are exempt from submitting a recognition statement as mentioned in paragraph 2.4.4 if they are presenting qualifications listed therein. A print of such list including the qualification is to be presented by the applicant.

2.4.6

No recognition statement by MQRIC is required in respect of qualifications issued by Maltese self accrediting institutions, these being the University of Malta, MCAST and ITS; or any Maltese qualification that has been accredited by the MFHEA, which on the certificates states: 'The Malta Further and Higher Education Authority deems this certificate to be MQF _____'.

2.4.7

In the case of qualifications not covered by 2.4.5 and 2.4.6, applicants are to submit the recognition statement as described in paragraph 2.4.4. Applicants who are not in possession of such a statement may still apply, provided that they submit a copy of the statement to the receiving department/directorate as soon as it is available, and, in any case, by not later than four (4) months for the closing date of the call for applications. Applicants may be assessed provisionally whilst still awaiting MQRIC equivalence of their qualification/s. Should the equivalence report be in the negative or not presented within four (4) months from the closing date of the call for applications, such applicants will be disqualified from the selection process. Moreover, subject to availability of vacancies, appointment cannot be made before the positive equivalence report is received from MQRIC.

2.5 Training Requirements

2.5.1

There may be instances where a selected candidate is required to follow specialised training abroad leading to a particular qualification prior to his/her being appointed or confirmed in his/her appointment as a result of the call for applications. In such cases, the call for applications is to specify such a condition as shown hereunder:

> "The selected applicant must proceed abroad to follow a _____-year course of training leading to the_____. The selected applicant will only be appointed as _____ on his/her obtaining the _____and on taking up the duties relevant to the post."
>
> or
>
> "The selected applicant must proceed abroad to follow a _____-year course of training leading to the _____. The selected applicant will only be confirmed in his/ her appointment as _____on his/her obtaining the _____and on completion of one (1) year satisfactory service in the grade of _____ . Otherwise the appointment of _____will be terminated."
>
> and
>
> "Candidates proceeding abroad to follow courses will be bound by the relevant conditions applicable to the Malta Public Service."

2.6 Conduct Requirements

2.6.1

To be considered for appointment in the Public Service, applicants must be of conduct which is appropriate for the post/position applied for. Hence, prior to appointment, selected candidates from outside the Public Service must produce a Certificate of Conduct issued by the Criminal Records Office or other competent authority not earlier than six (6) months from the closing date of the call for applications, which should be submitted by the selected candidate within one (1) week from the date of the notification of appointment. This requirement applies even in those cases where employment is to be on part-time or contractual basis. In the case of serving public officers, however, a Conduct Certificate is not insisted upon since public officers are requested to present a copy of their Service and Leave Record Form (GP47).

2.6.2

The employment of persons convicted of an offence is to be decided on the basis of the following principles:

a. Conviction of an offence is not an automatic disqualification for employment in Government service;

b. A department may employ an applicant convicted of an offence, who is otherwise suitable, provided that it is reasonable to do so, taking into account the seriousness of the offence (particularly in relation to the job for which the person is an applicant), the person's age at the time of the offence, the time that has elapsed since the offence was committed and the person's record during that time;

c. A department is not, however, to employ such a person in any job which affords any opportunity of repeating the offence until it is satisfied that the person is reliable.

2.7 Health Requirements

2.7.1

To be eligible for appointment in certain particular sectors, applicants may be required to undergo a medical examination and to satisfy particular physical criteria, as part of the assessment process.

2.8 The Inclusion of Private Work or otherwise

2.8.1

A condition of appointment to certain full-time posts is that appointees are either not allowed or allowed to undertake private work in the profession of the post/position. Where applicable, therefore the condition that the private work is or is not allowed should be clearly stated in calls for application.

2.9 Recruitment Portal and Mobile App

2.9.1

A Malta Public Service Online Recruitment Portal is available at the address http:// recruitment.gov.mt. The portal offers prospective applicants the possibility of viewing the current vacancies, as well as creating and storing a personal profile and submitting on-line applications for posts/positions in the Public Service from the comfort of their home and even after office hours.

2.9.2

Application through the on-line recruitment portal is mandatory in the case of posts or positions in the Public Service from salary scale 16 upwards (salary scale 16 included), with the exception of Industrial Grades.

2.9.3

A Mobile App "Join the Public Service" is also available. The app offers prospective applicants the possibility of viewing the current vacancies by job category and of being notified when a vacancy which is of interest to them is available.

2.10 Standard Application Forms

2.10.1

A Standard Application Form is available to standardise selection procedures in the Industrial Grades in the Public Service.

2.10.2

The form is accessible in electronic format and may be downloaded from the Forms and Templates web-page of the People Resourcing & Compliance Directorate at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx .

2.10.3

Prospective applicants applying for Industrial Grades within the Public Service should utilise the Standard Application form.

2.11 Notifications of Calls for Application[13]

2.11.1

It is imperative that calls for applications, whether advertised through a circular or a public call for applications, be given maximum coverage. In addition to the possibility of viewing current vacancies on the Recruitment Portal, the latest internal and external calls for application are disseminated through an e-mail issued on Fridays by DOI.

2.11.2

Calls for applications are to be brought to the notice of officers who are:

- abroad on Government sponsored scholarships;
- studying abroad with Government approval and are being paid their full salary;
- abroad on Government duty and
- on paid or unpaid leave.

2.11.3

Moreover, and also in order to satisfy the provisions of regulation 6 of the "Temporary Agency Workers Regulations" (S.L. 452.106)), it is the responsibility of Directors responsible for People Management to ensure that appropriate mechanisms are in place so that all calls for applications, whether advertised through a circular or a public call for applications, are displayed in a timely manner and at a prominent place (e.g. departmental notice board) at the Head Office and in the Branches or District Offices, as appropriate. In this regard, it is sufficient to only list on the departmental notice board the title of the call for applications being advertised whilst giving the details of the officer (e.g. Director responsible for People Management, HR Manager or any other appropriate officer) from whom further details may be requested. Facilities should be then made available by Directors responsible for People Management to employees who do not have computer/e- mail access or are not computer literate to view the details of the respective call upon request.

2.11.4

The requirements stipulated in the preceding paragraph are in addition to the procedure established for the distribution of circulars.

[13] OPM Circular 36/2003, OPM Circular 42/2003 and PAHRO Circular 86/2011

2.11.5

Directors General/Directors should be so bound in those cases where they would have been obliged to bring the call for applications to the notice of such officers, had they been on duty in Malta, and provided that the officers abroad would have left their forwarding address/e-mail address, as applicable, with the respective Director General/Director.

2.12 Vacancies with the EU Institutions, Bodies and Agencies[14]

2.12.1

EU Institutions, Bodies and Agencies employ staff, both on definite and indefinite contracts. It is in Malta's interest to have as many Maltese citizens as possible working in EU Institutions, Bodies and Agencies in order to enhance Malta's role within the EU Institutions.

2.12.2

In order to ensure that as many Maltese citizens as possible are aware of such employment opportunities, all vacant posts are advertised through direct links to the relevant website addresses of these Institutions on the DOI website. Both the INTRA Portal (under the heading 'Job Opportunities') and the People & Standards Division website regarding recruitment of staff with the EU are directly connected to the DOI website. These advertisements are found under the heading 'Employment Opportunities' on the DOI front portal at http://www.doi.gov.mt

[14] MPO Circular 22/2004, MPO Circular 89/2005 and MPO Circular 150/2006

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Background: C:\pdf\green.pdf

Progression and Promotion in the Public Service

3.1 Definition

3.1.1

A promotion is defined as an appointment to an office of higher status or remuneration. Promotions in the case of substantive grades are regulated by Classification Agreements, and are obtained either after a number of years service or through a selection process. In the latter case, account is taken of qualifications, experience and merit, before seniority in the Service.

3.1.2

Progression involves the advancement of an officer from one salary scale to a higher scale within the same grade after a number of years of satisfactory service. Progressions are also regulated by the relevant Classification Agreements.

3.2 Performance Rating Reports

3.2.1

A system of performance rating reports is applicable in respect of public officers in the Messengerial Class, officers in grades in scales 15 and below (excluding General Service grades), and officers in Industrial Grades in Groups I and II, so that the attributes of officers who are considered for promotion may be systematically recorded, readily available, and estimated in accordance with a common standard. Reports are submitted annually on General Form GP 57 as specified below.

3.2.2

Performance rating reports are drawn up by reporting officers, who must normally be at least two grades above the officer being reported on, and never less than one grade above. The respective Director General/Director or, where this is not possible, an officer not below Assistant Director or analogous grade, will endorse the report and state his/her remarks.

3.2.3

The preparation of reliable reports on staff is an important duty and should be the result of careful consideration so that if called upon, reporting staff may justify their views. The remarks of the endorsing officers are not meant to be merely a formal endorsement of the reporting officers' assessment, but are to represent a considered estimate based either on independent knowledge or substantial evidence.

3.2.4

Reports are to be rendered without reference to previous reports and reporting officers are not to pass to any officer the notes on, or copies of, reports which they may have made.

3.2.5

Reporting officers should invariably discuss the ratings with the officer concerned who will be entitled to state whether he/she agrees or disagrees with the ratings and, if he/she disagrees, to give supporting reasons. Should the endorsing officer wish to make any alterations on his/her part, the officer being reported upon is entitled to state whether he/she agrees or disagrees, and give supporting reasons.

3.2.6

Whenever an officer is rated below "Qualified" as regards fitness for promotion he/she will, in cases of disagreement, be allowed full facilities for redress in the form of a petition to a Reviewing Panel, whose decision is final.

3.2.7

The Reviewing Panel referred to above will be composed of three (3) persons representing respectively the People & Standards Division, the Union or Staff Association to which the officer belongs and the Department concerned. As far as possible, the Reviewing Panel composition should include members of both genders. The officer representing the Department should have had no connection with the drawing up of the report under review. The Reviewing Panel will be under the chairmanship of the officer representing the People & Standards Division.

3.2.8

In order to spread as evenly as possible the work connected with the preparation of the performance rating reports and with the notification of petitions, the following time-table should be adopted:

Grade	Date of submission of reports	Date of notification of petitions
Officers in the Messengerial Class	1 May	16 May
Grades in Salary Scales 16 and 15 excluding General Service and Industrial employees		
Grades in a Salary Scale below Scale 16,excluding General Service and Industrial employees in Groups I and II	1 August	16 August
Industrial employees in Groups I and II	1 November	16 November

3.2.9

Performance rating reports should be retained in the various departments and they should be kept under lock and key by a responsible officer, normally the officer in charge of the personnel section.

3.2.10

A list of officers who have been rated below "Qualified" as regards fitness for promotion and who have requested that their case should be considered by the Reviewing Panel should be forwarded to the People Resourcing & Compliance Directorate at the People & Standards Division by the date indicated above.

3.2.11

Besides the name and grade of each officer, the list should give the name and grade

of the representative of the department and the name of the Union/Staff Association representative who will sit on the Reviewing Panel. Information regarding the credentials of this representative should be sought by the department concerned from the appropriate Union/Staff Association.

3.3 Performance Appraisal System

A new Performance Appraisal System for the Public Service was announced in July 2016. Details of the new system may be found in OPM Circular No 20/2016.

3.4 Appointment to Headship and Assistant Director Positions

3.4.1

Appointment to Headship and Assistant Director positions is to be made in accordance with the *Manual regarding Headship and Assistant Director Positions in the Malta Public Service*, which is available at https://publicservice.gov.mt/media/PSMC%20Documents/Manual_regarding_Headship_and_AD_positions_in_the_Malta_Public_Service_2.pdf?v=202601060903 .

The Manual is a comprehensive document containing all the provisions applicable to these positions.

3.5 Appointment to Assistant Director Positions

3.5.1

Vide Section 3.4 above.

3.6 Tenure in a Higher Grade*

3.6.1

Tenure in a higher grade in terms of the provisions at paragraphs 3.6.2 – 3.6.7 will be made as follows:-

(i) Officers occupying a PSC appointment in the top public service management grades, and the salary scale in which they will be tenured is higher than the highest scale of the sectoral Agreement pertaining to their substantive grade, shall be tenured as Officer in Grade in the applicable scale within the Senior Public Officers Stream;

(ii) Officers who will be tenured in a scale which is not higher than the highest scale of the sectoral Agreement pertaining to their substantive grade, shall be tenured as Officer in Grade in the applicable scale on a personal basis within the applicable Class/Stream;

(iii) In the absence of a previous substantive grade, such officers will be appointed Officer in Grade in the Senior Public Officers Stream.

3.6.2

Tenure in a higher grade of officers in Headship positions on a Performance Agreement ('Category A' Scales 1-4) and officers in Assistant Director positions/other positions in scale 5 without objective reason (Senior Management level):

i) Public officers appointed on a performance agreement in 'Category A' positions in Scales 1-4 (i.e. in the positions of Principal Permanent Secretary, Permanent Secretary, Director General and Director) and Assistant Director/other positions in Scale 5 without objective reason at senior management level shall be tenured in the higher grade as Officer in Grade corresponding to the applicable Scale, upon their re-appointment on the second term plus one (1) month in such position even if in a different remit. The following provisions are also applicable:

(a) Public officers who, as from the 1st January 2016, were serving in 'Category A' positions in Scales 1 – 4 and in Assistant Director / other positions in Scale 5 (without objective reason), and who have served or will serve, successfully a full Headship/senior management term, including such service given prior to 1st January 2016 as part of the first term, and who are or have been re-appointed for a second term since then, will be tenured in the higher grade as Officer in Grade corresponding to the applicable Scale with effect from the date of the commencement of the second term plus one (1) month;

(b) Officers who were serving during the period starting 1st January 2016, and who will have an aggregate equivalent to one (1) term plus one (1) month in the same Scale starting from 1st January 2012, will also be considered favourably. Furthermore, any break of up to the equivalence of one (1) term, from the end of one term to a subsequent new term in a Headship/Assistant Director/other Scale 5 position (without objective reason), albeit in a different remit, will also entitle officers to be tenured in the higher grade, provided they held an appointment to a 'Category A'/Assistant Director/other Scale 5 position (without objective reason) as from 1 January 2016; and

(c) Any periods spent in 'Category A' positions at different levels in Scales 1 – 4 or in Assistant Director/other Scale 5 positions (without objective reason), are to be taken in aggregate for the purpose of the computation of the required equivalence of one (1) term plus one (1) month, as per sub-paragraph (b) above, for tenure as Officer in Grade in the lower scale. The equivalence of one (1) term plus one (1) month and the new appointment need not necessarily be continuous subject to the parameters stated at (b) above.

*Employees who are engaged on a performance agreement in a top management category 'A' position will have the period of time of the performance agreement and the satisfactory service required for them to be tenured in the grade of their position extended pro-rata if on a reduced hour time-table. This arrangement is likewise applicable to public officers entitled to tenure arrangements in the applicable scale.

The following clarifications apply to points (b) and (c) above:

1. Officers who, following a selection process are selected for a position of Assistant Director after having been confirmed in a position as Senior Manager Scale 5, shall be eligible for tenure as Officer in Grade 5, upon

completion of an aggregate of the equivalence of one (1) term plus one (1) month from the date of their appointment as Senior Manager;

2. (i) Officers who, following a selection process are selected for a position of Assistant Director after having been confirmed in an Assistant Directorship, albeit in a different remit, shall be eligible for tenure as Officer in Grade 5, upon completion of an aggregate of the equivalence of one (1) term plus one (1) month from the date of their first appointment as Assistant Director; and

   (ii) Officers holding the position of Assistant Director who, for service delivery purposes, are moved laterally to a similar position during their term, shall be eligible for tenure as Officer in Grade 5, upon re-appointment to the position, albeit in a different remit, and after completion of an aggregate of the equivalence of one (1) term plus one (1) month from the date of their first appointment as Assistant Director.

3. The same criteria set in Point 2 above are also applicable for the positions of Director and Director General, in line with the already existing provisions.

3.6.3

Tenure as Officer in Grade 3 of public officers holding the appointment of Ambassador, High Commissioner or other principal representative of Malta in any other country

Public officers holding the appointment of Ambassador, High Commissioner or other principal representative of Malta in any other country, all designations pegged to Scale 3, shall be tenured as Officers in Grade 3 after six (6) years in aggregate in the position.

3.6.4

Entitlement of public officers detailed to perform duties with a Public Sector authority, entity, agency, foundation or company to tenure arrangements:

Public officers in a substantive grade below Scales 3/4/5, as applicable, who satisfactorily perform duties for a total in aggregate of four (4) years plus one month in one of the three top executive management positions of a Public Sector authority, entity, agency, foundation or company (hereinafter, entity) at a level of responsibility which is comparable to, at least, Scales 3/4/5 of the Public Service salary scales, shall be offered tenure as Officer in Grade 3/4/5, respectively, in the Public Service. This shall apply subject to the conditions that such officers must:

(i) hold an indefinite appointment in the Public Service in salary scale 7 or higher, and must have performed the necessary four (4) years of service while holding such an appointment;

(ii) have performed the necessary four (4) years of service in one of the three top executive management positions in the organizational structure of the entity;

(iii) be detailed and appointed to one of the three top senior executive management positions with the entity in terms of S.L. 452.81 entitled Contract of Service for a Fixed Term Regulations, 2007, with an objective reason as to why indefinite status cannot be attained on the lapse of the legal limit since engagement be in a top senior executive management position; and

(iv) be re-appointed on their second term in one of the three top senior executive management positions held at the entity after the initial three (3) year term and held such position for a total in aggregate of 4 years and a month.

Tenure for public officers can only be applicable through the Public Service Commission (PSC). For all intents and purposes, each entity enjoys, to a certain extent, an autonomous legal personality in respect of conditions of employment other than those included in Directive 7.

The appointment as Officer in Grade 3/4/5, as applicable, will be awarded upon reversion to the Public Service, following revocation of detailing, subject to PSC sanctioning. This provision is effective from the 18th July 2024 .

In the case of detailed public officers who held an Assistant Director position prior to the date of issue of the Manual regarding Assistant Director, Senior Manager, Manager and Assistant Manager positions, i.e. 29th April 2016, and

opted to retain their previous entitlement to the substantive grade of Officer in Grade 5 after an aggregate of 6 years, then combined service as Assistant Director with the Public Service and at the same level with the entity shall be reckonable for tenure as Officer in Grade 5. The appointment as Officer in Grade 5 will be awarded upon reverting to the Public Service following revocation of detailing, if applicable.

3.6.5

Entitlement of public officers holding a post within the top structure of a political party to tenure arrangements:

Up to two (2) years of creditable service by a public officer, on a full-time basis, in a post within the top structure of a political party which is represented in Parliament, may be taken into account for the purpose of the award of tenure as Officer in Grade 4, provided that:

a. it shall be the responsibility of the officer concerned to demonstrate to the satisfaction of the Public Service Commission, on the basis of appropriate documentary evidence, that the duties and responsibilities which s/he has fulfilled while engaged with a political party represented in Parliament are comparable to those of a headship position in the Public Service; and

b. service with such a party may be taken into account as from 8 September 1998, provided that the officer held any one of the capacities referred to in this sub- section on 1 June 2011 or any later date.

3.6.6

Entitlement of public officers and Public Sector employees elected to Parliament and appointed as Minister/Parliamentary Secretary to tenure arrangements:

(a) Public officers who are, at present or will be, elected to Parliament, appointed Minister/Parliamentary Secretary, for the duration of a legislature, and subsequently do not hold a Ministerial/Parliamentary Secretary appointment but still retain their seat in Parliament, will be appointed as Officer in Grade 6 on the maximum point (a politically free post in terms of amending Directive 5-1) **if they opt to return to their duties from electoral leave as public officers in terms of the Members of Parliament (Public Employment) Act**;

(b) Officers as per (a) above who, however, **cease to be a Member of Parliament** will, upon reversion to the Public Service, be appointed as Officer in Grade 4 (a politically restricted post in terms of amending Directive 5-1), unless they intend to pursue political activities, in which case they will, likewise, be appointed as Officer in Grade 6;

(c) Officers as per (a) above, **who opt to remain on unpaid leave**, will be accorded likewise treatment, i.e. they will be notionally appointed Officer in Grade 6 as long as they hold a seat in Parliament and, upon their reversion to the Public Service, when they are no longer serving as Member of Parliament, they will be appointed Officer in Grade 4, unless they intend to pursue political activities, as explained above.

The above arrangements are intended also for public officers who currently hold a seat in Parliament and **who held, in the past**, a Ministerial/Parliamentary Secretary appointment for the duration of a legislature.

These arrangements are also applicable to public sector employees, appointed in terms of article 110 (6) of the Constitution. Hence, entitled public sector employees should be tenured within the respective Public Sector entity organisation structure, to a grade equivalent to the maximum point of Salary Scale 6/4 in the Public Service, as applicable.

3.6.7

A. Arrangements to be implemented for officers who hold tenure as Officer in Grade

(i) Officers in Grade in a Class/Stream on a personal basis pertaining to their previous substantive grade are to be assigned duties commensurate with the level of their grade. Moreover, they are to be on a personal basis deemed eligible to apply for a higher or equivalent grade within the Class/Stream.

(ii) When applying for a higher or equivalent grade within the said Class/Stream, the Officer in Grade must be in the same scale as, or higher than, the requisite eligibility level required by the call for applications.

(iii) Any other eligibility requisites (e.g. academic qualifications/warrant and/or years of service/experience) which might be mandatory at the level applied for, in terms of the pertinent Classification Agreement, must still be satisfied.

(iv) Moreover, the years of service since the effective date of appointment as Officer in Grade are reckonable for the purpose of satisfying any requisite years of "service in the grade" as stipulated in the respective Classification Agreement. This prevails over eligibility requirements regarding "service in the grade" stipulated in said Agreements.

B. Officers who hold tenure as Officer in Grade in a Class/Stream and perform professional duties

Officers who hold tenure as Officer in Grade and are requested to perform regularly professional duties related to their Class/Stream at the level of their current scale, are on a personal basis entitled to receive any allowances emanating from their Class/Stream at the level of their current scale or the closest lower, as applicable.

Such claims are to be evaluated on a case by case basis by the respective Permanent Secretary and, where it transpires that officers are taking decisions and/or performing duties of a specialised and technical nature, and dependent on their profession, for which they are duly qualified and assume full responsibility, then these should be considered positively to benefit from the applicable allowances emanating from the respective Class/ Stream regulating the profession. Such officers, however, are not to benefit from duplicate allowances.

C. Offer of appointment to a new SAAC position

An officer who has attained the status (grade) of Officer in Grade 1 to 5 by virtue of an appointment as Permanent Secretary, Headship or an Assistant Director, who declines the offer of an appointment to a new SAAC position, at a lateral level, may be liable to disciplinary action.

D. Duties of Officer in Grade 3/4 and Officer in Grade 5

With reference to A(i) above and with particular reference to Officers in Grade 3/4 and Officers in Grade 5, respective generic job descriptions are available at https://govmt.sharepoint.com/sites/GovIntra/en/ManagementResources/Pages/default.aspx .

E. Top-up of salary of Officers in Grade whose Officer in Grade status was obtained on the basis of a previously held headship position, or other Officers in Grade in scale 4 or higher, who are performing duties pertaining to a sectoral agreement class

i) If an officer is designated Officer in Grade in the Senior Public Officers Stream and is assigned duties by management pertaining to the class he/she was in before, but has a lower salary than that of the highest grade within the class (when including benefits/allowances), the officer will be paid the difference so as to reach the salary package of that grade. Hence for example an Officer in Grade with a salary of €40,000 is assigned duties that pertain to a specific grade within a class, on the basis of having previously held a grade within same class. If the total of the highest grade within that class is 30, 000 + 20, 000 allowances, the Officer in Grade will be paid the difference to reach the sum of 50,000 (and not paid the 40,000 + 20,000 allowances).

ii) In cases where Officer in Grade status was attained on the basis of a previously held headship position, the allowances pertaining to the headship position are not retained.

iii) Hence such Officers in Grade are to receive either their current salary point (example scale 4 if an Officer in Grade 4) **or** the maximum scale of the class + the applicable allowances, whichever is the higher. If the higher amount is the latter, they are paid their current salary point + the difference between their current salary point and the total salary package of the highest scale within the class. Examples below refer.

Officer in Grade 4 in the Senior Public Officers Stream performing duties of a grade in a class with the highest salary being scale 5:

Example 1:

Current salary = salary scale 4	**Remuneration pertaining to highest grade within the class**
€38,980*	Basic salary scale 5 max = €35,175
	Class allowances pertaining to scale 5 grade = €1,500
	Salary package = €36,675

Officer retains salary scale 4 i.e. €38,980

Example 2:

Current salary = salary scale 4	**Remuneration pertaining to highest grade within the class**
€38,980	Basic salary scale 5 max = €35,175
	Class allowances pertaining to scale 5 grade = €10,000
	Salary package = €45,175

Officer receives higher salary package of €45,175 i.e. €38,980 + €6,195 (difference between higher salary package of €45,175 and current salary scale 4 €38,980), and not the €38,980 + €10,000

iv) For the sake of clarity, "allowances" includes all allowances with a direct financial impact. CPD and Qualification Allowance will not be considered in the summation, however they will continue to benefit. Performance and Disturbance allowances will be calculated following assessment on the maximum point of the highest grade in the class.

v) For such Officers in Grade to be entitled to the allowances emanating from the sectoral agreement, they must be actually performing duties related to the Class.

(*Salaries based on 2023 figures)

3.7 Award/Withholding of Progression and Promotion, and Assimilation, in terms of the respective Classification Agreement

3.7 General

3.7.1

Public officers merit progression to a higher scale or promotion to a higher grade on the basis of a number of years' satisfactory service in terms of the respective Classification Agreement on demonstration of competence, commitment and efficiency in their work. Officers are expected to consistently fulfill their duties in line with the agreed objectives in their performance management programme. They have to show that they are capable of assuming wider responsibilities in tandem with their increasing experience.

3.7.2

As a matter of principle, officers should not be allowed to progress to a higher scale or be promoted to a higher grade if they:-demonstrate a lack of concern for behavioural standards, competence, commitment and efficiency in their work,

i. demonstrate a lack of concern for behavioural standards, competence, commitment and efficiency in their work,
ii. disregard the established office/working hours, unless they are on an approved Flexi-time or Flexi-Week arrangement, or
iii. resort to unjustified sick leave.

Directors General/Directors must ascertain that the award of a pay increase, progression or promotion on the basis of a number of years' satisfactory service is justified in each case and should be fully prepared to withhold progression or promotion in respect of those officers whose performance is lacking.

3.7.3

Any progression/promotion due will be postponed during the period that an officer is suspended for precautionary purposes. Postponement of progression/promotion is of one year from the date when the officer resumes duties. The period during which the officer is suspended for precautionary purposes is not recognised as service in the grade.

3.8 Progression

3.8.1

The **award of progression** of General Service officers, Departmental Grade officers and positions holders is fully delegated to the respective line Ministry/Department.

3.8.2

When the **award of progression** is due, Directors General/Directors responsible for Human Resources are to ensure that particular attention is given to the correctness of the dates of the current appointment and to any periods of unpaid leave which do not count as service in the grade, and/or periods of work on reduced hours, which count pro-rata, for the purpose of Classification Agreements. Moreover, the respective Director General/Director should be in a position to certify (or otherwise) satisfactory service rendered by the officers concerned.

3.8.3

Progression exercises in the various Departments/Directorates of each Ministry are to be co- ordinated by the Director General / Director responsible for Human Resources, but final approval for the progression of an officer from one salary scale to another in the same grade/position is vested in the respective Director General/Director.

3.8.4

When the withholding of a progression is deemed necessary, the respective Permanent Secretary is to inform the officer concerned accordingly in writing, drawing the officer's attention to his/her right to appeal to the Public Service Commission within ten (10) working days. After the lapse of the ten (10) working days appeal period, the Permanent Secretary should enquire with the Commission whether any appeal was submitted. The withholding will not come into effect before the 10 working days and, if the officer appeals to the Commission, until the decision of the Commission is pronounced. This procedure applies both in the case of General Service officers as well as Departmental Grade officers and position holders.

3.9 Promotion on the Basis of a number of years' Satisfactory Service, and Assimilation, in Terms of the Respective Classification Agreement

3.9.1

The **award of promotion** on the basis of a number of years' satisfactory service or the attainment of a particular qualification, and assimilation of public officers from one grade to another grade, in terms of the respective Classification Agreement, of General Service officers, Departmental Grade officers and position holders is fully delegated to Permanent Secretaries. No recommendation is to be submitted to the Public Service Commission.

3.9.2

When the **award of promotion** is due, the same principles as outlined in paragraph 3.8.2 are to be observed.

3.9.3

Promotion exercises on the basis of a number of years' satisfactory service, as well as assimilation exercises, in terms of the respective Classification Agreement in the various Departments/Directorates of each Ministry are to be co-ordinated by the Director General/Director responsible for Human Resources. Letters of appointment resulting from the award of such promotion are issued under the signature of the respective Permanent Secretary. Letters of assimilation are issued under the signature of the Director General/Director responsible for Human Resources.

3.9.4

When the **withholding of a promotion** on the basis of a number of years' satisfactory service is deemed necessary, the respective Permanent Secretary is to inform the officer concerned accordingly in writing, drawing the officer's attention to his/her right to appeal to the Public Service Commission within ten (10) working days. After the lapse of the ten (10) working days appeal period, the Permanent Secretary should enquire with the Commission whether any appeal was submitted. The withholding will not come into effect before the 10 working days and, if the officer appeals to the Commission, until the decision of the Commission is pronounced. This procedure applies both in the case of General Service officers as well as Departmental Grade officers and position holders

3.9.5 Withholding of Increments

When the withholding of an increment in excess of a period of 1 year is deemed necessary, the respective Permanent Secretary is to inform the officer concerned accordingly in writing, drawing the officer's attention to his/her right to appeal to the Public Service Commission within ten (10) working days. After the lapse of the ten (10) working days appeal period, the Permanent Secretary should enquire with the Commission whether any appeal was submitted. The withholding will not come into effect before the 10 working days and, if the officer appeals to the Commission, until the decision of the Commission is pronounced. This procedure applies both in the case of General Service officers as well as Departmental Grade officers and position holders.

3.10 Interpretation of the term "Service in the Grade"

3.10.1

Unless otherwise stated in any particular Classification Agreement, the term service in the grade means service performed in a particular grade in a substantive capacity, subject that with effect from 15th June 2007, the date of coming into force of the "Contracts of Service for a Fixed-Term Regulations" (S.L. 452.81), the term service in the grade is to include also service, on the same/similar duties, performed in a position of a definite nature, even if the officer concerned has attained Officer in Grade on the basis of that position, as long as the officer is still performing the duties of the particular position.

Thus, when calculating service in the grade, no distinction is to be made between officers in possession of service in the substantive grade and officers in possession of service on the same/similar duties but in a definite position/as Officer in Grade. This is subject that both:

1. are in line with the PSC (Appointments) Regulations and article 110 of the Constitution; and
2. have the qualifications and are warranted (if applicable) to carry out the duties.

3.10.2

Reckoning of Paid/Unpaid Leave and work on a reduced hour time-table for the purpose of Service in the Grade [16]

(1) Officers who availed themselves of long paid or unpaid leave **up to 31st May 2015** shall have their leave reckonable as follows - Special unpaid leave for whatever reason granted (except unpaid leave on grounds of public policy), and unpaid sick leave, is not considered as 'service in the grade' for the purposes of the Reform Agreements if such leave exceeds 365 days (12 months) in any period of four (4) years immediately preceding the progression or promotion.

(2) **As from 1st June 2015**, for the purpose of calculating service in the grade, both in the case of progression/promotion after a number of years' service as well as in the case of satisfying the eligibility criteria in calls for applications, the following periods of leave are reckonable (without prejudice to the officers' obligation to perform their period of probationary service):-

(a) all paid leave;
(b) all leave (paid and unpaid) on grounds of public policy; and
(c) unpaid leave related to family-friendly measures subject to a limit of one year in aggregate, provided that:-

i. In the case of maternity leave (including special maternity leave where applicable), periods of maternity leave shall be reckonable over and above the one year allowed for family-friendly measures.

ii. In the case of parental leave, where parental leave (as distinct from career break) is availed of in respect of more than one child, each period of parental leave shall also be reckonable. In such cases, where the full one-year parental leave entitlement is availed of, the officer shall be considered to have availed of the one year reckonable leave period for family-friendly measures, and no further leave for family-friendly measures shall be reckonable except for further periods of maternity leave (including special maternity leave) and/ or parental leave.

[15] MPO Circular 18/1996
[16] PAHRO Circular 4/2015

iii. In the case of officers who avail themselves of parental leave and/or a career break following maternity leave, the first year of leave shall be recognised as parental leave, with the remaining period constituting the career break. In the case of the birth of a second child, the first year of unpaid leave immediately following the birth of this child shall automatically be recognised as being parental leave, with the remaining part of the career break, if any, continuing after the end of the parental leave.

(3) In the case of delays of appointment up to twelve weeks, where the period of delay is treated as unpaid leave, such unpaid leave is reckonable for the purpose of calculating service in the grade.

(4) The first 365 days or twelve (12) months of **work on a reduced hour time-table** is reckoned as full-time service for progression/promotion purposes and for eligibility purposes when applying for posts/positions in the Public Service; subsequent periods of work on a reduced hour time-table is reckoned pro-rata. This applies each instance an officer is due for progression to a higher scale within the same grade or for promotion to a higher grade after a number of years' service in terms of the Classification Agreements, and for eligibility for calls for applications where applicable.

(5) Employees who are engaged on a performance agreement in a top management category 'A' position (e.g. Assistant Director, Director, Director General, Permanent Secretary) will have the period of time of the performance agreement and the satisfactory service required for them to be tenured in the grade of their position extended pro-rata if on a reduced hour time-table. This arrangement is likewise applicable to public officers entitled to tenure arrangements in the applicable scale.

3.10.3

Periods of suspension from duties vis-à-vis Service in the Grade

(1) In the case of an officer who is **summarily suspended** or **suspended for precautionary purposes** in terms of the Public Service Commission Disciplinary Regulations applicable from time to time, and the officer is found **guilty** of the charges brought against him/her, then the period of suspension is **not reckonable** as service in the grade.

(2) Conversely, if the officer is found **not guilty**, then the period of suspension is **reckonable** as service in the grade.

(3) Periods of **suspension as a result of a disciplinary measure** are **not reckonable** as service in the grade.

3.10.4 Re-instated Public Officers

Public officers who were boarded-out after a medical board and are re-instated in the Service, will have the years of service prior to their being boarded-out reckonable for progression from one salary scale to a higher scale within the same grade and for promotion to a higher grade both after a number of years satisfactory service and when applying for calls for applications.

3.10.5 Public Officers who rejoin the service

Public officers who rejoin the Service following a public call for applications or who are re- employed in terms of the scheme outlined in Section 6, after having previously resigned are subject to the following conditions:-

- If they re-join the Service in the last grade/position held, they will be placed on the same salary scale and step occupied prior to leaving the Service, with due award of increments.
- If they re-join the Service in a lower grade/position within the same Stream/Classification Agreement than that held prior to resignation, they will be placed on the maximum point subject that the salary point on leaving the Service is in no way exceeded.
- Previous satisfactory service counts for the purposes of progression and promotion, both after a number of years' satisfactory service, if re-entry is in the same Class/Stream as prior to resignation, and subject to the provisions of the pertinent Agreement/Stream.
- The above conditions came into effect on 1st December 2017 and apply also to officers who re-joined the Service prior to the 1st December 2017. However, any adjustments with respect to such officers are not to be earlier than 1st December 2017 and no arrears prior to this date are paid.

3.11 Recognition of Experience

A. For the purpose of satisfying eligibility criteria and awarding marks during a selection process

3.11.1

Previous proven experience is reckonable for the purpose of satisfying eligibility criteria when a person is applying through a call for applications for a post or position in the Public Service and is also taken into consideration when awarding marks during the selection process. Previous proven experience includes:-

i. Experience gained within the Public Administration;
ii. Experience gained with a local or foreign employer; and
iii. Experience gained during a student/traineeship *Institute for the Public Services (IPS)* scheme, provided that such experience was carried out in a mature relevant environment and that it is proven that such experience was carried out at the appropriate level. In this case, when the eligibility requisites include a number of years of experience, the “full-time” equivalence principle should apply, i.e. if the eligibility requisite stipulates 2 years’ experience, a candidate who has been working a 20-hour working week would need 4 years on a 20-hour working week as experience.

B. For the Purpose of appointment, promotion or progression[17]

3.11.2

Unless stipulated otherwise in Classification Agreements, previous proven experience, wherever gained, is not reckonable for the purpose of determining the salary point upon appointment in the Public Service or for progression to higher salary scales / promotion to higher grades, when such progression/promotion is based on satisfactory service in the grade.

Nonetheless, subject to the approval of both the respective Permanent Secretary and the Principal Permanent Secretary, appointees following a selection process may be placed on different salary steps within the entry salary scale. This concession may be granted on the basis of previous proven experience and is subject that, under no circumstances, can an appointee be placed on the maximum of the salary scale.

[17] OPM Circular 7/2002

3.11.3

Experience, as distinct from service in the grade, must be directly related to the duties of the post. Experience is the performance of actual duties in the field specified in the Agreement. Any breaks in these duties are not reckonable, with the exception of the following:

a. maternity leave;
b. sick leave on full pay or half pay;
c. paid or unpaid leave on grounds of public policy;
d. paid leave; and
e. unpaid leave for family-friendly measures.

However, not more than one year is allowed as reckonable experience in respect of absences due to paid or unpaid leave on grounds of public policy and unpaid leave for family-friendly measures taken together, and provided also that, in total, the two types of absences do not exceed 10% of the period of experience required.

All other periods of authorised leave or absences are not reckonable as experience but are considered as bridging the periods of experience.

3.12 Duties on Promotion

3.12.1

Directors General/Directors are to ensure that on promotion, officers under their responsibility are assigned the duties appropriate to their higher grade.

3.13 Acting Appointments and Substitution of other Headship Positions

3.13.1

Acting Appointments – under delegated authority

Whenever Heads of Department and incumbents of other offices with statutory powers that are required by law as per Schedule 2 of the Public Administration Act, are **temporarily absent** from their place of work, the Permanent Secretary of the Ministry concerned is authorised to make acting appointments without reference to the PSC, **provided that** the public officer to be appointed is:

(i) the most senior public officer in the department, or, in cases concerning acting appointments to other offices with statutory powers which are not Heads of Department, the most senior officer in the directorate;

and

(ii) (a) in the case of **Heads of Department as per Schedule 2** of the Public Administration Act, a senior public officer who has a substantive grade in scale7 or higher; or a senior public officer who has served for six consecutive years in the Public Service in positions classified in scale 7 or higher;

(b) in the case of other offices with statutory powers as per Schedule 2 of the Public Administration Act, a senior public officer who has a substantive grade in scale 7 or higher; or a senior public officer who has served for six consecutive years in the Public Service in positions classified in scale 7 or higher; or a public officer who has served for four consecutive years in the Public Service in scale 7 or higher.

3.13.2

Acting Appointments - not under delegated authority

When a request for an acting appointment **does not satisfy** the provisions at 3.14.1 (i) and (ii) above, a recommendation, with an appropriate explanation, is to be submitted to the Principal Permanent Secretary, through the Permanent Secretary (People & Standards) at least one week in advance of the commencement period of the acting appointment. Such recommendation should clearly indicate the commencement and termination date of the appointment. Subsequently, action will be taken by the People & Standards Division to seek the advice of the Public Service Commission and the Prime Minister's approval for the acting appointment.

In the case of positions of Head of Department and other offices with statutory powers that are required by law as per Schedule 2 of the Public Administration Act which are **vacant**, the procedure to be adopted for the making of an acting appointment is as per preceding paragraph. The respective recommendation should include:

i. details as to whether the recommended officer is the most senior public officer in the department, or, in cases concerning acting appointments to other offices with statutory powers which are not Heads of Department, the most senior officer in the directorate, and, if not, reasoned justifications should be given; and
ii. details on the grade / position of the recommended officer.

3.13.3

Acting appointments, whether through delegated authority or otherwise, have to be published through a proper announcement in the Government Gazette. Acting appointments approved by Permanent Secretaries should be referred to the Director of Information for publication purposes. Where the date of resumption of duties is not known in advance, or the Head of Department resumes duties prior to the termination period of the acting appointment, a further notice to this effect in the Government Gazette is also to be shown.

3.13.4

In the absence of a Permanent Secretary, authority to make acting appointments in the respective Ministry will devolve on the Principal Permanent Secretary.

3.13.5

Substitution of other Director General/Director positions

Permanent Secretaries may approve that a public officer substitutes another officer in a Director General/Director position, which is neither a Head of Department position nor an office with statutory powers as listed in the Second Schedule to the PAA, provided that:-

i) The officer to act as substitute is the most senior public officer in the department in the case of Director General positions, or the most senior officer in the directorate in the case of Director positions;

ii) S/he is (1) a senior public officer who has a substantive grade in scale 7 or higher; or (2) is a senior public officer who has served for six consecutive years in the Public Service in positions classified in scale 7 or higher; or (3) is a public officer who has served for four consecutive years in the Public Service in scale 7 or higher; and

iii) Such substitution does not exceed a period of six (6) months.

iv) If the above three conditions are not satisfied, Permanent Secretaries are to submit their case, with the appropriate justifications, for the consideration of the People & Standards Division.

v) Details regarding the payment of Acting Allowances and Substitution Allowances may be found in Chapter 3 of the Manual of Allowances.

3.14 Seniority

3.14.1

Seniority amongst public officers is determined, as explained below, by the date of appointment/order of merit/precedence in:

i. the current position/grade; and subsequently

ii. any previous positions/grades.

3.14.2

When a public officer holds an appointment in a substantive grade and a definite contractual position, seniority is reckoned firstly on the basis of the current definite contractual position. If the actual definite contractual position does not form a determining factor, the current substantive grade and any previous positions/grades will be taken into account starting with the most recent appointments.

3.14.3

The above is applicable if different nomenclatures are pegged to the same salary point/ scale. In the case of nomenclatures carrying different salary scales/points, the officer with the highest salary scale/point would be the most senior, since the higher salary would indicate a higher level of responsibility.

3.14.4

Age is finally taken into account. Seniority is not limited to the department in which officers are serving but is carried with officers in any transfer.

3.14.5

In the case of transfer on promotion, seniority is determined by the effective date of the promotion, which is normally the date on which the appointment is PSC/OPM approved (as applicable).

3.14.6

In establishing seniority amongst public officers to determine the order of merit amongst candidates who obtain the same marks in a selection process:[18]

a. i. if two (2) candidates are appointed from outside the service, the elder candidate takes precedence;

ii. if one (1) of the two (2) candidates is currently in the public service and the other is not, the serving officer takes precedence;

b. if two (2) candidates are public officers:

i. the candidate with the higher position/grade takes precedence;

ii. if both candidates are in the same, or equivalent, position/grade, the candidate with the earlier date of appointment takes precedence;

iii. if both candidates are in the same position/grade and have the same date of appointment, the senior of the two (2) candidates in his/her present appointment will have precedence;

iv. if both candidates are in an equivalent position/grade and have the same date of appointment, the candidate with the earlier date of appointment in the previous position/grade takes precedence, the same criteria being applied to establish such precedence.

3.14.7

In cases where a single call for applications advertises vacancies in more than one area of specialisation, and consequently there is more than one order of merit (i.e. an order of merit for each specialisation), seniority amongst candidates in the various orders of merit is established according to the absolute marks obtained amongst the first-placed candidates in the separate orders of merit, then adopting the same method amongst the second- placed candidates and so on vis-à-vis the subsequent rankings. This applies to cases where the particular selection process involves only one selection board, as well as cases where the selection process involves separate selection boards (i.e. a different selection board for each specialisation) in dealing with the applications received.

[18] MPO Circular BI 1/1995 and MPO Circular 53/2003

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Background: C:\pdf\green.pdf

Employment on Definite Basis

4.1 Contracts for Service as Distinct From Contracts of Service

Contracts for Service are distinct from Contracts of Service (Employment).

4.1.1

Contracts for Service enable Ministries to purchase/procure a service, subject to the Public Procurement Regulations (http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9532&l=1), when existing resources are not available to provide the service. As a general rule, the service is to be provided within a given time frame and the service provider is to comply with fiscal obligations.

4.1.2

On the other hand, contracts of service/employment are contracts regulating the employment relationship between an employer and his/her employee.

4.2 Employment on a Contract of Service

4.2.1

An employment contract may be indefinite (as in the case of an officer holding a substantive grade/Officer in Grade) or definite. Employment on a definite contract is regulated by S.L.452.81 entitled Contracts of Service for a Fixed-Term Regulations.

4.2.2 These Regulations provide that:

a. Employees on a fixed-term (definite) contract of employment are not to be treated less favourably than comparable permanent employees solely because they have a contract of employment for a fixed-term (Regulation 4 of S.L.452.81); and

b. Unless an objective reason exists in terms of Regulation 7(4) of S.L.452.81, or on the basis of any other justifiable grounds not mentioned in said Regulations, an employee on a fixed-term contract of employment who falls within the provisions of these Regulations shall have such fixed-term contract turned into one of an indefinite nature after four (4) years (Regulation 7 [1] of S.L.452.81). The four (4) years must be under the same contract or successive contracts involving tasks which are substantially the same. In the case of employees who do not also have an indefinite contract of employment, breaks of up to six (6) months are included in the calculation of the four-year period. In the case of employees who also have an indefinite contract of employment and are assigned a position for a definite period, such breaks cannot exceed three (3) months.

4.2.3

The award of indefinite status (i.e. turning a fixed-term contract into one of an indefinite nature as specified in the preceding paragraph) in the case of positions without objective reason in salary scale 5 and higher*, is to be processed as follows:

i. upon the lapse of the period stipulated in S.L. 452.81, and subject to satisfactory performance, the respective Ministry/Department is to submit its recommendation directly to the Public Service Commission, copying in the P&SD for verification purposes, for the appointment of the officer/s concerned on an indefinite basis on the salary scale attached to the position;

ii. Upon receipt of notification from the PSC, letters of appointment are to be issued under the endorsement of the Permanent Secretary.

* No such cases will arise at the level of salary scale 6 and lower, in view of the changes brought about by OPM Circular 4/2017 regarding "Transformation of Positions without an Objective Reason into Positions of an Indefinite Nature".

4.2.4

These provisions apply to employees who hold a definite contractual position within the Public Service/Public Sector, irrespective of whether such position constitutes the individual's sole contract of employment with the Public Service/Public Sector or whether the employee holds a substantive grade/indefinite contract and is assigned to such a position for a definite duration. This insofar as the employee falls under the provisions of S.L.452.81 i.e. they do not fall within the categories mentioned in Regulation 3(2).

4.3 Staff on Contract in Ministers' Secretariats

4.3.1

The procedure to be followed for the engagement on contract of staff in Ministers' / Parliamentary Secretaries' Private Secretariats is available in the guidelines entitled "Engagement of Staff for Ministers' Secretariats". Specimen contracts for such staff are also available in these guidelines.

4.4 Household Staff at the Office of the President engaged on contract basis

4.4.1

The employment on definite contract of persons forming part of the domestic staff at San Anton Palace requires a positive recommendation by the PSC, even though such

persons are considered as "persons of trust". Such employment is subject to an established complement. Although, as persons of trust, such persons are not entitled to indefinite status on the basis of their contractual position at the Office of the President in terms of

S.L.452.81 (see section 4.2.2 (b)), contractees at the Office of the President are entitled to qualify for permanent employment in an appropriate equivalent grade in the Public Service on completion of four years creditable service through an ad hoc arrangement in respect of such persons.

4.5 Engagement on Contract for Two Months or Less[19]

4.5.1

In cases of engagements on contract of personnel to act in any public office for two months or less, the approval of the Prime Minister should be sought even though in terms of Section 110 (5) (b) of the Constitution the recommendation of Public Service Commission is not required. However, Directors General/Directors are to seek OPM approval in writing. As a general rule, staff engagement of this nature should not be encouraged and approval will only be granted in exceptional circumstances.

4.6 Expatriate Staff on contract

4.6.1

Where no candidates meeting the basic eligibility requirements with regard to citizenship are found suitable to fill vacancies, requests to employ expatriate contract staff of other nationalities for a definite period are to be referred to the People & Standards Division and the Public Service Commission.

Following approval, a request for the issue of an employment license in terms of the Immigration Act (Cap. 217) has to be made by the line department to JobsPlus. The general conditions of employment normally applicable to such staff are appended as a schedule to the Agreement to be entered into by the officer (a specimen Agreement and general conditions of employment of expatriate staff are available for download at the website of the People Resourcing & Compliance Directorate at the address https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx . The People & Standards Division is to be consulted before any departure from the normal conditions is made.

[19] OPM Circular 20/2006

4.6.2

Where it is intended to offer further employment to a contract expatriate officer, he/she is to be informed of this intention six months before the end of his/her resident service and asked to indicate whether s/he wishes to serve for a further specified period.

4.7 Expiry and Renewal of contracts[20]

4.7.1

Contract employees, whether they hold a substantive grade or otherwise, cease to be paid the remuneration attached to the contractual position if the contract/assignment is not renewed or extended by the date of the expiry of the contract/assignment. This unless they have attained indefinite status as explained in the section titled "Employment on a Contract of Service" above (Section 4.2).

4.7.2

Contractees who have not attained indefinite status in the salary scale of the contractual position, and who do not hold a fallback substantive grade/indefinite status, will have their employment with Government terminated in the case that their contract is not renewed or is terminated.

4.7.3

Contractees who hold a substantive grade and have a contractual assignment, will revert to their substantive grade and corresponding salary, or the salary of another fallback indefinite status they may have in the Public Service, if they have not attained indefinite status on

the basis of their current contractual assignment, in the case that such assignment is not renewed or is terminated.

4.7.4

The procedure regarding payment to contract employees on expiry of contract is to be regulated by the following parameters:

[20] OPM Circular 18/2005

a. in the case of renewals of definite contracts of staff in Private Secretariats or engagements made through the Public Service Commission or under delegated authority in terms of the provisions of Directive 9, Directors responsible for People Management are to take early action for such renewal;
b. in the case of Assistant Director positions, it is the prerogative of the Permanent Secretary whether or not to re-issue the call for applications or suppress the position. In the case of Headship positions, it is the prerogative of the Office of the Prime Minister;
c. in the case of persons of trust, it is the prerogative of the Office of the Prime Minister or the respective Minister, as applicable, whether such a contract is to be renewed; and
d. a two (2)-month grace period is given following expiry of the contract before action is taken to stop payments. However, the Gozo Salaries Section will still take action for the recovery of any overpayments.

4.8 Engagement of Technical Attachés and Research Analysts with the Permanent Representation of Malta to the European Union in Brussels (PREU)

4.8.1

The PREU engages Technical Attachés and Research Analysts in certain specialised key positions that are essential for the running of the Permanent Representation.

4.8.2

The appointment of Technical Attachés and Research Analysts (to be stationed in Brussels) is made on a definite basis for a three-year term, following the issue of a call for applications in the Government Gazette upon a recommendation by the PREU.

4.8.3

Technical Attachés and Research Analysts are selected from amongst public officers and other candidates from outside the Public Service who have an adequate level of expertise and are qualified in terms of the call for applications to provide advice in the specialised areas advertised and to provide assistance to the Technical Attachés respectively.

4.8.4

The fact that the positions of Technical Attaché and Research Analyst at the PREU are considered as positions of trust constitutes an objective reason why incumbents shall not attain indefinite status as provided in S.L. 452.81 entitled “Contracts of Service for a Fixed Term Regulations”.

4.9 Procedure for vacancy dissemination and nomination of Seconded National Experts (SNEs) within EU Institutions and Agencies

4.9.1

Seconded National Experts (SNEs) are public employees who hold a definite or indefinite contract with the Public Service/Sector and are seconded on a definite period with the EU Institutions/EU Agencies. Periodically, the EU Institutions and Agencies request the support of Member States to consider nominating experts from within the public administration in specific fields, areas, or missions abroad, depending on the exigencies of the service of the Union.

4.9.2

The procedure to be followed is outlined as shown below and applies to all Maltese SNE nominations nominated from the Public Administration (both the Public Service and the Public Sector), including those that are circulated through Management Boards of EU Agencies and other networks:-

1. Notification and Circulation of vacancy notices stage: The Permanent Representation of Malta to the EU receives the vacancy notices, which are, in turn, disseminated by the Ministry responsible for European Affairs to the respective Permanent Secretaries/Directors of Corporate Services (DCSs). The DCSs are encouraged to circulate vacancies and inform the Heads of Public Sector Entities regarding the vacancy notices. The People & Standards Division (P&SD) will include SNE opportunities through Fridays' issued mail shot for the attention of Public Officers and certain Public Employees for accessibility and transparency.

2. Application stage: Applicants shall submit their application to the attention of the Permanent Secretary responsible for European Affairs, after having obtained the necessary approvals from the relevant Line Ministry, including their direct superior and the Permanent Secretary. Public Sector employees are to obtain the approval of the Head of the Public Sector Entity as well as the Permanent Secretary of the Line Ministry before submitting the application to the Permanent Secretary responsible for European Affairs. Prior to giving the necessary approval, the Permanent Secretary of the Line Ministry/Head of the Public Sector Entity must consider the cost of the nomination as well as the relevant HR plan and the reporting obligations to OPM. Completed applications must be submitted within the deadline stipulated by the Ministry responsible for European Affairs. Applicants are required to ensure that all necessary documentation as per the requirements stipulated in the SNE call are submitted (requirements may vary depending on the internal rules of the EU Institution or Agency - this may include application forms, security clearance and other documentation which are specific to the call), together with a Curriculum Vitae (Europass format), an application form (if required) and a Motivation letter.

3. Vetting stage by the Ministry responsible for European Affairs: The application will be considered by taking into account the following criteria:

    a. Nominations are of value added and strategic importance for Malta and ensure that funds are available in view of the cost element involved. There are two types of SNE vacancies. Co-financed means that the sending Ministry/Agency is obliged to continue financing the MT basic salary of the candidate (net of allowances such as disturbance, car allowance and others), whilst the daily and monthly allowances (paid for living abroad) are payable by the EU Institution or Agency. Cost-free means that the Line Ministry/Agency is obliged to finance the entire costs, namely the MT basic salary (net of allowances such as disturbance, car allowance and others) and the daily and monthly allowances (for living abroad).The applicant should clearly indicate the type of costs involved in the request made to the Permanent Secretary responsible for European Affairs.

b. Maintain the administrative status (definite or indefinite contract), since the SNEs are seconded on grounds of Public Policy. As the SNE's employer, the Line Ministry or Public Sector Entity shall continue to issue and pay the basic salary according to the grade and function occupied within the Public Administration (and also the allowances in the case of cost free SNEs), and the social rights (particularly National Insurance contributions and deductions of taxes) throughout the period of secondment. Any changes concerning the contract duration and other information need to be communicated to the Ministry responsible for European Affairs for endorsement as well as for the latter to inform the respective EU Institution or Agency, as per SNE decision.

c. Duration: SNEs can be employed for a period of six (6) months up to two (2) years, renewed once or more, up to a total of four (4) years. In exceptional circumstances, the term may be renewed up to a maximum of six (6) years. All conditions are stipulated in the Decision of the Institution, EU Agency, or Third Country Mission. Ideally, the SNE is seconded for a minimum period of two years for maximum benefit to the system (such as building networks and contacts) and to the individual (in terms of consolidation of the necessary technical and institutional knowledge). The entire duration of the SNE's secondment must be covered by a contract (definite or indefinite) with the Public Administration (Public Service or Public Sector).

d. Eligibility as per vacancy notice: Applicants must be employed with a definite or indefinite contract basis for at least 12 months (on a full-time basis) before their secondment. Requirements and eligibility criteria in the vacancy notice are to be considered. Furthermore, applicants need to prove that they have the necessary experience on the subject area.

e. Necessary documents: Applicants are responsible and required to ensure that all requested documentation as per vacancy notice, including any supporting documents, are submitted accordingly.

4. Onward transmission at Nomination stage: Once the Permanent Secretary responsible for European Affairs concludes the Vetting stage and ascertains that the necessary approvals from the Line Ministry or Public Sector Entity (including the approval to finance the costs as per 3(b)) have been obtained, the Nomination is assessed by the Permanent Secretary responsible for European Affairs in consultation with the Permanent Secretary (P&SD). If approved, the clearance process is initiated by the Permanent Secretary responsible for European Affairs through the EU Coordination Department for ALL SNEs. As a rule, upon completion of the process, the Permanent Representation of Malta to the EU (PREU) formally transmits the application to the respective EU Institution/Agency. In the case of Agencies in particular, the vacancy notice may indicate that the expert sitting on the Board, or the Liaison Officer or other experts/officials participating in networks should submit the nomination. In this case the EU Co-Ordination Department will instruct the Board Member.

5. The Ministry responsible for European Affairs and the Permanent Representation of Malta to the EU should be kept in copy when such nominations are submitted by experts. All the necessary approvals are still required before communicating with an EU Institution/Agency.

6. Short-listing of candidates: The EU Institution or Agency shortlists candidates and invites applicants for an interview. The result is usually communicated to the applicant and/or to the PREU. Successful applicants are subsequently requested to fill in additional forms/documents, which internally need to be endorsed by the respective Permanent Secretary.

7. Confirmation of Secondment Stage: Prior to the endorsement of the documentation/forms (as per step 5), the Line Ministry shall ensure that the duration of the secondment and other relevant information on the basis of which the application was supported by the Maltese authorities, are adhered to. Any changes (at any point in time through the process) of the working conditions, status and/or duration are to be communicated to the Permanent Secretary responsible for European Affairs, who will then assess the changes accordingly.

8. Verification of documents by EU Institutions/Agencies: Once the documentation/forms are endorsed by the respective Permanent Secretary, the Line Ministry shall submit the said documentation to the EU Institution/Agency keeping in the loop the applicant, for their vetting and perusal.

9. Exchange of Letters and commencement date: Upon approval of the documentation/forms submitted to the EU Institutions/Agencies, an Exchange of Letters is required which includes the confirmation date of the secondment of the candidate through the PREU, through which the involved parties (i.e., the Line Ministry, the candidate and the EU Institution/Agency) are to agree on a commencement date (when the candidate will start the secondment). The Permanent Secretary responsible for European Affairs and the EU Coordination Department (head.eucd@gov.mt) are to be informed about the agreed commencement date by the Line Ministry. Subsequently, the Ministry responsible for European Affairs shall initiate the final clearance procedure to confirm that the secondment can start. The Line Ministry should also inform P&SD, via the Research and Personnel Systems Directorate within P&SD, of the commencement and duration period of the approved secondment to the EU Institution/Agency, and subsequently, of any renewal (as distinct from extension) made for personnel record purposes.

10. Reporting and follow-up stage: SNEs remain in the service of the Public Service/Public Sector employer and are thereby obliged to continue being guided by the PSMC as well as any other provisions stipulated by the employer, including internal manuals. Ministries are encouraged to organise meetings with successful applicants before the secondment, outlining the obligations of the SNE and the necessary follow-ups required. The SNE is encouraged to maintain an open channel of communication with the PREU (regular meetings), the EU Coordination Department and the Line Ministry. A monthly report is to be sent to the Permanent Secretary of the relevant Line Ministry, copying the Permanent Representative and the Director General of the EU Coordination Department. SNEs and Ministries are also encouraged to make good use of the 2 days extra special leave on a yearly basis to visit the employer (when applicable).

11. Renewal/Extension stage: For renewals/extensions, SNEs need to demonstrate certain aptitudes, skills, motivation, and performance. A report shall be requested by the Permanent Representation which needs to include achievements in priority areas for Malta and any upcoming issues/proposals, wherein Malta stands to benefit from renewing the contract and having a Maltese national working in the relevant Directorate General/EU Agency. Permanent Secretaries are encouraged to take this into account when considering supporting (or not) the renewal/extension of an SNE contract. A renewal/extension would also require the final assessment by the Permanent Secretary responsible for European Affairs and Permanent Secretary (P&SD).

12. Termination: Early termination provisions apply in exceptional circumstances and the respective Line Ministry is encouraged to consult the Ministry responsible for European Affairs for guidance, should the need arise. Other exceptional circumstances may apply and are stipulated in the relevant SNE Decision of the EU Institution/Agency or Mission

4.10 Engagement of Casual Substitutes[21]

4.10.1

The engagement of Casual Substitutes on a definite contract is delegated to Permanent Secretaries.

4.10.2

The arrangement for engagement of Casual Substitutes is not meant to exclude other approved schemes of replacement that are already in operation but it is meant to be complementary to existing arrangements. It is at the discretion of the Permanent Secretary to decide whether an employee on long leave needs to be replaced or not and which replacement scheme best serves the particular need.

4.10.3

The engagement of Casual Substitutes on a definite contract is to be strictly guided by the following parameters:

a. Casual Substitutes may only be engaged to replace serving Public Officers in a substantive grade on long paid or unpaid leave (other than Sick Leave or Pre- retirement Leave) and into an entry grade for which the relevant Classification Agreement provides for recruitment from outside the Public Service (e.g. Clerk, Executive Officer, Principal, Assistant Librarian, Information Officer, Engineer). Engagement is also subject to the possession of eligibility qualifications as provided for in the relevant Classification Agreements;

b. the 'eligibility qualifications' shall not be construed as to include a written public examination where a Classification Agreement stipulates a written competitive examination as an eligibility requirement. Such a requirement shall be waived and the selection process shall consist of an interview only, conducted by a Selection Board;

c. the selection process, whether after a public call for applications or through the services of JobsPlus, shall be conducted by a Selection Board appointed by the Permanent Secretary in accordance with the normal practice and norms followed by the PSC in the appointment of Selection Boards approved by it;

d. the selection and interviewing criteria adopted by the Selection Board shall be those established by the Public Service Commission or by the Board of Local Public Examinations, as applicable, in the last selection process held for that particular grade;

[21] OPM Circular 23/1999, OPM Circular 40/1999, OPM Circular 41/2000 and MPO Circular 124/2002

e. the engagements made by the Permanent Secretary shall be strictly in accordance with the order of merit established in the report of the Selection Board;

f. Casual Substitutes shall not, in any way, benefit from progressions or promotions stipulated in the relative Classification Agreements.

4.10.4

Power to terminate the engagement of Casual Substitutes for reasons of misconduct or terminate the engagement on behalf of Government by giving one month's notice is

exercisable by the Prime Minister acting upon the recommendation of the PSC, subject to the provisions of the following paragraph.

4.10.5

The recommendation of the PSC and the Prime Minister's approval shall not be necessary in cases where the engagement of the Casual Substitute is terminated in any of the following three circumstances:

i. the public officer being substituted returns to work;

ii. in the event that the post of the public officer to whom the Casual Substitute is twinned becomes vacant for any reason whatsoever;

iii. in cases where the contractual period of engagement expires.

4.10.6

The contract of a Casual Substitute must be terminated on the return to work of the officer with whom he/she is twinned. This arrangement is applicable also in the case of officers who are on study leave and who return to their duties during the summer recess. However, in such cases the contract of the Casual Substitute may be renewed when the officer with whom he/she was twinned returns to his/her studies without the need of a fresh selection exercise.

4.10.7

The Casual Substitute is entitled to terminate the engagement by giving one month's notice to the Permanent Secretary as stated in the Standard Contract.

4.10.8

The engagement must be made into a grade which is at the same or closest lower recruitment level and in the same career stream. This Scheme is not applicable in the case of employees in Groups I to IV of the Industrial Grades and employees listed under Other Industrial Grades.

4.10.9

Funds have to be available under Personal Emoluments and there must not be the need for either virement to Personal Emoluments by the end of the financial year, or a request for additional funds under Personal Emoluments in the Supplementary Estimates; the related substantive post which is temporarily vacant must be shown in the Appendices to the Estimates for that current financial year.

4.10.10

The engagement of Casual Substitutes may be made for a minimum of three (3) months and a maximum of one (1) year, renewable as and where necessary. The principle of "twinning" of Casual Substitutes, name to name, is to be scrupulously observed. Subject to the confirmation of creditable performance, as well as the availability of another attachment, Casual Substitutes whose contract is terminated by virtue of the resumption of duties of their original attachment may be "twinned" with another officer and engaged on a new contract, provided there is no break in service. Such a change in the twinning arrangement of a Casual Substitute may only be made, Ministry-wide, for reasons of resumption of duties of the officer with whom the Casual Substitute is twinned. If, at any particular time, the number of Casual Substitutes whose contract is terminated as explained above is greater than the number of available temporary vacancies, then seniority, as explained in Section 3.15 of this Manual, is taken into consideration to determine who is engaged on a new contract.

4.10.11

The salary payable shall be the minimum salary point of the applicable basic Salary Scale, as announced in the Financial Estimates from year to year, of the entry grade into which the Casual Substitute is engaged[22]. Casual Substitutes may be engaged on a full-time basis or on part-time basis for twenty (20) or thirty (30) hours per week and paid pro-rata.

4.10.12

The terms of engagement of Casual Substitutes shall be according to the standard contract, which is available for download at the website of the People Resourcing & Compliance Directorate at the address https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx . In the event of a renewal of a contract, no fresh contract need be drawn up but a renewal notice should be signed by both parties.

4.10.13

The fact that the engagement of Casual Substitutes is on a back-to-back basis constitutes an objective reason why persons engaged as Casual Substitutes shall not attain indefinite status in terms of S.L.452.81 entitled Contracts of Service for a Fixed-Term Regulations.

[22] MPO Circular 99/2009

05

Background: C:\pdf\green.pdf

Public Sector Resourcing

5.1 Detailing of Public Officers for Duty with Public Entities

5.1.1

The Prime Minister may direct that a public officer is to be 'detailed' for duty with a public entity.

5.1.2

Public officers may be detailed for duty with public entities in the following instances:-

(i) At the officer's own volition, either through a specific request or following an expression of interest or public call for applications. In such cases, the officer must have been confirmed in a Public Service appointment in order to be detailed. An appointment that has not yet been confirmed will be forfeited;

(ii) At the request of the entity after having been identified by the entity; or

(iii) Following the migration of a function to an entity. This could happen when Government decides to restructure the provision of a particular service by administratively setting up a specific entity or agency and hence public officers employed therein will need to be 'detailed' with the new entity or agency. Subsequently other public officers may need to be further detailed with the entity or agency to increase its performance or output as required.

Normally the detailing of public officers is specifically provided for in the provisions of the legislation establishing that particular public entity.

5.1.3

Requests for the detailing of public officers for duty with Public Entities are to be submitted only through the appropriate e-form available at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx .

5.1.4

Terms of detailing are as listed hereunder:-

i. In the case of the detailing of officers who hold a substantive grade/indefinite status with the Public Service, such detailing shall remain in force until revoked by the Prime Minister. Reversion to the Public Service will be made to their substantive grade/ indefinite status with the Public Service and corresponding salary scale;

ii. In the case of the detailing of officers who hold both a **substantive grade/indefinite status and a position of a definite nature** where an 'objective reason' exists in terms of S.L. 452.81 with the Public Service, the detailing will be made with the conditions of the definite appointment up to the expiry of such appointment and, thereafter, on their substantive grade/indefinite status. In the latter case, such detailing shall remain in force until revoked by the Prime Minister. In the case of reversion to the Public Service, such reversion will be made to their substantive grade/indefinite status and, unless the term of the definite appointment has expired, concurrently to their definite position. The arrangement with respect to the definite position is to apply **only** in the case of officers detailed as a result of a **transfer of function** from the Public Service to a Public Sector entity, and in cases where officers are identified to be detailed with an entity **in the interests of the Public Administration**;

iii. In the case of the detailing of officers who only hold a **position of a definite nature** where an 'objective reason' exists in terms of S.L. 452.81 with the Public Service, the detailing will be made up to the date of expiry of the definite appointment, during which period, they may revert to the Public Service. Upon expiry of the term, the person concerned will cease to be a public officer. This arrangement is to apply **only** in the

case of officers detailed as a result of a **transfer of function** from the Public Service to a Public Sector entity, and in cases where officers are identified to be detailed with an entity **in the interests of the Public Administration**;

iv. Public officers holding a **substantive grade or indefinite status** who are selected to fill vacancies with a public sector entity advertised through a **public call** or following a **call for expressions of interest**, may take up the post/position with the entity whilst retaining their substantive grade/indefinite status, subject to the consent of the Permanent Secretary of the Ministry with whom he/she is currently employed, and subject that no overall increase in headcount (i.e. Public Service/Public Sector) shall result.

v. If selected for a position which is of an indefinite status and has been advertised through a **public call,** hence in terms of article 110(6) of the Constitution, the officer will be detailed for the duration of the probation period with the entity, following which the officer will decide on whether to remain an employee of the entity and resign from the Public Service, or revert to the Public Service and relinquish the appointment with the entity. Should the officer decide to revert to the Public Service, a request for the officer's revocation of detailing is to be made by the ministry under which the entity falls. This applies both to officers applying for a vacancy with an entity for the first time, and officers already detailed but who apply for a vacancy with the same or another entity advertised through a public call. If the position with the entity is on a definite basis but does not carry an objective reason in terms of Reg. 7(4) of S.L.452.81 and hence the appointee is entitled to have the position converted to one of an indefinite status, the officer shall, upon attainment of indefinite status with the entity, exercise the choice between remaining an employee of the entity on an indefinite basis and renounce his/her Public Service employment, or revert to the Public Service and renounce his/position with the entity;

vi. Detailed officers who apply for **internal calls or an expression of interest issued across the Public Administration by the entity** with which they are detailed, shall remain detailed in the new post/position with the entity;

vii. It is clarified that an appointment following an internal call or expression of interest by the entity, does not entitle a detailed public officer to the status of a public sector employee in terms of sub-article 110(6) of the Constitution. Thus, unless the public officer had already attained the status of a public sector employee in terms of sub-article 110(6), the appointment attained with the entity through an internal call/expression of interest by the entity, remains **tied to and dependent on** the individual's status as public officer;

viii. In the case of a position on a definite basis carrying an objective reason in terms of Reg. 7(4) of S.L.452.81, the officer will be detailed until the end of the definite contract which may be renewed

ix. Public officers holding a **position of a definite nature with the Public Service**, who are selected to fill a vacancy with a public sector entity advertised through a **public call** or following a **call for expressions of interest**, shall have their definite appointment terminated in the eventuality that they take up a post/position with an entity;

x. The detailing of officers following a **public call** for applications/call for **expression of interest**, is always subject that due notice is to be given, in terms of the applicable provisions, at the discretion of the Ministry consenting to the officer's detailing, prior to the officer taking up the post/position with the entity;

xi. Public officers who hold a **Scale 5 position of a definite duration** with the Public Service at the time of their detailing with a Public Sector entity, irrespective of whether they hold a concurrent substantive grade, shall be entitled to indefinite status with the Public Service on the basis of such definite position and a comparable position with substantively the same tasks with the entity, after four years in terms of S.L. 452.81 entitled "Contracts of Service for a Fixed Term Regulations". The award of indefinite status with the Public Service in

terms of this provision is subject that:

a. the positions do not carry an 'objective reason' in terms of S.L. 452.81;
b. indefinite status shall be in the designation of "Officer in Grade 5";
c. this arrangement is to apply **only** in the case of officers detailed as a result of a **transfer of function** from the Public Service to a Public Sector entity, and in cases where officers are identified to be detailed with an entity **in the interests of the Public Administration**;

xii. 'Detailed' officers are released on grounds of public policy;

xiii. They shall benefit from the pay structures and conditions of service of the entity to which they are detailed, in accordance with the Collective Agreement in force, as applicable. Taken as a whole, the pay structures and conditions of service may not be less favourable than those they used to enjoy with the Public Service in cases where the officer is detailed following a migration of function or identified in the interests of the Public Administration. In cases where an officer is detailed after having applied with the entity of own volition, the conditions will be as outlined in the call issued by the entity;

xiv. They will retain the rights and privileges applicable to their public office as well as progression and promotion rights arising from the respective Classification Agreement;

xv. By virtue of their public officer status, during the period of detailing they will retain their right to apply for calls for applications open to public officers;

xvi. They will have their service with the entity reckoned as service with Government for the purposes of increments, promotion and progression and for the computation of years of service required for eligibility to a higher grade, subject to their performing duties not below their Public Service grade/ indefinite status; furthermore, service with the entity will count towards satisfying the probationary/trial period, if applicable, related to their Public Service grade/ indefinite status, subject to their performing duties not below their Public Service grade/indefinite status and subject that the duties performed with the entity are of the same nature

xvii. In the case of pensionable officers, service with the entity will be reckoned as service with Government for Service Pension purposes in terms of the respective applicable legislation;

xviii. They are entitled to Pre-Retirement Leave, in accordance with the provisions in force from time to time as applicable to public officers, subject that in order to benefit from such Leave, they must first have their detailing revoked. Hence, such officers are to request revocation of their detailing at least three (3) months prior to the commencement of such leave. The Line Ministry responsible for the entity from which the officer's detailing is to be revoked, is to fill and submit the respective e-Form (https://workflow.gov.mt/RuntimeCORP/Runtime/Form/Revocation+of+Detailing+of+Public+Service+Officers?language=en), channelled through the Office of the Permanent Secretary, to the People & Standards Division, at least six (6) weeks prior to the commencement of the Pre-Retirement Leave. Upon revocation of detailing, they will be entitled to Pre-Retirement-Leave, on their immediately preceding Public Sector entity basic salary, i.e. they shall forfeit any allowances, where applicable. In such cases, the provision at Section 1.1 (ii) of the Manual on Special Leaves may NOT be availed of.;

xix. They shall be under the administrative authority and control of the entity but any disciplinary action instituted against them will be taken in terms of the standing Disciplinary Regulations;

xx. The Personal File pertaining to the detailed officer is to be kept at the Directorate responsible for People Management of the Ministry under which the receiving Entity falls;

xxi. For instances when a public officer who is detailed with a Public Sector entity, resigns from his/her employment with the Public Sector entity as well as from the Public Service, please see Section 1.14.20 of this Manual.

5.2 Revocation of Detailing of Public Officers Detailed with Public Entities

5.2.1

It may be necessary for public officers who have been detailed with public entities to have their detailing revoked in order that they may resume duties within the Public Service. This may result:

i. following a request by the officer concerned,

ii. following a request by the Entity - an entity may, because of particular reasons such as restructuring, request that officers who had been detailed with the entity be revoked and they revert back to the Public Service, or

iii. following the officer's option to revert to the Public Service upon expiry of the probationary period with the entity tied to the vacancy for which the officer had applied, in terms of 5.1.4 (iv) above; or

iv. following the officer's appointment to a new grade/position within the Public Service. In this case, two scenarios are envisaged:

Scenario 1 – If the detailed public officer opts to be appointed to a new grade/position within the Public Service **following a call for applications and a selection process**, then his/her detailing is revoked so that s/he could take up the duties of the new appointment. This provision is in terms of Sections B and C of PSD Circular No 5/17 dated 8 February 2017. In such cases, the consent of the entity/Permanent Secretary under whom the entity falls is not a binding condition for revocation of detailing.

Scenario 2 – If the detailed officer is promoted to a higher grade within the Public Service **after a number of years' satisfactory service in terms of the provisions of a Classification Agreement**, and the remuneration package tied to the promotion is higher than that enjoyed with the entity, then his/her detailing is revoked so that s/he could take up the duties of the new appointment. In such cases, the consent of the entity/ Permanent Secretary under whom the entity falls is not a binding condition for revocation of detailing. If the entity requires the officer to perform duties at the same level as that of the officer's new grade or at a higher level, then the officer's detailing arrangement may continue and the officer will be notionally appointed to new Public Service grade.

Moreover, the Administration may revoke the detailing of an officer for service delivery purposes (demand driven).

Furthermore, a detailed public officer is to request revocation of detailing for the purpose of availing himself/herself of Pre-Retirement Leave (vide section 5.1.4 [xviii]).

5.2.2

When a public officer requests a revocation of detailing, the following parameters apply:

i. the officer is to apply in writing to the Head of the respective entity;

ii. the entity concerned is to confirm to the People & Standards Division that there are no objections to the requested revocation of detailing (this, however, is without prejudice to what is stated at paragraph 5.2.1 (iii) above;

iii. the entity must also bind itself not to recruit a replacement;

iv. there must be a demand within the Public Service for the type of skills, trade, competencies or expertise of the person requesting revocation of detailing.

Requests for the revocation of detailing are to be submitted only through the appropriate e- form available at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx .

5.2.3

Reversion to the Public Service is subject to the following:

i. The pay package and any other conditions offered to the officer by the entity with which he/ she is detailed shall be effective only during the period of detailing i.e. they cannot be retained upon the officer's return to the Public Service;

ii. the officer will benefit from the prevailing conditions applicable in the Public Service;

iii. the officer will be posted in a Department where his/her professional skills and competencies are required; and

iv. the officer will continue to be entitled to a Service pension, if he/she is of a pensionable status, in terms of the respective applicable legislation.

5.2.4

Approval for the revocation of detailing of public officers rests with the Prime Minister.

5.3 Public Sector Employees Selected to fill Public Service Vacancies following a Public Call for Applications or a Call for Expressions of Interest[24]

5.3.1

Public sector employees selected to fill Public Service vacancies, advertised through a public call or a call for expressions of interest must make their own arrangements with their employing entity for their release to take up a post/position in the Public Service.

5.3.2

Public sector employees who take up a post/position with the Public Service shall enjoy public officer status for as long as they remain performing the duties of the call for applications. They may thus apply for service-wide calls, so long as they satisfy the eligibility requisites, and will remain with the Public Service in the new post/position. A public sector employee may attain indefinite status with the Public Service in terms of the Contracts of Service for a Fixed Term Regulations (S.L.452.81), subject to PSC concurrence, and pegged to the applicable Public Service salary.

[24] PAHRO Circular 15/2014

5.4 Public Sector Employees Identified to fill Vacancies with another entity

5.4.1

Public sector employees identified to fill vacancies with another entity may be loaned from their parent entity (with its consent, if having a separate legal personality) to the entity where they are identified if the vacancy is for a temporary period. In such instances, public sector entities require to enter into a bilateral agreement.

5.4.2

Redeployment of public sector employees declared as surplus to the requirements of a public sector entity may be effected by the Prime Minister by means of article 16 of the Employment and Training Services (ETS) Act (Chap. 594), if their services are required in another public sector entity. Such redeployment is always effected with the mutual consent of both entities and their respective Permanent Secretaries and the endorsement of the Principal Permanent Secretary. The employees concerned will be required to endorse a written guarantee, signalling their acceptance to terminate their employment with the original employer and to be redeployed with the other entity, whilst accepting the terms, conditions and financial package being offered. Requests for redeployment necessitate to be submitted to the People and Standards Division via the respective eForms located on: https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx .

5.5 Public Sector Recruitment

5.5.1

In January 2014, Directive 7, entitled "Delegation of Authority to Recruit in the Public Sector Entities" was issued wherein certain powers of recruitment were delegated to Public Sector entities and their respective Permanent Secretaries. Resources and competencies were thus transferred nearer to the point of service delivery, and consequently HR functions were further decentralised, in line with the major trends in public administration modernisation. The "Manual for Public Sector Entities: Delegation to effect Recruitment, Promotions and Industrial Relations", which is intended to guide Public Sector entities when they are recruiting under the delegation given to them, can be accessed through the link: https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/Manuals.aspx .

5.6 Executive Secretaries with Local Councils

5.6.1

Executive Secretaries are appointed by Local Councils in terms of article 49 of the Local Government Act (Chap. 363). Articles 50 – 54 of the Act also provide for their removal from office and their transfer from one Council to another, as well as specify their functions/duties and duration of the contract.

The position of Executive Secretary is a position by Objective Reason in terms of regulation 7 (4) (e) of S.L. 452.81 entitled "Contracts of Service for a Fixed Term Regulations", this being a position of a level of trust.

5.6.2

Calls for application for the position of Executive Secretary are issued by the Local Government Division. The respective call will specify the remuneration and eligibility criteria and will also indicate the Local/Regional Councils where a vacancy exists.

Eligible candidates are assessed and interviewed by a Selection Board to determine their suitability, or otherwise, for the position and are informed of the outcome accordingly. The names of the candidates found suitable are forwarded to the respective Council which was indicated as a preference by the candidate, for eventual acceptance, or otherwise, by the Council. The Council will refer the name of the accepted candidate to the Director General (Local Government) for processing.

The accepted candidate will sign a three (3) year agreement as an Executive Secretary with the respective Council. Such agreement may be renewed for further periods.

Concurrently, the Local Government Division will furnish the Executive Secretary with a prescribed Letter of Engagement, depending on whether s/he is a serving public officer or a person from outside the Public Service (templates are available at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx - Other Templates). Upon renewal or a change of Council, a new letter of engagement should be re-issued.

Information relating to the engagement of Executive Secretaries who are already public officers should be entered in the 'Remarks Column' of the GP47 for the initial four (4) years of their engagement. In the case of Executive Secretaries who are engaged from outside the Public Service, the GP47 is not to be drawn up for the initial four (4) years of their engagement. In both cases, once the Executive Secretaries are tenured as Officer in Grade in terms of the provisions of paragraph 5.6.3 below, and hence issued with a letter of appointment in terms of article 110 of the Constitution, such an appointment should be entered in the 'Grade/Position Column' of the GP47.

The Research & Personnel Systems Directorate of the People & Standards Division is to be kept in copy of any such letters of engagement issued to Executive Secretaries.

Once suitable candidates are referred to the Council and an engagement is made, or otherwise, the selection process for the advertised position in that Council shall be deemed as closed and there shall be no further reference to any remaining candidates.

5.6.3

Executive Secretaries will, on completion of four (4) years of successful service, in aggregate, as Executive Secretary, and subject to the consent of the Public Service Commission, be entitled to appointment as Officer in Grade on a notional basis. They will be placed on a salary scale which is one scale lower than their current Salary Scale as detailed in their position, however on the same salary step currently enjoyed.

On completion of a further three (3) years, in aggregate, as Executive Secretaries, and subject to satisfactory service, they will be eligible to be appointed as Officer in Grade in the same salary scale as that of their Executive Secretary position.

Any period taken as parental leave will be reckonable as forming part of the number of years required for appointment as Officer in Grade.

If no longer performing the duties of Executive Secretary, such appointees as Officer in Grade will no longer benefit from any allowance/s that emanate from the working conditions established for Executive Secretaries as applicable from time to time.

5.6.4

Executive Secretaries who already hold an indefinite appointment in the Public Service, and whose engagement is terminated prior to the completion of four (4) years of successful service, in aggregate, as Executive Secretary, will fall back to their indefinite appointment, and be accordingly deployed as determined by the People & Standards Division for service delivery purposes. The period engaged as Executive Secretary will be reckoned as 'service in the grade' for the purpose of computation of length of service, seniority, salary, progression and, where applicable, for treasury pension purposes.

5.7 Secondment of Public Sector Employees with Ministries / Departments in the Public Service

5.7.1 Definition

Secondment is the temporary transfer of a Public Sector employee to perform duties in the Public Service. A request for a secondment requires the approval of the Principal Permanent Secretary.

This procedure is distinct from the attachment of identified public sector employees to serve in positions on a trust basis in a Private Secretariat of a Minister / Parliamentary Secretary. In such cases, the procedure in accordance with the approved Guidelines referred to at Section 4.3 is to be followed.

5.7.2 Procedure

i. The Ministry/Department requesting secondment is to submit a formal request to Director (People Resourcing & Compliance), as per template available at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx , channelled through the respective Permanent Secretary;

ii. The official request should include the following details:-

   a. The cogent, demand driven, reasons why the services of the public sector employee concerned are required;

   b. The duties to be performed by the public sector employee;

   c. The salary / financial package to be offered;

   d. Confirmation that funds are available;

   e. Declaration by the public sector employee that s/he consents to forfeit any allowances previously enjoyed with the Public Sector entity, i.e. to receive only the basic salary (and any increase in conformity with the entity's Collective Agreement, if applicable).

iii. The following documentation is to be submitted together with, and in support of, the original request:

a. confirmation by the head of the releasing entity that the employee concerned can be released against no consequential request to fill the vacated position, i.e. there should be no resultant headcount increase, unless the Principal Permanent Secretary determines that the request of the Public Service warrants otherwise;

b. details of the salary / financial package and other benefits/ allowances currently enjoyed by the employee concerned;

c. approval by the Permanent Secretary under whose remit the entity falls for this secondment to be proceeded with.

iv. The decision of the Principal Permanent Secretary will be communicated to all stakeholders accordingly.

v. The effective date of the secondment is the date of approval of the Principal Permanent Secretary, unless otherwise directed. As from the date of approval, the payment of the seconded employee's salary will be borne by the receiving Ministry\ Department.

vi. Public employees are entitled to retain their qualification allowance, in addition to the basic pay, enjoyed at the entity, on secondment with the Public Service.

06

Background: C:\pdf\green.pdf

A. Re-Employment and Re-Instatement of Ex-Public Officers

B. Engagement on Temporary Basis of Former Public Officers who are Granted Parole

C. Re-Integration of Former Public Officers who were Dismissed from the Public Service

A. Re-Employment and Re-Instatement of Ex-Public Officers

6.1 Definitions

6.1.1 Re-employment

The re-employment of ex-public officers after resignation may be considered in cases of public service interest or for humanitarian reasons, as per conditions stipulated in this policy.

Ex-Public Officers may be re-employed in their last appointment in the Public Service or may request to be re-employed in any previous appointment, held before resignation, if qualifications are commensurate with current eligibility criteria.

6.1.2 Re-instatement

The re-instatement of public officers may be considered on grounds of public interest when the performance of specialized duties in key positions is required or for humanitarian reasons.

Ex-Public Officers may be re-instated in the Public Service after having been medically boarded out, as per conditions stipulated in this policy. Ex- Public Officers may be re-instated in their last appointment in the Public Service or may request to be re-instated in any previous appointment held before their boarding out for medical reasons, if qualifications are commensurate with current eligibility criteria.

6.2 The Re-Employment and Re-Instatement Committee (RRC)

6.2.1 Functions

A Re-employment and Re-instatement Committee (RRC) is set up to consider applications regarding the following processes:

- re-employment after resignation;
- re-instatement after retirement on medical grounds or after retirement on grounds of public interest;
- re-engagement on a temporary basis of former Public Officers who are granted parole in terms of the Restorative Justice Act (Cap 516 of the Laws of Malta);
- re-integration of former Public Officers who were dismissed from the Public Service following disciplinary or criminal proceedings or who were found guilty of a criminal offence after leaving the Public Service.

6.2.2 Composition

The RRC is appointed by the Principal Permanent Secretary and is composed of a Permanent Secretary as Chairperson and two (2) other members.

6.2.3 Procedure

i. a. An application for re-employment or re-instatement shall be submitted by an ex-public officer to the Permanent Secretary (People & Standards Division), or delegate, who conducts the administrative side of the policy. The following documents should be attached to the formal application:

- An original certificate of conduct issued by the Police or other competent authority not earlier than one (1) month from the date of application;

- An employment history issued by JobsPlus (JobsPlus), if required;

- If applicable, a medical certificate by a treating specialist stating that the applicant is fit for duties. This is applicable only if (i) the applicant was medically boarded out, (ii) ill-health was the reason for his/her resignation, or (iii) health issues are mentioned in the application;

- Any other documentation as deemed necessary by the RRC or by the applicant himself/herself to support his/her case.

Documents must be forthcoming in due time. The RRC will not proceed until all documents are submitted.

b. On its part, the People & Standards Division will request the relevant Department:

- whether the request for re-employment/re-instatement is in the Public Service Interest, and if in the affirmative, provide cogent reasons and provide the endorsement of the respective Permanent Secretary;

- whether the applicant has any pending disciplinary cases, in which case the Head of the Department in which the officer is to be assigned duty, shall recommend to the PSC, in terms of Regulation 33(5) of the PSC Disciplinary Regulations (S.L. Const. 07), whether such action shall be resumed or otherwise; and

- to provide any other relevant documents that may be required.

Respective departments are to provide the requested information to the People & Standards Division strictly within five working days from receipt of such request.

Applicants who are applying for re-instatement or claim to have resigned from the Public Service due to a medical reason or mention a medical condition in their application, will be subsequently assessed by a medical board. This procedure is carried out before the case is referred for the consideration of the RRC.

The People & Standards Division shall forward the application, together with the afore- mentioned documentation, directly to the RRC.

ii. The RRC shall regulate its own procedure during its deliberations and consider requests in line with the eligibility criteria outlined below. The Committee will consider the application within 20 working days from receipt of the individual's complete application for re-employment/re-instatement, including the pertinent Permanent Secretary's approval.

iii. When the RRC agrees to the re-employment or re-instatement of the applicant, the Committee shall, subject to the assessment procedures described hereunder, submit its opinion to the Permanent Secretary (People & Standards Division), or delegate. The following procedures apply:-

A. If the Permanent Secretary (People & Standards) agrees with the RRC that the applicant should be re-instated or re-employed, and the applicant has no pending disciplinary cases as explained at 6.2.3 i(b) above, then s/he may proceed to issue the approval for the re-instatement or re-employment under delegated authority, without the need for reference to the PSC,

B. However, if the applicant has pending disciplinary cases, then the Permanent Secretary (People & Standards) is to make submission to the PSC. If the PSC agrees that the applicant should be re-instated or re-employed, the engagement will be proceeded with in terms of Article 110(1) of the Constitution,

C. If the Permanent Secretary (People & Standards) does not agree with the RRC that the applicant should be re-instated or re-employed in the public interest, and if such disagreement persists even after mutual discussion, the Permanent Secretary (People & Standards) will decide after taking into consideration the objections of the RRC. If the final decision is against the re-instatement/re-employment, the applicant is to be informed accordingly and advised of his/her right of appeal to PSC, as stipulated in section 6.2.5 of this policy

iv. If the RRC does not agree to the re-employment or re-instatement of the applicant, the Committee shall submit its opinion to the Permanent Secretary (People & Standards Division), or delegate. The following procedures apply:-

A. If the Permanent Secretary (People & Standards) agrees with the RRC that the applicant should not be re-instated or re-employed, s/he shall inform the applicant accordingly and advise him/her of his/her right of appeal to the PSC, as stipulated in section 6.2.5 of this policy.

B. If the Permanent Secretary (People & Standards) does not agree with the RRC that the applicant should not be re-instated or re-employed in the public interest, and if such disagreement persists even after mutual discussion, the Permanent Secretary (People & Standards) will decide after taking into consideration the objections of the RRC.

6.2.4 Eligibility Criteria for consideration by the RRC

i. An application must satisfy all the following eligibility criteria:

a. the case must contain humanitarian reasons, and/or is in the public service interest;

- applicants requesting re-employment or re-instatement will, apart from medical considerations where appropriate, be submitted to an assessment (interview plus any practical/aptitude/general ability/other tests as may be deemed necessary) conducted by Assessment Board to ensure and certify that their level of competence and any required certification in the particular designation, has remained acceptable.

ii. The Assessment Board will basically include three RRC representatives and in cases of particular skills/trades/professions, will also include a member of competent in the field. Public officers forming part of the Assessment Board must be at least one grade higher than the post to be filled. The Assessment Board is to observe the following standards so that these assessments are carried out consistently throughout the

service:

1. The Assessment Board should compare the qualifications the officer holds with the current entry requirements for the particular designation. The officer should be in possession of at least appropriate, comparable qualifications. In cases where the entry requirements are lacking, the Assessment Board shall ensure that the applicant is willing to undergo training to obtain the necessary qualifications within a stipulated time-limit dictated by the type of training required. The Assessment Board shall make it clear to the applicant that if at the expiration of the probationary period the requirements are not fulfilled, the employment will cease.

2. If necessary, the Assessment Board may carry out a practical/aptitude/general ability/other test, apart from the interview.

3. The Assessment Board shall assess whether the applicant is competent to carry out the duties that are listed in the job description for a particular designation. If the Assessment Board feels that the applicant is no longer competent for the duties of the designation, the re-instatement/re-employment will be refused.

The Assessment Board will submit its decision to Permanent Secretry (People & Standards Division), or delegate, as to whether the applicant should be re-employed/ re-instated to perform the duties pertaining to the relevant designation. The submission to the People & Standards Division is to merely state whether the applicant should be re-employed/re- instated or not in the relevant designation. The process should not exceed 20 working days from when the required documents are officially received until the due recommendation is sent to the PSC.

iii. The RRC may, at its discretion, decide not to carry out an assessment and proceed to make its submissions directly to the People & Stands Division by making an internal minute. This will only be applicable to re-employment when the former Public Officer would have resigned from the Public Service within one year from date of application.

iv. Public officers who accepted an offer of permanent employment with a public entity cease to be public officers and therefore are not eligible for re-employment / re-instatement in the Public Service.

6.2.5 Right of Appeal

A former Public Officer whose application for re-employment/re-instatement is rejected has the right to file an appeal with the PSC, submitting the grounds for that appeal within ten (10) working days from the date when he/she is informed about the outcome of his/her application. The PSC shall deal with the appeal at its own discretion and on the merits of the particular case.

6.3 Conditions

6.3.1 Re-employment after resignation

Unless respective Classification Agreements and addenda thereto provide conditions which are more favourable, re-employment is subject to the following conditions:

i. The officer's previous service counts for progression and promotion purposes;

ii. The officer will be placed:

- In a former appointment held during the previous service;
- If the officer opts to rejoin the Service in the last appointment held, s/he will be placed on the same salary scale and step occupied prior to leaving the Service, with due award of increments. If the officer opts to rejoin the Service in a lower appointment, s/he will be placed on the maximum point subject that the salary point on leaving the Service is in no way exceeded. (Vide also Section 3.6 of the Manual on the Procedure and Computation of Salaries);
- at the bottom of the seniority list of the designation; and
- on probation for a period as specified in Section 1.8.2; however, if the officer had been confirmed, prior to resignation, in the grade into which s/he will be re-employed and the break in service between resignation and re-employment is of less than 12 months, then the officer will not be subject to a probationary period.

6.3.2 Re-instatement after retirement on medical grounds or re-instatement on grounds of public interest

Following the PSC's approval/recommendation for re-instatement:

i. The officer's previous service counts for progression and promotion purposes;
ii. The re-instated officer will be placed:
- in a former appointment held during the previous service;
- at the previous salary point;
- at the bottom of the seniority list of the designation;
- on probation for a period as specified in Section 1.8.2; however, if the officer had been confirmed, prior to resignation, in the grade into which s/he will be re-instated and the break in service between resignation and re-instatement is of less than 12 months, then the officer will not be subject to a probationary period; and

iii. If the officer is a pensionable officer, the Treasury pension granted under the Pensions Ordinance which was granted on retirement shall be immediately withheld. On the gratuity already paid to the officer, a sum based on the current Refund Policy shall be deducted from the officer's salary on a four-weekly basis.

6.4 Applicability for Members of Disciplined Corps

Ex-Public Officers, who served in the Police Force, the Civil Protection and Correctional Services, may be re-employed after resignation or may be re-instated as per paragraph 6.1.2 above or may be re-instated after retirement due to having reached the required amount of service reckonable. Each Head of Department/CEO of the aformentioned Disicipline Corps shall indicate whether the applicant has acquired previous Service reckonable for the purpose of pension entitlement emerging from *ad hoc* legislation governing the respective Disciplined Corps.

There may be instances, if it is strictly in the Public Service interest and if exceptional circumstances so warrant,that such officers are not re-employed/re-instated in their former grade. In such cases, they will have their grade changed to 'Officer in Grade' in the relevant salary scale equivalent to their former grade, and they will be considered in terms of recruitment eligibility benchmarks adopted across the board. Their previous service shall count as service with Government but not as service in a disciplined force. In such exceptional cases, these officers shall be assigned duties comparable to their scale in another department.

6.5 Further Clarifications

6.5.1

Without prejudice to paragraphs 6.1.1 and 6.1.2 herein, Public Officers, who hold a regular part-time position up to 20 hours per week in the Public Service may apply in terms of this policy and will be considered for re-appointment in the grade they held at the time of resignation or retirement on medical grounds, in terms of paragraphs 6.1 to 6.3 herein.

6.5.2

Applications from former Public Officers who were found guilty of a criminal offence after resigning or after being boarded out from the Public Service shall be dealt with in terms of the Re-integration Policy.

6.5.3

Nothing in the provisions of this policy will preclude the RRC from requesting any other documentation or from taking any further action, besides what is stated above, in the consideration of cases.

B. Engagement on Temporary Basis of Former Public Officers who are Granted Parole In Terms of The Restorative Justice Act (Cap. 516 Of The Laws Of Malta)

6.6 Aim

6.6.1

This policy provides for the engagement on temporary basis of former public officers who were dismissed from the Public Service after being sentenced to a term of imprisonment and were subsequently granted parole in terms of the Restorative Justice Act.

6.6.2

Ex-Public Officers may be temporarily engaged in their last appointment in the Public Service held before dismissal.

6.7 Procedure

6.7.1

Requests for engagement on temporary basis under this policy shall be submitted to the Permanent Secretary (People & Standards). It is the applicant's duty to present a

strongly documented case. Such application may be submitted either whilst the applicant is still in prison or after the applicant is granted parole under the Restorative Justice Act. In the former case, applications submitted earlier than the 11th month of the prison sentence shall not be considered.

6.7.2

On receipt of the application, Permanent Secretary (People & Standards) shall immediately ask Director (Probation & Parole) to submit the following documents:

i. the sentence/s delivered by the Criminal Court;

ii. the report/s and any other document drawn up by the Parole Officer assessing the applicant;

iii. the Parole licence granted to the applicant by the Parole Board; and

iv. any other document concerning the applicant which may be considered relevant.

6.7.3

These documents shall be submitted by Director (Probation & Parole) not later than one (1) week from the date the request from Permanent Secretary (People & Standards) is received. Upon receipt of these documents, Permanent Secretary (People & Standards) shall refer the application along with the documents referred to above to the Re-Employment and Re-Instatement Committee (RRC) set up in terms of section 6.2.

6.7.4

Permanent Secretary (People & Standards) shall not process the relevant application in the event that the applicant refuses to give his/her consent to Director (Probation & Parole) to refer the documents mentioned above to Permanent Secretary (People & Standards).

6.7.5

The RRC shall consider the application in terms of this policy, and if the RRC agrees that the application should be favourably considered, it shall refer the application to the Assessment Board (as described in 6.10.1). The Assessment Board shall refer its recommendation about the applicant to the RRC.

6.7.6

The RRC shall submit its findings together with the recommendation of the Assessment Board to Permanent Secretary (People & Standards) within 20 working days from receipt of the individual's complete application for re-employment/re-instatement, including the pertinent Permanent Secretary's approval.

6.7.7

Upon receipt of this communication from the RRC, the People & Standards Division shall immediately inform the applicant that his/her application was favourably considered. In such a case the applicant shall also be informed that seven (7) weeks prior to the lapse of his/her prison sentence, s/he may submit an application to the Permanent Secretary (People & Standards) so that after the termination of his/her temporary engagement, s/ he may be considered to be re-integrated within the Public Service as a regular public officer. This communication shall be copied to Director (Probation & Parole) and the ESP Unit Coordinator.

6.7.8

If, however, after considering the application in terms of this policy, the RRC decides that the application should not be accepted, the RRC shall inform Permanent Secretary (People & Standards) accordingly, who shall immediately inform the applicant about the refusal and advise him/her of his/her right to appeal as stipulated in section 6.9.1 of this policy..

6.8 Eligibility

6.8.1

Applicants are eligible to be considered under this policy, if the following conditions are satisfied:

i. they were dismissed from the Public Service after they were sentenced to a term of imprisonment, provided that a general perpetual interdiction was not imposed upon them by the Courts; and

ii. they are in possession of a parole licence by the Parole Board, granted in terms of the Restorative Justice Act; and

iii. they are found fit to perform the duties assigned to them through a medical test/ a Medical Board appointed for this purpose.

6.9 Right of Appeal

6.9.1

Applicants, whose request for engagement on a temporary basis is not accepted by the RRC, shall have the right to file an appeal with the PSC submitting grounds for that appeal within ten (10) working days from the date the applicant receives the People & Standards Division's reply. The PSC shall deal with the appeal at its own discretion and on the merits of the particular case.

6.10 Parameters

6.10.1

Employees who are engaged on temporary basis under this policy shall not be assigned duties in places of work considered as 'sensitive' and those where there is the possibility that the officer could come in contact with vulnerable groups. For this purpose, the Assessment Board composed of representatives from the People & Standards Division, the ESP Unit and the Ministry in which the officer concerned was posted before s/he was dismissed, shall be set up by Permanent Secretary (People & Standards) to determine:

i. whether the officer concerned is competent to perform the duties of his post; and

ii. the place of work where s/he may be posted.

6.10.2

Employees, who have their parole licence withdrawn by the Parole Board, shall have their engagement on temporary basis terminated on the same date when the People & Standards Division is informed of the withdrawal of the parole licence. The People & Standards Division shall immediately inform the Head of Department concerned about the termination of the engagement. These individuals shall not be considered as eligible for the re-integration within the Public Service in terms of the prevalent policy.

6.10.3

One (1) month before the lapse of the prison sentence and therefore the engagement on temporary basis, the employee's supervisor shall, in conjunction with the ESP Unit, draw up a report about the employee's performance. This report shall be submitted to the People & Standards Division in the eventuality that the individual concerned applies to be re- integrated in the Public Service.

6.11 Conditions

6.11.1

Applicants whose application is favourably considered shall be subject to the following conditions:

i. be engaged on a temporary basis for the duration of their parole license;

ii. be paid a fixed salary equivalent to the minimum point of the salary scale of their last appointment, subject to capping to a post pegged to the minimum of salary scale 7. They will not be entitled to any increments for the duration of their engagement on temporary basis; and

iii. be referred to the ESP Unit and monitored regularly throughout the term of the temporary employment.

6.12 Support through the ESP Unit

6.12.1

Once a parolee is re-engaged on temporary basis, the People & Standards Division will refer the person to the ESP Unit for assessment and monitoring with the aim of assisting the employee to reintegrate at the workplace. This will involve discussions with the employee's supervisor accordingly. The ESP will provide feedback to the Parole Officer to be presented together with the bi-monthly feedback to the Parole Board. Furthermore, the ESP will liaise with the Parole Officer on the employee's progress at work with a view to fully support the employee.

6.12.2

Parolees referred to the ESP will be requested to sign a specific consent form giving permission that feedback on their progress is shared with the relevant stakeholders. ESP will immediately report any breach of the parole conditions to the Parole Officer.

C. Re-Integration of Former Public Officers who were Dismissed from the Public Service Following Disciplinary or Criminal Proceedings or who were found Guilty of a Criminal Offence after leaving The Public Service

6.13 Applicability

6.13.1

This policy applies to former public officers dismissed from the Public Service who were either:

i. found guilty of a disciplinary offence;

ii. found guilty of a criminal offence including those who were released from prison after being sentenced to a term of imprisonment;

iii. successfully terminated the parole period granted to them in terms of the Restorative Justice Act.

This policy also applies to former Public Officers who resigned or were medically boarded out from the Public Service but were subsequently guilty of a criminal offence.

6.13.2

Ex-Public Officers may be re-integrated in their last appointment in the Public Service or may request to be re-integrated in any previous appointment, held before dismissal.

6.14 Procedure

6.14.1

An application for re-integration in a former grade/position/indefinite status, held during the previous service, shall be submitted by a former public officer to the Permanent Secretary (People & Standards) or his/her delegate, who administers the administrative side of the policy. The applicant shall attach a copy of a medical certificate by a medical doctor certifying that s/he is fit for duties. The RRC will consider the application within 20 working days from receipt of the individual's complete application for re-integration, including the pertinent Permanent Secretary's approval.

The following documents shall be referred to the RRC, along with the relative application:

i. the report of the Disciplinary Board which investigated the relative disciplinary charges, if applicable;
ii. the sentence/s delivered by the Criminal Court, if applicable;
iii. the PSC's recommendation recommending the dismissal of the applicant and the reasons for such a recommendation;
iv. a report drawn up by Director, Correctional Services on the behaviour of the applicant during the period the applicant spent in prison, if applicable;
v. the report/s drawn up by the Parole Officer supervising the applicant whilst the applicant was on parole, if applicable;

vi. a report of the Medical Board concerning the state of health of the applicant, if medical reasons are mentioned in the application;
vii. a confirmation from the applicant's former Head of Department as to whether the applicant had any pending disciplinary cases before s/he resigned with pending disciplinary proceedings or was dismissed, in which case the Head of Department in which the officer is to be assigned duty, shall recommend to the PSC, in terms of Regulation 33(5) of the PSC Disciplinary Regulations (S.L. Const. 07) whether such action shall be resumed or otherwise;
viii. documentary evidence concerning any rehabilitation programme that the applicant has undergone in connection with substance abuse, if applicable;
ix. the report drawn up by the applicant's supervisor in the case where the applicant was employed on a temporary basis during his/her parole;
x. an employment history issued by the JobsPlus, if required; and
xi. any other relevant documents.

Moreover, nothing in the provisions of this policy shall preclude the RRC from requesting any documentation or taking any action it deems necessary in the consideration of applications.

6.14.2

The RRC shall consider the application in terms of this policy. If the RRC agrees that the applicant is eligible to be re-integrated, the RRC shall refer the applicant to be assessed by an Assessment Board.

6.14.3

The provisions stipulated in sections 6.2.4 shall also be observed by the Assessment Board when assessing applicants. However, the Assessment Board shall also determine the place of work where the applicant may be posted once s/he is re-integrated. Officers who are re-integrated under this policy shall not be assigned duties in places of work considered as 'sensitive' and where there is the possibility that the officer could come in contact with vulnerable groups.

6.14.4

The RRC Board shall, within one (1) month from the date the application is referred to it by Permanent Secretary (People & Standards) submit its report, enclosing the findings of the Assessment Board.

6.14.5

If, after considering the application in terms of this policy, the RRC decides that the application should not be accepted, the People & Standards Division shall inform the applicant about the refusal and advise him/her of his/her right to appeal to the PSC against the RRC's decision, submitting grounds for that appeal within ten (10) working days from the date the applicant receives the People & Standards Division's reply. The PSC shall deal with the appeal at its own discretion and on the merits of the particular case.

6.14.6

If, however, the RRC decides that the application should be favourably considered, Permanent Secretary (People & Standards) shall immediately submit a recommendation to this effect to the Public Service Commission (PSC). The PSC shall deliberate on the case and if it concurs that the applicant should be re-integrated, it shall refer its recommendation to the Prime Minister for approval. The People & Standards Division shall then inform the applicant, the Head of the Department where the applicant is to be posted and the ESP Unit accordingly.

6.15 Support through the ESP Unit

6.15.1

Public Officers who are re-integrated through this policy, will be referred by the People & Standards Division to the ESP Unit for assessment and monitoring with the aim of identifying any difficulties and supporting the employee to re-integrate at the workplace. This will involve discussions with the employee's supervisor as deemed necessary.

6.15.2

The ESP Unit will contact the officer immediately upon re-integration and formally encourage him/her to pursue an appropriate ESP programme, as required. Although following an ESP programme is not obligatory, there should be a mandatory introductory session between the re-integrated officer and ESP. An appointment for the introductory session is given within one month from re-integration.

In the interests of the well-being of the re-integrated officer as well as that of his/her colleagues, further mandatory sessions may be required in consultation with the officer's head of department.

6.16 Eligibility

6.16.1

Applicants are eligible to be considered for re-integration under this policy if the following criteria are satisfied:

i. they fall under any of the categories at Section 6.13.1;

ii. there are humanitarian reasons and/or it is in the Public Service interest that the applicant is re-integrated;

iii. they were found fit to perform the duties assigned to them by a Medical Board appointed for this purpose;

iv. in the case of applicants with a history of substance abuse, they should have successfully completed a rehabilitation programme. If an applicant did not complete a formal rehabilitation programme, on being re-integrated, the applicant shall be liable to undergo a rehabilitation programme of assessment and counselling;

v. In the case of applicants who were dismissed after being found guilty of a criminal offence, they should be favourably reported upon by the Director, Correctional Services or by the Parole Officer, during the period spent in prison/on parole, as the case may be.

6.16.2

Applications shall not be accepted for re-integration under this policy from former public officers who:

i. at the time of application, had a general perpetual interdiction imposed upon them by the Courts or were found guilty of wilful homicide or drug trafficking;

ii. were not granted parole by the Parole Board or who had their parole license withdrawn by the Parole Board;

iii. had already been re-integrated in the Public Service but were subsequently dismissed, and;

iv. were dismissed from a public entity after they were permanently employed with that entity.

6.17 Considerations

6.17.1

During the RRC's deliberations, consideration shall be given to:

i. the report of the Disciplinary Board;

ii. the sentence/s delivered by the Criminal Court;

iii. the gravity of the offence/s for which the applicant was dismissed; and

iv. the PSC's recommendation and reasons for dismissal.

6.18 Conditions

6.18.1

Former public officers who are re-integrated under this policy shall be subject to the following conditions:

i. previous service is lost;

ii. be placed:

- in their former appointment held during the previous service or in a lower appointment either within the class or as an Officer in Grade, as determined by the RRC, according to the circumstances of the case. A former public officer whose last appointment in the Public Service was in a fixed-term position will be placed in that same position;
- on the minimum of the lowest salary scale of the grade;
- at the bottom of the seniority list of the grade;
- the Head of Department may request feedback from ESP as necessary, and on a case-by-case basis, on the officer's progress; and
- on probation for 12 months. Two (2) months before the lapse of the probationary period, the relative Head of Department should ask the officer's supervisor to submit a report about the officer's performance. This report shall be drawn up in conjunction with the ESP Unit, if the officer is attending an ESP programme and serious issues are noted. The appointment shall only be confirmed if the Head of Department is satisfied that the re-integrated officer has carried out his/her duties in a satisfactory manner and was of good conduct and any serious issues emerging from the ESP programme are adequately addressed.

07

Background: C:\pdf\green.pdf

Policy on the Engagement of Persons/Positions on a Trust Basis

(version 4 – Effective as of 6th January 2025)

A. Engagement of Policy Consultants in Ministries

B. Engagement of Secretariat Staff

7.1 Guiding Principles

The Policy issued in August 2016, besides introducing new concepts, established a way forward, streamlined and consolidated previous policy directions concerning engagement on a trust basis. This policy excludes staff engaged in Public Sector Entities to which the provisions of Directive 7 do not apply.

It is to be noted that persons occupying the roles of Chief Executive Officers and one management level below to the latter, Chairpersons and board members as well as personnel representing Malta abroad and Ambassadors, and other positions which go through the Parliamentary Committee for Public Appointments are not to be considered as Person/Position of Trust.

Engagement on a trust basis should:

- not be tied to nor carry out duties within a department or entity
- not enjoy executive powers on government matters and personnel.

The respective Permanent Secretary is responsible to ensure that these parameters are strictly observed.

Engagement on a trust basis will primarily be classified in terms of whether the individual concerned is being engaged from outside or within the Public Administration.

Persons who are not public officers may be engaged as **Persons of Trust** including Advisors and Policy Consultants :

- their engagement must conform with the Public Service/Entity eligibility criteria that determine the qualification and experience required for the level of the position/salary scale engaged in. The eligibility criteria applicable for Advisors and Policy Consultants will be as per the Document Regulating working conditions for Qualified Personnel and Managerial Stream.
- Retired public officers and retired public employees may also be engaged as persons of trust **in the same public service salary scale** at which they had retired, capped at Scale 3.

In this regard, specimen contracts for advisors and other specific positions have been drawn up with a view to keeping this categorisation separate and distinct **– Contract templates can be downloaded at the forms and templates webpage of the P&SD site – templates A1 – A4** LINK

The duration of the contract of a Person of Trust shall be of one-year, renewable yearly. Retired Public Officers and Public employees will be offered a one-year contract which may be automatically renewed each year thereafter for up to three years. Further extensions may then be given when justification is provided and approved. Retired Public Officers and Public Employees may opt for a one-year contract (Ref 7.3). Ministries may engage such individuals on a full or part-time basis. In the light that such engagements are mainly pursued through direct employment and not through selective competition**, persons engaged on a Person of Trust basis are not entitled to the attainment of indefinite status in the position in the Public Service or in the wider Public Sector** – this in terms of the Constitution and of S.L. 452.81 entitled Contracts of Service for a Fixed Term Regulations respectively.

Persons of Trust may be engaged to fill other specific positions as listed hereunder, only for those positions for which calls for applications have been issued and were unsuccessful in recruiting suitable candidates, and which are considered priority. Their engagement must conform with the eligibility criteria that determine the qualifications and experience required for the level of the position/salary scale and as per the pay packet and approved salary structure as determined by the call issued. Albeit, a permanent secretary after a confirmation by the People & Standards Division, may approve a temporary departure from the eligibility criteria replacing qualification level with experience if a call has repeatedly been unsuccessful. The calls for such positions, albeit temporarily being filled by persons of trust, will continue to be published regularly in line of the benchmarked eligibility criteria required, until

such time that the positions are filled through normal recruitment process. The duration of the contract of the persons of trust for such positions will be back-to-back until the position is filled and not more than one year. Approvals for renewals will be by the Permanent Secretary after consultation with the People & Standards Division. A renewal of the contract may be confirmed until a position is filled. The person of trust contract will in all cases be terminated once a position is filled.

Persons of trust may also apply for such calls. Should they be selected through a call for which they previously served as a person of trust, the period of their engagement as person of trust will count towards the probation period established in the call.

Conversely, Public Officers/Employees engaged on a trust basis will be deemed as occupying a **Position of Trust** and shall be regulated by a related three-year, renewable contract. Public Officers/employees have to be temporarily released from their position and normal duties as Public Officers/employees to be allowed to take up a Position of Trust. They are to fully form part of **only two** of the categories listed hereunder which are, Secretariat Staff and Policy Consultants.

The contractual period during which such employees in these two categories are so engaged shall be deemed as construing grounds for release from their substantive grade or position on grounds of public policy and shall hence be reckonable as service in the grade or position.

Ministries may engage as Person of Trust for the purpose of fulfilling the following functions:

- **Advisors** - For advisory on managerial, technical and/or ancillary functions (dependant on funds being available);

- **Other specific positions** for technical and/or ancillary functions as indicated previously (excluding top management and the next lower level of management in Public Entities who are not to be considered as Persons / Positions of Trust). These positions will not have executive powers, and will require the endorsement of their head of their department when required for a management level.

Ministries may engage as Persons/Positions of Trust for the purpose of fulfilling the following functions:

- **Secretariat Staff** - to serve in the Private Secretariat of Ministries, Parliamentary Secretaries and other designated Offices;

- **Policy Consultants** - **invariably** for political and strategic advice. A Policy Consultant forms part of the Strategic and Priorities Unit within the respective Ministry;

Policy Consultants are regulated by the respective Guidelines (Engagement of Policy Consultants in Ministries – vide Section 7.6 A). Advisors and Other Specific Positions will be engaged on the basis of their expertise/experience in a particular field. The financial package for Advisors has to be within the same parameters as those applicable to Policy Consultants as regulated by the respective section.

The financial package in respect of Other Specific Positions engaged as persons on a trust basis, that are approved after calls for applications proved unfruitful, are to reflect all the pre-requisites, including qualifications, salary and other benefits as previously issued in the calls for such positions.

Policy Consultants engaged as Positions of Trust will invariably not be in the same Ministry where the Public Officer is engaged.

Secretariat Staff are regulated by the respective section (Engagement of Secretariat Staff – vide section 7.7 B)

The role and duties of Policy Consultants, Advisors and other persons engaged on a trust basis will not enjoy executive powers on government matters and personnel. Their roles will be as defined in the policy and the related job descriptions.

Positions of Trust cannot have an Advisor position.

The hours given on contracts to Advisors and other positions excluding Secretariat Staff are capped at 40 hours across the Public Administration. An extension may only be granted with due justification by the Office of the Prime Minister through the Head of Secretariat.

All persons engaged on a trust basis, including Policy Consultants and Advisors are to be guided by the Code of Ethics and Directive 16 in terms of Conflict of Interest as well as other directives issued by the Principal Permanent Secretary.

7.2 Process for New Engagement

Engagement of Policy Consultants and Secretariat Staff is regulated by the respective Manuals indicated above.

Persons of Trust

Requests by line ministries for the engagement on a Person of Trust basis as Advisors, Policy Consultants and Other Specific Positions (technical and/or ancillary functions) invariably require the endorsement of the Minister concerned and approval by the Ministry's Permanent Secretary, prior to the approval by the Head of Secretariat in the Office of the Prime Minister.

Positions of Trust

Requests by line ministries for the engagement of Positions of Trust as Policy Consultants **always** require the approval of the Principal Permanent Secretary. Such requests are to be submitted by the line Permanent Secretary, as endorsed by the respective Minister to the Management Support Directorate, OPM, for the necessary action prior to contracts being issued. As regards Secretariat positions, vide 7.7.1 below.

Supporting Documentation

Engagement as Persons of Trust or the renewal of existing definite contracts for all categories thereof must be justified. Apart from bearing the respective Minister's endorsement and approval by the Ministry's Permanent Secretary, the following documentation is to be retained at line ministry:

- In the case of Positions of Trust the written approval by the Principal Permanent Secretary;
- Justification in support of the engagement;
- Form as per specimen at Resourcing Form and Templates section of the People and Standards website duly filled with all details and documents attached as required;
- Copy of signed contract;
- Duties that are attributed to the role they are engaged in;
- Key Performance Indicators;
- Curriculum Vitae;
- Police Certificate of Conduct (in the case of individuals outside the Public Administration) - validity of 1 month;
- GP 47 (in the case of Public Officers);
- Service Record Sheet from employing Public Sector Entity (in the case of Public Employees).

The Ministry assumes responsibility for the reliability, accuracy and validity of the information and details being submitted to that effect.

On communication of approval or otherwise of the Principal Permanent Secretary or the Permanent Secretary concerned, as the case may be, the respective Director responsible for Corporate Services will notify the individual and raise the required contract of service on the basis of the specimen contracts A1 - A4, B1 - B3and C1 - C12 as the case may be.

Copies of the signed Contracts and supporting documentation as outlined above are to be sent as follows:

- the Contractee,
- the Director General (Verifications and Audit), Malta Tax and Customs Administration,
- the Director (Research & Personnel Systems), P&SD, OPM, and
- the Auditor General.

The same signed Contracts are to be sent to:

- the Director (Management Support), Office of the PPS, OPM, in respect of Public Officers/Public Employees engaged as Policy Consultants, and
- the Director (People Resourcing & Compliance), P&SD, OPM, in respect of Secretariat Staff.

In cases where an officer who is engaged on a Person of Trust basis is successful in a call for applications within the Public Service / Public Sector, his contract on a trust basis will then have to be replaced to reflect the provisions applicable to persons engaged on a Position of Trust basis if indeed he/she are part of Secretariat Staff or the Strategic and Priorities Unit. In such instances, a copy of the new contract on a Position of Trust basis would have to be referred to the parties concerned as indicated in the preceding paragraph.

Should there be any changes to the terms and conditions of the original contract except for the three-year term, a new request for engagement is to be referred for approval in line with standing procedures applicable for the engagement of Positions of Trust, as quoted above.

7.3 Renewal of Engagements

Three months prior to the lapse of the term of a contract, line management will determine whether the engagement as a Person/Position of Trust is still required and informs the line Permanent Secretary accordingly. In respect of Retired public officers and retired public employees with a one-year contract which may be automatically renewable for three years (as per 7.1), a justification and approval would be required for after the third year.

On the approval of the line Permanent Secretary, the individual concerned will be contacted to confirm whether s/he wishes to remain in employment and give such notice in writing. The individual would also be informed at this point that should the request not be approved, the contract would be considered as terminated.

In cases where the renewal process has not yet been initiated and the term of contract lapses, the said contract will automatically be considered terminated.

In those cases where the renewal is awaiting approval, the contract would remain in force until the formal communication is received.

If the renewal is approved, the term of renewal will be with effect from the date the original contract lapses.

In the case where the engagement on a Position of Trust is not renewed, the contractee's salary will revert to one's substantive grade/position on termination of contract. Conversely, on the termination of engagement of a Person of Trust, the contractee's salary will be suspended.

The basic clauses and terms and conditions as established in the specimen contracts cannot be altered unless a specific request in this regard is made to the Office of the Principal Permanent Secretary through the Management Support Directorate.

All contract renewals due as on date of this revised Policy should be aligned accordingly.

Copies of the Contracts and supporting documentation in the case of renewals are also to be sent as outlined in 7.2.

7.4 Conditions and Entitlements

Permanent Secretaries are responsible to ensure that **all** definite contracts regulating engagement as Person/Position of Trust are conformant with this Policy. Failure to draw up and align contracts accordingly may render the said contract null and void for administrative purposes.

7.5 Termination of contracts

Contracts entered into with Persons/Positions of Trust engaged in any position may be terminated by Government at any time on one month's notice in writing or a payment of two weeks' salary, or by automatic termination upon the holding of General Elections or in the event of a change of Minister/Parliamentary Secretary.

If persons eligible as per the respective manual (vide section 7.7B) with this policy and receiving terminal benefits, which are to be paid in equal instalments of 4 weeks' pay in the subsequent payrolls, and are re- employed by Government or the public sector before the lapse of six months, the amounts due in the following payrolls will cease at that point of re-employment.

Additional conditions pertaining to the termination of contracts of Policy Consultants and Secretariat Staff may be found in the respective manuals (vide Sections 7.6 A and 7.7 B).

Termination of contracts for Other Specific Positions will be by automatic termination once a position is filled through the normal recruitment process as defined above.

On the other hand, contractees on a Person/Position of Trust basis may at any time after expiration of one month from the commencement of their contract, terminate their engagement by giving one month's notice in writing or paying the Government two weeks' salary.

7.6 A. Engagement of Policy Consultants in Ministries

7.6.1 Guidelines

As stipulated in the policy that regulates the engagement of persons/positions of trust **(vide section 7.1 - 7.5)**, Ministries can, from time to time, engage Policy Consultants in different areas that fall under their remit only for the purpose of political and strategic advice. These consultants would form part of the Unit known as STRATEGIC AND PRIORITIES UNIT (SPU). The role of a Policy Consultant is purely one of consultancy. Their engagement must conform with the Public Service criteria as determined in the Guiding Principles Section 7.1. Public officers/employees engaged as SPU will not be granted nore than a scale higher than their substantive scale.

This Unit is the responsibility of the Head of Secretariat of the particular Ministry. The SPU can, and should, meet under the presidency of the Minister or the Parliamentary Secretary, provided that the Ministry has a Parliamentary Secretariat, or alternatively under a Head of Secretariat in the absence of the other two, so that strategies and priorities on which the particular Ministry can base its work may be set out. The Permanent Secretary of the Ministry concerned should also attend the SPU meetings, as well as the Head of Secretariat of the Parliamentary Secretary should the Ministry also have within it a Parliamentary Secretary.

In cases where a Ministry also has a Parliamentary Secretariat, the latter can also have Policy Consultants attached within it who would form part of the overall number of Policy Consultants that the particular Ministry would engage with it.

- The Office of the Prime Minister is entitled to eight Policy Consultants.
- A Ministry that also has a Parliamentary Secretariat / Secretariats is entitled to two additional Policy Consultants for each Parliamentary Secretary. A Ministry that has no Parliamentary Secretariat is entitled to four Policy Consultants.
- The Prime Minister can increase the number of Policy Consultants on the Ministry's request with due justification tied to specific projects and tasks.
- Policy Consultants should be contracted either on the basis of Person of Trust (persons engaged from outside the service/public sector) or Position of Trust (officer/public employee) according to what the policy regulating the employment of Persons/Positions of Trust lays out.
- Policy Consultants engaged on the basis of Person of Trust should be given a contract for the period of one year, with the possibility of it being extended yearly with due approval. Retired Public Officers and Public employees will be offered a one-year contract which may be automatically renewed each year thereafter for up to three years. Further extensions may then be given when justification is provided and approved. Retired Public Officers and Public Employees may opt for a one-year contract (Ref 7.3).
- In the case of Policy Consultants engaged on a Position of Trust basis, their contract is to be drawn up for a period of three years, which can also be extended. In every case, this is to be done done in line with Fixed Term Regulations and without expectation of employment on an indefinite contract. Invariably Policy Consultants engaged as Position of Trust will not be allowed in the same Ministry and require the approval of the Principal Permanent Secretary.

  A copy of the respective contracts can be downloaded from the "Resourcing Forms and Templates" section of the People and Standards website - templates B1 - B3.
  download here

- The number of Policy Consultants is calculated in terms of full-time equivalents.

- Policy Consultants engaged on a Position of Trust basis are permissible as long as their contract is not tied with the same ministry from which the employment of the public service officer themselves originates.

- The highest remuneration that a Policy Consultant can receive is tied to scale 3 of the salary scales of the Public Service. A retired Public Official who is engaged as a Policy Consultant is not to be paid in excess of the grade at which s/he retired, albeit not higher than Scale 3. A person engaged as a Policy Consultant who is not a Public Official should be paid on the basis of the eligibility criteria that determine the qualifications and experience needed for the level of the position as indicated in Section 7.1 at which the person is being employed.

- In every case, the salary should be negotiated, and to this end the scales of both related and current scales in the Public Service are being provided.

  Payment is always calculated on the number of hours worked.

  A Policy Consultant is also entitled to a Communications Allowance, to a maximum of €1,600 p.a.

- In particular cases, a Policy Consultant can be given a car allowance that will be capped as follows:
  a. A Policy Consultant who works up to 20 hours per week: €2, 320 p.a.
  b. A Policy Consultant who works between 21-40 hours per week: €4, 659 p.a.[1]

  There should be a justification for this allowance to be provided.

- In exceptional cases, where experience or expertise are duly justified, and after approval by the Prime Minister or his delegate, a Policy Consultant can be given an Expertise Allowance whose maximum is €20, 000 p.a. and/or an Expense Allowance of not more than €2,000 p.a.

- Before a Policy Consultant's role is confirmed, the Head of Secretariat in the particular Ministry should write to the Head of Secretariat within the Office of the Prime Minister so that the necessary approval is obtained. The remuneration that the Ministry will be giving the Policy Consultant about whom approval is being sought should be indicated. Approval is to be granted both on the engagement and on the remuneration. The contract/s of the Policy Consultant is/are automatically terminated when a general election is held or there is a change in the Ministry/ Parliamentary Secretary without monetary compensation.

- A Policy Consultant/Advisor may only have contracts in various ministries not exceeding the full time equivalence of 40 hours, and allowances capped at the maximum of a full time equivalence indicated above. This unless the hours are extended and approved by the Prime Minister through his Head of Secretariat by not more than 20 hours. This shall apply for other contracts.

[1] In cases where a Policy Consultant/Advisor has approval to exceed the 40 hours, the car allowance will invariably not exceed €4,659 in total in the contracts approved.

7.7 B. Engagement of Secretariat Staff

7.7.1 Introduction

The purpose of this document is to define a standard organizational set-up for Ministers' Secretariats. Key roles considered essential for the effective operations of a Secretariat are also highlighted in this document.

Ministers, Parliamentary Secretaries and other designated Offices are expected to observe this manual when establishing their secretariats. All reference to "OPM's approval" is invariably to be understood to mean the approval of the Prime Minister to be obtained through a request submitted to the Head of the Prime Minister's Secretariat. Reference to persons / positions of trust is to be understood as defined in the policy regulating such engagements.

The Minister and his or her Parliamentary Secretaries preferable should be housed in one building to form a co-ordinated team.

7.7.2 Ministers' Secretariat Staff

The Prime Minister, Ministers, Parliamentary Secretaries and other designated Offices are entitled to engage a number of officers in their Secretariats, preferably from amongst Government employees. These include a Head of Secretariat with overall responsibility for the Secretariat, a Private Secretary in charge of the administrative functions of the Secretariat, and other middle management, administrative, clerical staff and messengerial staff.

A standard organizational set-up has been defined to ensure that the Prime Minister, Ministers, Parliamentary Secretaries and other designated Offices have the necessary staff to meet anticipated requirements in terms of both political and administrative functions.

These key positions are central to the following four functional areas of responsibility:

1. Prioritization, co-ordination and evaluation of policies;
2. Co-ordination of diary and correspondence including constituency matters;
3. Communication and public relations; and,
4. Office management and logistics.

The persons selected to fill these key positions are to have the necessary background and qualifications to carry out the duties as required for the role they are engaged in.

7.7.3 Staffing Levels

The position titles of Secretariat staff, as well as the different complements for each position applicable to the Prime Minister, Ministers, Parliamentary Secretaries and other designated Offices, are captured in the Tables 1, 2 and 3 below.

Appendix A shows the respective salaries.

7.7.4 Maximum Staff complement for the Prime Minister's Secretariat

Table 1

Position	Secretariat Scale	Complement
Head of Prime Minister's Secretariat	Scale 2	1
Head of Government Communication	Scale 3	1
Head Government Customer Care	Scale 4	1
Deputy Head of Secretariat	Scale 4	1
Private Secretary	Scale 4	1
Personal Secretary	Scale 4	1
Head of Government Events	Scale 5	1
Co-ordinating officer	Scale 6	3
Secretariat Officer	Scale 9	10
Secretariat Pool	Scale 13	6
Senior Secretariat Messenger	Scale 11	1
Secretariat Messenger/Charwoman	Scale 14	8
Personal Driver/Security Officer	Scale 14	2
Total		**37**

Table 1A – Maximum Staff complement for the Government Communications Unit

Position	Government Salary Scale	Complement
Advisor	As per manual	3
Co-ordinator	Scale 7	3
Total		**6**

Table 1B – Maximum Staff complement for the Central Government Customer Care Unit

Position	Government Salary Scale	Complement
Customer Care Assistant	Scale 11	18

Table 1C – Maximum Staff complement for the Central PQ Unit

Position	Government Salary Scale	Complement
Co-ordinator	Scale 7	1
Officer	Scale 11	1
Total		**2**

7.7.5 Maximum Staff Complement for Ministers' Secretariats

Table 2

Position	Secretariat Scale	Complement
Head of Secretariat	Scale 3	1
Private Secretary	Scale 5	1
Customer Care Officer	Scale 6	1
Communications Secretary	Scale 6	1
Assistant Private Secretary	Scale 7	1
Co-ordinating Officer	Scale 7	2
Secretariat Officer	Scale 10	4
Secretariat Pool	Scale 13	3
Secretariat Messenger/ Charwoman	Scale 14	3
Personal Driver/Security Officer	Scale 14	2
Total		**19**

7.7.6 Maximum Staff Complement for Parliamentary Secretaries' / Other designated Offices' Secretariats

Position	Secretariat Scale	Complement
Head of Secretariat	Scale 4	1
Private Secretary	Scale 5	1
Co-ordinating Officer	Scale 7	1
Secretariat Officer	Scale 10	2
Secretariat Pool	Scale 13	2
Secretariat Messenger/Charwoman	Scale 14	2
Personal Driver/Security Officer	Scale 14	2
Total		**11**

7.7.7 Special Staff Complement Salary Arrangements

a. In addition when the post has to be filled by a Public Officer/Public Sector employees who is in a salary scale higher than the post identified to be filled, the Prime Minister may approve the appointment of the person at a salary scale higher than the established secretariat scale, as may be the case.

b. In view of the exigencies and work practices of different Ministries, a Minister, Parliamentary Secretary and other designated Offices may request the Prime Minister's approval to modify the set up of the complement in the tables shown above. These changes should be such as not to unduly upset the salary allocation of the Ministry's Private Secretariat, albeit that a reasonable flexibility in salary scales and other benefits will be allowed, as long as the approved budget is not exceeded and the number of personnel in the respective secretariat remains the same.

c. A Public Officer/Public Sector Employee who is identified to occupy the position of Head of Secretariat in the Office of the Prime Minister (Scale 2) or Head of Secretariat at the Office of the President (Scale 4), in view that the appointment is considered as being on Grounds of Public Policy, will retain as a total the current higher salary package, if applicable, with the authority and approval of the Prime Minister.

7.7.8 Policy Consultants

A number of Policy Consultants may be contracted on the basis of the respective Guidelines (vide section 7.6 A) to prioritise, co-ordinate and evaluate policies and form part of the Strategic and Priorities Unit within each Ministry falling under the responsibility of the Head of Secretariat but separate from the Private Secretariat. Prior approval of the Head of Secretariat at the OPM has to be obtained, after which the arrangements at Section 7.2, regarding Persons on Trust and Positions on Trust, may be proceeded with.

7.7.9 Recruitment of Staff

Ministers and Parliamentary Secretaries are to comply with the following manual when recruiting secretariat staff.

7.8 Recruitment Guidelines

7.8.1 Introduction

All requests for the engagement of staff within Private Secretariats and Strategic & Priorities Unit (SPU) are to be made by the Ministry`s Secretariat.

Copies of signed Contracts and supporting documentation concerning the engagement of all Secretariat Staff and Policy Consultants are to be forwarded by the Ministry`s Permanent Secretary`s Office, after having secured the necessary authorization from the Prime Minister`s Head of Secretariat, to:

- the Director (Research & Personnel Systems), P&SD, OPM.

The same signed Contracts are to be sent to:

- the Director (People Resourcing & Compliance), P&SD, OPM in respect of Secretariat Staff, and
- the Director (Management Support), Office of the PPS, OPM in respect of Public Officers/Public Employees engaged as Policy Consultants.

Persons from within the Public Service or Public Sector on part time, whole time, definite or indefinite contracts may all be considered for engagement. Their contract as secretariat employees should follow the template attached for Positions of Trust. Conversely, secretariat employees engaged from outside the public sector should be contracted on a Person of Trust basis as per attached template.

The provisions of Subsidiary Legislation 452.81 (Contract of Service for a Fixed Term Regulations) do not apply in the case of staff in private secretariat defined as on a Position of Trust basis.

7.8.2 Public Service Officers

On confirmation of the request to engage staff from government departments to form part of a Private Secretariat, respective staff will automatically be transferred to take up their new duties within the Private Secretariat. The Permanent Secretary of the receiving Ministry is to furnish the People Resourcing & Compliance Directorate and the Research & Personnel Systems Directorate within P&SD, the NAO and the Gozo Salaries Section with a copy of the respective contract. JobsPlus should be just informed of the move.

Secretariat contracts should be retained in the officer's personal file so that on transfer of the officer, including transfer as a result of movement from one Private Secretariat to another, the receiving Ministry has the officer's whole employment history in file.

It should be noted that all Secretariat positions are pegged to the maximum of the salary scales indicated in the Tables above. Serving public officers recruited into these positions should be paid the salary attached to that position, save for 7.7.7 above. When progression in the substantive post is due, and persons in the Secretariat should be receiving a salary higher than what they are entitled to receive according to the Secretariat post they occupy, their Secretariat salary scale is to be equivalent to that of their substantive post, subject to the approval being granted as per 7.7.7 above.

7.8.3 Public Sector Employees

Individuals cannot be recruited from public sector organizations on a secondment basis. Officers selected from such organizations must avail themselves of unpaid leave in order to take on a Secretariat position. However, these officers will retain all seniority and promotion rights as defined in the collective agreements of their current employer organization. For the duration of their employment in a Secretariat, these officers will be paid the salary attached to the secretariat position they are being appointed to, subject also to the provisions of paragraph 7.7.7 (a) above.

7.8.4 Recruitment from outside the Public Service and Public Sector

Ministers and Parliamentary Secretaries are permitted to engage individuals from outside the public sector in their Secretariat on a Person of Trust basis. Such persons have to make their own arrangements with their previous employer and shall receive only the emoluments pertaining to their post in the Private Secretariat. [See 4.2] - In cases where such officers are successful in a call for application within the public service/sector their engagement would then have to be reviewed to reflect the provisions applicable to persons engaged on a Position of Trust basis. Copies of such amended contracts are to be forwarded to P&SD.

7.8.5 Other Provisions

a. Head of Secretariat may consider extending specific working arrangements, particularly family friendly measures, to those members of their staff who request them. Such arrangements, which are to be developed in consultation with, and approved by, the Head of Secretariat of the Prime Minister`s Secretariat, are to ensure that the highest quality service is maintained, and that remuneration reflects the arrangement entered into.

b. When a Public Officer is successful in a Call for Application or a Promotion Exercise within the Public Service for which confirmation of appointment is subject to a trial period (probation), the time worked in a Private Secretariat following the appointment shall be considered valid towards the completion of the trial period. The same holds for officers from the Public Sector.

c. In cases where employees engaged with Private Secretariats have outstanding contracts entered into in respect of sponsored studies, the time worked in the Private Secretariat is to be considered valid towards the honouring of the same contract. This arrangement holds for employees from both the Public Service and the Public Sector.

d. Officers from the Public Service or Public Sector who were originally employed on a definite contract by virtue of the fact that an objective reason exists in terms of S.L. 452.81, will have their definite contract terminated upon engagement within a Private Secretariat.

e. Public officers who prior to taking up engagement with a Private Secretariat were eligible to a longer period of sick leave are to retain such eligibility. However, public officers who were entitled to allowances attached to shift work are to cease receiving such allowances.

f. The contract entered into with persons engaged from outside the Public Service and Public Sector includes a termination benefit of four weeks` pay (based on the last salary received) for every year worked within a secretariat starting from a minimum of twenty-six weeks pay. The benefit is calculated on the total number of consecutive years or part thereof during which the person would have served within a secretariat, even

when there is straddling of different legislatures and / or appointment in different secretariats. The sum, which is payable and divided as required in the following payrolls in amounts of four weeks' payi, is due when a person`s contract with the Private Secretariat is terminated due to a change in Government or change in Minister / Parliamentary Secretary. This arrangement does not apply to persons recruited from within the Public Service or from a Public Sector organization, nor to any person who takes up any new position within government immediately on leaving a Secretariat. If a person who is receiving terminal benefits, is re-employed by Government or the public sector before the lapse of six months, the instalments due in the following payrolls will cease at that point of re-employment This provision supersedes any other document which provides a different direction about the matter.

g. Public Officers who are serving in positions within Secretariats and other designated Offices, as approved by the PSC (Office of the President, Office of the Principal Permanent Secretary, Cabinet Office and include the Government Communications Unit within OPM, the Central Government Customer Care Unit within OPM, the Central PQ Unit within OPM and the Private Secretariat of the Office of the Speaker of the House of Representatives) are entitled, subject to P&SD and PSC endorsement (vide template 27 at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx) , to the following tenure arrangements:

i. Upon completing 4 years' service in such positions in a higher scale in aggregate, they will be tenured as Officer in Grade in the applicable Class/Stream on a personal basis in the salary scale equivalent to the scale attached to the Secretariat position. Moreover, any periods spent in such positions at different levels, are to be taken in aggregate for the purpose of the computation of the required 4 years for tenure as Officer in Grade in the lower scale. This will be subject that the salary scale of the Secretariat position does not exceed the highest salary scale applicable to the officer's pertinent Classification Agreement.

ii. Any period taken as parental leave (vide point [a] above) will be reckonable as forming part of the number of years required for tenure as Officer in Grade;

iii. In those cases where the officer is serving in a Secretariat position tied to a salary scale which exceeds the highest salary scale applicable to the officer's pertinent Classification Agreement, then the officer will be tenured as Officer in Grade in the respective salary scale attached to the Secretariat position in the Senior Public Officers Stream.

iv. In the case of officers holding an indefinite Public Service position but not a grade, who are serving in a Secretariat position tied to scale 5 and above, tenure will be made as Officer in Grade in the applicable scale in the Senior Public Officers Stream; if the Secretariat position is tied to scale 6 and lower, tenure will be made as Officer in Grade in the applicable scale.

v. If the salary scale attached to the Secretariat position falls within the salary band tied to the officers' substantive grade, the salary scale of the grade will be upgraded to reflect that of the Secretariat position, instead of the officer being designated Officer in Grade.

vi. As to the tenure arrangements for those officers who were given higher pay scales than those outlined in this manual in terms of paragraph 7.7.7 (b), these will be tenured according to the salary scale pertaining to the position for which they were engaged and as is listed in the respective table of this manual.

vii. All years of service in Secretariat positions will be reckonable, even pre-onset of public officer status. Thus, persons who were employed from outside the Public Service to serve in Secretariat positions, and subsequently were appointed public officers in terms of existing procedures, will benefit from the above provisions once they have successfully completed the probationary period attached to their Public Service appointment. Hence, upon confirmation of appointment, they will be entitled to tenure with effect from their initial date of appointment as Public Officers or on completion of four (4) years' service in a Secretariat position, whichever is the later.
Furthermore, in case of a break of service in between Private Secretariat positions, the service prior to termination from the Public Service, is also reckonable subject that any break of service does not exceed a one-year period.

viii. Public officers serving in Private Secretariats and other designated Offices, who are appointed to an Assistant Directorship/Headship position, will be tenured at the level of the salary scale of their previous Secretariat position upon completing four years' service in aggregate in both capacities (Secretariat conjoint with Assistant Director/Headship positions, in this order), provided that the Assistant Director/Headship position immediately follows their last Secretariat contract. This is subject to the following provisos:-

i) such officers must have successfully completed the probationary/trial period attached to their Public Service appointment, and

ii) if the salary scale of the Secretariat position is higher than that of the Assistant Director/Headship position, then such officers will be tenured at the level of the salary scale of the Assistant Director/Headship position, as applicable.

ix. The tenure in respect of the above is confirmed only subject that the complements established in this Manual are not exceeded

h. The preceding provisions also apply to employees engaged from the Public Sector. Thus heads of entities are advised that public employees who have completed four years in aggregate in Private Secretariats, are to be notionally placed on a salary point/scale not less than, and equivalent to, that pertaining to their Private Secretariat position, subject to P&SD endorsement (vide template 28 at https://publicservices.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx) . This will be in accordance to the substantive grade/indefinite status held with the entity on a personal basis.

7.8.6 Staff Approval

All appointments to Secretariat positions are to be effected following consultation with the Office of the Prime Minister and subsequent approval by the Prime Minister. Ministers and Parliamentary Secretaries are to submit the applicant`s curriculum vitae when seeking approval for persons proposed for the position of Head of Secretariat, Private Secretary, Assistant Private Secretary, Communication Secretary, Customer Care Officer and all Co-ordinators.

All recruitment of persons from outside the Public Service should also be cleared with the Office of the Prime Minister and a curriculum vitae submitted.

The Office of the Prime Minister will request security clearance of all Secretariat personnel by the Security Servicesprior to finalizing any appointment. An update of each person`s security clearance will be requested every two years. Permanent Secretaries are to inform the P&SD within OPM of all recruitment made in this regard.

7.8.7 Contracts

All Secretariat staff must be engaged on the basis of a Secretariat Agreement reflecting the status of Person / Position of Trust basis as the case may be.

Contract templates may be downloaded at the "Resourcing Forms and Templates" in the People and Standards website - templates C1 - C12.

download here

7.8.8 Conditions of Work

In the case of public officers, these guidelines are to be read in parallel with the Public Service Management Code (PSMC). In case of discrepancy, provisions made in these guidelines supersede provisions made in the PSMC.

7.8.9 Allowances in lieu of Overtime

Given that the staff in Secretariats are invariably working under pressure, all staff are entitled either to a disturbance allowance or to a secretariat allowance in lieu of overtime (see **Appendices B to D**).

The allowance will be automatically adjusted in line with any increases to the relevant salary scale.

The following positions are also entitled to a bonus of up to €116.50 for overtime worked in excess of 23 and 46 hours per four-week pay period.

- Secretariat Officer
- OPM Senior Secretariat Messenger
- Secretariat Messenger
- Secretariat Pool
- Charwoman

The bonus shall be payable as follows:

- Overtime in excess of twenty- three hours but which does not exceed forty- six hours-€58.25

- Excess overtime beyond forty-six hours - €58.25

The number of overtime hours worked in excess of the twenty-three and forty-six hours in any four weekly pay period should be carried forward (for up to one year) and added to the hours of overtime worked in subsequent pay-periods.

Since Drivers/Security Officers will not be receiving this overtime bonus and given that their work necessarily extends well beyond normal working hours/days, it is understood that they will usually be working on a one day on and one day off basis.

7.8.10 Overtime Remuneration for Messengers/Charwomen performing duties in the Prime Minister`s Secretariat

The Prime Minister`s Secretariat requires more messengerial/charwomen support outside normal working hours than other Secretariats. This results in Messengers in this secretariat routinely performing overtime in excess of forty-six hours every four-weekly pay period. Given this situation, in addition to the allowance in lieu of overtime and the bonus of €116.50 if they work up to forty-six hours in any one pay-period, Messengers in the Prime Minister`s Secretariat will be reimbursed for any overtime worked in excess of forty-six hours in any one pay-period at their standard rate calculated as per their substantive grade.

As a result, unlike Messengers in other Secretariats, Messengers in the Prime Minister`s Secretariat are not entitled to carry forward overtime worked in excess of forty-six hours from one pay-period to the next.

7.8.11 Other Employment or Business Interests for Secretariat Staff

All Secretariat employees are required to conform to the provisions of Directive 16 in respect of Conflict of Interest, Code of Ethics for Public Officers or any other Code of Ethics as prescribed by law as the case may be. In line with this Code, all officers must first obtain the written recommendation of the Head of Secretariat of the Ministry, and then obtain the written approval of the Permanent Secretary of the Ministry concerned if they wish to take on any form of outside employment or business interest in addition to their Secretariat duties. This requirement also applies to any part- time employment or business interest that an individual may have held prior to taking up a Secretariat post and which he/she may wish to retain. Employees are to seek renewal of such approval on an annual basis.

The procedure to be followed in these cases is for the individual to declare any outside employment or business interest in writing to the Head of Secretariat for his/her recommendation to the Permanent Secretary of the Ministry concerned. With particular reference to the conflict of interest issue highlighted in the above-mentioned Code, the Permanent Secretary is then to issue a written decision to the Head of Secretariat as to whether the Officer`s request is approved or denied.

The Permanent Secretary`s final response, including the officer’s declaration supported by the Head of Secretariat’s recommendation, is to be copied to the Cabinet Secretary and the Office of the Prime Minister. In cases that concern new recruits to a Secretariat, this procedure must be completed before OPM approval for recruitment is obtained and the Secretariat Agreement signed.

7.8.12 Uniforms for Staff in Prime Minister`s and Ministers` Secretariats

Messengers in Secretariats should wear the standard uniforms issued to messengerial grades. However, given that the Office of the Prime Minister frequently hosts State, Official and other functions, support staff in the Prime Minister`s Secretariat – namely members of the Secretariat Pool, Secretariat Messengers and Charwomen – are to be supplied with appropriate uniforms, which are to be worn on a daily basis. Messengers within Prime Minister`s Secretariat are to have an additional uniform to be worn on special functions.

7.8.13 Use of mobile telephones

The following positions may be issued with a fully-expensed mobile telephone:

Within the Prime Minister`s Secretariat

- Head of Secretariat
- Deputy Head of Secretariat
- Personal Secretary
- Private Secretary
- Head, Government Communication
- Head, Government Customer Care

Within Ministries and Parliamentary Secretariats

- All Heads of Secretariats
- All Private Secretaries
- All Assistant Private Secretaries
- All Communication Secretaries
- All Customer Care Officers

On no account may public sector organizations within the portfolio of the Ministry concerned be used to cover mobile telephones in addition to the above.

Should a Minister or Parliamentary Secretary consider that additional mobile telephones are required, a request should be made to the Office of the Prime Minister stating the reason for this requirement.

In very extreme circumstances, especially where individuals are required to make exceptional use of their personal home telephones, an appropriate allowance may be granted to such individuals following OPM approval.

Any termination fees/penalties arising from contracts signed between the Ministry and communication service providers (mobile telephony, data plans, etc) on behalf of the contractee are to be borne by the latter, unless this contract is terminated by Government.

On the other hand, if the contractee on engagement upgrades his/her contract with the service provider, the Government will only cover the fees/penalties attributed to the communication contract held prior to the upgrade, unless this upgrade had been at the time duly authorized.

In the case where the contractee did not hold a contract with a service-provider or was availing him/herself of pre-paid top-ups before Government entering into a contract with a service-provider on his/her behalf, the full termination fee/penalty would be incurred by the contractee.

7.8.14 Secretariat vehicles

Apart from the entitlement of top posts to the full use of a fully-expensed official car, each secretariat may have a car pool for general use by Secretariat Messengers. The maximum number of cars permitted is:

Secretariat	Maximum number of cars
OPM	4
Ministries	2
Parliamentary Secretaries	1

On no account may any vehicle from the Secretariat car pool be used by Secretariat officers for personal use during or outside office hours. Only Secretariat staff entitled to the use of an official car in terms of their Secretariat Agreement are permitted to take their official vehicle home at the end of each day.

On no account may public sector organizations within the portfolio of the Ministry concerned be used to provide vehicles in addition to the above.

Should a Minister or Parliamentary Secretary consider that additional vehicles are required, a request should be made to the Office of the Prime Minister stating the reason for this requirement.

In very extreme circumstances, especially where individuals are required to make exceptional use of their personal cars, an appropriate allowance may be granted to such individuals following OPM approval.

The contractee is bound to return to the relevant Director responsible for Corporate Services and Chief Information Officer, as applicable, any vehicles and hardware procured by Government which is being used by him/her at the time of termination of contract, such as internet keys, tablets, laptops and peripherals. The contractee is bound to pay all traffic fines incurred by him/her while using a government-owned vehicle.

7.9 Procedure for the Engagement of Secretariat Staff

7.9.1 Purpose

The engagement of any member of staff in a Secretariat is to be regulated by a Secretariat Contract, the provisions of which will vary according to whether the individual is recruited from:

- The Public Service
- A parastatal or other public sector organizations; or
- outside the public sector.

The subsequent section details procedures for engaging members of staff from all of the above categories. The section concludes with procedures for the termination or extension of Secretariat Agreements.

7.9.2 Engagement of individuals from outside the Public Administration on a Person of Trust basis

The following documentation is required in the case of individuals recruited externally for a Minister`s Secretariat position:

Secretariat Contract – the appropriate template depending on the position to be taken up by the person being recruited to be signed by the Permanent Secretary of the Ministry concerned on behalf of the Government.

Duties pertaining to the role	Secretariat posts from Head of Secretariat down to Co-ordinating Officer level are covered by the duties attributed to the role they are engaged in that must be incorporated with the Secretariat Agreement.

7.9.3 Engagement of individuals from parastatal or other public sector organizations on a Position of Trust basis

Individuals from parastatal or other public sector organizations are required to take unpaid leave from their employer before taking up a Secretariat post. While they are performing duties in a Secretariat, these individuals will be paid the salary attached to the Secretariat position they have been appointed to, unless an exception has been approved a priori by the Prime Minister in view of their higher substantive grade, when they would receive a salary which reflects their higher substantive grade.

In the case of individuals who are currently on a definite contract with a parastatal organization, by virtue of the fact that an objective reason exists in terms of S.L. 452.81, their definite contract will be terminated upon engagement within a Private Secretariat.

The following documentation is required in the case of an individual engaged from a parastatal organization or public sector organizations:

Covering letter	To be issued by PS, People & Standards Division (P&SD) to the employer organization. This letter suspends any definite contract and stipulates that all seniority and promotion rights as defined in the collective agreement of their employer organization will be retained by the employee for the duration of the attachment to a Secretariat.
Secretariat Contract The appropriate template depending on the position to be taken up by the person being recruited.	To be signed by the individual and the Permanent Secretary of the Ministry concerned on behalf of the Government.
Duties pertaining to the role	Secretariat posts from Head of Secretariat down to Co-ordinating Officer level are covered by the duties attributed to the role they are engaged in that must be incorporated with the Secretariat Agreement.

7.9.4 Appointment of Public Service Officers to a Secretariat position on a Position of Trust basis

Given that Secretariat positions are pegged to analogous General Service grades and are regulated by specific conditions, public officers are required to sign a Secretariat Contract stipulating, for their duration of their attachment to a Secretariat, that they are to receive the salary scale and other benefits specified for the position they are appointed to, and that they will be regulated by the pertinent clauses in this document. Public Officers will then revert to their substantive salary scale and grade on the termination of this agreement.

The following documentation is required in the case of public officers appointed to a Ministers` Secretariat position.

Covering letter from Permanent Secretary of Ministry concerned	This covering letter is issued by the Permanent Secretary of the Ministry concerned to public officers. The primary intention is to stipulate the salary scale that the officer is eligible to receive for the duration of his/her attachment to the Secretariat, while also stating that this is a temporary measure and that the officer will revert to his/her substantive grade on termination of the agreement, without loss of increment or progression benefits.
Secretariat Contract	To be signed by the individual and the Permanent Secretary of the Ministry concerned on behalf of Government.
Duties pertaining to the role	Secretariat posts from Head of Secretariat down to Co-ordinating Officer level are covered by the duties attributed to the role they are engaged in that must be incorporated with the Secretariat Agreement.

7.10 Procedures for OPM approval and Security Clearance

7.10.1 OPM Approval

Appointments to all Secretariat positions require the approval of the Prime Minister. Requests for such approval are to be addressed by the respective Permanent Secretary to the Prime Minister`s Head of Secretariat and copied to the Cabinet Secretary.

In the case of all posts from Head of Secretariat down to Co-ordinating Officer level, as well as in the case of any individuals recruited from outside the public sector to any Secretariat post, a curriculum vitae of the individuals concerned is to be provided when seeking OPM approval.

7.10.2 Security Issues

Any Secretariat appointment is dependent on security clearance from the Head of Security Service. All individuals appointed to any Secretariat position (including minor staff) must be subjected to security clearance. Requests for such clearance will be submitted to the Security Services by OPM. Regular updates to the same clearance may also be requested. Requests are to be made on the appropriate forms.

7.11 Procedures for the Termination or Extension of Secretariat Agreements

A. Extension of Agreements

All secretariat agreements issued to Persons of Trust within the secretariat are effective for one year commencing on the date on which the officer first assumed his or her Secretariat duties. Retired Public Officers and Public employees on a one-year contract which may be automatically renewed for up to three years may have further extensions when justification is provided and approved. Retired Public Officers and Public Employees may opt for a one-year contract (Ref 7.3). Conversely, employees engaged from within the public service or public sector are to be contracted on a three-year basis. At least six weeks prior to the expiry of an officer's Agreement, the Head of Secretariat is to consult with the Minister or Parliamentary Secretary as to whether this individual's Agreement should be extended for a further period of one year/three years, as may be the case.

If the Agreement is to be extended, the Head of Secretariat is to forward the name of this individual to the Permanent Secretary of the Ministry concerned on the appropriate form.

Once that is done a pro-forma letter is to be issued to the officer by the Permanent Secretary of the Ministry concerned to formalize this extension. Once countersigned by the officer, it should be attached to the original Secretariat Contract as an integral part of the original agreement. Copies of any subsequent renewals are to be sent to the P&SD within OPM for monitoring and record purposes.

B. Termination of Contracts

In cases where the Minister or Parliamentary Secretary decides that a Contract should be terminated, due attention should be paid to the requirements (in terms of notice period, termination benefits etc.) specified in the relevant clauses of the Contract – this applies particularly to individuals recruited on a Person of Trust basis (from outside the public sector or from a parastatal or other public sector organization as well as retired public officers and retired public employees).

On termination of a public officer`s Secretariat Contract engaged on a Position of Trust basis, the Permanent Secretary of the Ministry concerned is to inform the People & Standards Division (P&SD) that the officer is available for re-deployment. Without any exception, the re-deployment of the officer is then to be handled solely by the P&SD in line with standing procedures.

Contracts are to be automatically terminated upon the holding of General Elections or in the event of a change of Minister.

7.12 Impact of a Re-shuffle on Secretariat Contracts

When a Minister or Parliamentary Secretary changes his/her ministerial portfolio as a result of a Ministerial reshuffle, the following procedures will apply:

a. Officers who are to remain with the Minister/Parliamentary Secretary`s Staff will retain their current Secretariat Contract. This will be amended to reflect the fact that the Minister`s / Parliamentary Secretary`s designation has changed. These contracts will remain in force until their original expiry date. The clause of terminal benefits, therefore, does not apply.

b. Officers who take up positions in another Minister`s / Parliamentary Secretary`s Secretariat should sign a new Secretariat Contract. In this case, the clause of terminal benefits does not apply.

c. Officers recruited from outside the public sector or from a public sector organization who take up any new position within government immediately on leaving a Secretariat, are not entitled to any terminal benefits.

d. With the change of a Minister, the new Minister may or may not choose to retain the same staff in his/her Secretariat. In such cases, termination benefits specified in 7.8.5f, where applicable, are paid.

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Appendices

Appendix A

Salary Scales 2025

Scale	€
1	51,125
2	47,922
3	44,723
4	41,530
5	38,030
6	35,857
7	33,694
8	31,713
9	29,829
10	28,017
11	26,290
12	24,650
13	23,055
14	21,492
15	19,976
16	18,493
17	17,061
18	15,642
19	14,298
20	12,991

The salaries for 2025 – 2030 are as defined in Appendix A of the Current Collective Agreement for Employees in the Public Service covering the period 1st January 2025 – 31st December 2030.

Cash payments as listed in the current CA will also be paid where applicable.

Appendix B

PRIME MINISTERS' SECRETARIAT

Position	Complement	Maximum Secretariat Scale	Disturbance /Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Head of Secretariat	1	Scale 2	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone, and an additional allowance of €5,000
Head Government Communication	1	Scale 3	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone, and an additional allowance of €2,000
Head Government Customer Care	1	Scale 4	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone, and an additional allowance of €1,630.56
Deputy Head of Secretariat	1	Scale 4	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone, and an additional allowance of €€1,630.56
Private Secretary	1	Scale 4	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone, and an additional allowance of €€1,630.56

Position	Complement	Maximum Secretariat Scale	Disturbance/ Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Personal Secretary	1	Scale 4	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone, and an additional allowance of €1,630.56
Head of Government Events	1	Scale 5	25% of basic salary		Car allowance of €1,864 and a Telephone allowance of €1,165
OPM Co-ordinating Officer	3	Scale 6	20%% of basic salary		Car allowance of €1,864 and a Telephone allowance of €1,165
OPM Secretariat Officer	10	Scale 9	20% of salary scale 10	Max of €1,514.50	
Secretariat Pool	6	Scale 13	20% of salary scale 14	Max of €1,514.50	
OPM Senior Secretariat Messenger	1	Scale 11	20% of salary scale 12	Max of €1,514.50	
Secretariat Messenger/ Charwoman	8	Scale 14	20% of salary scale 14	€1,514.50 *	

*Additional pay according to para 3.5.2

GOVERNMENT COMMUNICATIONS UNIT

Position	Complement	Maximum Govt. SalaryScale	Disturbance/ Allowance in lieu of overtime	Bonus for overtime inexcess of 46 hours	Other Benefits
Advisor	4	As per manual	10 to 15% disturbance only when approved by HoS		
Senior Co-ordinator	1	Scale 6	25% of Salary Scale 6		Allowance of €815 and free telephone Use of fully expensed car or allowance
Co-ordinator	3	Scale 7	25% ofsalary scale 7		Telephone allowance of €815

CENTRAL GOVERNMENT CUSTOMER CARE UNIT

Position	Complement	Maximum Govt. Salary Scale	Disturbance/ Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Customer Care Assistant	18	Scale 11	20% of salary scale 11	€116.50 per 4 weeks	

CENTRAL PQ UNIT

Position	Complement	Maximum Govt. Salary Scale	Disturbance/ Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Co-ordinator	1	Scale 7	25% of salary scale 7		

Officer	1	Scale 11			

Appendix C

MINISTERS' SECRETARIAT

Position	Complement	Maximum Secretariat Scale	Disturbance/ Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Head of Secretariat	1	Scale 3	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone and an additional allowance of €€1,630.56
Private Secretary	1	Scale 5	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone
Customer Care Officer	1	Scale 6	20% of salary scale 6		Car allowance or €4,658.75, free telephone
Communicatio n Secretary	1	Scale 6	20% of salary scale 6		Car allowance of €4,658.75, free telephone
Assistant Private Secretary	1	Scale 7	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75, free telephone
Ministry Co-ordinating Officer	2	Scale 7	20% of salary scale 7		Car allowance of €1,864 and a telephone allowance of €524.23
Secretariat Officer	4	Scale 10	20% of salary scale 10	Max. of €1,514.50	
Secretariat Pool	3	Scale 13	20% of salary scale 14	Max. of €1,514.50	
Secretariat Messenger/ Charwoman	3	Scale 14	20% of salary scale 14	Max. of €1,514.50	
Personal Driver/Securit y Officer	2	Scale 14	35% of salary scale 14		

Appendix D

PARLIAMENTARY SECRETARIES' /
OTHER DESIGNATED OFFICES SECRETARIAT

Position	Complement	Maximum Secretariat Scale	Disturbance/ Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Head of Secretariat	1	Scale 4	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone and an additional allowance of €€1,630.56
Private Secretary	1	Scale 5	25% of basic salary		Full use of office car or transport allowance of €4,658.75, free telephone.
Co-ordinating Officer	1	Scale 7	20% of salary scale 7		Car allowance of €1,864 and a telephone allowance of €524.23
Secretariat Officer	2	Scale 10	20 % of salary scale 10	Max. of €1,514.50	
Secretariat Pool	2	Scale 13	20 % of salary scale 14	Max. of €1,514.50	
Secretariat Messenger/ Charwoman	2	Scale 14	20 % of salary scale 14	Max. of €1,514.50	
Personal Driver/Security Officer	2	Scale 14	35% of salary scale 14		

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OFFICE OF THE PRINCIPAL PERMANENT SECRETARY
OFFICE OF THE PRIME MINISTER