

LEGAL NOTICE No. 282

REPUBLIC OF TRINIDAD AND TOBAGO

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

REGULATIONS

MADE BY THE PUBLIC SERVICE COMMISSION WITH THE CONSENT OF THE
PRIME MINISTER UNDER SECTION 129 OF THE CONSTITUTION

THE PUBLIC SERVICE COMMISSION (AMENDMENT) (NO. 2)
REGULATIONS, 1998

1. These Regulations may be cited as the Public Service Citation
Commission (Amendment) (No. 2) Regulations, 1998.

2. These Regulations shall come into operation on the date of Commence-
commencement of the Fire Service (Terms and Conditions of ment
Employment) Regulations, 1998.

3. The Public Service Commission Regulations are amended by Revocation of
revoking regulations 36 and 57. regulations
36 and 57

4. The Public Service Commission Regulations are amended by New
inserting after regulation 2 the following regulation: regulation 2A

“Application and saving of regulations to officers in the Fire Service”
2A. (1) Regulations contained in Chapter III to
Chapter VI (inclusive) of the Public Service Commission
Regulations (other than regulations 16, 50, 52, 53, 54,
55, 56, 58 and 59) shall cease to apply in respect of an
officer in the Fire Service on the commencement of the
Fire Service (Terms and Conditions of Employment)
Regulations, 1998.

(2) Where, at the date of the commencement of
the Fire Service (Terms and Conditions of Employment)
Regulations, 1998, an action has been taken in respect
of an officer in the Fire Service or a benefit, including a
permission or approval, has been given to an officer in
the Fire Service under a regulation referred to in
subregulation (1) that ceases to apply to fire officers,
that action, privilege or benefit shall remain in force and
in effect notwithstanding the cessation of the
application of that regulation.”

5. The Public Service Commission Regulations are amended by New
revoking Chapter XII and substituting the following chapter: Chapter XII
inserted

"CHAPTER XII

THE FIRE SERVICE

PART I

PRELIMINARY

- Definition** 146. In this Chapter—
- Chap. 35:50** "Act" means the Fire Service Act;
- "appropriate form" means the form determined by the Commission under regulation 147;
- "candidate" means a person who satisfies the qualifications in respect of an office;
- "Chief Fire Officer" means a person appointed to, or performing the duties of, the office of Chief Fire Officer as prescribed in the First Schedule to the Act;
- "Deputy Chief Fire Officer" means a person appointed to, or performing the duties of, the office of Deputy Chief Fire Officer as prescribed in the First Schedule to the Act;
- "eligible officer" means a fire officer who satisfies the qualifications of an office;
- "Examinations Board" means the Examinations Board established under the Fire Service (Terms and Conditions of Employment) Regulations, 1998;
- "fire officer" or "officer" means a person appointed to an office in the Fire Service;
- "fire officer in the First Division" means an officer who holds an office in the First Division as prescribed;
- "fire officer in the Second Division" means an officer who holds an office in the Second Division as prescribed;
- "performance appraisal report" has the same meaning as in the Fire Service (Terms and Conditions of Employment) Regulations, 1998;
- Chap. 35:50** "Service" or "Fire Service" means the Fire Service established by section 3 of the Act;
- "transfer" means the movement of an officer from one Division in the Service to another Division in the Service.

PART II

APPOINTMENTS, PROMOTIONS AND TRANSFERS

- Commission to determine forms** 147. The Commission may determine:
- (a) forms to be used to expedite the procedures as prescribed in this Part;
- (b) the manner by which interviews for appointment to an office are to be conducted.
- Date of appointment** 148. The date of appointment of a person or an officer to an office is the date the Commission specifies in writing.

149. (1) The Chief Fire Officer shall advise the Director of a vacancy in the office of Firefighter within fourteen (14) days of that vacancy occurring. Application for appointment

(2) The Commission may cause the vacancy to be advertised through the Press and electronic media inviting persons to apply.

(3) A person when applying in response to the advertisement shall do so on the appropriate form to the Director.

(4) The Director shall forward the applications to the Chief Fire Officer.

(5) The Chief Fire Officer shall examine the applications and verify that the applicants qualify as candidates in accordance with the qualifications prescribed in the Fire Service (Terms and Conditions of Employment) Regulations, 1998, and for the purpose of the examination may make enquires from the Police concerning the character of any applicant.

150. (1) The Director shall notify all candidates for the office of Firefighter of the place, date and time at which they may present themselves for selection by the Commission. Appointment to office of Firefighter

(2) A candidate who qualifies for appointment to the office of Firefighter is selected on merit by the Commission for appointment on the basis of a practical test devised by the Commission after consultation with the Chief Fire Officer and an interview.

(3) The relative merits of the candidates are determined by the results of performance in the practical test and interview.

(4) The Commission may establish a Selection Board consisting of the Deputy Chief Fire Officer, the officer in charge of the Fire Service School and the Director, or his representative to be not lower than an Executive Director, Human Resource Management, to interview candidates for the office of Firefighter and to make recommendations to the Commission on the candidates.

151. (1) The Chief Fire Officer shall advise the Director of a vacancy in an office other than that of Firefighter within fourteen (14) days of that vacancy occurring. Application for appointment

(2) The Director shall by circular memorandum and by publication in the *Gazette*, give notice of that vacancy and invite applications on the appropriate form from eligible officers in the Service. to an office in the Service (other than Firefighter)

152. (1) Whenever in the opinion of the Commission it is in the best interest of the Service, and it is possible to do so, an appointment to an office shall be made from within the Service. Appointment generally to be by competition within the Service

(2) A candidate for appointment to an office in the First Division may be chosen from the First or Second Division of the Service.

(3) Whenever the Commission considers either that there is no suitable candidate in the Service available for the filling of any vacancy in the Service or having regard to experience and merit it is advantageous and in the best interest of the Service that the services of a person not already in the Service be secured, the Commission may fill a vacancy by open competition and may determine the manner in which the vacancy is to be advertised.

153. The failure of an eligible officer to apply for an office shall not debar the Commission from considering him for the appointment to the office. Commission may consider eligible officers who fail to apply

Criteria for acting appointment

154. (1) Subject to regulation 157, the Chief Fire Officer shall ensure that recommendations made in relation to an acting appointment are based on the criteria prescribed in regulation 158.

(2) Where, in the exigencies of the Service it is not practicable to apply the principles prescribed in regulation 158, the fire officer selected for an acting appointment shall not be given any preference over other eligible officers for a substantive appointment.

Officers to be informed of acting appointment

155. (1) Subject to regulation 157, where an acting appointment falls to be made by the Commission the Chief Fire Officer shall notify all eligible fire officers.

(2) For the purpose of subregulation (1), the notice may be in respect of an acting appointment which falls to be made within a period specified in the notice.

(3) The Chief Fire Officer shall allow a period of seven (7) days to elapse after the issue of the notice before forwarding any recommendations to the Director for the purpose of allowing the fire officers to make representations in respect of that acting appointment.

(4) Where representations are made to the Chief Fire Officer by or on behalf of a fire officer, the Chief Fire Officer shall forward the representations in their original form to the Director.

(5) When submitting recommendations to the Commission for an acting appointment to an office, the Chief Fire Officer shall advise the Commission of the reasons why an eligible fire officer who is more experienced than the recommended officer is being passed over.

Chief Fire Officer to submit recommendations in advance

156. Except in very special circumstances or in cases of sudden illness, the Chief Fire Officer shall submit his recommendation for an acting appointment to an office no later than twenty-eight (28) days preceding the date on which the acting appointment is intended to become effective.

Acting appointment in special circumstances

157. (1) Where an acting appointment falls to be made as a result of sudden illness or other special circumstances for a period not exceeding twenty-eight (28) days, the Commission may appoint, as a general rule, the most experienced eligible officer from within the Division in which the acting appointment is to be made.

(2) In making an acting appointment under subregulation (1) the Commission shall—

- (a) examine whether the exigencies of the Service are best served by appointing an eligible fire officer from another Division to act when there is an eligible officer in the Division; and
- (b) take into account additional Government expenditure for travelling and subsistence allowances and other related expenses.

Criteria for promotion

158. (1) In considering eligible fire officers for promotion, the Commission shall take into account the experience, educational qualifications, merit and ability, together with the relative efficiency of those fire officers.

(2) Where the Commission has to select an officer for promotion from officers who appear to be of equal merit, the Commission shall determine its selection on the basis of the relevant and relative experience of the officers.

(3) In the performance of its functions under subregulation (1), the Commission shall take into account as regards each fire officer—

- (a) his general fitness;
- (b) any special qualifications;
- (c) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);

- (d) the evaluation of the officer's performance as reflected in his performance appraisal report;
- (e) any letters of commendation or special report in respect of any special work done by the fire officer;
- (f) the duties to be performed in the office of which the fire officer has experience;
- (g) demonstrated skills and ability relevant to the office;
- (h) any specific recommendation of the Permanent Secretary or Chief Fire Officer for the filling of the particular office;
- (i) any previous relevant employment of his in the Service, the public service, or elsewhere;
- (j) any special report for which the Commission may call;
- (k) his devotion to duty.

159. The Chief Fire Officer or Permanent Secretary shall submit to the Director, a Performance performance appraisal report in respect of each officer not later than the anniversary of appraisal the date of appointment of that officer to his substantive office or at a date the report Commission directs.

160. (1) Where a vacancy in an office occurs, the Chief Fire Officer shall, after taking into account the criteria specified in regulation 158, submit to the Commission— Process of promotion in the Fire Service

- (a) a list of the eligible officers he recommends for promotion to an office; and
- (b) a list of the eligible officers who are not being considered for promotion who have—

- (i) served in the lower office for a longer period than that served by the recommended eligible officer;
- (ii) more experience than that of the recommended eligible officer in performing the duties of the office; or
- (iii) performed the duties of the office for a period of six (6) months or more.

(2) The Chief Fire Officer shall advise in writing an officer referred to in paragraph (b) of subregulation (1) of his being omitted from the list for promotion together with reasons.

(3) An officer who is advised under subregulation (2) may make representations to the Commission within seven (7) days of the date of that advice.

(4) The Commission may invite that officer for interview on the basis of his representations.

(5) The Commission shall advise an officer making representations under this Regulation of the outcome of his his representations.

161. (1) Where the Commission transfers an officer, the Commission shall, except where the exigencies of the Service do not permit, notify the officer in writing of the transfer not less than thirty (30) days of the date of proposed assumption of duties in the Division to which he is transferred. Transfer

(2) An officer who is aggrieved by the transfer under subregulation (1) may make representations to the Commission for a review of the transfer in accordance with subregulation (3).

(3) Where an officer desires to make representations to the Commission for a review of the transfer under subregulation (1), he shall submit his representations in writing to the Chief Fire Officer within seven (7) days of the receipt of the notice of the transfer.

(4) The Chief Fire Officer shall, within seven (7) days, forward to the Commission any representations made to him in writing under subregulation (3), together with his comments.

(5) The Commission shall consider the representations of the officer and the comments of the Chief Fire Officer submitted to it under subregulations (3) and (4) respectively, and shall communicate its decision to both parties in writing.

(6) Subject to subregulation (7) notwithstanding that an officer in respect of whom a notice has been made under subregulation (1) has made representations under subregulations (2) and (3), the officer shall assume his duties on transfer pending the review of the transfer by the Commission.

(7) Where the transfer involves the exchange of officers in the same grade the officers affected by the transfer shall not assume their duties on transfer pending the review of the notice by the Commission.

PART III

CONFIRMATION

Confirmation
or otherwise

163. (1) The Commission, when confirming or terminating the appointment of an officer on probation, shall take into account the probation reports and the performance appraisal reports submitted to it by the Chief Fire Officer in accordance with the Fire Service (Terms and Conditions of Employment) Regulations, 1998.

(2) If, after considering the final probation report referred to in subregulation (1), the Commission is satisfied that the officer is a fit person to perform the duties of the office, the Commission shall confirm his appointment.

(3) Where a report referred to in subregulation (1) contains adverse comments on the performance of the officer, the Commission before terminating the appointment of the officer on probation shall consult with the officer who is the subject of the report.

(4) The Commission may terminate an officer's first appointment on probation at any time during the probationary period referred to in the Fire Service (Terms and Conditions of Employment) Regulations, 1998 where it is satisfied that—

- (a) the person's performance of duty is not satisfactory for the purposes of confirmation; or
- (b) the person has not passed the medical examination in accordance with regulation 19(1) of the Fire Service (Terms and Conditions of Employment) Regulations, 1998.

(5) Where the Commission confirms the promotion of an officer in a higher office before he has completed the full period of probation in a lower office to which he has been appointed, the Commission shall confirm the officer in that lower office.

PART IV

RESIGNATION, RETIREMENT

Resignation

164. (1) Subject to subregulation (2), where an officer gives notice of his intention to resign in writing, the Commission shall accept his resignation notwithstanding that it may not comply with a lawful requirement relating to the period of notice, without prejudice to any regulation regarding the forfeiting of leave and the benefits and privileges accruing to that officer in respect of leave.

(2) An officer is not entitled to withdraw his notice of resignation before that resignation becomes effective but the Commission may accept the withdrawal if tendered in writing before the effective date of the resignation.

165. (1) Where the Permanent Secretary advises the Commission in accordance with Removal on regulation 45(3) of the Fire Service (Terms and Conditions of Employment) Regulations, abandonment 1998 that an officer has abandoned his office, the Commission before declaring the officer to have resigned from office shall afford the officer reasonable opportunity to make representations regarding the declaration.

(2) When the Commission declares an officer to have resigned his office under subregulation (1), that office shall immediately become vacant and the officer ceases to be an officer.

166. The Commission shall retire an officer from the Service where that retirement Retirement conforms with any written law which permits or requires the officer to retire from the Service.

167. In any matter not referred to in these Regulations in their application to a fire Commission officer, the Commission may issue instructions as to how the matter shall be dealt with and the matter shall be dealt with accordingly".

to issue
instructions
on matters
not dealt with
in
Regulations
re fire officer

Dated this 21st day of August, 1998.

H. O. B. WOODING
*Acting Chairman,
Public Service Commission*

C. WALTERS
*Acting Deputy Chairman,
Public Service Commission*

C. MOHAMMED
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S. SEEPERSAD
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S. SEEMUNGAL
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M. DUKHAN
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Consent.

B. PANDAY
Prime Minister

2nd October, 1998.