

LEGAL NOTICE No. 267

REPUBLIC OF TRINIDAD AND TOBAGO

THE FIRE SERVICE ACT, CHAP. 35:50

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 34 OF THE FIRE SERVICE ACT

FIRE SERVICE (TERMS AND CONDITIONS OF EMPLOYMENT)  
REGULATIONS, 1998

CHAPTER I

PRELIMINARY

1. These Regulations may be cited as the Fire Service (Terms and Conditions of Employment) Regulations, 1998.

Citation

2. (1) In these Regulations—

“Act” means the Fire Service Act;

“acting appointment” means the temporary appointment of an officer to a higher office or otherwise, whether that office is vacant or not;

“appointment” means the placing of a person in an office in the Fire Service;

“approved medical practitioner” means a duly qualified medical practitioner approved for the purposes of these Regulations by the Chief Fire Officer under regulation 135;

“candidate” means a person who satisfies the qualifications in respect of an office;

“Chief Fire Officer” means the person occupying, or performing the duties of the office of Chief Fire Officer as prescribed;

“Chief Personnel Officer” means the person occupying, or performing the duties of, the office established by section 13(2) of the Civil Service Act;

“circular” means a circular issued by or with the approval of the Chief Personnel Officer;

“Commission” means the Public Service Commission established by section 120 of the Constitution;

“date of appointment” means the date of the appointment of a person to an office in the service as specified by the Commission;

“determined form” means the form determined in accordance with regulation 132;

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- “Director” means the person occupying, or performing the duties of the office of the Director of Personnel Administration;
- “Examinations Board” means the Examinations Board established under regulation 14;
- “Fire Service School” means the institution established for the training of officers and candidates for an office in the Service;
- “incremental date” means the date specified in regulation 35;
- “Medical Board” means the Board established under regulation 80;
- “Ministry” means the department of government under the direct control of the Minister to whom responsibility for the Service is assigned;
- “officer” or “fire officer” means a person occupying, or performing the duties of an office in the Service;
- “performance appraisal report” means the report specified in regulation 39;
- “Permanent Secretary” means the person occupying, or performing the duties of the office of Permanent Secretary of the Ministry within the meaning of section 85 of the Constitution;
- “posting” means the movement of an officer within a Division;
- “probationary period” means the period a person is actually performing the duties of an office for the purposes of assessing his suitability for that office;
- “promotion” means the appointment of an officer to an office carrying a higher remuneration than the one he held prior to that appointment;
- “salary” means the amount of pay in respect of an office within a range as specified in a Remuneration Order made under section 7 of the Act;
- “salary scale” means the scale of salary specified in a Remuneration Order made under section 7 of the Act by means of increments ranging from a specified minimum amount to a specified maximum amount;
- “secondment” means the temporary movement of an officer holding an office in the Service to an office or position outside the Service or the temporary movement of a person from an office or position outside the Service to an office within the Service;
- “Service” means the Trinidad and Tobago Fire Service established by section 3 of the Act;
- “trainee” means a person who has been selected to undergo an induction course at the Fire Service School;
- “transfer” means the movement of an officer from one Division in the Service to another Division in the Service.

(2) These Regulations are applicable to all officers, except insofar as alternative provision is made for an officer in any written law.

## CHAPTER II

## PART I

## RECRUITMENT

## 3. (1) A person who—

(a) successfully completes a course approved by the Chief Fire Officer and conducted by the Fire Service School or completed a course recognized by the Chief Fire Officer as the equivalent of the course conducted by the Fire Service School; and

(b) at the time of application—

(i) is of good character as evidenced by a testimonial from the Police and a member of standing in the community;

(ii) is not younger than eighteen years nor older than thirty-five years;

(iii) is of good physique of at least 166.25 centimetres in height in the case of males and 160 centimetres in height in the case of females;

(iv) possesses—

(A) Caribbean Examination Council passes in General Proficiency, Grade I, II or III or Basic Grade I in English Language and General Proficiency Grade I, II or III or Basic Grade I or II in two other subjects;

(B) General Certificate of Education at “ordinary level” with passes in three subjects, one of which is English Language at Grade A, B; or

(C) such other qualification assessed to be suitable by the Chief Fire Officer after consultation with the Permanent Secretary and the Chief Personnel Officer,

is eligible as a candidate for appointment to the office of Firefighter.

(2) A person who successfully completes his apprenticeship training on terms and conditions as approved by the Chief Fire Officer and satisfies the requirements specified in subregulation (1)(b)(i), (ii) and (iii) is eligible as a candidate for appointment to the office of Firefighter.

(3) A person who at the commencement of these Regulations—

(a) is a member of the Auxiliary Fire Service established under section 3 of the Auxiliary Fire Service Act;

(b) satisfies the requirements specified in subregulation (1)(b)(i) and (iii); and

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for  
appointment  
as Firefighter

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- (c) has been performing the duties of the office of Firefighter on a full-time continuous basis under section 9 of the Auxiliary Fire Service Act and who, as at January 1, 1991 would have served in the office of Fireman for a period of five or more years,

is eligible as a candidate for appointment to the office of Firefighter.

Service  
Number

4. (1) On appointment to the Service, a person shall be given a service number which shall be inserted on his Fire Service Identification Card and shall be retained throughout his service.

(2) A service number once issued shall not be re-issued.

Officer to  
report  
change of  
name

5. (1) An officer shall report a change of name, if any, to the Chief Fire Officer who shall in turn advise the Permanent Secretary.

(2) The Permanent Secretary, when advised of a change of name under subregulation (1), shall advise the Director accordingly.

Qualification  
for appoint-  
ment—Fire  
Sub-Officer

6. A candidate for appointment to the office of Fire Sub-Officer shall be—

- (a) a person appointed to the office of Firefighter with four or more years service in the Service, who has passed a job-related written examination and a practical examination conducted for that purpose by the Examinations Board; or
- (b) a person appointed to the office of Firefighter with four or more years service in the Service who holds the Preliminary Certificate of the Institution of Fire Engineers and who has passed a practical examination conducted by the Examinations Board.

Qualification  
for appoint-  
ment—Fire  
Sub-Station  
Officer

7. A candidate for appointment to the office of Fire Sub-Station Officer shall be a person holding the office of Fire Sub-Officer with at least seven years' service in the Service and who—

- (a) has passed a job-related written examination conducted by the Examinations Board; or
- (b) holds the Preliminary Certificate of the Institution of Fire Engineers.

Qualification  
for appoint-  
ment—Fire  
Station  
Officer and  
Fire Equip-  
ment  
Supervisor

8. (1) On satisfying the requirements of subregulation (2) or (3), a candidate for appointment to the office of Fire Station Officer shall be a person holding the office of Fire Sub-Station Officer and who—

- (a) has passed a job-related written examination conducted by the Examinations Board; or
- (b) is the holder of the Graduate Diploma of the Institution of Fire Engineers or equivalent related qualification as determined by the Chief Fire Officer after consultation with the Permanent Secretary and the Chief Personnel Officer.

(2) Where a candidate for appointment to the office of Fire Station Officer has at least five years service in the office of Fire Sub-Station Officer, he shall be required to pass a written examination in English and Management Studies conducted by the Examinations Board.

(3) Where a candidate for appointment to the office of Fire Station Officer has served for at least five years in the office of Fire Sub-Station Officer, he shall be required to pass examinations in Management Studies conducted by the Examinations Board.

(4) A candidate for appointment to the office of Fire Equipment Supervisor shall be a person holding the office of Fire Sub-Station Officer who is the holder of a National Technician's Certificate in Mechanical Engineering or its equivalent as determined by the Chief Fire Officer after consultation with the Permanent Secretary and the Chief Personnel Officer.

9. (1) A candidate for appointment Assistant to the office Divisional Fire Officer shall be selected from among those persons holding the office of Fire Station Officer or Fire Equipment Supervisor with at least ten years' service in the Service.

Qualification for appointment—First Division

(2) A Fire Station Officer or a Fire Equipment Supervisor in order to be a candidate for appointment to the office of Assistant Divisional Fire Officer shall possess one of the following qualifications:

- (a) passes in five subjects in the Caribbean Examinations Council Examinations including a pass in the subject of English Language at General Proficiency Grade I, II, III or Basic Proficiency at Grade I and in the other subjects at the General Proficiency Grade of I, II or III or the Basic Proficiency Grade of I or II, and passes in two (2) subjects at "Advanced" level in the General Certificate of Education Examination;
- (b) a General Certificate of Education with passes at "Ordinary" level in not less than five subjects including English Language and passes in two subjects at "Advanced" level;
- (c) the Graduate Diploma of the institution of Fire Engineers, or equivalent related qualification as assessed by the Chief Fire Officer after consultation with the Permanent Secretary and the Chief Personnel Officer;
- (d) the Diploma from the Joint Services Staff College;
- (e) successful completion of the Overseas Operational Commanders' and Fire Prevention Course;
- (f) passes in a written examination in English and Management Studies conducted by the Examinations Board.

(3) A candidate for another office in the First Division shall have the qualifications prescribed for the office of Assistant Divisional Fire Officer and shall have served in that office.

10. The qualifying period of service specified in this Part in respect of an office may be waived in full or in part in writing by the Chief Fire Officer after consultation with the Chief Personnel Officer where the candidate for appointment to an office demonstrates an exceptional level of performance as indicated in his performance appraisal reports, particularly in regard to his performance in his present office.

Waiver of qualifying period

Age limit for candidate

11. (1) For the purpose of determining the age of a candidate for admission into the Service, there shall be deducted from the candidate's actual age—

- (a) a period of national or military service or service in a protective service, not exceeding two years; or
- (b) any period of continuous service not exceeding two years, in a civil capacity under the State including acting or temporary service or service in a statutory authority,

where such service immediately precedes the date of application for entry into the Fire Service School.

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(2) For the purposes of these Regulations, "Protective Service" means the Fire Service as established by the Fire Service Act, the Prison Service as established by the Prison Service Act and the Police Service Act established by the Police Service Act.

Employment of pensioners and others on contract

12. (1) The Minister after informing the appropriate recognized association may employ a person, including a pensioner, on contract for a period not exceeding five years if he is satisfied that the person or pensioner is in possession of essential experience or technical qualifications which make him particularly useful to the service.

(2) For the purpose of this regulation a "pensioner" means a person who is in receipt of a pension.

Age limit for Service

13. A person who has attained the age of thirty-five years but who is under fifty years of age and who has previous service in the Service which under the Fifth Schedule to the Act may be deemed to count for Pension purposes may be re-employed in an office in the Service.

Examinations board

14. (1) An Examinations Board appointed in writing by the Minister shall—

- (a) set and conduct at least once a year the examination which is to be passed by an officer prior to appointment to an office in the Service; and
- (b) assess each examination paper submitted.

(2) A candidate shall apply in writing to sit an examination referred to in subregulation (1) and shall undergo an examination conducted by the Examinations Board.

(3) A candidate shall be placed in order of merit by the Examinations Board according to his performance in that examination.

(4) A candidate for an examination conducted by the Examinations Board shall be required to pay such examination fee as may be determined by the Minister by Notice in the *Gazette*.

(5) Payment of the examination fee shall be made at the office of the Comptroller of Accounts, Port-of-Spain or at any District Revenue Office, and the official receipt for such payment shall be attached to the application referred to in subregulation (2).

(6) An officer may sit for any examination conducted by the Examinations Board in respect of an office.

15. (1) A candidate selected for appointment by the Commission to the office of Firefighter, other than a graduate of the Fire Service School, who is selected for appointment within twenty-four months of graduation, shall be required to pass a medical examination specifically designed for persons required to respond to the physical and psychological demands of an office in the Service as a qualification for appointment.

Medical examination

(2) The examination referred to in subregulation (1) shall be conducted by an appropriately qualified person appointed by the Chief Fire Officer.

(3) Where a person is recruited from outside Trinidad and Tobago, he shall undergo and pass a medical examination to be conducted by a recognized medical practitioner of the country where he is recruited before he leaves the country from which he is recruited.

PART II

PROBATIONARY PERIOD

16. Where an officer is transferred from the Service to an office in another Service of the Government, the Chief Fire Officer shall take immediate steps to ensure the release of such officer to assume duties in his new office on the date fixed by the appropriate Service Commission.

Chief Fire Officer to release transferred officer

17. (1) Subject to this Part, an officer on first appointment to the Service shall serve a probationary period of twelve months.

Probationary period

(2) Subject to this Part, an officer who is appointed on promotion to office shall serve a probationary period of six months in the office to which he is promoted.

(3) Where an officer is transferred to the Service from another Service of the Government and the exigencies of that Service preclude his assumption of duties in his new office on the date fixed by the appropriate Service Commission, the period of probation commences from the date of assumption in his new office.

18. (1) Where an officer is appointed to an office in which he has performed the duties whether in an acting capacity or on secondment for periods of equal or longer duration than the period of probation prescribed in regulation 17 immediately preceding the appointment, the officer shall not be required to serve a probationary period.

variation of probationary period

(2) where an officer is appointed on promotion on probation to an office in which immediately preceding the promotion he has acted for a period less than that prescribed in regulation 17 that period of acting service shall be offset against the probationary period.

Principles to be observed during probationary period

19. (1) The following principles shall be observed for the treatment of an officer during that officer's period of probation:

- (a) the officer shall be given every opportunity to learn his work and be tested as to his suitability for it;
- (b) the officer shall be accorded all possible facilities for acquiring experience in his duties;
- (c) the officer shall be subject to continual and sympathetic supervision;
- (d) so far as the exigencies of the Service permit, the officer shall be assigned to duty only where such observation is possible.

(2) Where, at any time during his period of probation, the officer exhibits tendencies in the performance of his office which indicate that he is unlikely to be fit for confirmation in his appointment, these tendencies shall immediately be drawn to his attention in writing by the Chief Fire Officer and the officer shall be given such assistance as may be possible to enable him to correct those tendencies.

Probationary reports

20. (1) In the case of an officer serving a probationary period of twelve months the Chief Fire Officer through the Permanent Secretary shall submit to the Director two reports as follows:

- (a) a first report after the officer has completed six months service; and
- (b) a final report one month before the period of probation expires.

(2) In the case of an officer serving a probationary period of six months the Chief Fire Officer through the Permanent Secretary shall submit to the Director two reports as follows:

- (a) a first report three months before the period of probation expires; and
- (b) a final report one month before the period of probation expires.

(3) In submitting the final report under this Regulation, the Chief Fire Officer through the Permanent Secretary shall recommend that—

- (a) the officer be confirmed in the appointment; or
- (b) the services of the officer be terminated in that office.

(4) A report under this Regulation shall be seen by the officer on probation who may comment upon the report and shall sign it.

Officer to make representations on adverse markings in probationary report

21. (1) An adverse comment in a probationary report on the officer shall be in specific terms and the officer shall be notified accordingly in writing, in duplicate, as early as possible, in order that he has sufficient time in which to make an effort to correct any shortcomings before his probation expires and to make any representations on the adverse marking.

(2) The officer shall retain the original notification of the adverse report or comments referred to in subregulation (1) and shall sign the duplicate and return it to the Chief Fire Officer for the record and may also indicate his intention of making representations.

(3) The officer may present to the Chief Fire Officer and the Permanent Secretary his representations in writing on the adverse report referred to in subregulation (1), within ten working days of signing the notification of adverse comments and may send a copy of the representations directly to the Commission.

(4) The Permanent Secretary shall forward to the Commission any representations submitted to him under subregulation (3) together with his comments and those of the Chief Fire Officer.

(5) Where an adverse report is made on an officer during a probationary period, the Permanent Secretary shall remove that report from the officer's record on his confirmation of appointment in that office and shall notify the Commission accordingly.

22. The Permanent Secretary shall keep a record in relation to each officer who has been appointed on probation to an office in the Service.

Record to be kept

23. (1) The Chief Fire Officer shall keep a current seniority list of all officers in the Service for the purposes of allocation of tasks.

Seniority list

(2) The seniority of an officer shall be determined by the date of his appointment to the particular office in which he is serving.

(3) The seniority of officers promoted to the same office from the same date shall be determined by their seniority in their former office.

(4) The seniority of an officer who resigns voluntarily from the Service and is subsequently re-appointed shall be reckoned from the date of his re-appointment.

### PART III

#### REMUNERATION AND ADVANCES

24. (1) An officer is entitled to the full salary of the office to which he is appointed as from the date of his appointment.

Salary

(2) Subject to subregulation (3), upon initial appointment, whether temporary or permanent, the commencing pay in respect of an office to which a person is appointed shall be the minimum of the salary scale applicable to that office.

(3) The Permanent Secretary may authorize payment to an officer, after consultation with the Chief Personnel Officer, of a commencing pay at any incremental point in the salary scale in respect of the office to which the person is appointed.

25. (1) Subject to subregulations (2) and (3), salary shall be paid on the business day previous to the last business day of the month.

Date of payment of salary

(2) The Permanent Secretary in the Ministry of Finance may vary the date of payment of salary to a date earlier than that referred to in subregulation (1) whenever it appears to him expedient to do so.

(3) An officer who is proceeding on leave may receive his salary at his request before the day referred to in subregulation (1) or (2) for the whole month in which he proceeds on leave where the period of leave extends beyond the end of the particular month.

Advance of  
salary

26. (1) An advance not exceeding one month's salary may be paid to an officer proceeding on vacation leave of no less than fourteen days if taken out of Trinidad and Tobago or if in Trinidad and Tobago, is taken away from his ordinary place of residence.

(2) An advance referred to in subregulation (1) may be paid to the officer at his request either in Trinidad and Tobago before he proceeds on leave or while he is abroad on leave.

(3) Interest is payable by the officer on any advance of salary paid under this Regulation, and at such rate as the Minister of Finance may from time to time determine.

(4) An advance not exceeding one month's salary may be paid to an officer through a Trinidad and Tobago Overseas Mission in cases of emergency, each case being dealt with on its merit.

(5) An advance granted under this Regulation, together with interest, shall be repayable in twelve monthly instalments or in such longer period as the Minister of Finance may determine, with the first instalment falling due at the end of the month following that in which the officer resumes duty.

Minister may  
authorize  
advance for  
other  
purposes

27. (1) The Minister of Finance may authorize an advance of salary for other purposes not specified in these Regulations.

(2) For the purposes of subregulation (1), the Permanent Secretary in the Ministry of Finance may require the officer to furnish security.

(3) Interest is payable by the officer on any advance made under this Regulation and at such rate as the Minister of Finance may from time to time determine.

(4) An officer shall apply for an advance under this Regulation to the Permanent Secretary in the Ministry of Finance through the Comptroller of Accounts.

(5) An advance granted under this Regulation shall be recovered by deductions from the officer's salary in not more than thirty monthly instalments as shall be fixed by the Permanent Secretary in the Ministry of Finance.

(6) The Permanent Secretary in the Ministry of Finance, when determining the number of monthly instalments, shall take into account the indebtedness of the officer.

Deduction  
from salary

28. (1) Subject to subregulation (3), no money shall be deducted from an officer's salary without prior notice in writing to him of not less than one month.

(2) An officer may authorize the Accounting Officer of the Ministry to make monthly deductions from his salary, of dues, liabilities or contributions payable to—

- (a) the appropriate recognized association to which he belongs;
- (b) an insurance company in respect of his life insurance premiums, pensions or annuities;
- (c) a credit union or other financial institution approved by the Comptroller of Accounts for receipt of such payments;
- (d) a spouse, or parent of his child, in accordance with a court order.

(3) The Permanent Secretary may—

- (a) deduct from the salary of an officer the amount of any penalty imposed as a result of disciplinary action under the relevant Regulations made by the Public Service Commission;
- (b) in accordance with the Financial Regulations deduct from the salary of an officer all overpayments of salary; or
- (c) make such deductions as may be approved by the Minister of Finance towards the reduction of or payment of outstanding debts due to Government.

29. (1) Subject to this Regulation, where an officer is appointed to an office on promotion, that officer shall receive as a minimum increase in salary, an amount not less than the value of an increment in the salary scale applicable to the office from which the officer has been promoted.

Adjustment of salary on promotion or secondment

(2) An officer who has completed a period of secondment shall on his return to his substantive office revert to the point in the salary scale in respect of his substantive office which he would have reached had he not been seconded.

(3) Where a person has been seconded to an office in the Service and is subsequently appointed to that office or to an office in the same salary scale, he shall retain the salary which he was receiving at the time of such appointment.

30. (1) Where an officer is appointed to act in an office in which the salary scale is higher than that of his substantive office, that officer shall, with effect from the date of the commencement of his acting appointment, receive salary at the point in that salary scale determined according to the principle applicable for promotion prescribed in regulation 29(1).

Adjustment of salary on acting appointment

(2) Any additional payment made under this Regulation to an officer appointed to act in a higher office, which is over and above what he would have drawn in his substantive office, shall be deemed to be an acting allowance.

(3) On reverting to his substantive office on the termination of his acting appointment, the officer shall be paid the salary in his substantive office which he would have received, including increments that would have been earned, had he not been given an acting appointment.

(4) For the purpose of payment of an acting allowance under this Regulation an acting appointment shall be considered not to have been broken and an acting allowance shall be paid during periods of—

- (a) leave on casual absence from duty under regulation 70 provided that such leave does not exceed seven consecutive working days;
- (b) attendance at an in-service training course at the direction of the Chief Fire Officer;
- (c) ordinary sick leave under regulation 81.

(5) Were—

- (a) an officer has been acting continuously in a higher office for at least twelve months and a break occurs in his acting appointment; and
- (b) the officer resumes acting in the same office in the same salary scale within six months of the break,

the officer on resumption of duty shall continue to receive salary at the point of the salary scale applicable to the higher office at which he was being paid immediately preceding the break or if such salary is lower than the salary payable to him in his substantive office, his salary shall convert to a point in the salary scale in respect of the higher office in accordance with regulation 29(1).

(6) Where an officer has been acting in a higher office for less than twelve months and a break occurs in his acting appointment, that officer on resuming acting in the same office or another office in the same salary scale shall be paid salary at the rate he would have been paid as if his appointment to act was an initial acting appointment.

(7) For the purposes of subregulations (5) and (6) the term “break” does not include—

- (a) annual vacation leave taken by the officer after a period of acting continuously for twelve months in a higher office;
- (b) ordinary sick leave;
- (c) casual absences from duty referred to in regulation 70 not exceeding seven consecutive working days;
- (d) attendance at an in-service training course at the direction of the Chief Fire Officer;
- (e) a training award not exceeding one year.

(8) Subject to subregulation (9), where an officer who has held an acting appointment for at least twelve continuous months proceeds on annual vacation leave granted under regulation 65, or accumulated annual vacation leave granted under regulation 68, an allowance equivalent to the acting allowance for which the officer would have qualified had he not proceeded on such leave shall be paid to the officer in respect of such annual vacation leave or accumulated annual vacation leave earned in the higher office in which he held an acting appointment.

(9) No allowance equivalent to an acting allowance referred to in subregulation (8) shall be payable in respect of accumulated annual vacation leave referred to in regulation 68 if that leave was not earned in the higher office in which the officer held an acting appointment.

31. (1) Where an officer has been acting in a higher office and the officer is subsequently appointed to act in or is promoted instead to a lower office which is still higher than his substantive office (hereinafter referred to as his intermediate office), the officer shall receive credit in the intermediate office in respect of the period of acting in the higher office for the purpose of payment of an acting allowance.

Salary when appointed to act in intermediate office or promoted to intermediate office

(2) The credit referred to in subregulation (1) shall be applied by treating the officer as though he had been appointed to act in, or had been promoted to, the intermediate office from the date on which he commenced acting in the previous higher office.

(3) Where the officer has been acting in the intermediate office or in an office of similar salary scale immediately before he started to act in the higher office, on being re-appointed to act in the lower intermediate office or on being promoted to such office, credit shall be applied in respect of the intermediate office by allowing the officer to retain the remuneration in the intermediate office that he would have received if he had continued to act in the intermediate office instead of in the higher office.

(4) Where, prior to acting in the higher office, the officer had been acting in the intermediate office for at least twelve continuous months and there was a break of not more than six months in that acting appointment, the salary which is payable to him in the higher office shall be determined by adjusting his salary in the higher office to the point in the salary scale in respect of that office which is equivalent to, or higher than, that payable to him in respect of the intermediate office determined in accordance with the principles specified in regulation 29(1).

(5) For the purposes of subregulation (4), the term "break" does not include those circumstances described in regulation 32(3).

32. (1) Where an officer has been appointed to act in an office which is higher than that in which he had been acting previously without any break occurring between the two acting appointments, his salary in such higher office shall be determined in accordance with the principles specified in regulation 29(1) as if that appointment was one to which regulation 29(1) applies.

Acting appointment in an office higher than that in which an officer held acting appointment

(2) Where—

(a) a break of six months or less occurs between the two acting appointments of an officer referred to in subregulation (1); and

(b) the officer has been acting continuously for more than twelve months in an office lower than the one to which he is appointed to act immediately subsequent to the break,

his salary on assumption of duty to act in the higher office shall be determined in accordance with subregulation (1).

(3) For the purposes of this Regulation, the term "break" does not include—

- (a) annual vacation leave taken by the officer after a period of acting continuously for twelve months in a higher office;
- (b) ordinary sick leave;
- (c) casual absence from duty referred to in regulation 70 not exceeding seven consecutive working days;
- (d) attendance at an in-service training course at the direction of the Chief Fire Officer;
- (e) a training award not exceeding one year.

Salary on  
reassignment  
of office

33. On the reassignment of an office to a higher salary scale, the salary of an officer holding an appointment in that office shall be determined in accordance with the principles specified in regulation 29(1) with effect from the date of that reassignment.

Salary on  
reversion to  
substantive  
office

34. At the termination of his acting appointment, the officer on reverting to his substantive office shall be paid the salary in his substantive office which he would have received had he not been given an acting appointment.

Incremental  
date

35. (1) Unless otherwise provided for by any other written law, the incremental date, being the date on which an increment in the salary scale is due to an officer, shall be the annual anniversary date of an officer's first appointment or promotion to an office, or that date as varied by the imposition of a penalty deferring increment under the Public Service Commission Regulations.

(2) Where an Officer is advised by the Commission that his appointment or promotion is effective from the date of his assumption of duty, his incremental date shall be the annual anniversary date of his assumption of duty.

(3) The incremental date of an officer who is acting in an office shall be the annual anniversary date of his acting in such office for a continuous period of twelve months.

(4) Where an officer's salary on an acting appointment or on promotion has been adjusted in accordance with regulation 29(1), his incremental date for movement of salary to the next point in the salary scale while on that acting appointment or promotion shall be the date of the acting appointment or promotion.

(5) Where an officer is promoted to an office immediately after having held an acting appointment in the same office or an office in the same salary scale, his incremental date on promotion shall not vary from that held in the acting appointment immediately prior to promotion.

(6) Where there is a break in the acting appointment of an officer who has acted continuously in a higher office for twelve months or more, and that officer resumes acting or is promoted to that office or another office in the same

salary range within six months of the commencement of the break in such acting appointment, the incremental date of that officer while in such higher office shall be—

- (a) the date immediately following the date on which he completes the unexpired period of his incremental year which was outstanding at the time the break occurred; or
- (b) the anniversary date of his substantive appointment, whichever is the more beneficial to the officer for the purposes of calculation of salary.

(7) Where an officer who is appointed to act in a higher office proceeds on an in-service training course in excess of six weeks but not more than twelve consecutive months and resumes his acting appointment or is promoted to the same office or to another office in the same salary scale, his incremental date shall be the date immediately following the date on which he completes the unexpired period of service of his incremental year in such higher office.

(8) For the purposes of subregulations (6) and (7) “incremental year” means the year immediately subsequent to the date referred to in subregulations (1), (2) and (3).

(9) Where the period of probation of an officer has been extended and he is subsequently confirmed in his appointment the Permanent Secretary may direct that the officer’s increment be paid—

- (a) with effect from the date following that on which the extended period of probation expired, without change in the incremental date; or
- (b) with effect from the date following that on which the extended period of probation expired, which date becomes the incremental date.

36. An officer who is transferred from one office to another office that has the same salary scale shall retain the incremental date he had in the office from which he has been transferred.

Incremental  
date on  
transfer

37. (1) Where an officer holds an office carrying a salary scale, the Permanent Secretary may award an increment to that officer according to the standard of the performance of his duties as reflected in his performance appraisal report in respect of the year reviewed.

Payment of  
increment

(2) The Permanent Secretary shall sign an incremental certificate on the determined form in respect of an officer to be effective from the date on which the officer’s increment becomes due, and shall attach that certificate to the paysheets for the month in which the increment accrues.

(3) Where the Chief Fire Officer recommends in a performance appraisal report that an increment ought not to be granted, he shall notify the officer in writing, not later than thirty days before the incremental date, of the reasons for his recommendation and the officer may, within seven days of the receipt of such notification, make representations in writing to the Permanent Secretary.

(4) In determining whether the performance of an officer merits the award of an increment the Permanent Secretary shall not take into account any act of minor misconduct if the officer qualified for an increment in other respects.

Payment of  
increment  
where  
officer at  
maximum of  
salary scale

38. An officer on attaining the point in his salary scale immediately prior to "Longevity" in an Order under section 7 of the Act or in a circular whichever is later in time, in respect of an office may, after two years of obtaining that point in the salary scale, be paid an increment in the salary scale, biennially, on three separate occasions at the value of the increment in the salary scale applicable to that office specified in the column headed "Longevity".

Performance  
appraisal  
reports

39. (1) A periodic assessment of the job performance and career appraisal potential of each officer in relation to his contribution to the Service shall be conducted by the Chief Fire Officer in accordance with a form which the Minister shall determine.

(2) That form which shall be known as the performance appraisal report, shall—

- (a) provide for communication to a person of the nature of his job performance for the period under review, and his career potential;
- (b) ensure the person's participation in the establishment of the standards required in order that his job performance and career potential may be accurately evaluated by persons specified in the form.

Conduct of  
performance  
appraisal

40. (1) The Chief Fire Officer shall cause an unbiased assessment of the job performance of each officer in the Service to be made by the officer identified as the reporting officer in the performance appraisal report.

(2) A reporting officer shall, after ensuring that full communication has occurred with the officer concerning that officer's job performance, record in the performance appraisal report—

- (a) the strengths and weaknesses of that officer's job performance based on the duties and standards previously agreed upon with that officer;
- (b) the means, if any, by which the officer's job performance may be improved;
- (c) the training and developmental needs of that officer within the Service;
- (d) the means by which that officer's job satisfaction may be enhanced;
- (e) the future career potential of that officer and how it may be developed;
- (f) the duties and standards of performance required of that officer for the next year.

(3) A reporting officer shall ensure that any commendation or award shall be recorded in that officer's performance appraisal report.

(4) An officer being reported on shall comment in the performance appraisal report on any aspect of the assessment whether it be satisfactory or otherwise.

(5) Where a shortcoming in performance has been recorded in that report, the Chief Fire Officer shall discuss the content of the performance appraisal report with the officer being reported on and the reporting officer.

(6) A copy of a performance appraisal report signed by the Chief Fire Officer and endorsed as having been seen by the officer being reported on shall be sent to the Director and made available to the officer, on request.

41. (1) The Permanent Secretary may defer the payment of an increment to an officer for a period not exceeding six months. Deferral

(2) Where the Permanent Secretary after considering any representations by an officer made under regulation 37(3) or 40 is of the view, on the basis of the performance appraisal report and representations of the officer, that payment of an increment to the officer is not justified, the Permanent Secretary shall notify the officer in writing, of his decision to defer the payment of the increment and of the period of that deferral and the reasons therefor.

(3) Where the Permanent Secretary defers payment of an increment to an officer under subregulation (2) for a specified period, the Permanent Secretary shall, not less than thirty days before the expiration of the specified period, obtain a report on that officer from the Chief Fire Officer.

(4) Where the Permanent Secretary, after taking into account the report referred to in subregulation (3) is of the view that the payment of the increment is justified, the Permanent Secretary shall grant the payment of the increment from a date determined by the permanent Secretary.

(5) Where the Permanent Secretary is of the view that the report referred to in subregulation (3) does not justify the payment of the increment he may refuse to award the increment, and such refusal shall be entered into the performance appraisal report.

(6) Where the Permanent Secretary defers the payment of an increment to an officer under this Regulation, that deferral shall not affect the officers incremental date.

#### PART IV

##### SECONDMENT

42. (1) A person on secondment to an office in the Service shall draw the full pay applicable in respect of the office to which he is seconded and shall be eligible for increments, if any, normally payable to the holder of that office. Secondment

(2) The remuneration of an officer on secondment to an office out of the Service shall be paid by the receiving Ministry or Department, Government, administration or organization.

(3) During the period of secondment of an officer out of the Service the officer shall remain on the establishment of the Service, and may be promoted *in absentia*.

(4) The period of service of an officer while on secondment shall count for pension purposes where the secondment is to an office in another Service of Government or where the receiving organization makes the appropriate arrangement for the preservation of the officer's pensionable service.

(5) A person on secondment into the Service shall be eligible for the leave applicable to the office to which he is seconded and while on such leave, he shall receive the pay available to the holder of that office.

(6) An officer who has completed a period of secondment outside of the Service and who returns to the Service shall normally revert to the point in the salary scale in respect of his substantive office which he would have reached if he had not been seconded.

## PART V

### PAYMENT OF PENSION

Computation  
of  
pension—a  
matter of  
high priority

43. (1) The computation and authorization of pensions and gratuities of officers whose retirement from the Service is known to be impending shall be treated as urgent matters of high priority.

(2) The Chief Fire Officer through the Permanent Secretary shall ensure that particulars of service and pay of each officer whose retirement is known to be imminent are furnished accurately to the Comptroller of Accounts not less than six calendar months before the date on which the officer concerned is due to retire, in order to enable the computation and checking of pensions, retiring allowances and gratuities to be completed by the Comptroller of Accounts and the Auditor General and submitted for authorization before the date on which the officer's retirement from the Service is due to take effect.

(3) The Comptroller of Accounts shall keep separate records with respect to each officer in the Service, showing the various offices held by each officer and the pay drawn by him while in the Service.

## CHAPTER III

### TERMINATION OF SERVICE

Requirement  
of notice

44. (1) An officer who wishes to resign from the Service shall give to the Permanent Secretary through the Chief Fire Officer notice in writing of his intention to resign at least one month before the date on which he wishes to relinquish his appointment, but the Permanent Secretary may waive the requirement of notice in whole or in part if he thinks fit.

(2) Where a notice of resignation is received under subregulation (1) the Permanent Secretary shall immediately forward that notice to the Commission.

(3) Notwithstanding any regulation in respect of non-forfeiture of leave, an officer who fails without reasonable cause to comply with subregulation (1) may forfeit all leave and the benefits and privileges accruing to him in respect of leave.

(4) An officer is not entitled to withdraw his notice of resignation before such resignation becomes effective except with the permission of the Commission.

45. (1) The service of an officer who holds a permanent appointment ceases on— Cessation of service

- (a) removal from office by the Commission;
- (b) abandonment of office;
- (c) voluntary resignation; or
- (d) attaining the age of compulsory retirement or exercising the option of voluntary retirement specified in regulation 46.

(2) For the purposes of subregulation (1) "abandonment of office" occurs where an officer—

- (a) is absent from the duties of his office without authorized leave for a period of fourteen consecutive days;
- (b) fails within the period to notify the Permanent Secretary, the Chief Fire Officer or a senior officer either directly or by a third party of the cause of absence; and
- (c) fails to respond within fourteen consecutive days to a request to explain his absence made to him in writing by the Permanent Secretary on the day immediately following the expiry of the period specified in paragraph (a).

(3) Where an officer's service ceases under subregulation 45(1)(b), (c) or (d), the Permanent Secretary shall notify the Commission accordingly in writing.

46. (1) An officer in the First Division—

- (a) shall retire on attaining the age of sixty years;
- (b) may retire voluntarily at any time after attaining the age of fifty-five years;
- (c) may apply to the Commission through the Chief Fire Officer seeking permission to retire at any time after attaining the age of fifty years.

(2) An officer in the Second Division—

- (a) shall retire on attaining the age of fifty-five years;
- (b) may apply to the Commission through the Chief Fire Officer seeking permission to retire after attaining the age of fifty years.

(3) An officer who complies with subregulations (1)(b) or (c) or (2)(b) retires without deferral of his pension benefits.

(4) The Permanent Secretary shall inform the Director of all officers in the Service who are within one year of attaining the relevant compulsory retirement age.

## CHAPTER IV

### PART I

#### HOURS OF WORK, RECORDS

47. (1) Subject to subregulation (4), officers in the Second Division shall work forty hours per week. Work week and working hours

(2) Subject to subregulation (4), an officer in the Second Division shall be entitled in respect of any one week to two full days free from duty to be known as "weekly rest days" provided always that the normal work week is not reduced to less than forty hours.

(3) Subject to subregulation (4), the weekly rest days referred to in subregulation (2) shall be in lieu of Saturdays and Sundays either of which may be counted as a rest day if granted as such.

(4) The Chief Fire Officer may require the attendance of staff on such days and for such hours as he considers necessary in the exigencies of the Service.

(5) Where a public holiday falls within an officer's scheduled work week, a day off in lieu of such public holiday shall be granted to the officer.

Compensation for excess hours rostered

48. (1) Subject to subregulation (2) and regulation 49, where an officer in the Second Division works in excess of the period prescribed in regulation 47 he may—

- (a) be granted compensatory leave on full pay to the extent of the excess; or
- (b) be granted overtime pay which shall be calculated at a rate of time and one half his basic hourly rate.

(2) An officer in the Second Division who works in excess of the period prescribed in regulation 47 up to two hours per week, shall be compensated in accordance with the Agreement dated 23rd March, 1993 made between the Chief Personnel Officer and the Fire Service Association of Trinidad and Tobago (Second Division).

(3) An officer who works on weekly rest days shall be compensated for the time worked by a like number of hours multiplied by one and a half.

(4) Compensatory leave referred to in paragraph (a) of subregulation (1) or subregulation (3) earned by an officer in the Second Division shall be granted to that officer within six weeks after the month in which the excess hours have been worked.

(5) Where compensatory leave earned has not been granted within the period specified in subregulation (4) the officer shall be paid at the rate referred to in paragraph (b) of subregulation (1).

(6) Leave granted under this Regulation shall not affect leave entitlements prescribed in Chapter V.

Compensation for excess hours when called out for duty

49. (1) Where an officer in the Second Division is called out for duty by the Chief Fire Officer in the exigencies of the Service, he shall be compensated—

- (a) if called out on his rostered rest day—
  - (i) by being granted overtime pay for a guaranteed minimum of four hours, calculated at a rate of time and one half his basic hourly rate; or

- (ii) by being granted overtime pay for a minimum of eight hours, calculated at a rate of time and one half his basic hourly rate when required for duty in excess of two hours; and
- (b) if called out on a day other than his rostered rest day by being granted overtime pay for a minimum of two hours calculated at a rate of time and one half his basic hourly rate.

(2) For the purpose of subregulation (1), time spent travelling to and from the location at which the officer is required to report for duty shall be included in the calculation of the time the officer was required for duty.

(3) Where an officer in the Second Division is called out for duty by the Chief Fire Officer in the exigencies of the Service, he shall be paid, in addition to his entitlement under subregulation (1), those expenses actually incurred by him in the use of public transportation to the location at which he is required for duty or where there is no public transportation service available at that time, the cost of one seat for one return journey by route taxi.

50. (1) An officer in the Second Division shall report for duty at the watchroom of the fire station to which he is assigned and the time of his arrival at, and departure from, that station shall be recorded by the officer on duty, in the Station Diary or in any object or device designed to record the time of arrival and departure at the place of work as identified by the Chief Fire Officer for that purpose.

Attendance

(2) The Station Diary, or other object or device referred to in subregulation (1), shall be examined daily by the duty officer.

(3) An officer in the First Division shall be required to advise the officer in charge of Fire Control and Divisional Control of his whereabouts at all times.

(4) For the purpose of this Regulation "duty officer" means an officer with the responsibility of checking the Station Diary and includes the officer in charge of a station.

51. (1) Subject to subregulation (2), the Chief Fire Officer may permit an officer whose religious persuasion prohibits his working on any day or part thereof to be absent from duty on such day or part thereof.

Certain officers may be allowed to be absent from duty

(2) Any such officer shall apply in writing to the Chief Fire Officer specifying the denomination of the religious persuasion to which he belongs and the day or part thereof that he is prohibited from working.

- (3) The Chief Fire Officer in granting permission—
  - (a) where practicable, may arrange for the officer to work for a period or periods outside the normal hours of work during the week in which such officer is permitted to be absent commensurate with the period during which he has been permitted to be absent from duty; or
  - (b) where the course mentioned in paragraph (a) is impracticable, shall cause the absence to be registered as leave without pay and the appropriate deductions to be made from the officer's salary.

## PART II

## RECORDS OF PERSONNEL

Personal  
Record

52. (1) There shall be one personal record for each officer which shall be kept by the Chief Fire Officer.

(2) The personal record referred to in subregulation (1) shall contain—

(a) a description of the officer;

(b) the officer's place and date of birth;

(c) particulars of marriage (if any) and children (if any);

(d) a record of service (if any) in any Naval, Military or Air Force of a Commonwealth territory or in the public service;

(e) a record of service (if any) in any other Fire Service;

(f) a record of results of examinations at which the officer was a candidate;

(g) his personal appraisal reports;

(h) a record of service in the Service including particulars of all promotions, assignments, transfers, removals, injuries received, commendations, awards, punishments other than cautions, and the date, reason and manner of his ceasing to be a member of the Service;

(i) copies of the divisional inset sheet referred to in regulation 53.

(3) An officer shall be informed in writing of any adverse reports or of any commendations which are made on the personal record referred to in subregulation (1).

Divisional  
inset sheet

53. (1) A divisional inset sheet with the comments of the officer in charge of the Division or Section shall be kept in respect of each officer in a Division or Section.

(2) Where an officer is transferred from a Division or Section that officer's divisional inset sheet shall be sent directly to the Chief Fire Officer, and a new inset sheet opened at his new Division or Section.

Officer to  
see personal  
records

54. An officer shall within fourteen days of his request to the Chief Fire Officer in writing be shown all his personal records.

Destruction  
of personal  
records

55. The personal records of an officer who leaves the Fire Service shall be kept for such time as the Chief Fire Officer, after consultation with the officer in charge of Government Archives, thinks fit.

Certificate of  
Service

56. (1) An officer who leaves the Service shall be given a Certificate of Service stating his office and the period of his service in the Service and the reason for or the cause of his leaving the Service.

(2) The Chief Fire Officer may append to such certificate any recommendation with respect to the officer's efficiency and conduct which he feels justified in giving.

CHAPTER V

LEAVE AND RELATED BENEFITS

57. (1) Leave available to be granted under these Regulations, other than sick leave and maternity leave, is granted subject to the exigencies of the Service.

Restrictions on grant of leave

(2) The Chief Fire Officer shall determine whether the exigencies of the Service are such as to enable an officer to proceed on leave at any given time.

(3) The Chief Fire Officer may, if the exigencies of the Service so require—

- (a) cancel any leave already granted; or
- (b) recall to duty any officer who has proceeded on leave at any time before the expiration of such leave.

(4) Where an officer has been recalled from annual vacation leave, he shall be eligible for the unexpired period of his vacation leave.

(5) An officer who is recalled from annual vacation leave or whose leave has been cancelled shall be reimbursed actual financial loss sustained as a consequence of the decision to recall him from leave or to cancel his leave.

58. No more than twelve per cent of the total strength of the Fire Service may be granted annual vacation leave at any one time.

Limit of officers on annual vacation leave

59. The Chief Fire Officer shall cause a record to be kept to show—

Record of officers on annual vacation leave

- (a) the officers to whom he has granted annual vacation leave;
- (b) particulars of the duration of such leave; and
- (c) the address or addresses at which an officer may be located during such leave.

60. Saturdays, Sundays and public holidays shall not be counted in the calculation of the period of annual vacation leave.

Inclusion of Saturdays, Sunday and public holidays from annual vacation leave

61. (1) An officer shall be eligible for annual vacation leave in accordance with regulation 62 only after the completion of one year of continuous service, and thereafter annual vacation leave shall be pro-rated according to the subsequent period of continuous service.

Eligibility for annual vacation leave

(2) An officer shall not earn annual vacation leave while on such leave.

Annual  
vacation  
leave

62. (1) Every officer shall be entitled to annual vacation leave based on his salary and length of service as follows:

<i>Level of Office</i>	<i>1-10 Years Continuous Service</i>	<i>Over 10 Years Continuous Service</i>
(a) officers in receipt of a salary equal to or greater than that of the maximum in respect of an office in Range 24 as specified in an order made under section 7 of the Act	28 working days	35 working days
(b) officers in receipt of a salary less than that of the maximum in respect of an office in Range 24 as specified in an order made under section 7 of the Act.	21 working days	28 working days

(2) In computing length of service for the purpose of subregulation (1), "service" shall include other service in the public service.

Minimum  
annual  
vacation  
leave to be  
taken

63. (1) An officer shall not take less than—

- (a) fourteen working days leave each year if his annual vacation leave entitlement is that referred to in paragraph (a) of regulation 62(1); or
- (b) seven working days leave each year if his annual vacation leave entitlement is that referred to in paragraph (b) of regulation 62(1).

(2) The leave taken under subregulation (1) shall be deducted from his leave entitlement referred to in regulation 62(1).

Application  
for annual  
vacation  
leave

64. (1) An officer shall apply in writing for permission to take annual vacation leave of fourteen working days or less to the Chief Fire Officer no later than thirty days before the date he anticipates proceeding on such leave.

(2) An application for annual vacation leave in excess of fourteen (14) working days shall be submitted to the Chief Fire Officer no later than October 3 in the preceding year or at such other time as the Chief Fire Officer notifies the Service.

(3) An officer shall indicate in his application whether the leave is to be spent in or out of Trinidad and Tobago and the address at which he can be contacted at any time during that leave.

(4) The Chief Fire Officer may, in exceptional circumstances, entertain an application for annual vacation leave although it does not conform with the requirements specified in subregulation (1) or (2).

65. (1) The Chief Fire Officer may grant annual vacation leave to an officer for the period requested in his application.

Grant of annual vacation leave

(2) An officer who has applied for leave within the time specified in regulation 64(1) shall be advised of the outcome of his application within fifteen days of the date of his application.

(3) An officer who has applied for leave within the time specified in regulation 64(2) shall be advised of the outcome of his application no later than sixty days prior to the date of the commencement of the annual vacation leave requested in the application.

66. (1) The Chief Fire Officer may, owing to the exigencies of the Service, require an officer to defer the taking of annual vacation leave.

Deferral of annual vacation leave

(2) An officer who, owing to the exigencies of the Service, is required to defer his annual vacation leave under subregulation (1) shall, in the year following that in respect of which his leave was deferred, be granted such deferred vacation leave together with the annual vacation leave approved for that year.

67. Annual vacation leave once earned under regulations 62 and 68 shall not be forfeited.

No forfeiture of annual vacation leave

68. (1) Annual vacation leave may be accumulated to a maximum of—

Accumulation of annual vacation leave

(a) ninety working days in the case of an officer entitled to leave as specified in paragraph (a) of regulation 62(1);

(b) sixty working days in the case of an officer entitled to leave as specified in paragraph (b) of regulation 62(1).

(2) where—

(a) the officer applies for vacation leave within thirty days of the date on which the maximum falls due; and

(b) the Chief Fire Officer intimates to the officer concerned in writing of his inability to grant leave owing to the exigencies of the Service,

an officer may accumulate leave in excess of the maximum specified in subregulation (1).

(3) Approval to accumulate leave in excess of the maximum specified in subregulation (1) shall be given by the Chief Fire Officer.

(4) The Chief Fire Officer when granting his approval to accumulate leave, shall indicate to the officer the precise reasons why the officer cannot proceed on his leave, and the date by which the officer will be allowed to proceed on leave and inform the Permanent Secretary accordingly.

69. An officer who has been abroad on annual vacation leave shall report his return to the Chief Fire Officer as soon as possible on his arrival in Trinidad and Tobago whether or not he continues to be on leave.

Notification of return from leave abroad

Casual  
absence  
from duty

70. (1) An officer may be allowed casual absences from duty which shall be deducted from the annual vacation leave specified in regulation 62(1) in units of half days to a maximum of—

- (a) fourteen working days in the case of an officer with the leave entitlement according to paragraph (a) of regulation 62(1);
- (b) seven working days in the case of an officer with the leave entitlement according to paragraph (b) of regulation 62(1).

(2) Casual absence from duty with the prior approval of the Chief Fire Officer shall be recorded as annual vacation leave.

Absences  
from duty  
may be  
treated as  
leave  
without pay

71. Where an officer is absent from work without the prior approval of the Chief Fire Officer such absence may be treated as leave without pay or as casual absence from duty where the Chief Fire Officer is satisfied that the circumstances precluded the obtaining of the prior approval.

Bereave-  
ment leave

72. (1) The Chief Fire Officer may grant to an officer three working days leave of absence on the death of a person who was the spouse, parent or guardian, child, ward or sibling of the officer where the death occurs within Trinidad and Tobago and up to five working days where that death occurs outside Trinidad and Tobago and the officer travels abroad with respect to that death.

(2) The Chief Fire Officer shall treat the leave in subregulation (1) as bereavement leave when the officer submits documentary evidence at or about the time the leave is taken of the death of the person and the person's relationship to the officer.

(3) An officer shall register the name of his guardian or ward with the Chief Fire Officer in order to be eligible for bereavement leave in the event of that person's death.

Bereavement  
leave  
not to affect  
other leave

73. The grant of bereavement leave shall not affect the officer's entitlement to any other leave in these Regulations.

Scholarship  
and study  
leave

74. An officer who is granted a scholarship or study leave to pursue a course of study sponsored by Government shall be eligible for study leave and for such allowances and benefits as may from time to time be provided for public officers under the Scholarship and Study Leave Rules in force.

Attending  
court while  
on leave

75. An officer who, while on leave is required to attend a court or an administrative tribunal (including a tribunal established under the Public Service Commission Regulations) as a result of his official duty shall have his leave preserved or extended by a period equal to the number of days he attends the court or administrative tribunal.

Duty leave  
and Special  
leave

76. (1) Subject to the exigencies of the Service, an officer selected as a member of an official Fire Service team, as approved by the Chief Fire Officer, engaging in a sporting, educational or cultural event, may be granted duty leave with full pay by the Chief Fire Officer.

(2) Subject to the exigencies of the Service, an officer selected to participate in a sporting, educational or cultural event approved by Government may, for this purpose, be granted special leave with full pay by the Chief Fire Officer after consultation with the Permanent Secretary.

(3) An officer selected to represent Trinidad and Tobago as a member of a national team engaging in a sporting, educational or cultural event may, in order to enable him to complete his engagement and subject to the exigencies of the Service, be granted special leave with full pay by the Chief Fire Officer after consultation with the Permanent Secretary.

(4) Leave granted under this Regulation shall not affect an officer's entitlement to annual vacation leave.

77. (1) Subject to the exigencies of the Service, special duty leave with full pay up to fourteen days per annum may be granted by the Chief Fire Officer to an officer attending a conference in or outside Trinidad and Tobago as a delegate of an appropriate recognized association.

Special duty  
leave

(2) Leave granted under subregulation (1) shall not affect an officer's entitlement to annual vacation leave.

78. (1) An officer who is a member of an appropriate recognized association and who is selected by the association to attend a local or overseas course in trade unionism approved by Cabinet may be granted leave of absence with full pay by the Chief Fire Officer for the full period of the course, depending on the financial assistance received by the officer from other sources during that period.

Leave-  
industrial  
relations  
matters

(2) An officer who is a member of an appropriate recognized association and who is authorized to do business for that association shall be allowed time off to do such business by the Chief Fire Officer provided that the work of the Service is not unduly affected.

(3) An application for leave or time off referred to in this Regulation shall, as far as practicable, be made well in advance of the commencement of such leave or time off.

79. (1) An officer shall undergo an annual examination to be conducted by an approved medical practitioner in order to ensure his physical and psychological fitness for duty.

Officer to  
undergo  
medical  
examination  
as required

(2) The Chief Fire Officer may direct an officer at any time to undergo a medical examination by the Medical Board to determine whether or not the officer is—

- (a) physically or psychologically fit for the performance of his duties; or
- (b) taking illicit drugs.

(3) An officer who is required to undergo a medical examination under this Regulation shall submit himself to be examined at such time and place as directed.

Medical  
Board

80. (1) There shall be a Medical Board comprising such duly qualified medical practitioners as the Minister of Health may in writing appoint.

(2) An officer shall undergo an examination by a Medical Board where so directed by the Chief Fire Officer, the Permanent Secretary, the Chief Personnel Officer or the Commission, as the case may be.

(3) Where an officer is directed to attend a Medical Board, the Board shall be provided with records relating to that officer's health held by the Chief Fire Officer, the Permanent Secretary or the Commission, as the case may be.

(4) A Medical Board, after examining an officer referred to it and examining records as are provided under these Regulations may recommend a course of treatment in its report to the Chief Fire Officer, Permanent Secretary or the Commission, as the case may be.

(5) Whenever it is considered necessary for an officer to be examined with a view to ascertaining his physical or psychological fitness for duty including whether or not he should be retired on grounds of ill-health, the Chief Fire Officer or the Permanent Secretary shall recommend accordingly to the Commission and shall where possible make available the medical records of the officer and may direct the officer to attend a Medical Board.

(6) A Medical Board after examining an officer referred to it under subregulation (5) shall advise in its recommendations to the Commission that—

- (a) sick leave or extension of sick leave be granted to the officer;
- (b) the officer is fit for continued performance of his duties without need for sick leave or extension of sick leave; or
- (c) the officer is unfit for further service, and shall provide a copy of its report to the Permanent Secretary and the Chief Fire Officer.

(7) Where a deterioration in the work of the officer is the reason or one of the reasons for requesting that the officer undergo a medical examination, the Chief Fire Officer, the Permanent Secretary or the Commission may direct the officer to attend a Medical Board.

(8) The Medical Board after examining an officer referred to it by the Chief Fire Officer, the Permanent Secretary or the Commission, as the case may be, shall report its findings and recommendations to the party which has referred the officer, and shall copy its report and recommendations to the other parties specified in this subregulation.

(9) Where a Medical Board advises that an officer is fit for the continued performance of his duties, the Chief Fire Officer shall not grant an extension of sick leave to that officer under regulation 82.

(10) Where an officer, through refusal or neglect, fails to obtain, or comply with, specialist advice or to obtain such other treatment as recommended by a Medical Board, and is still sick and absent from duty, his request for further sick leave shall be treated as an extension of sick leave without pay.

(11) Where the Medical Board is of the belief that an officer has been taking illicit drugs, it shall advise the Commission immediately.

(12) Nothing in this Regulation precludes a Medical Board from being "an approved medical practitioner" for the purposes of these Regulations.

81. (1) The Chief Fire Officer shall grant to an officer up to fourteen working days sick leave a year on full pay where that officer submits a medical certificate issued by an approved medical practitioner.

Ordinary sick leave

(2) An officer who is absent from duty, due to illness, for a period not exceeding two days at any one time but not exceeding fourteen days in a year shall not normally be required to tender a medical certificate in respect of that two day period.

(3) Any leave taken under subregulation (2) shall be taken into account in calculating the leave referred to in subregulation (1) available to an officer.

(4) The Permanent Secretary or Chief Fire Officer may require an officer who habitually takes advantage of the concession in subregulation (2) to present himself to a Medical Board or an approved medical practitioner for examination.

(5) An officer who avails himself of leave under this Regulation shall cause an immediate report to be made to the officer in charge of the Fire Station to which he is attached.

82. (1) An officer may apply for an extension of sick leave to the Chief Fire Officer who may approve that extension up to seventy days, being the maximum number of days unused by the officer over the five year period immediately preceding the application, on full pay.

Extension of sick leave

(2) The officer's application for that sick leave shall be supported by a report from the Medical Board, a medical certificate from an approved medical practitioner, or from a medical practitioner in a hospital who has treated the officer and is familiar with his condition.

(3) Where a further period of extension of sick leave is required, the Chief Fire Officer may grant that extension on full pay, half pay or without pay subject to the officer being examined by a Medical Board at the time of the officer's application for that further extension or at more such intervals as determined by the Chief Fire Officer.

(4) The Medical Board shall have access to the Medical History Book referred to in regulation 84 when examining an officer.

83. (1) An officer who desires to leave Trinidad and Tobago during a period of sick leave shall obtain the prior approval of the Chief Fire Officer.

Sick leave abroad

(2) Where an officer falls ill abroad, the officer may apply to the Chief Fire Officer through the Head of Mission or a duly appointed representative of Trinidad and Tobago, as the case may be, for leave under regulation 81 or 82 and such application shall be forwarded to the Chief Fire Officer.

Medical  
record to be  
keep

84. The Chief Fire Officer shall cause to be kept a Medical History Book in respect of each officer indicating every illness or injury sustained by such officer during his period in the Service, together with such account of treatment received, and other comments and recommendations made by the medical practitioner concerned with the case as well as a record of all sick leave granted.

Absence  
through  
illness to be  
reported

85. Where an officer is unable to perform the duties of his office as a result of illness he shall cause an immediate report to be made to the Chief Fire Officer.

Maternity  
leave

86. (1) Subject to this Regulation, maternity leave of one month with full pay and two months with half pay shall be granted to a pregnant officer.

(2) In order to be granted maternity leave—

(a) the pregnant officer as of the date of commencement of such leave, shall have served for a period of not less than twelve continuous months in the Service;

(b) the pregnant officer shall proceed on maternity leave at least one month before the expected date of delivery of the child as certified by an approved medical practitioner; and

(c) the pregnant officer shall furnish the certificate referred to in paragraph (b) to the Chief Fire Officer six weeks before the expected date of delivery.

(3) Maternity leave consisting of one month with full pay and two months with half pay shall be granted to a pregnant officer from the date of actual delivery of the child where the delivery occurs before the officer has proceeded on maternity leave in accordance with subregulation (2)(b) irrespective of whether or not the pregnant officer has complied with subregulation (2)(b) or (2)(c).

(4) Where a pregnant officer who has proceeded on maternity leave has a still birth delivery, she is eligible for the grant of maternity leave consisting of one month with full pay and one month with half pay.

(5) Where a pregnant officer who has not yet proceeded on maternity leave has a still birth delivery, she is eligible for the grant of maternity leave of one month with full pay.

(6) A pregnant officer who has not completed twelve months continuous service prior to the date on which she would have proceeded on maternity leave had she so served, shall not qualify for the grant of maternity leave but shall be permitted to proceed on leave of absence of up to three months without pay on account of pregnancy provided the officer complies with the conditions in subregulation 2(b) and (c).

(7) Where the half pay to which an officer is entitled during maternity leave together with the periodic maternity benefit payable under the National Insurance Act is less than the full pay of the officer, there shall be paid to the

officer the difference between the amount payable as full pay and the amount due that is half pay combined with the periodic maternity benefit under the National Insurance Act.

(8) Subject to subregulation (9), an officer who has not completed twelve months continuous service shall not qualify for the grant of maternity leave but shall be permitted to proceed on leave of absence without pay on account of pregnancy.

(9) Where an officer proceeds on leave in accordance with subregulation (8), and the period of such leave extends beyond the date on which the twelve month qualifying period expires, that officer shall be paid for the leave at the same rate of salary that the officer would have received for that period had that officer proceeded on maternity leave in accordance with subregulation (1) commencing from the day following the completion of the qualification of twelve months service.

(10) The taking of maternity leave by an officer shall not prejudice or affect the eligibility of such officer for annual vacation leave.

87. (1) An officer may be granted any period of annual vacation leave due to her to immediately precede or follow the period of leave referred to in regulation 86.

Other leave to be availed of

(2) An application by an officer for leave due to illness arising out of pregnancy either before or after the period of leave referred to in regulation 86 shall be considered under regulation 81, 82 or 83 as the case may be.

88. The Chief Fire Officer may direct that an officer who is pregnant be given light duties prior to her departure on maternity leave granted under regulation 86 and for such period as the circumstances of the officer's case may justify and may permit or require such officer to attend work out of uniform.

Light duty during pregnancy

89. (1) An officer is eligible for paternity leave of three working days at or about the time his spouse gives birth on furnishing a certificate to the Chief Fire Officer from a registered medical practitioner stating the expected date of birth.

Paternity leave

(2) For the purposes of this regulation, a "spouse" includes a person with whom the officer lives as his spouse and whose name is registered accordingly with the Chief Fire Officer.

90. (1) Where an officer is injured in the course of, or arising out of his employment as an officer, that officer shall be entitled to such leave on full pay as approved by the Chief Fire Officer as a result of such injury.

Leave for work related injury

(2) Where the grant of leave under subregulation (1) exceeds one hundred and twenty days, a further grant of leave may be made by the Chief Fire Officer subject to an examination of the officer by a Medical Board at intervals of three months or at more frequent intervals as determined by the Chief Fire Officer.

(3) The Medical Board shall have access to the Medical History Book referred to in regulation 84 and all other medical records relevant to the injury, when examining the officer.

(4) The Chief Fire Officer may relay his concerns, together with any reports, relating to the officer's fitness for duty to the Commission.

(5) Where an officer on being referred to a Medical Board by the Commission is examined and found unfit for further duty, that Board shall send its report to the Commission and copy that report to the Chief Fire Officer.

(6) Where an officer is notified by the Commission that he is unfit for further duty he shall be granted such annual leave and accumulated leave for which he is eligible or two months leave, whichever is the greater, commencing from the date on which he is notified of his lack of fitness for further duty.

(7) Where a Medical Board advises the Chief Fire Officer that an officer is fit for service, no leave or further leave, as the case may be, shall be granted.

(8) Leave granted under this Regulation shall not be construed as leave granted due to illness.

Medical  
benefits

91. (1) An officer shall be entitled to receive free medical, dental, optical and hospital treatment and medicines as may be necessary as may be and provided by a medical officer or a medical institution.

Chap. 29:52

(2) Where such treatment or medicines are not readily available from such medical officer or from an institution referred to in subregulation (1), the officer having obtained the prior approval in writing of the Chief Fire Officer to seek medical treatment or medicines privately shall be reimbursed the reasonable cost of such treatment he may have received from an approved medical practitioner or purchased from any pharmacist registered under the Pharmacy Board Act or from another medical institution, on submission to the Chief Fire Officer of receipts for payment in respect of such treatment or medicines.

Chap. 29:52

(3) Notwithstanding that prior approval was not obtained under subregulation (2), where the Chief Fire Officer is of the view that there are exceptional circumstances he may cause the officer to be reimbursed the reasonable cost of treatment he may have received or medicines he may have purchased from any pharmacist registered under the Pharmacy Board Act or from another medical institution on submission of related receipts for payment to the Chief Fire Officer.

Chap. 29:03

Act No. 5 of  
1994

(4) For the purpose of this Regulation, "medical institution" means an institution that is approved as a private hospital under the Private Hospitals Act or a health care facility within the meaning of section 2 of the Regional Health Authorities Act, 1994.

CHAPTER VI

BUILDINGS, STORES, QUARTERS, ETC.

92. (1) An officer shall reside in official quarters where provided, or in quarters approved by the Minister. Provision of quarters

(2) Official quarters occupied by officers of the First Division shall be furnished and rent free.

(3) An officer of the Second Division who occupies official quarters shall do so rent free.

(4) An officer who is provided with quarters under this Regulation shall comply with a circular with respect to quarters.

(5) An officer shall not be provided with quarters in more than one locality.

93. (1) All items of Government furniture in stations, establishments or offices of the Service shall be maintained in good order and condition, the responsibility for which shall rest with the senior officer in charge of such station, establishment or office. Service establishments and contents to be kept in good condition

(2) When any item of furniture requires repair or needs to be replaced in respect of any station, establishment or office of the Service, the appropriate officer of the Ministry responsible shall be notified so that inspection, repair or replacement may be effected.

94. If an institutional or departmental building is expected to remain vacant for a long period, the Permanent Secretary shall report such fact to the Permanent Secretary in the appropriate Ministry responsible for accommodation. Vacancy of building to be reported

95. The description of all items of uniform and the orders of dress to be worn by members of the Service shall be determined by the Chief Fire Officer and shall be published in the Fire Service Order referred to in regulation 120. Description of uniform

96. No badges, emblems or decorations other than those officially approved by the Chief Fire Officer shall be worn with the uniform. Unauthorised badges or emblems

97. Subject to the Financial Regulations relating to stores, miscellaneous stores shall be issued to divisions, stations and sections at such intervals as the Chief Fire Officer may direct. Issue of stores

98. (1) The supply of stores, uniforms and equipment shall occur only on a requisition made to the officer in charge of stores. Requisitions

(2) A delivery and receipt voucher signed by the officer making the issue shall be sent with such supplies.

(3) On receipt, such voucher shall be signed by the officer receiving the stores, uniforms and equipment as the case may be and returned to the officer in charge of Stores.

Stores ledgers

99. (1) Stores ledgers shall be kept by the officer in charge of stores and all stores received, issued and returned to Stores shall be entered in such Ledgers.

(2) Receipt for all articles returned to Stores shall be given by the officer in charge of Stores.

## CHAPTER VII

## CONDUCT

General conduct

100. An officer shall conduct himself at all times in such a manner that does not bring discredit to the reputation of the Service or of the public service.

Duties of an officer

101. (1) An officer shall carry out all lawful orders of an officer senior in office and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office.

(2) An officer in the First Division of the Service shall be responsible for the state of his command and for the conduct and efficiency of all under his command.

(3) An officer in the Second Division shall, where applicable, be responsible for his station or section.

(4) In the absence of the officer referred to in subregulation (2) or (3), the authority and responsibility of that officer shall devolve upon the next in seniority unless the Chief Fire Officer otherwise specifically directs.

(5) In the discharge of his duties, an officer shall be courteous and polite both to members of the Service and to members of the public.

Saluting

102. (1) Officers holding the office of Fire Station Officer and above shall salute their seniors in office.

(2) Officers below the office of Fire Station Officer shall salute all officers of that office and above.

(3) Officers to whom such compliments are paid shall acknowledge them in an appropriate manner.

(4) All fire officers shall pay compliments to such designated persons, on such occasions and in such manner, as the Chief Fire Officer may direct.

Absence to be reported

103. (1) An officer shall not be absent from duty without leave or reasonable excuse.

(2) Where an officer is unable to perform the duties of his office, whether from illness or some other cause, he shall cause an immediate report to be made to the Chief Fire Officer or to his senior officer to whom he reports.

(3) An officer when leaving the country shall inform the Chief Fire Officer in writing accordingly or, in cases of emergency, a senior officer, who shall report forthwith, in writing, to the Chief Fire Officer.

104. (1) An officer—

(a) shall not at any time engage in any activity which would in any way tend to impair his usefulness as an officer, nor may he engage in any occupation or undertaking which might in any way conflict with the interests of the Service or be inconsistent with his position as an officer; or

(b) shall not engage, whether or not on any leave, in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake private work for remuneration without the prior approval in writing of the Chief Fire Officer.

(2) An officer who is desirous of engaging in an activity, occupation, undertaking or work referred to in subregulation (1)(b) shall apply in writing to the Chief Fire Officer.

(3) Where the Chief Fire Officer is of the opinion that an officer's performance of his duties is likely to be influenced by the fact that he owns shares or investments in any company, or he has interest in any professional, commercial, agricultural or industrial undertaking, the Chief Fire Officer may, after discussing the matter with the officer, suggest to the officer that he disposes of such shares, investment or interest within such period as the Chief Fire Officer may specify or he may assign the officer to other duties so as to avoid a conflict of interest.

Activities outside the Service

105. (1) An officer may not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such purpose or procure signature to any public petition regarding the actions of the Government.

(2) Nothing in this Regulation affects an officer's right to participate actively in a meeting called or to sign any petition prepared by his appropriate recognized association on matters affecting the Service.

(3) An officer shall not participate in meetings of any political party or organization while on duty or while wearing official uniform.

Officer not to call public meeting or participate in certain public meetings

106. An officer shall not make public, communicate to the press or to individuals, or make private copies of documents, papers or information which he may possess in his official capacity, unless his duties require him to do so.

Officer not to publish information

107. (1) An officer, other than an officer acting in his capacity as a representative of an appropriate recognized association, shall not allow himself to be interviewed on questions of public policy.

(2) An officer shall not allow himself to be interviewed on matters affecting the defence or military resources of Trinidad and Tobago or of any other country unless his official duties require him to do so.

Officer not to allow interview on questions of public policy

108. (1) Subject to subregulations (2) and (4), an officer shall not publish by words or pictures or other signal, in any medium of communication including newspapers, journals, wireless, television or computer link up, any information or expression of opinion on matters of a political or administrative nature in a public place so as to be said to be publishing such information or expression.

Officer not to publish comment on national or local matter

(2) Subregulation (1) does not apply—

- (a) where the officer, by publishing such information or expression is executing or performing the duties of his office; or
- (b) where the approval in writing of the Permanent Secretary or Chief Fire Officer has been obtained by the officer to the fact and subject of the publication referred to in subregulation (1).

(3) Where the Chief Fire Officer is in any doubt as to the propriety of any proposed publication or broadcast under this Regulation, he shall refer the matter to the Permanent Secretary.

(4) This Regulation does not apply to the publishing or broadcasting of material by an officer acting in his capacity as a representative of an appropriate recognized association.

Officer not to edit or manage newspaper

109. Except in the case of the official organs of appropriate recognized associations or professional associations, an officer shall not, without the permission in writing of the Chief Fire Officer, act as editor of any newspaper or take part directly or indirectly in the management of a newspaper, or anonymously contribute any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Government or that of any other Government.

Rules relating to broadcast talks

110. Broadcast talks by an officer shall be governed by the following rules:

- (a) there shall be no payment either to the officer or to the Service arising out of the preparation or delivery of a lecture or talk to be broadcast that is necessary or desirable in order to enable the Service to carry out its recognized duties to the community;
- (b) lectures or talks which are to be broadcast and are not necessary for the purposes of the Service may be given by officers who are experts in a particular subject, whether or not they have specialized in this subject in their official capacity;
- (c) where the subject matter of a broadcast is related to the work or the policy of the Service, or if the broadcaster is to be announced by his departmental title, the prior authority of the Chief Fire Officer is required with the object of ensuring—
  - (i) that there is nothing in the lecture nor talk contrary to the public interest or inconsistent with the status of the officer; and
  - (ii) that the standing of the speaker is sufficient to justify the delivery by him of a lecture under the title of his office;
- (d) subject to paragraph (a), it shall be open to an officer to make his own terms with the broadcasting authority, but in those cases the work involved in the preparation and delivery of the lecture or talk shall not be done when the officer is on duty.

Indebtedness

111. An officer shall not incur indebtedness to the extent that it impairs his efficiency or has brought or is likely to bring the Service into disrepute.

112. An officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Chief Fire Officer. Bankruptcy
113. An officer shall not solicit the intervention or influence of members of Parliament, Minister, or prominent members of the community to support or advance his individual claims in the Service. Officer not to solicit intervention
- 114 Except with the permission of the Chief Fire Officer, an officer shall not accept— Gifts, rewards
- (a) any gift or reward from any member of the public or from any organization for services rendered in the course of the performance of his duty; or
  - (b) any present which is likely to influence him in the performance of his duty.
115. (1) An officer shall not receive from any subordinate officer any present, gift or reward except with the permission of the Chief Fire Officer. Officer not to accept gifts
- (2) Where the officer who is to be the recipient of any present, gift or reward referred to in subregulation (1) is the Chief Fire Officer, he shall not receive the same except with the permission of the Permanent Secretary.
116. Notwithstanding regulation 114 or 115, an officer may accept a present offered by— Exceptions
- (a) a representative of a foreign government on the occasion of any official visit to that country;
  - (b) a community organization, on a social occasion where the gift represents the work or achievement of that organization;
  - (c) other officers in the Service on the occasion of marriage, retirement, transfer or other celebratory occasion to which the Chief Fire Officer signifies approval.
117. An officer shall not fail or refuse to attend a Medical Board for examination as directed by the Chief Fire Officer, the Permanent Secretary, the Chief Personnel Officer or the Commission, as the case may be. Officer to attend Medical Board
118. (1) An officer shall be clean and smart in appearance. Appearance and turn out
- (2) An officer shall be alert on duty, smart in his movements and respectful in bearing and manner.
  - (3) An officer shall not appear in public view improperly dressed.
  - (4) An officer shall keep the hair on the head dressed short and neatly groomed and have the chin and underlip shaven.
119. (1) An officer who without reasonable excuse does an act which— Other acts of misconduct
- (a) amounts to failure to perform in a proper manner any duty imposed upon him as an officer;
  - (b) contravenes any of these Regulations, circulars or orders referred to in regulation 120;

- (c) contravenes any written law relating to the Service; or
- (d) is otherwise prejudicial to the efficient conduct of the Service or tends to bring discredit on the reputation of the Service or of the public service, commits an act of misconduct.

(2) without prejudice to the generality of subregulation (1), an officer commits an act of misconduct if he behaves in such a manner that it can be alleged that he is guilty of—

- (a) discreditable conduct, that is to say, if an officer acts in any disorderly manner or in any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the Service or of the public service;
- (b) insubordinate or oppressive conduct, that is to say, if an officer—
  - (i) is insubordinate by word, act or demeanor;
  - (ii) is guilty of oppressive or tyrannical conduct towards an officer in a lower office;
  - (iii) uses obscene, abusive or insulting language to any other officer;
  - (iv) wilfully or negligently makes any false complaint or statement against any other officer;
  - (v) assaults any other officer; or
  - (vi) withholds any report or allegation against any officer;
- (c) disobedience to orders, that is to say, if an officer disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise, or fails to promptly comply with such order;
- (d) neglect of duty, that is to say if an officer—
  - (i) neglects or without good and sufficient cause, fails to promptly and diligently do anything which it is his duty as an officer to do;
  - (ii) absents himself from his place of work or his official duties without leave or valid excuse, or is habitually irregular in the time of his arrival and departure from his place of employment;
  - (iii) idles or gossips while on duty;
  - (iv) fails to perform his duty in accordance with orders, or leaves his place of duty to which he has been ordered, without permission or sufficient cause;
  - (v) fails to report any matter which it is his duty to report;
  - (vi) fails to report anything which he knows concerns a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any person or defendant in a criminal charge;
  - (vii) omits to make any necessary entry in any official document or book; or

- (viii) neglects or omits without good and sufficient cause to carry out any instruction of an approved medical practitioner under these Regulations, or while absent from duty on account of sickness, commits an act that is calculated to retard his return to duty;
- (e) falsehood or prevarication, that is to say, if an officer—
- (i) knowingly makes or signs any false statement in any official document or book;
  - (ii) wilfully or negligently makes any false, misleading or inaccurate statement; or
  - (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry in that document or record;
- (f) breach of confidence, that is to say, if any officer—
- (i) divulges any matter which it is his duty to keep secret;
  - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been, or is about to be issued;
  - (iii) without proper authority shows to any person outside the Service any book or written or printed document which is the property of the Service;
  - (iv) makes any anonymous communication to the Commission or to the Chief Fire Officer or any senior officer;
  - (v) signs or circulates any petition or statement with regard to any matter concerning the Service, except through the proper channel of correspondence to the Chief Fire Officer;
  - (vi) calls or attends any unauthorized meeting to discuss any matter concerning the Service; or
  - (vii) canvasses any officer in regard to any matter concerning the Service other than a matter relating to the business and functions of the appropriate recognized association;
- (g) corrupt practice, that is to say, if an officer—
- (i) receives or solicits any private advantage for himself or for another person as a consequence of performing his duties;
  - (ii) fails to account for or to make a prompt and true return of any money or property received by him in his official capacity;
  - (iii) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial without the consent of the Chief Fire Officer; or
  - (iv) places himself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the Service may have to report or give evidence;

- (h) unlawful or unnecessary exercise of authority, that is to say, if an officer—
  - (i) uses any unnecessary violence to any person with whom he may be brought into contact in the execution of his duty; or
  - (ii) is uncivil to any member of the public;
- (i) malingering, that is to say, if any officer feigns or exaggerates any sickness or injury with a view to evading duty;
- (j) absence without leave or being late for duty, that is to say, if an officer without reasonable excuse is absent without leave from duty or is late for parade, Court or any other duty;
- (k) uncleanness, that is to say, if an officer, while on or off duty, is in uniform in a public place, is improperly dressed or is dirty or untidy in his person, clothing or accoutrements;
- (l) damage to clothing or other articles supplied, that is to say, if an officer—
  - (i) wilfully or by carelessness causes any loss or damage to any article of clothing, accoutrement or to any book, document or any other property of the Service given to him or used by him for the performance of his duty or entrusted to his care; or
  - (ii) fails to report any loss or damage as above however caused;
- (m) drunkenness, that is to say, if an officer, while on duty or required for duty, is unfit for duty through the taking of drink;
- (n) drinking on duty or soliciting drink, that is to say, if an officer—
  - (i) without the consent of his senior officer, drinks or receives from any other person any intoxicating liquor while he is on duty; or
  - (ii) demands, or endeavours to persuade any other person to give to him, or to purchase or obtain for him, any intoxicating liquor while he is on duty;
- (o) entering licensed premises, that is to say, if without permission or reasonable excuse an officer enters—
  - (i) while on duty any public premises licensed under the liquor licensing laws or any other premises where liquors are stored or distributed when his presence there is not required in the execution of his duty; or
  - (ii) any such premises in uniform while off duty;
- (p) illicit drug taking, that is to say, if an officer is found to be indulging in the use of narcotic or psychotropic substances;
- (q) lending, borrowing or accepting presents, that is to say, if an officer lends money to an officer senior to him or borrows money or accepts any present from any officer junior to him;
- (r) proving of a criminal offence, that is to say, if an officer has been proved guilty in a court of law of a criminal offence;

- (s) being an accessory to an act of misconduct, that is to say, if an officer connives at, or is knowingly an accessory to, an act of misconduct;
- (t) using any property or facilities of the Service without consent, given personally in writing by the Chief Fire Officer for some purpose not connected with his official duties;
- (u) damage to property, that is to say, if an officer wilfully or recklessly damages property belonging to the Service.

## CHAPTER VIII

### MISCELLANEOUS

120. (1) Orders for the efficient management of the Service referred to in these Regulations include:

Circulars,  
orders and  
notices

- (a) Fire Service Orders issued by the Chief Fire Officer to deal with matters of management of the Service;
- (b) Fire Service Circulars issued by the Chief Fire Officer to disseminate information on government policy;
- (c) Fire Service Instructions issued by the Chief Fire Officer to deal with matters of uniform, accoutrement and matters pertinent to the conduct of the fire station;
- (d) Station Notices issued by the Chief Fire Officer to provide general information; and
- (e) Divisional Notices issued by Divisional Fire Officers to deal with matters pertinent to the conduct of the Division.

(2) An order made under these Regulations is a lawful order for the purposes of Chapter VII.

121. No erasures shall be made in any official book or document but mistakes shall be crossed out and initialled and a new entry shall be made correcting the original entry.

Corrections

122. (1) All regulations, circulars, orders and other official publications affecting officers shall be brought to their attention by the Chief Fire Officer.

Circulation of  
orders

(2) All relevant proclamations, Government Notices or other official notices shall be brought to the attention of officers by the Chief Fire Officer.

123. Where an officer is dismissed from the Service, any benefit which would otherwise be payable to that officer on departure from the Service may be forfeited.

Forfeiture of  
benefits on  
dismissal

124. (1) Where an officer is suspended by the Commission prior to the institution of proceedings under the Public Service Commission Regulations that officer shall be paid his monthly salary in full.

Remuneration  
on suspension

(2) Where an officer is exonerated in disciplinary proceeding from an alleged act of misconduct which had resulted in a suspension under the Public Service Commission Regulations, he shall be entitled to receive the remuneration he would have received had he not been suspended.

Channel of communication

125. (1) For the purposes of these Regulations, any communication other than that referred to in regulation 126 which an officer wishes to address to the Chief Fire Officer shall, wherever possible, be forwarded through the senior officer under whom that officer is serving.

(2) Any official communication in respect of or relating to the employment of an officer which he wishes to address to any Government official, or a Government Department shall be forwarded to the Chief Fire Officer through the senior officer under whom that officer is serving.

(3) The senior officer on receipt of a communication referred to in subregulation (1) or (2) shall forward forthwith such communication together with his comments, to the Chief Fire Officer.

Complaints

126. (1) An officer who wishes to make a complaint may do so to his immediate senior officer, and where he considers himself wronged by that senior officer, he may complain to a higher authority who shall deal with the complaint and advise the Chief Fire Officer, Permanent Secretary and the Commission accordingly.

(2) The officer may provide a copy of his complaint to the Permanent Secretary and the Commission.

(3) An officer to whom a complaint is made shall immediately acknowledge receipt of such complaint in writing and cause enquiries to be made into such complaint, and if satisfied with the justice of the complaint shall take such steps as may be necessary for giving full redress, if within his powers, or refer the case to a higher authority.

Permanent Secretary or Chief Fire Officer to facilitate request of Commission

127. The Permanent Secretary or Chief Fire Officer shall facilitate any request made by the Commission by giving the appropriate direction to the relevant officer to accord with the Commission's request.

Acceptance of foreign currency

128. Except with the permission of the Permanent Secretary in the Ministry of Finance, no foreign currency shall be accepted for payment in the transaction of Government business.

Payment from public funds

129. The Permanent Secretary or Chief Fire Officer shall ensure that no payment shall be made out of public funds in respect of any matter requiring the approval of the Commission until such approval has been obtained.

Authorization of deduction from pay

130 (1) Subject to any written law, an officer may authorize the Permanent Secretary to make deductions from his pay for the repayment of any debt owed to Government.

(2) Where a debt is owed to Government which has been incurred as a penalty consequent on disciplinary proceedings, the Permanent Secretary may with or without authorization of the officer, deduct the officers pay accordingly.

131. (1) An officer who desires to initiate legal proceedings on his own behalf against another officer or against a member of the public with respect to any matter which arises out of, or in the course of the execution of his duty, shall inform the Chief Fire Officer accordingly. Legal proceedings

(2) Where an officer is charged with an offence arising out of, or in the course of, the execution of his duty, and the Attorney General is satisfied that such officer acted in good faith in the execution of his duty, such officer shall be granted legal representation in the conduct of his defence.

132. (1) Where, in these Regulations there is a reference to a determined form the Permanent Secretary may determine an appropriate form if no other authority is specified to so determine. Determined form

(2) A form determined by the Permanent Secretary shall:

(a) contain—

- (i) particulars of the purpose for which it is to be used;
- (ii) particulars designed to elicit the required information;
- (iii) the address to which the form on completion may be posted or delivered; and

(b) be published in the *Gazette*.

133. (1) A copy of these Regulations shall be made available to an officer at his request. Availability of Regulations

(2) The Chief Fire Officer shall take all reasonable steps to ensure that all officers are familiar with the contents of the written law affecting the operation and conduct of the Fire Service.

134. At the date of the commencement of these Regulations, any administrative action done, or privilege or benefit including a permission or approval given by, or to, an officer in the Service in respect of a matter to which these Regulations apply shall be deemed to have been done or given in accordance with these Regulations. Act deemed to be done under these Regulations

135. The Chief Fire Officer may approve in writing a duly qualified medical practitioner to be an “approved medical practitioner” for the purposes of these Regulations. Chief Fire Officer to approve medical practitioner

136. Where, in respect of the Chief Fire Officer, a term and condition of employment has been determined by the Salaries Review Commission and agreed to by Cabinet that term and condition of employment shall prevail over that prescribed in these Regulations, to the extent of any inconsistency. Application of regulations to Chief Fire Officer

137 The Fire Service (Code of Conduct) Regulations, 1990 are revoked. Revocation L.N. No. 75 of 1990

Dated this 15<sup>th</sup> day of October, 1998.

M. LOOK LOY  
*Acting Secretary to Cabinet*