

**Ninth Edition
of the PSMC (Public Service Management Code)
correct as on 1st June 2008**

(To facilitate the updating, instructions are in bold-italic print, whereas actual text is in normal font.)

Replace the introduction with the introduction reproduced below:-

Introduction

Public Service Management Code

On the 7th January 2002, we published the PSMC (Public Service Management Code) for the first time, both in paper and electronic format. It is with pleasure that we are now issuing the ninth edition of the PSMC.

The PSMC brings together in concise form all the standing regulations, circulars, policies on HR Management, in the fields of Employee Relations and Resourcing in the Public Service. This edition is correct as on 1st June 2008.

Apart from the updates linked to the policies issued in the last year, the ninth edition also facilitates access to all family-friendly measures in the public service, by linking each item to the family-friendly measures manual which is available online.

It is clarified that all public officers, i.e. those officers who are engaged through the Public Service Commission, whether these public officers are engaged on a fixed term or indefinite contract, and whether they are working on a part-time or full-time basis, are covered by all the conditions of service in the PSMC, if they are working in the public service.

In the case of public officers on a fixed term contract, those benefits, which if availed of, would run beyond the term of the contract, will only be applicable up to the term of the contract. In the case of part-timers, the benefits are on a pro-rata basis.

By means of the PSMC, the regulatory management aspect of the human resources function of the Public Service is constantly updated and communicated. The PSMC also enhances the customer care function both within the Public Service, and with clients and other persons outside the service. Public officers are urged to constantly refer to the PSMC as the handbook that guides them in Human Resources Management.

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Director, Employee Relations
Management and Personnel Office

June 2008

Update Table of Contents

Chapter 1 – APPOINTMENTS, PROMOTIONS AND PROGRESSIONS

In paragraph 1.1.4.2. replace the last sentence with the following:

Information should include the number of vacancies available and that funds are available under the personal emoluments component of the departmental vote. Every vacancy, irrespective of whether it is merely a replacement or additional, should invariably be Finance Ministry approved in accordance with prevailing procedures.

In paragraph 1.1.4.8. change 1.2.1.9. to 1.2.1.10.

Delete paragraph 1.1.5.13.

In paragraph 1.1.6.4., after the words two (2) months insert the following:

, but within the validity period of the selection board result,

In paragraph 1.1.6.6. change 1.2.1.13. to 1.2.1.16.

In paragraph 1.1.6.7., after the words study leave insert or in cases of exceptional circumstances as determined by the PSC,

Delete sub-paragraph 1.1.6.7.(a) and lettering of sub-paragraphs (b) and (c) is now to read (a) and (b).

In newly re-lettered sub-paragraph 1.1.6.7.(b) delete the words officer resumes regular duties and insert candidate takes up the duties of the new appointment.

***Sub-section 1.1.12. is being re-titled* Letters of Appointment: Applicable to Substantive Grades**

***Insert new sub-section 1.1.13. entitled* Contracts of Employment: Applicable to Contractual Positions**

Re-number paragraphs 1.1.12.9 to 1.1.12.13 as 1.1.13.1. to 1.1.13.5.

In the first sentence of newly re-numbered paragraph 1.1.13.1. delete the words* for a definite period. ***Further down in the same paragraph delete the words persons not in a substantive grade in the Public Service as well as persons holding a substantive grade in the Public Service ***and insert the following:*****

(i) contractees **entitled** to indefinite status after the legal limit stipulated in LN 51/2007 and (ii) contractees **not entitled** to indefinite status after the legal limit stipulated in LN 51/2007 by virtue of objective reason/s in terms of the said Legal Notice

In the first sentence of newly re-numbered paragraph 1.1.13.2. delete* public officers holding an appointment on a definite contract ***and replace by officers holding concurrently a substantive grade in the Public Service and an appointment on contract.**

In the first sentence of newly re-numbered 1.1.13.3. delete the words* a definite ***and permanent. ***After the word*** post ***insert the words*** within a substantive grade. ***In the second sentence delete the words*** in respect of public officers ***and insert*** in paragraph 1.1.13.2.**

In newly re-numbered paragraph 1.1.13.4. replace the words been public officers **by** held a substantive grade.

Re-number sub-sections 1.1.13. to 1.1.16. **as** 1.1.14. to 1.1.17.

In newly re-numbered paragraph 1.1.15.2. **change** 1.1.14.1. **to** 1.1.15.1.

In newly re-numbered paragraph 1.1.15.3. **replace the words** people management **by** HR Systems and Data Management.

In newly re-numbered paragraph 1.1.17.1. delete from the third sentence onwards.

Delete old sub-section 1.1.17. The new policy regarding re-integration in the public service is now located in section 1.4.

Insert new paragraph 1.1.18.4. as follows:

1.1.18.4 Application Forms submitted by applicants for the filling of posts/positions in the Public Service are to be retained until the person concerned reaches the age of 75 years in the case of successful candidates. In all other cases, the Application Forms may be retained for one year after the validity period of the relevant call for applications (unless in the interim, a complaint connected with a particular call for applications has been filed).

In paragraph 1.2.1.1. replace 1.2.1.14. **by** 1.2.1.17.

In paragraph 1.2.1.7. change GP 47 **to** GP 46.

In paragraph 1.2.1.18. replace 1.1.5.2. to 1.1.5.13. **by** 1.2.1.2. to 1.2.1.17.

In paragraph 1.2.2.2.(i), after (or posts) **insert the words** /position or positions.

Insert new sub-paragraph 1.2.2.2.(ii) as follows:

(ii) Where applicable, advertisements are to carry reference to gender-inclusiveness immediately after the title of the call, as follows:

“In accordance with clause 3.1 of the current Collective Agreement, nomenclatures denoting the male gender include also the female gender”;

Re-number current sub-paragraphs 1.2.2.2. (ii) and (iii) as 1.2.2.2. (iii) and (iv).

In same paragraph 1.2.2.2. after the paragraph: In the case of those calls for applications where, in addition to the possession of a degree, the possession of a warrant is also a requirement, the clauses in italics in the English and Maltese versions above would not apply, **insert a new paragraph as follows:**

There may be cases of calls for applications where the achievement of a particular qualification following specialised training is a pre-requisite for appointment or for confirmation of appointment (see Appendix XIX). In such cases, the application for external training submitted by the candidate is to be retained by the Department concerned for a period of one year from the conclusion of the selection process.

In the following paragraph change Ministry of Education, Youth and Employment **to** Ministry of Education, Culture, Youth and Sport.

In sub-paragraph 1.2.3.1.(d) change Ministry for Justice and Home Affairs **to** Ministry of Foreign Affairs.

In sub-paragraph 1.2.3.4(ii) replace whether **by** that **and after the words** namely Maltese and English **insert** , unless exceptional circumstances warrant that either of the official languages is waived to the satisfaction of MPO;

Insert new paragraph 1.2.8.5. as follows:

1.2.8.5. Confirmation of Appointments (as per specimen form at Appendix XXII) are to be retained until the person concerned reaches 75 years of age.

Insert new sub-section 1.2.11. Part-time and Temporary Employees

Re-number paragraph 1.2.10.3. as 1.2.11.1.

In newly re-numbered paragraph 1.2.11.1. after the words the engagement of **delete** casual and **and after** part-time **insert** and temporary. **Also change 1.2.11. to 1.2.12.**

Insert new paragraph 1.2.11.2. as follows:

1.2.11.2. Part-time government employees, whose part-time employment with government is their principal employment, have the same rights and duties as full time employees including the right to apply for vacancies so long as they satisfy the relevant criteria.

Re-number sub-sections 1.2.11. and 1.2.12. as 1.2.12. and 1.2.13.

Delete newly re-numbered sub-paragraph 1.2.12.6.(g) and re-letter 1.2.12.6.(h) as 1.2.12.6.(g).

In newly re-numbered paragraph 1.2.12.13. replace Policy and Planning **by** HR Systems and Data Management.

Insert new paragraph 1.3.3.10. as follows:

1.3.3.10. Performance rating reports are to be retained for a period of ten years.

Re-number paragraphs 1.3.3.10. and 1.3.3.11. as 1.3.3.11. and 1.3.3.12.

In paragraph 1.3.4.1. replace the words Policy and Planning **by** HR Systems and Data Management. **Add the words** and accessible at the address mpo.gov.mt/pmpdownloads.html **at the end of the last sentence.**

Insert new paragraph 1.3.4.2. as follows:

1.3.4.2. PMP Forms are to be retained for a period of ten years.

Insert new paragraph 1.3.5.6. as follows:

1.3.5.6. Application Forms for the filling of Headship Positions are to be retained for one year from the filling of the position (unless in the interim, a complaint connected with a particular call for applications has been filed).

Re-number current paragraph 1.3.5.6. as 1.3.5.7.

Insert new paragraph 1.3.6.6. as follows:

1.3.6.6. Application Forms for the filling of Vacant Positions of Assistant Director are to be retained for one year from the filling of the position (unless in the interim, a complaint connected with a particular call for applications has been filed).

Re-number paragraphs 1.3.6.6. to 1.3.6.11. as 1.3.6.7. to 1.3.6.12.

In paragraph 1.3.9.3. before the words Permanent Secretary, **insert the word** Principal **and after** Permanent Secretary **delete the words** Office of the Prime Minister.

In paragraph 1.3.11.5. after the words scale 9, **insert** and Executive Officers from Scale 14 to Scale 13. **Further down, after the words** recommendation for progression **insert** (with the exception of Clerks to scale 15).

In paragraph 1.3.11.6. between the words last **and** annual **insert the word** two **and change** appraisal **to** appraisals.

In paragraph 1.3.11.8. after the words progression is approved **insert** , held in abeyance.

In paragraph 1.3.11.10. insert the following sentence at the end:

A Special Report (see Appendix 1.XXX) is also to be included in these cases.

Insert new section 1.4. entitled Re-Integration of Public Officers **as follows:**

1.4. RE-INTEGRATION OF PUBLIC OFFICERS

1.4.1. The Re-Integration Committee

1.4.1.1. *Functions.* A Re-integration Committee (RC) is set up to consider applications regarding the following processes:

- re-employment after resignation;
- re-employment after dismissal; and
- re-instatement after retirement on medical grounds.

1.4.1.2. *Composition.* The RC is composed of a Chairperson and up to three members, depending on the case. Permanent Secretary, OPM (Strategy and Operations) chairs the RC and Director, Employee Relations is a permanent member on the Committee. The second member is the Head of Department where the applicant was last employed (or Permanent Secretary of the Ministry if the Head of Department is unavailable). Director General, Health Care Services attends the RC meetings when the Committee considers applications of re-instatement and resignations on medical grounds.

1.4.1.3. *Considerations.*

a) When the RC considers applications for re-employment from persons who were inmates of the Correctional Facility, the Committee shall ask Director, Correctional Services to submit a report on the behaviour of the applicant during the period that the applicant spent in prison.

b) In cases of persons who were dismissed due to drug related charges, the RC shall enquire whether the applicant had undergone a rehabilitation programme, and, if in the affirmative, the Head of the Rehabilitation Agency shall be asked to submit a report on the rehabilitation of the applicant.

c) The RC may co-opt a competent professional public officer to tender professional advice on a particular application. If a competent professional is not available within the Public Service, the RC may engage someone from outside the Public Service.

d) The decisions of the RC shall be taken by majority voting.

1.4.1.4. *Procedure.*

- a) The applications for re-employment and re-instatement shall be referred by ex-officers directly to Permanent Secretary, OPM (Strategy and Operations) who shall in turn convene the RC at the earliest possible time.
- b) The RC shall regulate its own procedure during its deliberations.
- c) In cases when the RC agrees to the re-instatement or re-employment of the applicant, the Committee shall submit its recommendation to the PSC. The PSC shall deliberate on the case and if the Commission concurs that the applicant should be re-instated or re-employed, it shall refer its recommendation to the Prime Minister for approval.
- d) If the RC does not agree to the re-instatement or re-employment of the applicant, the Committee shall inform the applicant accordingly.

1.4.1.5. *Eligibility Criteria for consideration by the RC.* Applications must satisfy all the following eligibility criteria:

- i) in the public service interest; e.g. the post is required and is not easy to fill;
- ii) grave humanitarian reasons;
- iii) no distinction shall be made as to age, gender and status of the applicant; and
- iv) the application for re-employment shall be submitted by not later than two years after the applicant resigns. This time limit does not apply, in cases of re-instatement on medical grounds. For cases of re-employment after dismissal on disciplinary grounds, the application shall not be made earlier than 6 months but not later than 24 months, from the date the applicant is dismissed or from the date of release from prison, whichever is the later.

Applications for re-employment submitted by ex-nursing grades officers shall be treated in accordance with the addendum to the agreement on nursing grades dated 25th October 2007.

1.4.1.6. *Right of Appeal.* Ex-officers whose application for re-employment is rejected by the RC have the right to file an appeal with the Public Service Commission, submitting the grounds for that appeal. The PSC shall deal with the appeal at its own discretion and on the merits of the particular case.

1.4.2. Re-employment after resignation

1.4.2.1. *Conditions.* Following the PSC's recommendation for re-employment:

- i) the officer's previous service is lost;
- ii) the officer will be placed:
 - in the former grade;
 - on the minimum of the lowest scale of the grade;
 - at the bottom of the seniority list of the grade; and
 - on probation for a period of 24 months; and(The seniority and the previous service of ex-nursing grades officers who are re-employed shall be treated in accordance with the addendum to the agreement on nursing grades dated 25th October 2007).
- iii) when the resignation is due to medical reasons, the applicant must be certified to be medically fit by the Government Medical Board, before consideration is given by the RC.

1.4.3. Re-instatement after retirement on medical grounds

1.4.3.1. *Conditions.* Following the PSC's recommendation for re-instatement:

- i) the officer's previous service counts;
- ii) the re-instated officer will be placed:
 - in the former grade;
 - at the previous salary point; and

- at the bottom of the seniority list of the grade; and
- iii) if the officer is a pensionable officer, the Treasury pension which was granted on retirement shall be immediately withheld. On the gratuity already paid to the officer, a sum at the rate for fixed deposit bank accounts, shall be deducted annually from the officer's salary.

1.4.4. Re-employment after dismissal on disciplinary grounds

1.4.4.1. Parameters.

- i) The term of imprisonment does not exceed 36 months if the applicant was sentenced to a term of imprisonment.
- ii) The application for re-employment shall be submitted not earlier than six months but not later than 24 months from the date the applicant is dismissed or from the date of release from prison, whichever is the later. The 24-month period does not apply in respect of applicants who were dismissed prior to April 2008.
- iii) Documentary evidence must be produced by the applicant showing the effort to try to find employment elsewhere.

- 1.4.4.2. *Considerations.* During the RC's deliberations, consideration will be given to:
- i) the sentence/s delivered by the Criminal Court or the Disciplinary Board, as the case may be;
 - ii) the gravity of the offence for which the applicant was dismissed; and
 - iii) the PSC's reasons for dismissal.

1.4.4.3. Conditions. Following the PSC's recommendation for re-employment:

- i) the officer's previous service is lost; and
- ii) the officer shall be placed:
 - in the former grade;
 - on the minimum of the lowest scale of the grade;
 - at the bottom of the seniority list of the grade; and
 - on probation for 24 months.

1.4.5. Applicability

1.4.5.1. Ex-members of disciplined forces are also eligible to apply for re-instatement or re-employment. However, if these officers are re-employed or re-instated they shall not be placed in their former grade but they shall have the nomenclature of their former grade changed to *officer in scale*, which scale shall be equivalent to that of their previous grade. Previous service is lost if they are re-employed. If they are re-instated on medical grounds, their previous service shall count as service with Government but not as service in a disciplined force.

1.4.5.2. These officers will be assigned duties comparable to their scale in another Department.

Replace Appendix 1.VIII *entitled* Agreement for the Engagement of Contract Employees in the Ministry of _____ (applicable in cases of persons not in a substantive grade in the Malta Public Service) **by** Appendix 1.VIII *entitled* Agreement for the Engagement of Contract Employees in the Malta Public Service (applicable in the case of contractees entitled to indefinite status after the legal limit stipulated in LN 51/2007).

Replace Appendix 1.IX *entitled* Agreement for the Engagement of Contract Employees in the Ministry of _____ (applicable in case of persons holding a substantive grade in Malta Public Service) **by** Appendix 1.IX *entitled* Agreement for the Engagement of Contract Employees in the Malta Public Service (applicable in the case of contractees not entitled to indefinite status after legal limit stipulated in LN 51/2007 by virtue of objective reason/s in terms of said legal notice).

Replace Appendices 1.XIV – 1.XXI **regarding specimen calls for applications by the amended versions available online.**

Replace Appendices 1.XXIV – 1.XXV **regarding specimen conditions of employment of expatriate staff and the specimen contract to casual substitutes, by the amended versions available online.**

Replace Appendix 1.XXVIII **featuring the specimen call for headship positions, by the amended version available online**

Chapter 2 – PAY AND ALLOWANCES

In paragraph 2.2.5.4., after the words who had resigned, **insert** or were dismissed.

Insert new paragraph 2.4.1.4. as follows:

2.4.1.4. When the approval of an allowance is given for a restricted period, the authority of the Management and Personnel Office and Finance is to be sought, when it is considered that the duration of the allowance should be renewed beyond the approved period. In making recommendations for the retention of allowances, Heads of Department are to state whether the conditions under which the allowance was authorised still obtain and to confirm that it is not possible to make other arrangements to suppress it.

Re-number existing paragraph 2.4.1.4. as 2.4.1.5.

In paragraph 2.4.3.1. change 8.5. **to** 8.6.

Delete paragraph 2.4.8.16.

Change title of paragraph 2.6.4.2. to Donations to non-profit organisations.

In the second line of paragraph 2.6.4.2., after *Dar tal-Providenza* **insert the words** and/or to Eden Foundation.

In paragraph 2.6.4.2., after Appendix 2.VIII **insert the words** and/or Appendix 2.IX.

Insert new paragraph at the end of paragraph 2.6.7.3. as follows:

Direct deposit of salary forms are to be retained only until officers are paid by a particular department, in line with the retention policy for HR documents as required by the Data Protection Act. In case of transfer or termination of employment these forms should be destroyed immediately.

Insert new Appendix 2.IX **entitled** €0.23 Donation in favour of the Eden Foundation.

Chapter 3 – HOURS AND EXTRA DUTY

Insert new paragraph 3.1.2.4. as follows:

3.1.2.4. Attendance books, with the exception of those for the years 1976 to 1979, are to be retained for two years, in line with the retention policy for HR documents as required by the Data Protection Act.

Re-number current paragraphs 3.1.2.4. to 3.1.2.12. as 3.1.2.5. to 3.1.2.13.

In paragraph 3.1.6.1. delete the word whole-time.

In paragraph 3.1.6.1.(a) delete the words on a Performance Agreement or who are engaged on a contract subject to pre-determined conditions, **and replace by** engaged in a Top Management Position (e.g. Assistant Director, Director, Director General, Permanent Secretary).

In paragraph 3.1.6.2.(c) delete the words are over 50 years of age and.

In paragraph 3.1.6.11.(a) delete the words of their substantive grade.

At the end of paragraph 3.1.6.11.(b) add the following:

. An exception is made in the payment of qualification allowances, which are paid in full;

Insert new sub-section 3.1.7. entitled Teleworking as follows:

3.1.7. Teleworking

3.1.7.1. *Eligibility.* Employees with one year's service may work on a teleworking arrangement, if their job performance, traits and skills as well as the nature of their job, are suitable for telework.

3.1.7.2. *Duration.* A teleworking contract is valid for a period of 12 months, and may be renewed annually. However, employees who find the teleworking arrangements unsatisfactory should be allowed to opt out of the agreement.

3.1.7.3. *Application.* Requests for teleworking should be submitted to respective Heads of Department, who must consider the needs of the applicant and also ensure that the output and timeliness of the organisation are maintained. For these objectives to be reached, the prospective teleworker and the job must be carefully evaluated.

Employees and their immediate supervisor are to fill in Section 1 of the application form (attached at Appendix 3.VIII). Section 2 of the application form is to be filled in by the Head of Department, who will then decide whether to approve or reject the application. Approved applications are sent to the Director Corporate Services for review and subsequently forwarded to the Permanent Secretary for endorsement.

Following approval, an assessment of the employee's requirements, including technical training, equipment and software, is to be carried out.

A Telework Agreement should finally be signed by the employer and the employee. A specimen Telework Agreement is attached at Appendix 3.IX.

3.1.7.4. The teleworking arrangement is entirely voluntary and may not be imposed by the Head nor demanded as of right by the employee.

3.1.7.5. A detailed policy document is attached at Appendix 3.X and guidelines regarding the implementation of this policy is at Appendix 3.XI.

In paragraph 3.2.10.2. delete the word normal.

Insert new Appendices 3.VIII to 3.XI

Chapter 4 – LEAVE

Insert new paragraph 4.2.2.2. as follows:

4.2.2.2. Used vacation leave cards are to be retained for four years, in line with the retention policy for HR documents as required by the Data Protection Act. For the same reason, vacation leave application forms are to be retained for two years.

Re-number current paragraphs 4.2.2.2. and 4.2.2.3. as 4.2.2.3. and 4.2.2.4.

Delete paragraph 4.2.5.6. and re-number paragraphs 4.2.5.7. to 4.2.5.9. as 4.2.5.6. to 4.2.5.8.

Insert new sub-section 4.2.7. Donation of Vacation Leave for Humanitarian Reasons as follows:

4.2.7. Donation of Vacation Leave for Humanitarian Reasons

4.2.7.1. Public Officers are allowed to donate part of their vacation leave to their colleagues for humanitarian reasons, subject to the parameters listed below:

- a. the forfeiture of vacation leave is at the complete discretion of the employees concerned;
- b. not more than two days may be forfeited by any officer, beginning with one day from each officer who would wish to participate in this gesture;
- c. Heads of Department are to use their discretion as to whose vacation leave to use first. Any unutilized vacation leave will revert to the donors and may be accumulated to next year;
- d. employees who are donated vacation leave by their colleagues for the purpose of caring for sick relatives may only utilise the donated vacation leave after they have exhausted their own vacation leave; and
- e. employees who are donated vacation leave by their colleagues for reasons of personal illness may only utilise the donated vacation leave after they have exhausted their own vacation leave and any accumulated full-pay and half-pay sick leave.

4.2.7.2. In order to avoid the possibility of having situations of very long periods of donated leave in very large Ministries it has been decided to set a capping limit of 192 hours of vacation leave which is donated by employees to their colleague for humanitarian reasons. This will also introduce an element of fairness between employees who are employed in departments of varying sizes.

At the end of paragraph 4.3.1.6. add the following sentence:

Copies of sick leave certificates held at the employing department are to be retained for one year from the date of issue of the certificate, in line with the retention policy for HR documents as required by the Data Protection Act.

Add a new paragraph to 4.3.4.3. and 4.3.5.3., as follows:

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

Replace paragraph 4.3.8.2. with the following:

4.3.8.2. Heads of Department may request examination of officers by a medical board if they have any doubts that an officer's behaviour is due to a medical condition or about any medical certificate submitted by their employees (see Appendix 4.1). They should then proceed on the case accordingly. With regard to doubts about medical certificates they should obtain a general report from the employee's medical practitioner before referring the case for examination by a medical board.

If the Head of Department suspects that sick leave is being abused, before referring the case to the government medical board, the Head of Department should first verify the sick leave by the department's doctor, as per section 4.3.2.

In paragraph 4.3.8.5. replace the word Sections with Articles.

In paragraph 4.5.1.1. :

- a) **delete the words** full-time;
- b) **insert the word** paid **before** maternity leave; and
- c) **delete the words** (13 weeks of full pay and 1 week unpaid).

Delete sub-section 4.7.3. Unpaid leave to try alternative employment. **The policy was revised and is now placed under section 4.8.** Special Unpaid Leave approved by the Head of Department.

Re-number sub-section 4.7.4. as 4.7.3.

Under the title of newly re-numbered sub-section 4.7.3. insert the following:

(This unpaid leave may also be granted on grounds of public policy. Please refer to sub-section 4.9.5.).

In paragraphs 4.8.1.1. and 4.8.1.2. replace 4.8.12. by 4.8.13.

In paragraph 4.8.4.1. delete the word public.

Insert new paragraphs 4.8.4.3. and 4.8.4.4. as follows:

4.8.4.3. Three months from either the one year parental leave or from the five-year career break, may be reserved and utilized by employees until the child reaches eight years of age, always subject to paragraph 4.6.1.2. of the PSMC, ie, an overall maximum of eight years unpaid leave.

4.8.4.4. Three months unpaid leave of the total parental leave entitlement may be broken up in periods of one month at a time.

Re-number paragraphs 4.8.4.3. to 4.8.4.6. as 4.8.4.5. to 4.8.4.8..

In the first sentence of newly-renumbered paragraph 4.8.4.5. replace the word government **by** public service and public sector.

Further down in same paragraph 4.8.4.5. change 13 to 14.

In newly re-numbered paragraph 4.8.4.7., after the first sentence, insert the following:

If the period of parental leave does not exceed three months, employees can give three weeks' notice, instead of the three months' notice that is otherwise required.

In paragraph 4.8.11.1. replace four (4) by eight (8) in both instances.

Insert new sub-section 4.8.13. as follows:

4.8.13. Leave to try alternative employment

4.8.13.1. Officers in grades where the basic salary scale is not higher than scale 14, may avail themselves of special unpaid leave to take up alternative employment. Leave for this purpose may be availed of for a minimum of three months and a maximum of three years, renewable yearly. A maximum of two renewals are allowed. Applications should include details such as commencement and termination of leave. Officers may opt to resume duty before the expiration of the unpaid leave, preferably giving one month's notice to the Head of Department.

4.8.13.2. These requests are to be approved by the Head of Department. Temporary substitutes may be engaged to replace employees who avail themselves of unpaid leave to try alternative employment, provided that prior approval is obtained from the respective Permanent Secretary on the basis of the parameters at paragraph 1.2.11. of the PSMC.

In the title of sub-section 4.9.3. replace NGOs by Voluntary Organisations

In the whole of sub-section 4.9.3. replace NGOs by Voluntary Organisations

In paragraph 4.9.3.2. delete the first sentence from The NGO to its statute.

In paragraph 4.9.3.2.(a) delete or which is not being provided by Government at all ***and insert*** , although other services which are not being provided by government are not excluded;

Delete the last sentence of paragraph 4.9.3.2.

In paragraph 4.9.3.3., at the end of the first sentence insert the following: , on a full-time basis.

Delete second sentence of paragraph 4.9.3.3.

In paragraph 4.9.3.3. delete the first bulleted sentence.

Number remaining sub-paragraphs of paragraph 4.9.3.3. i) to iv) instead of the bulleted format.

In newly numbered sub-paragraph ii) delete the last sentence.

Insert new paragraphs 4.9.3.4., 4.9.3.5. and 4.9.3.6. as follows:

4.9.3.4. *Applications.* Submitted applications are to include the following:

- a. A statement setting out the scope/mission of the organisation which should portray the social/charitable purpose of the organisation in conformity with the Trusts and Trustees Act;
- b. A copy of the organisations Statute;
- c. A proposal detailing a clear project or activity to which the requested officer will be assigned. The proposal must also define clearly the benefits originating from the proposed project and/or activity and give target deadlines for the completion of the proposed project/activity. If the place where the project/activity will be taking place is outside Malta, it is particularly important that this is clearly shown on the proposal submitted;
- d. A statement detailing assistance of any type (financial or otherwise) and under any scheme, already being received by the organisation from Government;
- e. The name of the officer that the organisation is requesting to be released. Ideally, three names should be submitted from where to choose. It is to be noted that release will be given for a maximum period of one year with the possibility of renewal. At the end of the release period, the officer will revert back to his/her employing department.

4.9.3.5. The release of public officers assigned to work with Voluntary Organisations expires at the end of each year, and therefore if Voluntary Organisations already benefitting from this scheme require the services of the officer assigned to them for a further period, they should re-apply on the basis of the above paragraph. However, the statement and the statute referred to in *a* and *b* above, are not required.

4.9.3.6. Voluntary organisations are required to submit a certificate of enrolment with the Commissioner for Voluntary Organisations. Failure to submit the certificate of enrolment will entail immediate withdrawal of approval for the public officer to be released under this policy.

Under the title of sub-section 4.9.5. insert the following:

(This unpaid leave may be granted not on grounds of public policy. Please refer to sub-section 4.7.3.).

Insert new sub-section 4.9.8. entitled Paid leave to work with Malta's Committee of Regions (COR) Representatives, ***as follows:***

4.9.8. Paid leave to work with Malta's Committee of Regions (COR) Representatives

4.9.8.1. A public employee within the public service or public sector, who occupies a grade below scale 5 and has completed one year's service, may be released on paid leave, on grounds of public policy to work with Malta's COR representatives.

4.9.8.2. Paid leave will be granted for one year, renewable to a maximum of 8 years. During the period of release the officer will be seconded with the Local Councils Association.

4.9.8.3. One officer at a time will be assigned to assist the COR members. The officer will be identified by the Local Councils Association and will be based in Malta.

Change the title of section 4.11. to Leave to Casual and Part-time employees not engaged through the Public Service Commission.

In paragraph 4.11.5.1. change 13 to 17.

CHAPTER 6 – TREASURY PENSION ARRANGEMENTS

Insert new paragraph 6.1.3.5. as follows:

6.1.3.5. Pension papers are to be retained until officers are 75 years old, in line with the retention policy for HR documents as required by the Data Protection Act.

Replace paragraph 6.1.4.8. as follows:

6.1.4.8. *Non-pensionable service.* In computing periods of service for the purpose of calculating eligibility for a compassionate gratuity, the following should be taken into account:

- a) each 12-month period from the date of commencement of employment during which the officer has actually worked for at least 130 days or half the normal working hours is reckoned as 1 year;
- b) if the service is less than half the working hours or 130 days in each of 3 consecutive years, no previous service can be reckoned;
- c) no service previous to the date since when the breaks in the service amount in the aggregate to seven years (2184 days) should be counted;
- d) in respect of periods of service prior to the introduction of the 40-hour, 5-day week (which was introduced on 26 December 1973 for industrial employees and on 4 December 1974 for nonindustrial staff), the officer should have worked at least 156 days or half of the relative normal working hours, in any 12-month period; and
- e) the number of working days should not include Sundays, public holidays and sick or vacation leave.

Any breaks of service on disciplinary grounds disqualify the reckoning of service previous to such breaks as periods of service for this purpose.

In paragraph 6.2.4.1. replace paragraph 1.1.17.1. **with** section 1.4.

CHAPTER 7 – CONDUCT

Insert new paragraph 7.3.2.6. as follows:

7.3.2.6. Approvals granted to officers to perform private work are to be retained until officers are 75 years old, in line with the retention policy for HR documents as required by the Data Protection Act.

Insert new section 7.6. entitled Retention Policy for HR Documents **as follows:**

7.6. RETENTION POLICY FOR HR DOCUMENTS

7.6.1. Scope

7.6.1.1. One of the basic principles of the Data Protection Act (DPA) is that personal data cannot be kept longer than necessary, having regard to the purposes for which data are processed. It has been established practice that HR data in ministries and government departments are kept for an indefinite period. Public officers are also bound by the Archives Act, which requires that all public documents of endurance value, including HR data, be retained for archives purposes. A retention policy was therefore developed to give clear guidelines to ministries and departments, on the retention of HR-related data, to strike a balance between the requirements of the DPA and the Archives Act.

7.6.2. Retention of records

7.6.2.1. *Manual records.* Manual records include working papers most commonly used in departments. This category of records refers to the original paper documents and does not exclude the need to retain electronic records required for the purposes of effective human resources management. Records that are retained until the employee reaches the age of 75 years are all kept in the employee's personal file. Therefore personal files are kept till employees are 75 years old, unless there are any pending issues regarding the employee in question.

7.6.2.2. *Electronic records.* It is recommended that all electronic records relating to employees be physically deleted when employees reach the age of 75, provided that there are no pending issues regarding any particular employee.

7.6.2.3. *Exclusions.* Records may be kept longer than the periods stipulated above if any record is identified to be of archive value by the National Archivist, to be kept in accordance with the Archives Act. As it is considered more likely for Heads of departments and ministries to have records that are of historic value, all personal files of officers who have occupied a headship position are to be kept for an indefinite period, to be destroyed only if the National Archivist approves such destruction, in accordance with the Archives Act.

7.6.2.4. *Retention Schedule.* The retention schedule may be downloaded at Appendix 7.II or from <http://intra.gov.mt/linktree.asp?pagecode=34>. Details of retention of documents are also given in relevant paragraphs of this code.

7.6.3. Implementation

7.6.3.1. The implementation of the retention schedule mentioned above is to be approached on three prongs as follows:

- a) Personal Files;
- b) Forms which are used **as from the date of issue** of these policy guidelines termed as *New Forms*;

- c) Forms which have been collected **prior** to the issue of these guidelines termed as *Old Forms*.

7.6.3.2. HR Managers are to co-ordinate any disposal of personal files and forms identified in the retention schedule, in line with established guidelines. Officers performing this function are considered to be the contact persons where it is required that the National Archives be consulted on the disposal of personal files. A contact person nominated by MPO will coordinate with the National Archives to dispose of MPO personal files. The National Archivist is also to nominate an officer representing the National Archives to coordinate with HR Managers and MPO in this exercise.

7.6.3.3. *Personal Files*. An annual exercise should be conducted to identify employees who have reached 75 years of age. The HR Manager should generate from the HRIMS, a list of employees who will be 75 in that particular year. The personal files of these employees are brought up for disposal. The National Archives are to be informed four months in advance, to provide ample time for Archives Officers to carry out sampling exercises by randomly selecting files to be archived if they so deem fit. Files not selected are to be destroyed once the four-month notice period to the National Archives has elapsed. If the Archives Officers fail to carry out this selection process, one of the personal files brought up for disposal (chosen at random by the HR Manager) should be kept to be handed over to the National Archives. All the other files are to be destroyed.

HRIMS contains records of all public officers as from 1996. This implies that public officers who terminated their employment prior to 1996 will not be included in the list generated by HRIMS. Therefore a separate exercise is to be performed to bring up all those files and decide which are to be archived or otherwise. This same procedure outlined above will also apply in these cases. This exercise is to be performed depending on resources available.

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

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

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

Insert new Appendix 7.II ***entitled*** Retention Schedule of HR Documents.

CHAPTER 8 – TRAVEL AND SUBSISTENCE

Replace paragraph 8.5.1.3. with the following:

8.5.1.3. All *Official Travel*, including EU-related travel by Government employees requires prior approval of the Permanent Secretary of the Ministry concerned. In the Permanent Secretary's immediate absence, the Director Corporate Services within the Ministry concerned is to authorise such travel. Before seeking approval from their Permanent Secretary, Heads of Department are to ensure that requests for official travel must be clearly justified and that the number of delegates is kept down to the barest minimum. After having been cleared by the respective Head of Department, requests for the attendance of public officials for conferences abroad shall be considered by the Permanent Secretary.

Replace the first sentence of paragraph 8.5.1.4. with the following:

Proposals for official travel submitted for consideration before the Permanent Secretary should state the following:

Replace paragraph 8.6.1.1. with the following:

8.6.1.1. Official travelling incorporates all travel abroad on official duty such as conferences and includes also attendance at selection boards. Conferences include also congresses, meetings of experts and symposia organised by international and national bodies.

Delete paragraph 8.6.1.3.

Re-number paragraph 8.6.1.4. as 8.6.1.3.

Replace newly re-numbered paragraph 8.6.1.3. with the following:

8.6.1.3. Officers are obliged to avail themselves of any facilities being provided free.

Replace paragraphs 8.6.2.1. and 8.6.2.2. with the following:

8.6.2.1. The standard daily rates of subsistence allowances (per diem allowances) are calculated to cover complete periods of 24 hours and are fixed for countries to which public officers may be sent for duty visits. The per diem allowance covers accommodation costs and subsistence allowance in respect of breakfast and two main meals, local travel, telecommunications and all other incidental and sundry expenses. Per diem allowances payable to Category B officers are equivalent to 75% of the relative amount payable at Category A level. The applicable per diem allowances are those quoted in circulars issued from time to time by the Ministry of Finance. Finance shall monitor the movement of EU subsistence rates and shall periodically realign the local rates as and when appropriate.

8.6.2.2. The per diem allowance shall be taken to cover all expenses, incidental or otherwise, except:

- a) hospitality expenses; and
- b) expenses relating to hotel/airport transfers and local transportation to/from airport, although, in such cases use of taxis should be justified and, where practical, no effort should be spared to utilise the most economic means of transportation available.

The relative components of the allowance are accommodation inclusive of breakfast (60%), two meals (30%) and sundry expenses (10%). No alternative options are available except in cases of public officers who are members of Ministerial delegations as provided for in paragraph 8.6.3.1. of the PSMC.

The total per diem allowance entitlement for travel abroad is calculated on the number of nights spent abroad multiplied by the per diem allowance, irrespective of the time of departure from Malta. However, an additional portion of the per diem allowance in respect of extra meal/s taken on the last day due to a late arrival in Malta may be allowed, taking into consideration that such claim can be counterbalanced by the meal/s that the delegate was only notionally entitled to on the day of departure due to a late departure from Malta. Thus an additional 15% of the per diem allowance (i.e. equivalent to an extra meal) is allowed when, by way of example, time of departure from Malta is very early in the morning say 8.00am and time of arrival in Malta is late in the evening say after 6.00pm.

Hospitality expenses may be incurred by Ministers, Parliamentary Secretaries and Officers in Grades 1 to 4. The details justifying the expenditure are to be provided. These expenses shall be considered for reimbursement subject to standard eligibility requirements applicable to hospitality expenses being duly met.

Contingency money may be granted largely to cover expenses related to airport/hotel transfers and local transportation to and from the airport. When granted, contingency money should not exceed 20% of the full allowance due and should in any case not exceed €230. Expenses must be justified and supported by original receipts.

Replace (a) and (b) of paragraph 8.6.3.1. with the following:

a) When accommodation and breakfast are provided free, the per diem allowance shall be reduced by 60%, provided that, if breakfast is against payment, the reduction shall be 50%.

b) A reduction of 15% shall be made in respect of every meal provided: free of charge; as part of a participation fee; or claimed as hospitality.

In the last paragraph of 8.6.3.1. change half (½) **to** 40% **and delete the words** at paragraph 8.6.2.2.(b).

Delete sub-section 8.6.5. Accommodation.

Delete sub-section 8.6.6. Gratuities.

Delete sub-section 8.6.7. Taxis.

Re-number sub-section 8.6.8. Travel Insurance Coverage **as** 8.6.5.

Add a footnote to paragraph 8.7.1.2. †. See below.

In the first sentence of paragraph 8.7.1.3. delete the words and hotel accommodation. **In the last sentence of the same paragraph delete** and the reduced rates for hotel accommodation.

In the first sentence of paragraph 8.7.1.5. delete the words or hotel accommodation **and** or hotel bookings. **In the second sentence of the same paragraph delete the words** or alternative hotel accommodation.

Insert new paragraphs 8.8.2.3. and 8.8.2.4. as follows:

8.8.2.3. When reimbursement applies, participants at Council meetings will be refunded their respective travel costs, whereas officers attending for Commission meetings may be entitled to refunds also in respect of subsistence and incidental expenses. However, in the latter case, eligibility to reimbursement is determined on a case to case basis in accordance with preset criteria.

8.8.2.4. Reimbursement of funds in respect of both Council and Commission meetings shall ultimately only take effect provided the required documentation is forwarded to the EU Paying Authority in a timely and complete manner as per sub-section 8.8.3. of the PSMC.

Re-number current paragraph 8.8.2.3. **as** 8.8.2.5.

Insert new paragraphs 8.8.2.6. and 8.8.2.7., as follows:

8.8.2.6. Where reservations are requested for travel for Council or Commission meetings for which costs are reimbursable, the respective Ministry/Department should invariably quote code number DM75GI on the letter of authority for the issue of tickets. This applies also in the case of non-public officers (including both public and private sector

† With regard to EBUs (Extra Budgetary Units) and Government Entities, scales 1 to 3 include only the Chairmen and Chief Executive Officers, whereas scales 4 and 5 refer to top management, heads of directorates, directors and senior managers.

officials) travelling on EU-related matters, to the extent that costs are certified as reimbursable by the Ministry responsible for the core area of activities to be discussed at the Council or Commission meeting. In their case too, the current procedures of advancement of funds shall apply and shall be administered by the respective accounting officers in that line Department/Ministry.

8.8.2.7. The code number MFIN021 should invariably be quoted on the letter of authority for the issue of tickets for those government passengers entitled to upgrading to business class.

Re-number current paragraph 8.8.2.4. as 8.8.2.8.

In paragraph 8.8.3.1. replace the words official business is **with** EU-related business is the same as that related to all other travelling officers, as. **In the second sentence of the same paragraph, delete the word** applies **and insert** is likewise similar and applicable by.

At the end of paragraph 8.8.3.4. remove the full stop and add the following:

, as reimbursement will be made by the Commission by direct credit to an appropriate account at the Central Bank of Malta. These details are standard and should therefore be quoted clearly by all participants.

Insert new paragraph 8.8.3.6. as follows:

8.8.3.6. When, after the lapse of six months, reimbursement in respect of a Commission meeting is still pending, Accounting Officers shall raise a query with the EU Paying Authority Directorate. When no progress is made, Accounting Officers shall contact the host organiser of the meeting in question to enquire whether reimbursement has been effected and to request the relative payment reference details for onward transmission to the EU Paying Authority.

In paragraph 8.9.1.1. (a) replace The purpose of the visit is to be clearly stated **by** Full reasons as to why the visit is necessary

Insert new paragraph 8.9.1.2. as follows:

8.9.1.2. Permanent Secretaries and Directors, Corporate Services should invariably request the official literature relating to the visit and which may include the conditions and any amenities available, such as free accommodation and/or free meals, as may be offered by the hosting organisation.

Delete paragraph 8.9.1.9.

Re-number existing paragraphs 8.9.1.2. to 8.9.1.8. as 8.9.1.3. to 8.9.1.9.

At the end of newly re-numbered paragraph 8.9.1.3. insert the following sentence:

The Head/Director Corporate Services is to confirm such statement and endorse the form accordingly.

In the last paragraph of newly re-numbered 8.9.1.4., after the word authority **insert** from the Permanent Secretary.

Replace newly paragraph 8.9.1.10. by the following:

8.9.1.10. Treasury is to be informed of all cancelled visits prior to the intended date that any such visit was scheduled.

Insert new paragraph 8.9.1.11. as follows:

8.9.1.11. Extra Budgetary Units (EBUs) and other Government Entities should also adhere to the prevailing travel rules and regulations. Any reference to the Permanent Secretary in such rules and regulations should be taken to mean the Chief Executive of EBUs and Government Entities.

Add a new paragraph to 8.10.1.1. as follows:

In order for Heads/Directors Corporate Services to be in a better position to confirm that the officer seeking travel authority does not have any outstanding travel funds relating to previous visits, Ministries and Departments are to maintain a simple updated database to ensure that a record of outstanding travel advances is readily available.

In paragraph 8.10.1.4., after the word abroad insert on non EU-related business. After the first sentence insert the following: With regard to EU-related travel officials are to account for the advance made by not later than 15 calendar days from their return to Malta.

Replace paragraph 8.10.1.6. with the following:

8.10.1.6. Accounting officers responsible for travel are to inform the Bank Transactions Unit of the Treasury that the GA27 and GA27A forms have been satisfactorily completed by submitting a detailed return as per template at Appendix 8.VIII. This return is to be sent via e-mail to the generic email account Post-Travel-Docs@gov.mt, keeping respective DCSs in copy by way of their endorsement in fulfilment of their obligations under paragraph 8.10.1.7. of the PSMC. The submission of the template is to be effected at the earliest possible and, in any case, not later than two months from the date of the visit abroad. All documentation, that hitherto was submitted to Treasury, shall be retained by departments/ministries and shall be readily for inspection as and when requested by Treasury for the purposes of due verification. Original documentation is to be made available, except in cases involving EU-related travel, where photostat copies are acceptable.

Insert new paragraph 8.10.1.8. as follows:

8.10.1.8. A detailed progress report, drawn up on a bi-monthly basis, listing all outstanding and processed travel advances, including those unsettled advances that have yet to be forwarded to the Treasury, is to be submitted by Accounting Officers to their respective Heads of Department/Directors Corporate Services.

Delete section 8.12. Activities Abroad sponsored by the TAIEX Office of the European Commission.

Re-number sections 8.13. and 8.14. ***as*** 8.12. and 8.13.

Insert new Appendix 8.VIII (8.10.1.6.) Post-Travel Submission Form

CHAPTER 9 – STAFF WELFARE

In paragraph 9.3.1.3. replace V by III.

Replace paragraph 9.3.6.1. as follows:

9.3.6.1. Officers who as a result of an injury on duty or an occupational disease, suffer a loss of physical or mental capacity resulting in a bodily or mental impairment, have right to either an Injury Grant, an Injury Pension or even an Invalidity Pension. They type and amount of benefit depend on the extent of the injury and the percentage loss of physical or mental faculty as a result of the accident at work:

- a. An Injury Grant is payable when it is established that a person has suffered a permanent loss of physical or mental faculty resulting in an impairment assessed at less than 20%. The applicable rate of Injury Grant is established according to the percentage impairment with the lowest rate of grant for a percentage impairment of 1% and the highest rate of grant where the impairment is established at 19%.
- b. An Injury Pension is payable where the permanent loss results in a bodily or mental impairment assessed between 20% and 89%. The rate payable will vary according to the resulting percentage disability between 20% and 89%. The Injury Pension is payable (until pension age) if the person remains in employment.
- c. An Invalidity Pension is granted if the employee suffers a permanent loss of physical or mental faculty resulting in an impairment exceeding 89% and the person has to cease employment.

In the event of the death of an employee as a result of an accident on duty, the surviving spouse may be entitled to receive a pension in respect of widowhood at the full rate and irrespective of the amount of social security contributions paid or credited by the deceased spouse.

Employees will be entitled to these benefits only if the relevant Injury Benefit Application Form – NI 30/GP75 is filled as stipulated in sub-section 9.3.1. of the PSMC and the relevant medical documentation is provided. Where applicable, the employee will be required to attend for a medical examination by the Medical Panel appointed in terms of the Social Security Act (Cap 318) to determine from the medical aspect, whether the employee is entitled to any of the above benefits.

Insert new sub-section 9.3.7. as follows:

9.3.7. Insurance Coverage

9.3.7.1. Government does not enter into any insurance scheme but considers granting compensation whenever public officers are injured or die through an accident arising out of or in the course of their work. In this way government is providing adequate indemnity to all government employees against all risks.

9.3.7.2. Government reserves the right to disqualify public officers from this compensation if it can be proved that the officers concerned had acted negligently by disregarding any safety precautions that they were obliged to take in terms of the Occupational Health and Safety Authority Act, thereby causing the accident that resulted in injury.

9.3.7.3. Disqualification from compensation may also arise if the work-related disease, came about as a result of the public officers refusing to undergo medical examination when they were requested to do so by their Director, or if they behaved in a manner which resulted in the retardation of their recovery.

CHAPTER 10 – DISCIPLINE

In paragraph 10.12.3.3. replace the words two years by six months.
