

MANAGEMENT AND PERSONNEL OFFICE

**HANDBOOK ON OPPORTUNITIES TO
WORK OUTSIDE THE PUBLIC
SERVICE**

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CONTENTS

1	PREFACE	1
1.1.	Definitions	1
1.2.	List of established Policies	2
1.3.	List of other work Practices	3
1.4.	FAQ's	3
2	OPPORTUNITIES TO WORK WITH NON GOVERNMENTAL ORGANISATIONS	5
2.1.	Voluntary Organisations	5
2.2.	Trade Unions	10
2.3.	Political Parties	12
3	OPPORTUNITIES TO WORK WITH INTERNATIONAL ORGANISATIONS, INSTITUTIONS AND AGENCIES	14
3.1.	Institutions, Bodies and Agencies of the European Union	14
3.2.	National Experts – Institutions of the European Union	16
3.3.	Personal Assistant to MEPs	19
3.4.	International Organisations	20
3.5.	Malta's Committee of Regions (COR) representatives	22
4	OPPORTUNITIES TO WORK WITH THE PRIVATE SECTOR	24
4.1.	Alternative Employment	24

5	OPPORTUNITIES TO PERFORM VOLUNTARY WORK	26
5.1.	Missionary / Voluntary Service	26
5.2.	Development Work Abroad	27

LIST OF ABBREVIATIONS

CoR:	Committee of Regions
DER:	Director, Employee Relations
DCS:	Director, Corporate Services
EU:	European Union
HR:	Human Resources
MEP:	Member of the European Parliament
NGO:	Non-Governmental Organisation
ODA:	Official Development Assistance
PA:	Personal Assistant
PPS:	Principal Permanent Secretary
PREU:	Permanent Representation to the European Union
PS:	Permanent Secretary
PSC:	Public Service Commission
PSMC:	Public Service Management Code
SNE:	Seconded National Expert
VO:	Voluntary Organisation

1 PREFACE

This handbook is intended to introduce, inform and explain the policies and work practices in place that allow public officers to take up opportunities to work temporarily outside the public service. The Public Service is expected to benefit from the experience gained by officers while working in a different environment when these officers resume their duties.

It is important to highlight that this handbook is intended for guidance purposes only. In case of doubt, the users of this handbook should consult their respective Head of Department or HR Manager.

Users of this handbook will thus find the necessary information on leave opportunities to work outside the Public Service under one cover, and we hope users will find it useful and that it will facilitate work in this sphere. Any queries or comments should be addressed to: employee.relations.mpo@gov.mt.

1.1. Definitions

For all intents and purposes of this handbook, and unless the context otherwise requires:

‘Approving Authority’ means the relevant Government Department and / or line Ministry which issues the authorisation of leave.

‘Beneficiary’ means the public officer who is the recipient of the authorisation of leave (whether paid or unpaid), to work outside the public service.

‘On ground of public policy’ means that the duration of leave counts as service with government for the purposes of promotion, progression in the grade, or Treasury Pension.

‘Paid leave’ means permission to be absent from the duty station for a period longer than a few days, (or the period of time covered by this

HANDBOOK ON OPPORTUNITIES TO WORK OUTSIDE THE PUBLIC SERVICE
permission) whilst continue receiving full pay and bonuses. However, other allowances that are tied to the officer's position will cease to be paid.

'Public Officer' means the holder of any public office or a person appointed to act in any such office. The appointment of a public officer in a substantive post or contractual position is endorsed by the Public Service Commission.

'Statutory post' means a post / position which is enacted and regulated by a political party statute.

'Trade Union' means an organisation consisting wholly or mainly of workers and of which the principal purpose is the regulation of relations between public officers and the Government of Malta as the employer of the Public Service.

'Unpaid leave' means permission to be absent from the duty station for a period longer than a few days, (or the period of time covered by this permission without receiving any form of financial remunerations and other benefits / perks assigned to the particular post / position held with the public service.

'Voluntary work' means development work rendered against no payment or compensation, by a public officer in another country / countries.

1.2. List of established Policies

Alternative employment (4.1.)
Development Work Abroad (5.2.)
Institutions, Bodies and Agencies of the European Union (3.1.)
Malta's Committee of Regions (COR) representatives (3.5.)
Missionary/Voluntary service (5.1.)
Personal Assistant to MEPs (3.3.)
Political Parties (2.3.)
Trade Unions (2.2.)
Voluntary Organisations (2.1.)

1.3. List of other work practices

International Organisations (3.4.)

National Experts (3.2.)

1.4. FAQ's

Q. *Can officers on a performance agreement avail themselves of unpaid leave to work with EU institutions or other international organisations?*

A. Officers on a performance agreement can avail themselves of a maximum of one year unpaid leave to work with EU institutions or other international organisations. During this period officers will retain the grade of their position. If unpaid leave exceeds one year officers will revert to their substantive grade.

Q. *Can unpaid leave for alternative employment be used to take up employment in the public sector?*

A. Unpaid leave for alternative employment may only be utilised to take up employment in the private sector.

Q. *My salary scale is higher than scale 14. Can I avail myself of unpaid leave to take up alternative employment?*

A. If the basic salary scale of the grade is scale 14 or lower, officers are eligible to avail themselves of unpaid leave for alternative employment. For example, an Executive Officer in salary scale 13 is eligible for this unpaid leave because the basic salary of an Executive Officer is scale 14.

- Q. *I intend to avail myself of unpaid leave to work with an institution of the European Union. Is there a stipulated period during which I must apply for this unpaid leave?*
- A. Applications for unpaid leave to work with the European Union must reach MPO three months before commencement of unpaid leave in cases of unpaid leave not on grounds of public policy and six months in advance in cases of unpaid leave on grounds of public policy.

2 OPPORTUNITIES TO WORK WITH NON GOVERNMENTAL ORGANISATIONS

2.1. Voluntary Organisations

Date issued: 21.06.2005
Revision Date: 18.09.2009

Policy	Release of Public Officers to work with Voluntary Organisations
Purpose	To directly assist voluntary organisations (VOs) by releasing public officers to work on specific projects, in the context of the sterling contribution of VOs to Maltese society.
Duration	The duration of the project or for one (1) year (whichever is the shorter) with the possibility of renewal .
Procedure	Public Officers in Scale 6 or lower may be assigned to a voluntary organisation on special leave with pay, on grounds of public policy, on a full time basis. The VOs must be non-profit making and their income, capital or property is not to be available directly or indirectly to any promoter, founder, member, administrator or donor. Eligible VOs shall be exclusively established to fulfil a social or charitable purpose as defined by the Trusts and Trustees Act including: <ul style="list-style-type: none"> ▪ the advancement of education, including physical education and sports; ▪ the advancement of religion;

- social and community advancement;
- the advancement of culture, arts and national heritage;
- environmental protection and improvement; and
- the promotion of human rights, conflict resolution and reconciliation;

Only one officer is assigned to any of the eligible voluntary organisations.

VOs that may benefit under this scheme will be selected according to the following criteria:

- the closeness of the link between the proposed project of the VO and the priorities established by the Government;
- the extent to which the proposal submitted by the VO sets out clearly defined deliverables linked to set target dates; and
- whether or not the VO is already receiving some form of Government assistance (financial or in kind) under another scheme. Priority subject to the above criteria will be given to organizations that are not receiving any assistance.

VOs are not permitted to put up adverts in local newspapers to select public officers to work with them. The officer nominated has to be familiar with the running of the organization.

The VO has to provide the following documentation with the application:

- a. A statement setting out the scope / mission of the organization which should portray the social/charitable purpose of the organization in conformity with the Trusts & Trustees Act.
- b. A copy of the organization's 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 organization from Government.
- e. The name and details of the officer that the organization 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 release period, the officer will revert back to his/her employing department.

The following steps are to be followed:

1. The VO shall submit all the above documentation to Director, Employee Relations at MPO.
2. The comments of the Permanent Secretary and a report by the Head of Department on the duties performed by the officer to be released will be required. The report should indicate the problems the release will cause and the type of solutions that will be adopted if the release is approved.
3. The MPO, in consultation with relevant stakeholders including, where applicable, the

Commissioner for Voluntary Organisations, approves or otherwise the leave.

4. MPO reserves the right to monitor the released officer to ensure conformity with the terms of release, including the ongoing progress of the

presented project/activity. To this effect, spot checks may be carried out and/or reports on the activities may be required by the employer or by someone delegated on the Government's behalf. The release may be withdrawn if agreed terms are not adhered to by giving a five working day notice.

5. At the end of the approved leave, the assigned officers revert to their employing department. The VO may request a further period of release for the remaining duration of the project or for one (1) year (whichever is less). The request for a further period of leave is submitted for approval by MPO.
6. The VO is required to submit a report outlining progress achieved in relation to the originally specified project deliverables. On the basis of this report, the Permanent Secretary of the line Ministry will make a recommendation to MPO as to whether the additional period of release should be approved.
7. Released officers will be expected to work a 40 hour week and be entitled to 192 hours vacation leave yearly, irrespective of their substantive grade.
8. MPO may also, at its discretion, assign public officers in Scale 6 or lower to VOs on leave without pay on grounds of public policy. These public officers will be released on the basis of the above-mentioned criteria.

Clarifications

The release of public officers already assigned to work with VOs expires at the end of each calendar year. VOs should therefore re-apply each year if they wish to continue to benefit from this policy. The mission statement and statute referred to above, are not required.

Government reserves the right not to assign any officer to a voluntary organisation even if it satisfies all the criteria, to allow government to spread out its assistance to different types of projects. Government may also put a limit on the amount of assistance granted.

Governments reserves its right to support organisations under other terms and conditions.

Approval

MPO in consultation with relevant stakeholders, including where applicable, the Commissioner for Voluntary Organisations.

Authority

OPM Circular No 28 / 2005
Government Gazette 18th September 2009

Inquiries

Employee Relations Department – Management and Personnel Office.

- Only one officer may be assigned to any eligible VO, and only in exceptional cases a maximum of two officers may be assigned to a particular VO.
- Officer shall be in Scale 6 or lower.
- The Paid-leave commences on the day, the assigned officer is released to the VO.

2.2. Trade Unions

Date issued: 08.08 1989

Revision Date: 19.12. 2002

Policy	Special leave to perform trade union activities
Purpose	To assist trade unions by releasing public officers and public corporations / entities employees to perform trade union activities.
Duration	One (1) year with the possibility of renewal.
Procedure	Public Officers in Scale 6 or lower may be assigned to a trade union to perform trade union activities, on special leave on grounds of public policy. The maximum number of officers assigned per union and whether on a full time or else on a part time bases, depends on the number of union members.
	(a) Union Membership between 500 and 1,000
	<ul style="list-style-type: none"> ▪ One officer on a 20 hour week, special paid leave, on grounds of public policy ▪ One officer on a 20 hour week, special unpaid leave, on grounds of public policy
	(b) Union Membership between 1,001 and 5,000
	<ul style="list-style-type: none"> ▪ One officer on full-time basis, on special paid leave, on grounds of public policy ▪ One officer on full-time basis, on special unpaid leave, on grounds of public policy
	(c) Union Membership over 5,000
	<ul style="list-style-type: none"> ▪ Two officers on full-time basis, on special paid leave, on grounds of public policy

- Two officers on full-time basis, on special unpaid leave, on grounds of public policy

The following steps should be followed:

1. The Public Officer or Public Corporation / entity employee shall seek clearance from Head of Department.
2. Following clearance from Head, Principal Permanent Secretary approves or otherwise the assignment of the employee, on special leave on grounds of public policy.
3. Renewal of paid/unpaid leave is approved by D ER after clearance from Head of Department of the employee.

Approval PPS following clearance from pertinent Head of Department.

D ER renews leave following clearance from pertinent Head of Department.

Authority MPO File E/275/69
MPO File E/275/69 IV

Inquiries Employee Relations Department – Management and Personnel Office.

- Officer shall be in Scale 6 or lower
- Public Officers are also entitled to a maximum of 5 days leave with pay every calendar year in order to attend seminars and courses organised by trade unions.

2.3. Political Parties

Date issued: 19.01.1996
 Revision Date: 17.09.1996
 01.11.2000

Policy	The tenure of statutory posts in the central Executive of political parties by public officers.
Purpose	To regulate the participation of public officers in political activities.
Duration	One (1) year renewable yearly to a maximum period of eight (8) years .
Procedure	Public Officers in Scale 6 or lower may be allowed to avail themselves of unpaid leave in order to occupy a statutory post in the central executive of political parties.

Employees who apply for leave must have at least completed one year of service with the public service.

A maximum of two public officers may be released concurrently to the same political party.

The following steps should be followed:

1. Public Officer shall apply for this leave, through Head of Department, one month in advance to the possibility of taking appointment.
2. Public Officer has to present all the relevant documentation with the application.
3. Request is forwarded to D ER, MPO, which Office seeks approves or otherwise of the PPS for the

release of the employee on unpaid leave to the Political Party.

Approval	PPS
Authority	OPM Circular No 3 / 1996 OPM Circular No 19 / 1996 OPM Circular No 45 / 2000
Inquiries	Employee Relations Department – Management and Personnel Office.

- Officer shall be in Scale 6 or lower
- The duration of the unpaid leave, together with any other unpaid leave, may not exceed a total of eight (8) years.

3 OPPORTUNITIES TO WORK WITH INTERNATIONAL ORGANISATIONS, INSTITUTIONS AND AGENCIES

3.1. Institutions, Bodies and Agencies of the European Union

Date issued: 03.03.2004
 Revision Date: 18.10.2005
 23.10.2006

Policy Unpaid Leave to work with Institutions, Bodies and Agencies of the European Union

Purpose To regulate the release of public officers who take up an assignment with the Institutions, Bodies and Agencies of the European Union

Duration A. SPECIAL UNPAID LEAVE NOT ON GROUNDS OF PUBLIC POLICY
 A maximum period of **three (3) years** or the **length of the officer's service**, whichever is the shorter.

- B. SPECIAL UNPAID LEAVE ON GROUNDS OF PUBLIC POLICY
- A maximum period of **five (5) years** for persons of trust in the in the *Cabinet* of Commissioners, Judges, Members of the Court of Auditors, President of the Parliament, President of the European Economic and Social Committee and the President of the Committee of the Regions.
 - A maximum period **equivalent to the duration of the terms of office** of the posts they hold for posts in A16, A15, A14 and A13.

- A period of **five (5) years** which may be extended to **ten (10) years** if the officer has ten years service with the public service, limited however to the duration of the terms of the posts they hold for positions in A12, A11, A10 and A9.

Procedure Public Officers and Public Sector employees who have been in the public service / sector for at least twelve (12) months are eligible to apply for unpaid leave **not on grounds of public policy** for opportunity 'A' and **on grounds of public policy for opportunities 'B'** as classified above.

The following steps should be followed:

1. Public Officer has to apply for this leave, through Head of Department, one month in advance to the possibility of taking appointment.
2. The Public Officer has to present all the relevant documentation with the application.
3. Request is forwarded to D ER, MPO, which Office approves or otherwise the release of the employee on unpaid leave to the Political Party.

Approval D ER

Authority MPO Circular No 22 / 2004
 MPO Circular No 89 / 2005
 MPO Circular No 19 / 1996

Inquiries Human Resources Manager of the respective department

▪ The duration of the unpaid leave, together with any other unpaid leave, may not exceed a total of eight (8) years.

3.2. National Experts – Institutions of the European Union

Date issued: 10th May 2003
 Revision Date: 28th June 2003

Policy Secondment of National Experts to institutions of the European Union.

Purpose To grant release on secondment to public officers who are selected as National Experts.

Duration Not less than **six (6) months** nor exceeding more than **two (2) years** with the **possibility of renewal** for a further **two (2) years** to a total of four (4) years.

Procedure Public Officers who are considered as experts in the field required by the EU Institution, Body or Agency from where the original request originate. Experts from the private sector and the non-profit making or voluntary sector may also be nominated. Seconded experts will continue to be paid by their respective Ministry in Malta, and the EU entity pays living and travel allowances.

The following steps should be followed:

1. The calls for Secondment as National Experts are received by the MPO from the Directorate General Personnel and Administration of the European Commission (EC) or the Council of the European Union via our Permanent Representation to the European Union (PREU) in Brussels.
2. The calls are forwarded to Permanent Secretaries, attaching a copy of the profile of the SNE required

together with the Rules Applicable to National Experts on Secondment to the Commission or the Council as the case may be.

3. The Permanent Secretary concerned will consult with his Minister and other relevant Heads, to identify and nominate the most suitable person according to the SNE profile. It is the prerogative of the PS to disseminate the call or not and it is his prerogative to approve nominations to be sent for the final approval of the Principal Permanent Secretary, subject that budgetary resources are available and policy interests are strong.
4. Following approval by the PPS, the CVs of nominees are forwarded to PREU for onward transmission to Commission, Council, Institution or Agency of the EU as the case may be.
5. If, following interviews, the Commission or Council accept any nomination in terms of the Rules Applicable to National Experts on Secondment to the Commission or the Council, the individual concerned is informed directly by the EC or by the Council, which also inform the PREU.
6. Selected candidate accepts invitation by EC or Council after obtaining final approval from his/her PS.
7. Candidate proceeds abroad as per contract with the EC or Council. Normally, place of duty is either in Brussels or Luxembourg.

Approval

Principal Permanent Secretary approves or otherwise nomination made by the Permanent Secretary of Ministry concerned. Final approval is by the EU Institution, Body or Agency.

PS of Ministry concerned approves renewals subject to approval of the PPS. Approval for extension of contract is sent to the PREU for onward transmission to the EC or the Council as the case may be.

Authority MPO File 152/2003

Inquiries Resourcing Department, MPO

3.3. Personal Assistant to MEPs

Date issued: 21.07.2004

Policy Unpaid Leave to work as Personal Assistant (PA) to Members of the European Parliament (MEPs)

Purpose To grant the release of public officers who are selected by MEPs to act as their personal assistant.

Duration A period of **one (1) year renewable yearly.**

Procedure Public Officers who are in a grade/position not higher than that of a principal or analogous grades, (capped at Scale 7) are eligible to apply for unpaid leave **on grounds of public policy** to act as a PA to a MEP.

Only one (1) public officer per MEP will be allowed unpaid leave under this scheme.

Approval Employee Relations Department, MPO

Authority MPO File 149/2003

Inquiries Employee Relations Department, MPO
Human Resources Manager of the employee concerned

3.4. International Organisations

Date issued: 11.09.1974

Policy	Unpaid Leave to public officers who are selected to work with international organisations
Purpose	To facilitate the release on unpaid leave of public officers who have the opportunity to work and gain valuable experience with international organisations.
Duration	Not exceeding one (1) year with the possibility of renewal .
Procedure	<p>Public Officers who have been in the public service for at least twelve (12) months are eligible to apply for unpaid leave not on grounds of public policy to seek alternative employment with International Organisations such as (but not restricted to) (WHO) World Health Organization, (UN) United Nations, IBM, Commonwealth, (FAO) Food Agriculture Organization and Malta Business Bureau in Brussels.</p> <p>The following steps should be followed:</p> <ol style="list-style-type: none"> 1. Public Officer has to seek clearance from the respective Head of Department. 2. Clearance is forwarded to MPO for approval or otherwise. 3. If approved, the officer is granted unpaid leave not on grounds of public policy, for a period not exceeding one year, which may be renewed..
Approval	MPO after obtaining the necessary clearance from Head of Department.

Authority	MPO File No 55/1965
Inquiries	Human Resources Manager Employee Relations Section, MPO

▫ All officers are eligible to apply.

3.5. Malta's Committee of Regions (COR) representatives

Date issued: 26.04.2008

Policy	Release of Public Officers to work with Malta's CoR representatives.
Purpose	To allow for the release of public officers to assist CoR Maltese members in the substantial amount of work generated by the activities of the CoR.
Duration	One (1) year renewable yearly to a maximum period of eight (8) years .
Procedure	<p>Public Officers in grade 6 or lower are eligible to be deployed with the Local Councils Association on paid leave on grounds of public policy to assist CoR Maltese members.</p> <p>The following steps should be followed:</p> <ol style="list-style-type: none"> 1. Local Councils Association shall identify and submit the name of the officer from the public service or public sector to Head of Department. 2. Head of Department forwards clearance to D ER, MPO for approval or otherwise. 3. If approved the officer is granted paid leave for one year on grounds of public policy.
Approval	D ER, MPO after obtaining the necessary clearance from Head of Department.

Authority	MPO File No 94/2008
Inquiries	Human Resources Manager of the respective department.

- Officer shall be in Scale 6 or lower
- Officer is deployed on paid leave on grounds of public policy with the Local Councils Association.

4 OPPORTUNITIES TO WORK WITH THE PRIVATE SECTOR

4.1. Alternative Employment

Date issued: 12.02.2003
Revision Date: 09.08.2007

Policy	Leave to try alternative employment.
Purpose	To facilitate job mobility to the private sector.
Duration	A minimum of three (3) months and a maximum of three (3) years , renewable on application yearly.
Procedure	This policy is applicable to Officers whose basic salary is not higher than Scale 14.

The following steps should be followed:

1. The Public Officer shall seek approval from Head of Department.
2. On application the Officer has to include details of commencement and termination of leave.
3. If Officer opts to resume duty before expiration of unpaid leave, he / she shall give one (1) month's notice to 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 Resourcing Department at the MPO.

Approval	Head of Department
Authority	MPO Circular No 30 / 2003 MPO Circular No 122 / 2007
Inquiries	Human Resources Manager of the respective department.

- Officer shall be in a grade that carries a basic salary of Scale 14 or lower.
- A maximum of three years unpaid leave may be utilised for this purpose.

5 OPPORTUNITIES TO PERFORM VOLUNTARY WORK

5.1. Missionary / Voluntary Service

Date issued: 15.11.2004
Revision Date: 15.06.2005

Policy	Unpaid leave to perform missionary / voluntary service.
Purpose	To enable public officers to perform missionary work or voluntary service.
Duration	A maximum of eight (8) years , renewable on application yearly.
Procedure	All public officers with one year's service are eligible to apply for this leave. The following steps should be followed: 1. Provide necessary documentation 2. Seek approval from Head of department
Approval	Head of Department .
Authority	MPO Circular No 70 / 2004 MPO Circular No 31 / 2005
Inquiries	Human Resources Manager of the respective department.

5.2. Development Work Abroad

Date issued: 27.02.2007

Policy	Paid leave for development work abroad.
Purpose	To help support global development within the context of Malta's overseas development programme.
Duration	A maximum period of eight (8) years renewable on application yearly.
Procedure	Public Officers on a substantive appointment who have been in the public service for at least twelve (12) months are eligible to apply, and may be released on special leave with pay on grounds of public policy to perform overseas development work in countries that are recipients of Official Development Assistance (ODA). Officers on contract or on a performance agreement may benefit from this policy on condition that they relinquish their contract or performance agreement and revert to their substantive grade. The number of officers to be released on paid leave will depend on Malta's ODA budget, to be calculated annually with the Ministry of Foreign Affairs and the Ministry of Finance, but a minimum of 5 officers for 1 year will always be allowed. The following steps should be followed: 1. Applicants must submit documentary evidence when submitting application for leave. 2. Following clearance from Head, D ER, approves or otherwise the approval of paid leave on grounds of public policy.

3. Applicants must provide a report with details and documentary evidence to Head of Department and forwarded to Management and Personnel Office following assignment abroad.

Approval D ER following clearance of pertinent Head of Department

Authority OPM Circular No 4 / 2007

Authority Human Resources Manager of the respective department

- All officers who hold a substantive appointment are eligible to apply
- The duration of the unpaid leave, together with any other unpaid leave, may not exceed a total of eight (8) years