

PRM

MANUAL
ON RESOURCING
POLICIES AND
PROCEDURES



OFFICE OF THE PRINCIPAL PERMANENT SECRETARY
OFFICE OF THE PRIME MINISTER

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MANUAL
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01

1.1 HR Requirements – Ministries and Departments

1.1.1

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

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

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

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

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

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

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

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

A. Under delegated authority

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

- i. Officers holding grades pertaining to the General Service and the Messengerial Class;
 - ii. Officers holding substantive appointment as Officer in Grade;
 - iii. Officers designated as Officer in Scale who can move between ministries on the basis of their Officer in Scale status;
 - iv. Officers holding grades pertaining to the Technical, Supervisory and Industrial Classes which are ordinarily transferable between ministries;
 - v. Officers holding a position which is not tied to a particular ministry and can be ordinarily transferred between ministries, and
 - vi. officers in grades/positions which, though not transferable service-wide, are ordinarily transferable between particular ministries, e.g. posts/positions in the medical professions and in the nursing class, which are ordinarily transferable between the Ministry responsible for Health and the Ministry responsible for the Elderly.
- Upon agreement between line ministries to transfer between them officers in any of the above grades/positions, such transfer will be authorised by the mutual consent of the responsible Permanent Secretaries.
- The People & Standards Division (People Resourcing & Compliance Directorate) is to be invariably informed, as the central body which monitors the deployment of human resources within the Public Service.

B. Not under delegated authority

- Instances of requests for transfer raised by officers, through their respective Director responsible for People Management, in the grades/positions outlined above should be referred for possible factoring by the People & Standards Division when:
- i. the parent Ministry, though not objecting to release the officer concerned, has an urgent need for replacement which cannot be addressed through internal restructuring or through an exchange with the Ministry of the officer's preference for transfer, or
 - ii. if it is a case of transfer to an alternative work environment, as recommended by a Medical Board, which cannot be accommodated within the officer's parent Ministry.

- The transfer of officers in grades/positions which are tied to a specific Ministry will be factored and approved by the People & Standards Division, following a written request through the Director responsible for People Management (indicating also whether a replacement is required, if applicable) when:
 - i. there are extenuating circumstances prevailing;
 - ii. there are grievous humanitarian grounds, following the advice of a Medical Board, or
 - iii. it is in the interest of the service.
- Requests for transfer not under delegated authority are to be endorsed by the respective Permanent Secretary and then forwarded for People and Standard Division approval;
- Once the interests of the Public Service are satisfied and agreement is reached between the parties concerned, the People and Standard Division approves such transfers.

1.2.3

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

1.2.4

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

- i. Public officers whose principal place of residence¹ is in Gozo but who perform duties in Malta are transferred to Gozo strictly on the basis of waiting lists, which lists are purposely drawn up and maintained to determine whose turn it is for transfer².
- ii. The question as to whether a public officer's principal place of residence is in Gozo or not, and hence whether s/he is entitled for inclusion in the waiting list, is determined by:

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

² This provision is not applicable to public officers who fall under the categories referred to in PAHRO Circular 44/2011.

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

OR

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

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

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

- a. by the date of appointment in the particular career stream and the order of merit attained in the particular selection exercise by the officer concerned, the former criterion taking precedence upon the latter;
- b. in the case of public officers who change their principal place of residence from Malta to Gozo, by the date when such public officers formally indicate to the People & Standards Division or the respective head of department, as applicable, in writing, their wish to be transferred there (this is subject to verification as per (ii) above).
- c. in the case of public officers whose request for inclusion in terms of the proviso at (ii) above is accepted, by the date when the written request is made;
- d. officers who are re-employed in terms of the prevailing policy will be placed on the respective waiting list with effect from the date of re-employment;
- e. in the case of re-instatement, if the officer had served his/her term in Malta and had already been transferred to Gozo before being medically boarded out, then s/he will be posted in Gozo upon re-instatement; if the officer was still serving in Malta prior to boarding out, then s/he will be placed on the waiting list with effect from the date of re-instatement.

- iv. The following general rules are to be strictly observed:-
- a. Once a public officer is included in the respective waiting list for transfer to Gozo, s/he will not be removed unless upon the specific written request of the officer concerned, in which case any rights as regards the previous placing will be lost;
 - b. At the point of transfer and before any transfer from Malta to Gozo is effected, the People & Standards Division or the head of department, as applicable, will verify with the CdB whether the officer's principal place of residence is still in Gozo. If in the negative, the officer will be asked to submit his/her representations within a period of one (1) week. If justified reasons exist, then either the transfer will be effected or the transfer will not be effected but the officer will be retained for extenuating circumstances on the waiting list, depending on the officer's submission. If no justifications exist for the transfer to Gozo or for retention on the waiting list, then the officer will be deleted from the waiting list and informed accordingly.
- v. The People & Standards Division manages the transfer of General Service employees, officers appointed to positions filled across the Public Service and Officers in Grade/Officers in Scale, whose principal place of residence is in Gozo but who are posted for duty in Malta. For this purpose, the People Resourcing & Compliance Directorate within the People & Standards Division maintains five waiting lists in respect of General Service officers – one for Clerks/Senior Clerks; one for Executive Officers, one for Assistant Principals; one for Principals and the other for Senior Principals – and other separate waiting lists for holders of each respective Service-wide position and Officers in Grade/Officers in Scale.
- vi. The People & Standards Division will communicate in writing every six months with officers in the General Service grades, officers appointed to positions filled across the Public Service and Officers in Grade/Officers in Scale who are on the waiting lists for transfer to Gozo. The People & Standards Division will ask such officers to declare whether they would be interested in being transferred to Gozo on the basis of vacancies arising during the coming six-month period (January - June and July - December). Officers who declare in the affirmative but then refuse any posting offered, will lose the chance to be transferred to Gozo permanently within the respective six-month period, should a vacancy arise. However, officers who declare in the negative will retain the possibility of changing their option at any time should a vacancy arise prior to the expiry of the respective six-month period, by sending written communication to the People Resourcing & Compliance Directorate within the People & Standards Division. Officers who fail to reply by the given date will be considered as not interested in being transferred permanently to Gozo during the respective six-month period. This exercise is intended to facilitate and expedite the process of transfers to Gozo.
- vii. In the case of officers in the General Service grades, officers appointed to positions filled across the Public Service and Officers in Grade/Officers in Scale,, if an officer serving in Gozo after having served his/her term in Malta is promoted to a higher grade/position, then s/he is allowed to remain in Gozo provided a vacancy in the higher grade/position is available, even if he/she is junior to either other Gozo-resident officers serving in Malta in the higher grade/position or to newly-appointed Gozo-resident officers in the same selection process. In the case that a vacancy is not available in

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

- viii. In the case of the General Service Grades, if a Clerk, having his/her principal place of residence in Gozo and who is still serving his/her term in Malta, is promoted to the grade of EO, then he/she is deleted from the Clerk waiting list and placed on the EO waiting list. His/her placing on the EO waiting list will be determined according to the criteria at sub-paragraph (iii) above. The same procedure is followed in the case of promotion to other grades.
- ix. Likewise, and where applicable (namely in the case of certain grades within the Health and Education Sectors), departments/directorates are required to maintain waiting lists of staff, in departmental grades, whose principal place of residence is in Gozo but who are performing duties in Malta and who wish to be transferred to Gozo in accordance with these guidelines; only that such transfers to the Ministry for Gozo will still be authorised by the People & Standards Division.
- x. If a public officer whose principal place of residence is in Gozo is transferred to Gozo after having served his/her term in Malta and requests to be transferred back to Malta, the transfer will be affected subject to the relevant provisions at paragraphs 1.2.1 - 1.2.3 above. Should the officer still wish to be on the waiting list, s/he will be re-entered in the list at the bottom of the order of placing.
- xi. If a public officer, whose principal place of residence is in Gozo, is next in turn to be transferred to Gozo after having served his/her term in Malta, but is not willing to accept immediate transfer at that particular point in time, he/she will retain his/her placing in the respective waiting list.
- xii. If a public officer, whose principal place of residence is in Gozo, is appointed to a position of a definite nature in Gozo following competitive selection, including through a call for expression of interest, then the officer will be considered as having been permanently transferred to Gozo, even in those cases where the definite position/assignment is not renewed / is terminated and the officer reverts to his/her previous grade / indefinite status. This is subject to the proviso that a vacancy is available in that capacity in Gozo. If a vacancy is not available in Gozo, the officer would be transferred back to Malta and placed on the respective waiting list. The period spent performing the duties of the definite position in Gozo will count as service in the class for the purpose of determining the placing.
- xiii. In the case of a public officer whose principal place of residence is in Gozo who is performing duties on grounds of public policy (e.g. serving in a Private Secretariat, detailed/deployed with a Public Sector entity) or is on paid or unpaid leave on grounds of public policy or is on any form of paid leave at the time of being due to be transferred to Gozo, the respective transfer will be effected on a notional basis with the Ministry for Gozo and the officer concerned will not be required to take up duties in Gozo with immediate effect. The officer is to be clearly informed in writing that his/her transfer to Gozo has been effected on a notional basis and that he/she may make the actual move from Malta to Gozo whenever his/her current arrangement on grounds of public policy/paid leave ceases to be in force. In such cases, the next Gozo-resident officer on the waiting list working in Malta will be permanently transferred to Gozo to fill the vacancy.

- xiv. If a public officer, whose principal place of residence is in Gozo, is already performing duties in Gozo and is identified by the Administration, in the interest of the Service, to perform duties temporarily in Malta, s/he will not forfeit his/her posting in Gozo. Once his/her assignment in Malta ceases for whatever reason, s/he will report back for duties in Gozo.
- xv. Transfers of General Service officers on the basis of an intra-departmental arrangement, whereby an officer is transferred from Malta to the Gozo Branch of the same Department, are not permitted under any circumstances.
- xvi. Pregnant officers whose principal place of residence is in Gozo but who are performing duties in Malta may be temporarily transferred to Gozo until confinement, subject to a medical certificate by a treating specialist, stating their inability to travel to Malta (vide also relevant paragraph regarding Family Friendly Measures). The same policy applies in the case of pregnant officers whose principal place of residence is in Malta but who are performing duties in Gozo. Cases regarding General Service officers are processed centrally by the People & Standards Division whilst those of departmental grade officers are processed by the respective department.
- xvii. Public officers whose principal place of residence is in Gozo and who occupy an Assistant Director position in Malta, may apply laterally for the filling of an Assistant Director position in Gozo whenever such a vacancy arises. The provision emanating from the policy regarding lateral applications in the case of Assistant Directorships, restricting lateral applications to officers who have served for two years of the second or subsequent term in their current position, is not applicable in such cases.
- xviii. Without prejudice to any specific arrangements which may be in force from time to time with regard to the filling of vacancies in grades within the Health and Education Sectors, all other existing vacancies in the departmental/ professional/technical grades in the line departments/directorates of the Ministry for Gozo are invariably filled through a selection exercise following a call for applications in accordance with the provisions of PAHRO Circ 44/2011. The following parameters apply:
 - a. In cases where the vacancies are advertised through an internal call for applications, public officers whose principal place of residence is in Gozo but who are working in Malta, and who hold an appointment in the same substantive grade being advertised, may apply laterally. Thus, the provisions which preclude lateral applications in the case of internal calls for applications, are not applicable in such cases.
 - b. In the case of public calls for applications, officers whose principal place of residence is in Gozo but are working in Malta, and who hold the same substantive grade as that being advertised, are still required to apply if they are interested in being transferred to Gozo. A service-wide circular is issued concurrently with the public call to draw the attention of eligible officers.
 - c. If a successful applicant is moving laterally, irrespective of whether such a move is a result of an internal or a public call, s/he will be transferred to the respective line department/directorate within the Ministry for Gozo, carrying his/her substantive grade, salary entitlement and salary point, including entitlement to increments and progression to higher scales.

1.3 The Making of Appointments in the Public Service

1.3.1 General

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

1.3.2 The making of appointments under delegated authority

Through an Instrument of Delegation issued under article 110 of the Constitution and approved by the Prime Minister on the 16 September 2015, Permanent Secretaries were empowered, as from 1 February 2016, to:

- Make appointments to public offices under article 110 of the Constitution, other than headship positions, provided that such appointments are made following a competitive selection process and on the basis of a valid order of merit;
- Approve the postponement of such appointments up to a date within the validity period of the result;
- Make appointments to posts in Salary Scale 20 from outside the Public Service, provided that such appointments are made through the Employment and Training Corporation (ETC) in accordance with paragraph (c) of sub-article (2) of article 110 of the Constitution; and
- Renew appointments of a definite nature for a second or subsequent term, provided that the initial appointment was made on the basis of a competitive selection process.

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

1.3.3 The making of appointments NOT under delegated authority

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

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

- a. When an appointment through a direct recommendation involves the creation of a new position or external recruitment, Ministries/Departments are, in the first instance, to submit the case for OPM approval (in the case of the creation of a new position the request should be made through the submission of the prescribed form available for download on the Forms and Templates webpage of the Resourcing & Compliance Directorate which may accessed at <https://publicservice.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx>;
- b. Otherwise, Ministries/Departments are to submit their recommendation directly to the Public Service Commission for the making of a direct appointment or its renewal (when applicable);
- c. Upon receipt of notification from the PSC, the letter of appointment is to be issued under the endorsement of the Permanent Secretary.

1.4 Recruitment Procedures During Holding of General Elections

1.4.1

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

1.5 Letters of Appointment

1.5.1

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

1.5.2

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

1.5.3

Letters of appointment are issued in respect of the following (as per applicable template):-

- Appointment to a substantive grade / indefinite position / as 'Officer in Scale';
- Appointment on a definite position applicable in the case of external recruits who do not hold a substantive grade/indefinite status in the Public Service, and who are entitled to indefinite status after the legal limit stipulated in SL 452.81 (Specimen A);
- Appointment to a definite position applicable in the case of external recruits who do not hold a substantive grade/indefinite status in the Public Service, and who are NOT entitled to indefinite status after the legal limit stipulated in SL 452.81, by virtue of objective reason/s in terms of said legislation (Specimen B);
- Appointment in the case of public officers who have a substantive grade/indefinite status in the Public Service, and who are engaged on a definite assignment where there is no objective reason against the incumbent's position becoming indefinite after the legal limit stipulated in SL 452.81 (Specimen C);
- Appointment in the case of public officers who have a substantive grade/indefinite status in the Public Service, and who are engaged on a definite assignment where there is an objective reason against the incumbent's position becoming indefinite after the legal limit stipulated in SL 452.81 (Specimen D); and
- Appointments to posts in Salary Scale 20 via the ETC.

In terms of the provisions of Clause 18.3 of the Collective Agreement covering the period 01.01.2017 - 31.12.2024, the respective Permanent Secretary and the Principal Permanent Secretary may approve that an appointee may be placed on a higher salary step than the minimum of the scale - vide also Section 3.3 of the Manual on the Procedure and Computation of Salaries. In such cases, it is to be ensured that the salary quoted in the letter of appointment (i.e. the starting salary, the increments and the maximum) is to reflect such approval.

1.5.4

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

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

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

1.5.5

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

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

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

1.5.6

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

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

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

1.5.7

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

1.5.8

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

- i. Identity Card Number;
- ii. National Insurance Number;
- iii. PAYE No;
- iv. Date of Birth;
- v. Previous appointment;
- vi. An indication whether the appointment was made “in the normal course” or “not in the normal course”.

1.5.9

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

1.5.10

Officers whose appointment to a higher grade has been approved, but who, prior to receiving their letter of appointment are suspended from work (interdicted), will have the issue of their letter of appointment also suspended. Issue of the letter of appointment is kept in abeyance until a decision is reached by the Public Service Commission for the lifting or otherwise of the interdiction imposed. Suspension of the issue of the letter of appointment is approved by the Prime Minister acting on the recommendation of the Commission.

1.6 Concurrent Appointments

1.6.1

As a general rule, a public officer cannot retain an appointment unless the probationary/trial period has been successfully completed and the appointment has been confirmed following such completion. Furthermore, an officer cannot hold an appointment on a notional basis, unless s/he is confirmed in an equivalent or higher grade/position. The following scenarios are given by way of examples:-

Scenario 1 - Appointment to a grade/position in a higher scale through an *external call*

Example: A Clerk, having 6 months probation but being still on the 4th month, qualifies for a grade/position based on a qualification not on the merit of the current grade:

- a) Since the officer has not been confirmed in the grade of Clerk, s/he cannot retain the grade of Clerk and take up appointment in the position;
- b) The officer would have to relinquish the lower grade in order to take up the new appointment in the new grade/position as per paragraph 1 of this Section;
- c) If a Clerk applies for a higher grade, but is still not confirmed in the grade of Clerk, such grade cannot be retained as a 'fallback' in case the higher grade is not confirmed, i.e. the grade of Clerk is lost if the officer takes up appointment in a higher grade.

Scenario 2 - Appointment to a higher grade and a higher position through 2 separate *external calls*

Example: A public officer qualifies for appointment in a grade and for appointment in a position through 2 external calls after having applied for such concurrently:

- a) The officer must choose between the two appointments;
- b) Notional appointment to the grade is not possible for the same reasons explained at paragraph 1 of this Section;
- c) Fallback is only possible in the officer's previous grade/indefinite position, if such appointment had already been confirmed.

Scenario 3 - Appointment to another grade through an *internal call*

Example: A public officer qualifies for appointment to another grade:

- a) If the officer already has a confirmed appointment in an equivalent or higher grade/position, s/he will retain her confirmed appointment in an equivalent/higher grade/position and be concurrently appointed notionally in the grade;
- b) Otherwise, the officer must choose between the current and the new appointment.

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

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

1.6.3 In the case of an officer who applies for a **definite objective reason position** and who holds a substantive grade/indefinite position which **has been confirmed**, the officer will revert to such grade/indefinite position if the assignment is terminated or is not renewed. If the substantive grade/indefinite position **has not been confirmed** upon the officer taking up the **definite objective reason position**, such grade/indefinite position will be lost upon appointment to the definite objective reason position.

1.6.4 The period spent performing the duties of a position pegged to a salary scale which is lower than that of the substantive grade of a public officer does not count as "service in the grade". Consequently, increments, progression and promotion arising from the substantive grade are withheld during such period. Conversely, and subject to the above policy, any period spent satisfactorily performing the duties of a position pegged to a salary scale which is higher than, or at the same level as, that of the substantive grade is reckonable as "service in the grade".

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

1.7 Duties

1.7.1

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

1.7.2

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

1.8 Probation, Confirmation of Appointment and Extension/Termination of Probationary Appointment

A. Probation

1.8.1

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

1.8.2

In the case of appointments on an indefinite basis, the duration of the probationary period is as follows⁴ :

- officers appointed in Salary Scale 10 or higher are subject to a probationary period of twelve (12) months;
- officers appointed in Salary Scale 11 or lower are subject to a probationary period of six (6) months.

With respect to promotions, the same period established above shall apply as a trial period, with the right to revert back to the previous substantive grade/indefinite status/indefinite position, if applicable.

In the case of appointments on a definite basis, the duration of the probationary period is as follows:-

- officers appointed on a definite basis, for a duration exceeding one (1) year, in Salary Scale 10 or higher are subject to a probationary period of twelve (12) months;
- officers appointed on a definite basis, for a duration exceeding one (1) year, in Salary Scale 11 or lower are subject to a probationary period of six (6) months;
- officers appointed on a definite basis for a duration of one (1) year in any Salary Scale are subject to a probationary period of three (3) months;
- in the case of appointments on a definite basis whose duration is of less than one (1) year, the duration of the probationary period will be determined following consultation with the People & Standards Division.

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

1.8.3

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

B. Confirmation of appointment

1.8.4

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

1.8.5

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

1.8.6

Officers on probation who are authorised to avail themselves of unpaid leave will have their probationary period automatically extended by the corresponding number of days utilised as unpaid leave.

1.8.7

The duration of the probationary period, however, will not be affected by reason of an officer availing himself/herself of a reduced-hour schedule.

1.8.8

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

- i. the probationary period may be extended more than once, but up to a total of no more than twenty-four months over and above the original probationary period, not including any automatic suspensions or extensions as explained above;
- ii. the Permanent Secretary is to inform the officer concerned, in writing, of his/her intention to extend or terminate the probationary period before the officer's probationary period expires;

- iii. the officer concerned should also be informed of his/her entitlement to appeal to the Public Service Commission against the decision taken by the Permanent Secretary within ten working days from the date when s/he is so informed;
- iv. concurrently with (ii) and (iii) above, the Permanent Secretary is to inform the Public Service Commission that s/he has initiated action to extend or terminate the officer's probationary period and, upon the expiry of the ten-working day period, s/he is to enquire with the Commission whether an appeal has been submitted;
- v. a decision to extend an officer's probation or to terminate an officer's appointment during the probationary period should not take effect during the aforementioned period of ten working days, and if the officer appeals to the Commission, the decision should not take effect unless it is confirmed by the Commission;
- vi. if an officer's probationary period expires while an appeal is pending, the probationary period shall be regarded as continuing in force until such time as the Commission decides the appeal and the decision is put into effect.

1.8.9

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

1.8.10

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

1.8.11

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

1.9 Appointment whilst on Maternity and Parental Leave

1.9.1

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

1.9.2

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

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

1.10.1

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

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

1.10.2

Public officers who were detailed with a Public Sector entity, officers on long unpaid leave excluding Parental Leave, etc, who are selected for appointment in a grade or a definite position without objective reason:

- Such officers must choose between taking up the duties of the new appointment with the Public Service or else continuing with their duties/unpaid leave as applicable;
- If they do not accept appointment, they will remain on the order of merit till the validity of the result and the candidate who is next-in-line in the order of merit will be appointed to the grade/position.

1.10.3

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

- Such officers must choose between taking up the duties of the new appointment with the Public Service or else continue with their duties/unpaid leave as applicable;
- If they do not accept appointment, they will remain on the order of merit till the validity of the result and the candidate who is next-in-line in the order of merit will be appointed to the grade/position.

1.10.4

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

1.10.5

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

1.11 Reversion to Former Indefinite Appointment

1.11.1

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

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

1.11.2

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

- a. Reversion to the former indefinite appointment after expiry of the probationary/trial period in the new indefinite appointment may only be considered for medical or humanitarian reasons;
- b. In the case of reversion for medical reasons, the officer concerned has to be certified unfit to carry out the duties of the new indefinite appointment, but deemed fit to perform the duties of the previous indefinite appointment, by an official Medical Board. Such requests are to be considered solely in exceptional instances and where both the individual and the Service are deemed to be negatively affected by the officer's medical condition;

- c. The Permanent Secretary concerned is to submit a request for the consideration of the Public Service Commission, copying the Principal Permanent Secretary, for the reversion of the officer to his/her previous indefinite appointment (if medical grounds are being claimed, the request should include the report by the Medical Board).

1.1.13

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

1.12 Calls for Expressions of Interest

1.12.1 Definition

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

1.12.2 Procedure

- a. Calls for expressions of interest are issued through internal circulars (a specimen is available for download at the website of the People Resourcing & Compliance Directorate at the address <https://publicservice.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx>).
- b. Eligible applicants are assessed on their suitability for those duties in which they expressed an interest.
- c. The result of the selection process is published by respective head of department and exhibited on the notice board of the department which is issuing the call. Any petitions relating to the selection process should reach the respective head of department within ten (10) working days from the date of publication of the result. Petitions are, likewise, dealt with by the head of department.
- d. Selected candidates are deployed according to both the outcome of the assessment and Public Service exigencies.
- e. Selected candidates normally continue to receive the salary of their substantive grade for the period during which they are assigned the particular duties, although some assignments might involve the payment of an allowance. They will resume the duties of their substantive grade once their deployment on such duties ceases.
- f. Selected Officers are required to sign an undertaking signifying their commitment to the assignment for which they are selected. Such undertakings, whether they are first-time undertakings or renewals of existing ones, are to be signed without the need for reference to, or authorisation from, the Public Service Commission.

- g. For the period during which they are assigned such duties, selected officers are accountable to the respective head of department, or his/her representative, where they are assigned.
- h. The period of assignment is reckonable as 'service in the grade' for the purpose of computation of length of service, seniority, salary, progression and, where applicable, for treasury pension purposes. The performance of such duties is also acknowledged in the Record of Service (GP47).

1.13 Retirement

General

1.13.1

Statutory retirement age in terms of the Social Security Act (Cap. 318) is as follows:

- i. in the case of a person born during the calendar year 1951, retirement age is 61 years;
- ii. in the case of a person born during the calendar years 1952 to 1955, retirement age is 62 years;
- iii. in the case of a person born during the calendar years 1956 to 1958, retirement age is 63 years;
- iv. in the case of a person born during the calendar years 1959 to 1961, retirement age is 64 years;
- v. in the case of a person born on or after the 1st January 1962, retirement age is 65 years;

1.13.2

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

1.13.3

Persons who have opted to retire in terms of the provision at 1.13.2, and who, subsequently, are considering to be re-employed within the period remaining until they would reach their statutory retirement age, are advised to consult the Department of Social Security on any possible impact that such decision might have on their entitlement to a pension under the Social Security Act.

1.13.4

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

1.13.5

In the cases referred to at 1.13.1 (ii) to (v), public officers should inform their respective head of department at least three months prior to their reaching the age of sixty-one (61) whether they wish to retire at sixty-one (61) or whether they wish to retain their employment up to the respective statutory retirement age. The same applies to officers who are pensionable under the Pensions Ordinance who opt to withdraw from Government service at the age of 60 years. In the case of General Service Staff, information as to the officer's option should be transmitted to the People Resourcing & Compliance Directorate, People & Standards Division.

1.13.6

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

Extension of service beyond retirement age

1.13.7

Government may extend the service of public officers / public sector employees beyond retirement age in those cases where this is absolutely required by the exigencies of the Service. Cases of extension of service are considered on an ad hoc basis and require Prime Ministerial approval. A request to the Principal Permanent Secretary is to be made by the respective Permanent Secretary, who should ensure that funds are available. In the case of extensions of service involving public sector employees, these provisions are only applicable in those cases where the public sector employee concerned falls under the provisions of Directive 7.

In the case of public officers performing classroom duties, that is, Teachers, Kindergarten Assistants, Learning Support Assistants, Instructors and Adult Educators, a delegated mechanism exists, whereby those reaching retirement age in the course of the second and third scholastic terms will be retained in service up to the end of the scholastic year.

Extensions of service of public officers / public sector employees are subject to the following conditions:

- i. Be limited to exceptional circumstances and only where there is no employee available within the ministry to perform the tasks required and engagement is not possible/has proven difficult through the issue of a call for applications. In any case, extensions of service should only be resorted to after a call for applications issued at the appropriate time, in advance and in the normal manner, yields no positive result. Moreover, attempts to engage an employee in the normal manner should continue to be pursued.
- ii. Be substantiated by a strong justification.
- iii. Having ascertained the above, before submitting a request for extension of service, the ministry must identify an understudy to take over the duties concerned, the details of whom must be submitted with the request for extension of service. This is in line with the principle of addressing Public Administration and Ministry-specific requirements through succession planning, greater flexibility, more mobility and the possibility of identifying understudies in good time. Where the concept of an understudy does not apply, e.g. no one is available/possesses the required skills to take over these duties, an explanation to this effect must be provided.
- iv. Attached to every request for an extension of service there must be a consolidated list of any other persons over retirement age within the Ministry's portfolio (i.e. ministry/ departments/entities). Such list should be constantly updated to reflect the real time situation, with new approvals indicated by using 'track changes'.
- v. Further extensions of service, which should be the exception not the rule, are likewise subject to the same conditions.
- vi. Requests for further extensions are to be submitted well before the date of expiry of the current approval so that where further extensions are approved, approval may reach Treasury by date of expiry and in no case later than the two month limit following expiry.
- vii. Public officers / public sector employees who have their service extended beyond retirement age are not eligible to apply through calls for applications for the filling of vacancies in the Public Service / Public Sector.

Engagement / re-engagement of retired persons / officers up to age 65

1.13.8

Retired persons not having previously been public officers / retired public officers may be engaged / re-engaged with the Public Service by the Permanent Secretary of the line Ministry following public advertisement, in accordance with paragraph (c) of sub-article 2 of article 110 of the Constitution. Such engagement / re-engagement is carried out in areas of acute shortage of staff as determined by the Principal Permanent Secretary and is subject to the following conditions:-

- i. re-engagement/engagement shall be on a full-time/part-time basis for a definite period of time which shall in no case extend beyond a period of forty-two (42) months or the highest statutory retirement age of 65 years, whichever is the earlier,
- ii. in the case of retired public officers such re-engagement shall not necessarily be in the grade or respective scale which the officer held prior to retirement, but may be in a lower grade within the class, according to the exigencies of the Public Service at the time,
- iii. persons re-engaged/engaged in terms of this policy shall be considered as public officers and shall carry the responsibilities and obligations pertaining to public office, in particular the enforcement of Disciplinary Regulations governing the Public Service,
- iv. persons reengaged/engaged in terms of this policy shall only be entitled to the benefits, including remuneration, as laid down in their contract which in the case of retired public officers cannot exceed those applicable as at time of retirement except for possible statutory salary adjustments and in the case of other persons cannot exceed the remuneration and benefits linked to the relative public service grade in which they are engaged,
- v. Persons so engaged / re-engaged are not eligible to apply through other calls for applications for the filling of vacancies in the Public Service.

Engagement / re-engagement of retired persons / officers as Persons of Trust

1.13.9

Retired persons not having previously been public officers / retired public officers may also be engaged / re-engaged with the Public Service / Public Sector as “Persons of Trust” to perform a non-executive role. The engagement / re-engagement of “Persons of Trust” is subject to the same conditions as listed at paragraph 1.13.7 (i) - (vii), as well as the requirement of confirmation that since the engagement is on a trust basis, there is an objective reason in terms of the Contracts of Service for a Fixed Term Regulations (SL 452.81) for the contractee not to attain indefinite status after the legal limit stipulated in said SL (i.e. 4 years). Further details regarding the engagement of “Persons of Trust” are available at Section 4.

Engagement / re-engagement beyond the age of 65 years

1.13.10

Engagement / re-engagement of persons beyond the age of 65 years should be invariably made through a direct recommendation to the Public Service Commission. Such engagement / re-engagement is to be:

- i. on a one-year contract basis, renewable;
- ii. without age limit;
- iii. limited to entry grades
- iv. at a salary not in excess of the salary point of the respective officer as on date of retirement, if applicable;
- v. subject to the exigencies of the Service.

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

1.13.11

The mechanism described at the preceding paragraph should only be resorted to after a call for applications issued at the appropriate time, in advance and in the normal manner, yields no positive result. Moreover, concurrently with the engagement / re-engagement of staff over 65 years, measures should be taken to ensure, in so far as possible, that there are trained understudies who would be capable of assuming the duties of such staff on the expiration of their contracts.

1.14 Notice of Termination of Employment

Indefinite Contracts of Employment

1.14.1

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

1.14.2

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

⁶ PAHRO Circular 15/2014

1.14.3

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

1.14.4

Public officers on an indefinite contract of employment, who terminate their employment with the Service, not for the purpose of taking up new employment with a Public Sector entity, are subject to a period of notice of termination of employment as stipulated below. The length of the notice period depends on the length of service of the officer concerned, in accordance with the following schedule, up to a maximum of 8 weeks⁷:

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

1.14.5

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

1.14.6

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

1.14.7

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

⁷ PAHRO Circular 3/2013

1.14.8

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

Definite Contracts of Employment^{8 9}

1.14.9

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

1.14.10

Public officers whose only employment with the Public Service is on a definite contract of employment, and who abandon the Public Administration (i.e. abandon the definite contract not to take up another employment with the Public Service or with an entity of the Public Sector) after the lapse of probation but before the expiration of the time definitely specified by the contract, shall either:

- i. pay to the employer a sum equal to one-half of the full salary to which they would have become entitled if they had continued in their contract for the remainder of the time so specifically agreed upon.
or
- ii. work a period of 4 weeks' duration,
or
- iii. work part of the 4-week notice period combined with the payment of a proportionate amount of the sum referred to above.

⁸ PAHRO Circulars 7/2014, 8/2014 and 16/2015.

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

1.14.11

Conversely, public officers whose only employment with the Public Service is on a definite contract of employment, which contract is terminated by the Permanent Secretary on behalf of the Government after the lapse of the probationary period but before the expiration of the time definitely specified by the contract for reasons other than any of the provisions contained in the PSC Disciplinary Regulations (S.L. Const. 03) or termination due to the loss of the right to work in Malta in terms of the Immigration Act (Chap. 217 of the Laws of Malta), shall either:

- i. receive one-half of the full salary that would have been earned in respect of the remainder of the time specifically agreed upon,

or
- ii. be given a 4-week notice period,

or
- iii. be required to work part of the 4-week notice period and paid a proportionate amount of the sum referred to above.

1.14.12

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

1.14.13

Public officers who hold an indefinite contract of employment (a substantive grade or 'officer in scale' status) and a concurrent appointment to a position on the basis of a definite contract, who abandon the Public Administration (i.e. abandon the definite contract of employment as well as from the indefinite appointment not to take up another employment with the Public Service or with an entity of the Public Sector) after the lapse of probation but before the time definitely specified by the contract of employment, shall be subject to the provisions regarding notice of termination of indefinite employment in respect of the whole of the length of their indefinite employment with the Public Service in addition to a 4-week notice period or the payment of half the salary that would have been earned during the unelapsed period of notice in respect of the definite employment.

1.14.14

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

1.14.15

Public officers who hold an indefinite contract of employment (a substantive grade or 'officer in scale' status) and a concurrent appointment to a position on the basis of a definite contract, whose definite contract is terminated by the Permanent Secretary on behalf of the Government (except in terms of any of the provisions contained in the PSC Disciplinary Regulations [S.L. Const. 03] or termination due to the loss of the right to work in Malta in terms of the Immigration Act [Chap. 217 of the Laws of Malta]) after the lapse of probation but before the expiration of the time definitely specified by the contract, shall be given a 4-week notice period OR paid half the salary that would have been earned during the unelapsed period of notice.

1.14.16

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

Termination of employment during / upon the lapse of unpaid leave

1.14.17

A public officer who is on unpaid leave, who resigns from the Public Service, is to give advance notice of resignation, prior to the expiry of the approved unpaid leave, by a period equivalent to that specified in the preceding paragraphs of this Section. In such cases, the period of notice need not be in active service.

1.14.18

Failure to give advance notice as specified above will make the officer liable to pay the pecuniary damages that would otherwise be applicable as specified in the preceding paragraphs of this Section.

¹⁰ PAHRO Circular 15/2014

Resignation as a result of a disciplinary measure

1.14.19

A public officer who is considered as having resigned from the Public Service in terms of Regulation 36 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999 shall be liable to pay the applicable pecuniary damages as specified in the preceding paragraphs of this Section.

02

2.1 Wording of Calls for Applications

2.1.1

Calls for applications for posts in substantive grades and positions on a definite basis are based on the specimen templates available at <https://opm.gov.mt/en/psd/RESOURCING/Pages/Forms%20and%20Templates/Forms-and-Templates.aspx>.

2.1.2

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

2.1.3

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

Internal calls:

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

Public calls:

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

2.2 Basic Eligibility Requirements

2.2.1

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

2.2.2

Public officers who apply for a higher post or position on the basis of their current (or previous) grade or position to satisfy the eligibility criteria, must be confirmed in their current (or previous) appointment, as the case may be, irrespective of whether any other eligibility requirement/s (e.g. qualifications, service, experience) need to be satisfied.

Public officers who apply through an internal call for a higher post or position on the basis of their qualifications and experience, where applicable, to satisfy the eligibility criteria must be confirmed in a current or previous appointment. This condition is not applicable in the case of public officers applying through external calls for applications on the basis of their qualifications and/or experience to satisfy the eligibility criteria.

2.2.3

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

2.2.4

With regard to public officers who apply for the same substantive grade as that currently held, the following is to apply:-

- i. When a call for applications is issued internally by means of a circular (e.g. through a Ministry / Departmental Circular, a Service-wide Circular or a Sector-wide Circular) for the filling of vacancies in a substantive grade, public officers who already hold an appointment in the same substantive grade as that being advertised are not eligible to apply, except in the following instances;
 - a. In the case of circulars advertising the filling of vacancies in the substantive grades of Tradesman and Technician, public officers in these same grades may apply for such posts in other Departments provided that the applications are for an area of specialisation which is different to that of the applicants and provided also that the applicants satisfy the necessary eligibility parameters;
 - b. Applications for vacancies in the same grade as that held, through calls advertised by means of a circular, are allowed in the case of Gozo-resident public officers working in Malta in the departmental/professional/technical grades and who apply to fill a vacancy in the Ministry for Gozo¹¹;

¹¹ PAHRO Circ 44/2011

- ii In the case of external calls for applications (i.e. calls which are open also to persons outside the Public Administration), applications by public officers holding the same grade as that advertised are only to be considered if:
 - a. The advertised vacancy is in a department which is different to the one where the public officer is serving, or
 - b. The area of specialisation of the advertised vacancy is different to the one held by the public officer, even if the vacancy is in the same department where the officer is serving.

2.2.5

As regards age limits, the legal minimum school leaving age (vide article 2 of Education Act [Cap. 327]), as well as the maximum statutory retirement age as specified at paragraph 1.13.1, are applicable to posts/positions in the Public Administration. The latter limitation, however, does not apply in the case of calls for applications issued specifically for the engagement / re-engagement of retired persons / officers in areas of acute shortage of staff as determined by the Principal Permanent Secretary.

2.2.6

Candidates for admission into the Malta Public Service must be¹² :

- a. citizens of Malta; or
- b. citizens of other Member States of the European Union who are entitled to equal treatment to Maltese citizens in matters of employment by virtue of EU legislation and treaty provisions dealing with the free movement of workers; or
- c. citizens of any other country who are entitled to equal treatment to Maltese citizens in matters related to employment by virtue of the application to that country of EU legislation and treaty provisions dealing with the free movement of workers; or
- d. any other persons who are entitled to equal treatment to Maltese citizens in matters related to employment in terms of the law or the above-mentioned EU legislation and treaty provisions, on account of their family relationship with persons mentioned in paragraph (a), (b) or (c); or
- e. third country nationals who have been granted long-term resident status in Malta under regulation 4 of the “Status of Long-Term Residents (Third Country Nationals) Regulations, 2006” or who have been granted a residence permit under regulation 18(3) thereof, together with family members of such third country nationals who have been granted a residence permit under the “Family Reunification Regulations, 2007”.

¹² PAHRO Circ 56/2011

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

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

2.2.7

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

2.2.8

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

- a. posts/positions in the Office of the President, the House of Representatives, the Prime Minister's and Ministers' secretariats, the Cabinet Office, and the offices of the Principal Permanent Secretary and any Permanent Secretary;
- b. posts/positions involving the preparation of expert advice in the field of prosecution of offences or lawmaking, and posts/positions entailing responsibility for advisory constitutional bodies;
- c. posts/positions involving the sovereignty of the State, including diplomatic and foreign representation;
- d. certain posts/positions in the Office of the Prime Minister and the Ministries of Finance, Justice, Home Affairs and Foreign Affairs;
- e. posts/positions within departments charged with the protection of the economic interests of the State, including tax authorities;
- f. positions in the Senior Executive Service;
- g. posts/positions in the disciplined forces and offices responsible for defence matters; and
- h. posts/positions in the security services and in the field of civil protection and defence.

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

2.2.9

In addition, calls for applications are to clearly indicate:

- a. any academic and/or other professional qualifications or experience that are required;
- b. any language requirements tied to the particular post/position, provided that such requirements are proportionate and reasonably necessary for the proper fulfilment of the tasks involved; and
- c. any special skill or other specific requirement as the case may be.

2.2.10

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

2.2.11

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

- a. Ad hoc positions should only be resorted to in exceptional cases, and as a general rule the grades and positions created by the Classification Agreements should be utilised;
- b. In calls for applications for the filling of such ad hoc definite positions issued according to the exigencies of the Service, eligibility requirements are dependent upon the particular position as well as the remuneration Scale to which the particular position is pegged. Eligibility benchmarks for the filling of positions on a definite basis are available for download at the Forms and Templates webpage of the People Resourcing & Compliance Directorate at the address <https://publicservice.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx>. These benchmarks are aimed at maintaining standards and consistency across the Public Service;
- c. Ad hoc eligibility requisites may be set for positions only where skills shortages exist in the labour market, or where the nature of the duties necessitates the possession of particular capabilities. Such eligibility requisites are to be established in consultation with the People & Standards Division;
- d. Public calls for definite positions extending eligibility also to Public Officers on the basis of their experience (i.e. officers not below a certain Scale with a number of years of relevant work experience) are considered only in exceptional circumstances and on a case-by-case basis.

2.2.12

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

2.2.13

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

2.2.14

Issues as to whether an applicant is in possession of the qualifications required should be determined by the respective Selection Board and matters relating to professional or occupational qualifications or experience are to be addressed in terms of applicable legislation, including the Mutual Recognition of Qualifications Act (Chap. 451) including any Regulations issued in terms of said Act.

2.3 Special Arrangements for Persons with Disability

2.3.1

Registered persons with a disability who do not satisfy the full eligibility requirements in calls for applications, but who are capable of carrying out, in essence, the duties attached to a particular post/position, may request reasonable accommodation when applying for posts/positions in the Public Service.

2.3.2

The following procedure is to be followed:

- i. A person with a disability who requires reasonable accommodation in connection with an application for a post or position within the Public Service, may submit a request for such accommodation by means of the form available on the Forms and Templates webpage of the People Resourcing & Compliance Directorate at <https://publicservice.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx>.
- ii. This form is to be submitted with the application for the post/position, together with the required documentation, which should include:
 - a. a copy of the special identity card issued by the Kummissjoni Nazzjonali Persuni b'Dizabilità (KNPD); and
 - b. a copy of a medical certificate, issued by a specialist medical practitioner confirming the applicant's disability. This certificate is valid as long as its date of issue is not earlier than two years from the date of application. In case the applicant's disability is of a permanent nature, the validity of the certificate is not time-barred.
- iii. The Selection Board appointed to evaluate such applications, will, in turn, submit this form, together with all supporting documentation, to the Public Service Commission (PSC) without retaining a copy. The relative application form for the post/position applied for is to be retained by the Selection Board.
- iv. The PSC will, on the merits of the applicant's request, decide in favour of the waiver of one or more of the eligibility requirements or otherwise, and issue instructions to the Selection Board accordingly. The PSC may also need to consult with the Head of Department (responsible for the issuing of the relative call for applications) as to whether it would be feasible to waive an eligibility requirement if that requirement appears to constitute a core requirement for the post/position applied for.
- v. Once the PSC has taken its decision, the reasonable accommodation form and all relevant documentation will be destroyed. An extract of the PSC decision should be inserted in the relevant PSC file.

2.3.3

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

2.3.4

The clauses stipulating the above arrangements for reasonable accommodation in terms of Section 7 of the Equal Opportunities (Persons with Disability) Act (Chapter 413 of the Laws of Malta) are included in the General Provisions pertaining to calls for applications, to which there is a link in the call. The clauses are as follows:

“Persons registered with the National Commission for Persons with a Disability (KNPD) may be given reasonable accommodation in terms of Section 7 of the Equal Opportunities (Persons with Disability) Act (Chapter 413 of the Laws of Malta), even if they do not satisfy, in full, the requirements for this post/position, provided they can carry out, in essence, the duties related to the post/position and subject to the approval of the Public Service Commission.

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

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

2.3.5

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

- i. Prior to resorting to recruitment through the normal channels (i.e. through a call for applications or through ETC, as applicable), departments and entities are to identify whether vacant posts/positions may be filled by persons registered on the ETC register of disabled unemployed, subject that they can perform, in essence, the duties of the post/position.
- ii. In the case of the Public Service, this measure is applicable to recruitment in salary scales 16 to 20 (both scales included).
- iii. When a department/entity intends to fill a vacancy from the ETC register of disabled unemployed, the department/entity is to notify the ETC of the pre-requisites of the post/position to be filled. By virtue of the principle of reasonable accommodation, such

pre-requisites may be less than those usually required by the applicable Classification/ Collective Agreement, or established eligibility benchmarks in the case of positions.

- iv. The ETC shall then provide the department/entity with a list of registered disabled unemployed who, in its judgement, may perform, in essence, the duties of the post/ position.
- v. Subsequently, the department/entity is to appoint a selection board, inclusive of a member nominated by the KNPD, which board shall select the candidate most suited to fill the post/position. If the selection board declares that it cannot fill the vacancy from the list provided by the ETC, the burden of proof rests with the department/entity to justify accordingly. In the case of a vacancy to be filled in the Public Service, should no agreement be reached by the members of the Selection Board regarding the filling of the post/position in terms of the Instrument of Delegation, the matter should be referred to the PSC which shall act as a Board of Appeal. In the case of Public Sector entities, where agreement cannot be reached by the selection board, the matter is to be referred to the KNPD for investigation, by virtue of the power conferred upon the KNPD by Article 32 of the Equal Opportunities (Persons with Disability) Act (Chapter 413 of the Laws of Malta).

2.4 University Degree as an Eligibility Requirement

2.4.1

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

English Version:

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

Maltese Version:

“..... ikollhom grad Universitarju rikonoxxut jew li għandhom l-approvazzjoni tal-Universita' li kkwalfikaw għal dan il-grad.”

2.4.2

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

2.4.3

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

2.4.4

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

2.4.5

Prior to requesting recognition statements as per paragraph 2.4.4 above in respect of their qualifications, candidates should first consult the "List of Accredited Courses Offered by Licensed Institutions" of the NCFHE which can be accessed on <http://ncfhe.gov.mt/en/register/Pages/register.aspx>. Applicants are exempt from submitting a recognition statement as mentioned in paragraph 2.4.4 if they are presenting qualifications listed therein. A print of such list including the qualification is to be presented by the applicant.

2.4.6

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

2.4.7

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

2.5 Training Requirements

2.5.1

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

“The selected applicant must proceed abroad to follow a _____-year course of training leading to the _____. The selected applicant will only be appointed as _____ on his/her obtaining the _____ and on taking up the duties relevant to the post.”

or

“The selected applicant must proceed abroad to follow a _____-year course of training leading to the _____. The selected applicant will only be confirmed in his/her appointment as _____ on his/her obtaining the _____ and on completion of one (1) year satisfactory service in the grade of _____. Otherwise the appointment of _____ will be terminated.”

and

“Candidates proceeding abroad to follow courses will be bound by the relevant conditions applicable to the Malta Public Service.”

2.6 Conduct Requirements

2.6.1

To be considered for appointment in the Public Service, applicants must be of conduct which is appropriate for the post/position applied for. All persons applying for employment or suggested for employment by the Employment and Training Corporation, or seeking to sit for public selection processes, are required to produce with the application a Conduct Certificate issued by the Police or other competent authority not earlier than one (1) month from the date of application, even in those cases where employment is to be on part-time or contractual basis. In the case of serving public officers, however, a Conduct Certificate is not insisted upon since public officers are requested to present a copy of their Service and Leave Record Form (GP47).

2.6.2

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

- a. Conviction of an offence is not an automatic disqualification for employment in Government service;
- b. A department may employ an applicant convicted of an offence, who is otherwise suitable, provided that it is reasonable to do so, taking into account the seriousness of the offence (particularly in relation to the job for which the person is an applicant), the person's age at the time of the offence, the time that has elapsed since the offence was committed and the person's record during that time;
- c. A department is not, however, to employ such a person in any job which affords any opportunity of repeating the offence until it is satisfied that the person is reliable.

2.7 Health Requirements

2.7.1

Upon summoning, every person selected for recruitment, including recruitment to industrial posts, is required to appear before an approved medical practitioner for a medical examination, with a view to being ascertained whether he/she is fit for the post /position applied for.

2.7.2

To be eligible for certain posts/positions, applicants may be required to satisfy particular physical criteria.

2.8 The Inclusion of Private Work or otherwise

2.8.1

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

2.9 Standard Application Forms

2.9.1

A Standard Application Form is available to standardise selection procedures in the Public Service. This form is applicable for all recruitment exercises, both for calls for applications advertised by means of a circular and for public calls.

2.9.2

The form is accessible in electronic format and may be downloaded from the Forms and Templates webpage of the People Resourcing & Compliance Directorate at <https://opm.gov.mt/en/psd/RESOURCING/Pages/Forms%20and%20Templates/Forms-and-Templates.aspx>.

2.9.3

Prospective applicants applying for posts/positions within the public service should, as far as possible, utilise the Standard Application form. The sites from where the Application Form may be downloaded are to be indicated in all issued calls for applications.

2.10 Recruitment Portal

2.10.1

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

2.10.2

Unless otherwise stipulated in the relevant call for applications, application through the portal is optional as applicants can also apply through the other methods indicated in calls for applications (i.e. by post or by hand). However, applying via the online recruitment portal is mandatory in the case of calls for applications for Headship/Directorship and Assistant Director positions.

2.11 Notifications of Calls for Application¹³

2.11.1

It is imperative that calls for applications, whether advertised through a circular or a public call for applications, be given maximum coverage. In addition to the possibility of viewing current vacancies on the Recruitment Portal, calls for applications advertised by means of a circular may be viewed on the Government intranet while public calls for applications are available on the Department of Information website at the address <https://www.gov.mt/en/Government/Employment%20Opportunities/Pages/Employment%20Opportunities.aspx>

2.11.2

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

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

2.11.3

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

2.11.4

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

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

2.11.5

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

2.12 Vacancies with the EU Institutions, Bodies and Agencies¹⁴

2.12.1

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

2.12.2

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

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

03

3.1 Definition

3.1.1

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

3.1.2

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

3.2 Performance Rating Reports

3.2.1

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

3.2.2

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

3.2.3

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

3.2.4

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

3.2.5

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

3.2.6

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

3.2.7

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

3.2.8

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

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

3.2.9

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

3.2.10

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

3.2.11

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

3.3 Performance Appraisal System

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

3.4 Appointment to Headship/Directorship Positions

3.4.1

It is the responsibility of the Senior Appointments Advisory Committee, with assistance from Permanent Secretaries to identify suitable public officers who could be recommended to fill vacant Headship/Directorship Positions in Grade 3 (Salary Scale 3) or in Grade 4 (Salary Scale 4). The appointments are made on the basis of a Performance Agreement for a period of three years. The Agreement will include a performance bonus that will be subject to a performance review procedure, as well as other prerequisites pertaining to an appointment to a Headship/Directorship position.

3.4.2

Appointees to Headship / Directorship positions are entitled to tenure in a higher grade - details regarding entitlement to tenure in a higher grade are available at Section 3.6. However, when the first such appointment falls due, the officer shall be given the option of retaining his/her current grade if he/she is in a non-General Service career stream. If the officer opts to retain his/her grade, the provisions regarding tenure in a higher grade shall not apply.

3.4.3

Officers occupying a Headship/Directorship position are entitled to a period of up to four (4) months unpaid parental leave on the grounds of birth, adoption, fostering or legal custody of a child, until the child has attained the age of eight years. The following provisions apply:

- up to 4 months unpaid parental leave may be availed of in respect of each child;
- the Headship/Directorship need not be terminated;
- any period taken as unpaid parental leave will be reckonable as forming part of the number of years in the Headship/Directorship position required for tenure in a higher grade;
- this leave shall be availed of in established periods of one month each and, in agreement between the Permanent Secretary and the officer, may be taken on a full-time or a part-time basis or in a piecemeal way.

3.4.4

An officer entitled to a pension under the Pensions Ordinance (Chap. 93) shall, subject to creditable performance, be entitled to a pension based on the higher of:

- a. the salary attached to the position held under a performance agreement by that officer on retirement, provided that the officer has served for a period of one (1) year in that position immediately before retirement;

or

- b. the salary which attached to any position, higher than the substantive grade, which the officer previously held for at least three years under a performance agreement.

In cases where (a) and (b) are inapplicable, pension will be based on the salary attached to the substantive grade of the officer on retirement.

3.4.5

In evaluating the suitability and merit of candidates for specific positions, due weight is given not only to the actual managerial competence and commitment of the officers concerned in attending to their current duties, but also to their anticipated performance on higher responsibilities.

3.4.6

Whenever vacancies are available, interested public officers, including, where appropriate, current incumbents who consider themselves suitable for any of these positions, are invited to apply through the Recruitment Portal only (<https://recruitment.gov.mt>).

3.4.7

Applications are to include:

- a. a curriculum vitae which will include the continuous professional development record, and in the case of current incumbents, will also include copies of the last three performance assessments;
- b. a motivational statement; and
- c. an updated Service and Leave Record Sheet.

3.4.8

Interested officers are expected to apply only for those positions in respect of which they consider themselves to have the necessary experience and expertise. Usually, unless otherwise specified, an officer should not apply for more than three positions, and due account is taken of the preferences shown.

3.5 Appointment to Assistant Director Positions

3.5.1

Appointment to the position of Assistant Director is to be made in accordance with the Manual regarding such positions issued by the People & Standards Division, which is available at https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_Regarding_Positions_of_Assistant_Director_in_the_Public_Service.pdf The Manual Regarding Positions of Assistant Director is a comprehensive document containing all the provisions applicable to the position.

3.6 Tenure in a Higher Grade/Scale

3.6.1.

Officers who are appointed to certain higher management positions in a salary scale which is higher than their substantive grade will be appointed to the higher substantive grade on completion of a number of years creditable performance in the position, subject to Public Service Commission concurrence, as explained hereunder:

Tenure in a higher grade of officers in Headship positions on a Performance Agreement ('Category A' Scales 1-4); officers in Assistant Director positions/other positions in scale 5 without objective reason (Senior Management level) and officers appointed on the basis of a 3-year Agreement as Ambassador, High Commissioner or Permanent Representative of Malta abroad:

- i) Public officers appointed on a performance agreement in 'Category A' positions in Scales 1 - 4 (i.e. in the positions of Principal Permanent Secretary, Permanent Secretary, Director General and Director); Assistant Director/other positions in Scale 5 without objective reason at senior management level and officers appointed on the basis of a 3-year Agreement as Ambassador, High Commissioner or Permanent Representative of Malta abroad shall be tenured in the higher grade as Officer in Grade corresponding to the applicable Scale, upon their re-appointment on the second term in such position even if in a different remit, unless they opt to retain their current substantive grade. The following provisions are also applicable:

(a) Public officers who, on the 1st January 2016, were serving in 'Category A' positions in Scales 1 – 4; in Assistant Director / other positions in Scale 5 (without objective reason) and officers appointed on the basis of a 3-year Agreement as Ambassador, High Commissioner or Permanent Representative of Malta abroad, and who have served or will serve, successfully a full Headship/senior management/ambassadorial term, including such service given prior to 1st January 2016 as part of the first term, and who are or have been re-appointed for a second term since then, will be tenured in the higher grade as Officer in Grade corresponding to the applicable Scale with effect from the date of the commencement of the second term;

(b) Officers who were serving during the period starting 1st January 2016, and who will have an aggregate of three years within a 4 year period in the same Scale will also be considered favourably. Furthermore, any break of up to 3 years, equivalent to a term, from the end of one term to a subsequent new term in a Headship/Assistant Director/other Scale 5 position (without objective reason)/ambassadorial position, albeit in a different remit, will also entitle officers to be tenured in the higher grade, provided they held an appointment to a 'Category A'/Assistant Director/other Scale 5 position (without objective reason)/ambassadorial position as on 1 January 2016; and

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

Tenure as Officer in Grade 2

- ii. Public Officers serving in the positions of Chief of Staff or Head, Government Customer Care at the Prime Minister's Secretariat shall be offered tenure as Officers in Grade 2 after having served for a full six (6) years in the position.
- iii. Any periods spent at Scale 2 level in more than one of the positions at (i) and (ii) above are to be taken in aggregate for the purpose of the computation of the six-year period required for tenure as Officer in Grade 2. The six years need not necessarily be continuous.

Tenure as Officer in Grade 3:

- iv. Public Officers serving in the position of Head, Government Communication at the Prime Minister's Secretariat or Chief of Staff in a Minister's Private Secretariat shall be offered tenure as Officers in Grade 3 after having served for a full six (6) years in the position.

- v. Public officers in a substantive grade below Scale 3 who satisfactorily perform duties for six (6) years in the top executive position of an Authority or public entity at a level which is comparable, at least, to Scale 3 of the Public Service salary scales, shall be offered tenure as Officer in Grade 3. This shall apply subject to the condition that public officers must hold an indefinite appointment in the Public Service in salary scale 7 or higher, and must have performed the necessary six years of service while holding such an appointment, in order to be eligible for tenure as Officer in Grade 3.
- vi. Any periods spent at Scale 3 level in more than one of the positions at (i), (iv) and (v) above are to be taken in aggregate for the purpose of the computation of the six-year period required for tenure as Officer in Grade 3. The six years need not necessarily be continuous.

Tenure as Officer in Grade 4:

- vii. Public Officers serving in the position of Deputy Chief of Staff, Private Secretary or Personal Secretary to the Prime Minister shall be offered tenure as Officer in Grade 4 after having served for a full six (6) years in the position.
- viii. Public Officers serving as Head of Secretariat in a Parliamentary Secretary's Private Secretariat shall be offered tenure as Officer in Grade 4 also after having served for a full six (6) years in the position.
- ix. Public officers in a substantive grade below Scale 4 who satisfactorily perform duties for six (6) years in a top management position of an Authority or public entity at a level which is comparable, at least, to Scale 4 of the Public Service salary scales, shall be offered tenure as Officer in Grade 4. This shall apply subject to the conditions that, in order to be eligible for tenure as Officer in Grade 4, (a) public officers must hold an indefinite appointment in the Public Service in salary scale 7 or higher, and must have performed the necessary six years of service while holding such an appointment, and (b) officers must have performed the necessary six years of service in a position directly reporting to the top executive position in the organisational structure of the authority or entity.
- x. Any periods spent at Scale 4 level in more than one of the positions at (i), (vii), (viii) and (ix) above - vide also the provisions at (xi) below - are to be taken in aggregate for the purpose of the computation of the six-year period required for tenure as Officer in Grade 4. The six years need not necessarily be continuous.
- xi. Up to two (2) years of creditable service by a public officer, on a full-time basis, in a post within the top structure of a political party which is represented in Parliament, may be taken into account for the purpose of the award of tenure as Officer in Grade 4, provided that:

- a. the officer concerned has served for at least four (4) years in one or more of the positions referred to at (i), (ii) (iv), (v) and (vii - ix) such that the aggregate period of service taken together would amount to six (6) years;
- b. it shall be the responsibility of the officer concerned to demonstrate to the satisfaction of the Public Service Commission, on the basis of appropriate documentary evidence, that the duties and responsibilities which s/he has fulfilled while engaged with a political party represented in Parliament are comparable to those of a headship position in the Public Service; and
- c. service with such a party may be taken into account as from 8 September 1998, provided that the officer held any one of the capacities referred to in sub-section (xi) on 1 June 2011 or any later date.

Tenure as Officer in Grade 5:

- xii. Public Officers serving as Private Secretaries in Ministers'/Parliamentary Secretaries' Private Secretariats shall be offered tenure as Officers in Grade 5 also after having served for a full six (6) years in the position.
- xiii. In the case of detailed public officers who held an Assistant Director position prior to the date of issue of the Manual regarding Assistant Director Senior Manager, Manager and Assistant Manager positions, i.e. 29th April 2016, and opted to retain their previous entitlement to the substantive grade of Officer in grade 5 after an aggregate of 6 years, then combined service as Assistant Director with the Public Service and at the same level with the entity shall be reckonable for tenure as Officer in Grade 5.
- xiv. Any periods spent at Scale 5 level in the positions at (i). (xii) and (xiii) are to be taken in aggregate for the purpose of the computation of the six-year period required for tenure as Officer in Grade 5. The six years need not necessarily be continuous.

Tenure as Officer in Grade 6:

- xv. Public Officers serving in the position of Co-ordinating Officer in the Prime Minister's Secretariat shall be offered tenure as Officer in Grade 6 after having served for a full six (6) years in the position.
- xvi. Public Officers serving in the positions of Customer Care Officer or Communications Secretary in a Minister's Private Secretariat shall be offered tenure as Officer in Grade 6 after having served for a full six (6) years in the position.

Tenure as Officer in Grade 7:

- xvii. Public Officers serving in the positions of Assistant Private Secretary or Co-ordinating Officer in the private secretariats of other Ministries shall be offered tenure as Officers in Grade 7 after having served for a full six (6) years in the position.

Tenure as Officer in Grade 9:

- xviii. Public Officers serving in the position of Secretariat Officer in the Prime Minister's Secretariat shall be offered tenure as Officers in Grade 9 after having served for a full six (6) years in the position.

Tenure as Officer in Grade 10:

- xix. Public Officers serving in the position of Secretariat Officer in the private secretariat of other Ministries shall be offered tenure as Officers in Grade 10 after having served for a full six (6) years in the position.

Tenure in a higher scale of public officers who perform duties in Secretariat positions between salary scales 11 and 20:

- xx.
- a. Public officers who serve as members of a Secretariat Pool in a Private Secretariat shall, after having served for an aggregate of six (6) years' creditable service in the position over a maximum period of eight (8) years, be offered tenure in a salary scale two (2) scales higher than that pertaining to their substantive grade, subject to a capping at salary scale 13 in the case of officers from the General Service/Messengerial Class and a capping at salary scale 14 in the case of other officers.
 - b. Public officers who perform cleaning/messengerial/driving duties in a Private Secretariat shall, after having served for an aggregate of six (6) years' creditable service in the position over a maximum period of eight (8) years, be offered tenure in a salary scale one (1) scale higher than that pertaining to their substantive grade, subject to a capping at:
 - Scale 12 for Secretariat Messengers/Charwomen from the General Service/Messengerial Class;
 - Scale 14 for Drivers/Security Officers from the General Service/Messengerial Class;
 - Scale 15 for public officers not from the General Service/Messengerial Class in any of the Secretariat positions mentioned at the preceding two bullets.
 - c. Public officers concerned will be tenured in the higher salary scale on a personal basis, while retaining their substantive grade. Thus the higher salary scale awarded on the basis of the above tenure arrangements will not count for the purpose of eligibility for posts/positions.
 - d. When the officers concerned attain higher salary scales or grades on a substantive basis, they will concurrently attain a higher salary scale on a personal basis, so as to maintain the difference of one or two scales (as applicable) between their substantive scale and that awarded on a personal basis, subject to the cappings stipulated at (a) and (b) above.
 - e. Requests to the Public Service Commission for the grant of tenure under these provisions are to be accompanied by documentary evidence that the officers concerned served creditably in a higher role throughout the stipulated time-frame and copies of the relevant Secretariat Contract signed by the officers.

Tenure arrangements applicable to public officers who perform duties in positions within the Office of the Principal Permanent Secretary and the Cabinet Office

xxi. The arrangements applicable to public officers who perform duties in positions within private secretariats of Ministers and Parliamentary Secretaries are applicable to officers who perform duties in positions of a similar nature within the Office of the Principal Permanent Secretary and the Cabinet Office.

Tenure in a higher grade following performance of higher duties whilst on a Deputising, Substitution or Acting Allowance:

xxii. Public Officers who perform creditably higher duties in a specific post/position not below Scale 10 for an aggregate of six (6) years and are regularly in receipt of a Deputising, Substitution or Acting Allowance while required to perform the higher duties, are also entitled to tenure of office provided that:

- a. If a call for applications to fill the specific post/position on a temporary basis was in the meantime issued, and the officer in receipt of such Allowance was selected and assumed the post/position, the period on a Deputising, Substitution or Acting Allowance would be considered in addition to the period on a temporary back-to-back basis to complete the requisite aggregate of six years creditable service. In this case, the officer will be permanently appointed in the post/position; and
- b. If all available means to fill the specific post/position were exhausted and all attempts were repeatedly unsuccessful and, consequently, the officer remained on a Deputising, Substitution or Acting Allowance and served creditably for an aggregate period of six years, the officer shall be substantively appointed as 'Officer in Grade'.

Tenure in a higher scale according to a Classification Agreement:

xxiii. Public Officers holding a substantive grade, who are assigned a higher scale by virtue of their duties as provided by the pertinent Classification Agreement, and fulfil such duties in the higher scale creditably for a period of six (6) years, are to be likewise granted tenure in the higher salary scale on a personal basis.

3.6.2

Public Officers who complete six (6) years of creditable performance in different salary scales as provided by the pertinent Classification Agreement, all of which are higher than their substantive grade, shall be entitled to the substantive grade of 'Officer in Grade' in the lowest of such salary scales .

3.6.3.

Public Officers may choose not to take up the tenure as Officer in the Grade and remain in their respective grades.

3.7 Award/Withholding of Progression and Promotion on the Basis of a Number of Years' Satisfactory Service in Terms of The Respective Classification Agreement

3.7.1.

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

3.7.2

As a matter of principle, officers should not be allowed to progress to a higher scale or be promoted to a higher grade if they:-

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

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

3.7.3

As a general rule, an officer is to be informed if steps for the withholding of his/her progression or promotion will be taken. In order to ensure compliance with this requirement:

- the officer concerned should sign the appraisal report on his/her progression/promotion;
- should the officer refuse to sign, the report should include a statement to acknowledge that the content has been shown to the officer concerned;
- where progression/promotion is not based on an ad hoc appraisal report, the officer concerned should be informed in writing that steps for the withholding of his/her progression/promotion will be taken.

3.7.4

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

3.8 Progression

3.8.1

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

3.8.2

In the case of the award/withholding of progression of General Service officers, Ministries/ Departments are to observe the procedures laid out in the relevant Standard Operating Procedure (SOP) prepared and disseminated by the People Resourcing & Compliance Directorate.

3.8.3

In the case of the other grades/positions, progression exercises in the various Departments/Directorates of each Ministry are to be co-ordinated by the Director responsible for People Management, but final approval for the progression of an officer from one salary scale to another in the same grade/position is vested in the relevant Director General/Director.

3.8.4

When the withholding of progressions is deemed necessary, Ministries / Departments are to submit their recommendation directly to the Public Service Commission, both in the case of General Service officers as well as Departmental Grade officers and position holders.

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

3.9.1

The processing of the award of promotion on the basis of a number of years' satisfactory service in terms of the respective Classification Agreement, or the withholding of such promotion, of General Service officers, Departmental Grade officers and position holders is undertaken by the respective Ministry/Department.

3.9.2

In the case of the award/withholding of promotion of General Service officers, Ministries/Departments are to observe the procedures laid out the in relevant Standard Operating Procedure (SOP) prepared and disseminated by the People Resourcing & Compliance Directorate.

3.9.3

In all cases, the respective Permanent Secretary is to submit directly to the Public Service Commission his/her recommendation for the award or the withholding of appointment. Upon receipt of notification from the PSC, letters of appointment are to be issued under the endorsement of the Permanent Secretary. Directors General/Directors responsible for People Managment will issue letters regarding the withholding of promotions.

3.10 Interpretation of the term "Service in the Grade"¹⁵

3.10.1

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

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

¹⁵ MPO Circular 18/1996

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

3.10.2

Reckoning of Paid/Unpaid Leave for the purpose of Service in the Grade ¹⁶

Officers on long paid or unpaid leave on 1st June 2015 shall have their leave reckonable as follows up to 31st May 2015:

- Special unpaid leave for whatever reason granted (except unpaid leave on grounds of public policy), and unpaid sick leave, is not considered as 'service in the grade' for the purposes of the Reform Agreements if such leave exceeds 365 days (12 months) in any period of four (4) years immediately preceding the progression or promotion.
- As from 1st June 2015, for the purpose of calculating service in the grade, both in the case of progression/promotion after a number of years' service as well as in the case of satisfying the eligibility criteria in calls for applications, the following periods of leave are reckonable (without prejudice to officers' obligation to perform their period of probationary service):-
 - a. all paid leave;
 - b. all leave (paid and unpaid) on grounds of public policy; and
 - c. unpaid leave related to family-friendly measures subject to a limit of one year in aggregate, provided that:-
 - i. In the case of maternity leave (including special maternity leave where applicable), periods of maternity leave shall be reckonable over and above the one year allowed for family-friendly measures.
 - ii. In the case of parental leave, where parental leave (as distinct from career break) is availed of in respect of more than one child, each period of parental leave shall also be reckonable. In such cases, where the full one-year parental leave entitlement is availed of, the officer shall be considered to have availed of the one year reckonable leave period for family-friendly measures, and no further leave for family-friendly measures shall be reckonable except for further periods of maternity leave (including special maternity leave) and/or parental leave.
 - iii. In the case of officers who avail themselves of parental leave and/or a career break following maternity leave, the first year of leave shall be recognised as parental leave, with the remaining period constituting the career break. In the case of the birth of a second child, the first year of unpaid leave immediately following the birth of this child shall automatically be recognised as being parental leave, with the remaining part of the career break, if any, continuing after the end of the parental leave.

¹⁶ PAHRO Circular 4/2015

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

3.10.3 Re-instated Public Officers

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

3.10.4 Public Officers who rejoin the service

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

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

3.11 Recognition of Experience

A. For the purpose of satisfying eligibility criteria

3.11.1

Previous accredited experience, whether gained within the Public Service, or with a local / foreign employer, is reckonable for the purpose of satisfying eligibility criteria when a person is applying through a public call for applications for a post or position in the Public Service and is also taken into consideration when awarding marks during the selection process.

3.11.2

However, unless otherwise stated in the respective Classification Agreement, in the case of an applicant for entry in the Public Service in response to a public call for applications, previous accredited experience, wherever gained, is not reckonable for the purpose of determining the salary point, for progression to higher salary scales or for eligibility for promotion to higher grades.

B. For the Purpose of appointment, promotion or progression¹⁷

3.11.3

Several of the Classification Agreements for public officers stipulate that for the purposes of progression, promotion or appointment, officers should have a specified number of years experience in the particular field related to the respective career stream.

3.11.4

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

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

The exceptions at (a) to (e) are allowed provided however that not more than one year is allowed as reckonable experience in respect of the absences at (a) to (e) taken together, and provided also that in total the absences at (a) to (e) do not exceed 10% of the period of experience required. All other periods of authorised leave or absences are not reckonable as experience but are considered as bridging the periods of experience.

3.12 Withholding of Increments

3.12.1

When the withholding of an increment in excess of a period of 1 year is deemed necessary, Ministries / Departments are to submit their recommendation directly to the Public Service Commission, both in the case of General Service officers as well as Departmental Grade officers and position holders.

3.13 Duties on Promotion

3.13.1

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

¹⁷ OPM Circular 7/2002

3.14 ACTING APPOINTMENTS AND SUBSTITUTION OF OTHER HEADSHIP POSITIONS

3.14.1

Acting Appointments – under delegated authority

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

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

and

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

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

3.14.2

Acting Appointments - not under delegated authority

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

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

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

3.14.3

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

3.14.4

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

3.14.5

Substitution of other Director General/Director positions

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

- i) The officer to act as substitute is the most senior public officer in the department in the case of Director General positions, or the most senior officer in the directorate in the case of Director positions;
- ii) S/he is (1) a senior public officer who has a substantive grade in scale 7 or higher; or (2) is a senior public officer who has served for six consecutive years in the Public Service in positions classified in scale 7 or higher; or (3) is a public officer who has served for four consecutive years in the Public Service in scale 7 or higher; and
- iii) Such substitution does not exceed a period of six (6) months.

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

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

3.15 Seniority

3.15.1

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

- i. the current position/grade; and subsequently
- ii. any previous positions/grades.

3.15.2

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

3.15.3

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

3.15.4

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

3.15.5

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

3.15.6

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

- a.
 - i. if two (2) candidates are appointed from outside the service, the elder candidate takes precedence;
 - ii. if one (1) of the two (2) candidates is currently in the public service and the other is not, the serving officer takes precedence;
- b. if two (2) candidates are public officers:
 - i. the candidate with the higher position/grade takes precedence;
 - ii. if both candidates are in the same, or equivalent, position/grade, the candidate with the earlier date of appointment takes precedence;
 - iii. if both candidates are in the same position/grade and have the same date of appointment, the senior of the two (2) candidates in his/her present appointment will have precedence;
 - iv. if both candidates are in an equivalent position/grade and have the same date of appointment, the candidate with the earlier date of appointment in the previous position/grade takes precedence, the same criteria being applied to establish such precedence.

3.15.7

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

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

04

4.1 Contracts for Service as Distinct From Contracts of Service

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

4.1.1

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

4.1.2

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

4.2 Employment on a Contract of Service

4.2.1

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

4.2.2 These Regulations provide that:

- a. Employees on a fixed-term (definite) contract of employment are not to be treated less favourably than comparable permanent employees solely because they have a contract of employment for a fixed-term (Regulation 4 of S.L.452.81); and
- b. Unless an objective reason exists in terms of Regulation 7(4) of S.L.452.81, or on the basis of any other justifiable grounds not mentioned in said Regulations, an employee on a fixed-term contract of employment who falls within the provisions of these Regulations shall have such fixed-term contract turned into one of an indefinite nature after four (4) years (Regulation 7 [1] of S.L.452.81). The four (4) years must be under

the same contract or successive contracts involving tasks which are substantially the same. In the case of employees who do not also have an indefinite contract of employment, breaks of up to six (6) months are included in the calculation of the four-year period. In the case of employees who also have an indefinite contract of employment and are assigned a position for a definite period, such breaks cannot exceed three (3) months.

4.2.3

The award of indefinite status (i.e. turning a fixed-term contract into one of an indefinite nature as specified in the preceding paragraph) is to be processed as follows:

- i. upon the lapse of the period stipulated in S.L. 452.81, and subject to satisfactory performance, the respective Ministry/Department is to submit its recommendation directly to the Public Service Commission for the appointment of the officer/s concerned as 'Officer in Scale' on an indefinite basis on the salary scale attached to the position;
- ii. Upon receipt of notification from the PSC, letters of appointment as 'Officer in Scale' are to be issued under the endorsement of the Permanent Secretary.

4.2.4

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

4.3 Staff on Contract in Ministers' Secretariats

4.3.1

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

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

4.4.1

The employment on definite contract of persons forming part of the domestic staff at San Anton Palace requires a positive recommendation by the PSC, even though such persons are considered as “persons of trust”. Such employment is subject to an established complement. Although, as persons of trust, such persons are not entitled to indefinite status on the basis of their contractual position at the Office of the President in terms of S.L.452.81 (see section 4.2.2 (b)), contractees at the Office of the President are entitled to qualify for permanent employment in an appropriate equivalent grade in the Public Service on completion of four years creditable service through an ad hoc arrangement in respect of such persons.

4.5 Engagement on Contract for Two Months or Less¹⁹

4.5.1

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

4.6 Expatriate Staff on contract

4.6.1

Where no candidates meeting the basic eligibility requirements with regard to citizenship are found suitable to fill vacancies, requests to employ expatriate contract staff of other nationalities for a definite period are to be referred to the Public Service Commission. Following approval, a request for the issue of an employment license in terms of the Immigration Act (Cap. 217) has to be made by the line department to the Employment and Training Corporation. The general conditions of employment normally applicable to such staff are appended as a schedule to the Agreement to be entered into by the officer (a specimen Agreement and general conditions of employment of expatriate staff are available for download at the website of the People Resourcing & Compliance Directorate

¹⁹ OPM Circular 20/2006

at the address <https://publicservice.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx>. The People & Standards Division is to be consulted before any departure from the normal conditions is made.

4.6.2

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

4.7 Engagement on contract on a Person of Trust Basis

4.7.1

Ministries may, exceptionally, engage personnel on a 'person of trust' basis. Such personnel are engaged on a definite contract basis in advisory positions or specific positions, to perform a non-executive role. They should not be tied to a department. The respective Permanent Secretary is responsible to ensure that these parameters are observed.

4.7.2

Without prejudice to the provisions regarding household staff at the Office of the President engaged on contract basis (see section 4.4), persons of trust are not eligible to attain indefinite status.

4.7.3

Requests for engagement -on a person of trust basis or the renewal of existing ones, must be substantiated by a strong justification, together with a confirmation that funds are available to cover the period of engagement/renewal requested.

4.7.4

The salary of persons engaged on a trust basis is normally established on the basis of Salary Scales applicable in the Public Service; whenever possible, it is based on the Salary Scale of a 'comparable' grade or post. However, each case is considered on its own merits, taking into consideration the individual's qualifications and experience.

4.7.5

All other new engagements on a person of trust basis, or renewal of engagements where the terms and conditions of the current contract are changed, are to be referred to the Principal Permanent Secretary for approval.

Renewals of engagement on a person of trust basis which are on the same terms and conditions of the current contract are approved by the respective line Minister.

4.8 Expiry and Renewal of contracts²⁰

4.8.1

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

4.8.2

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

4.8.3

Contractees who hold a substantive grade and have a contractual assignment, will revert to their substantive grade and corresponding salary, or the salary of another fallback indefinite status they may have in the Public Service, if they have not attained indefinite status on the basis of their current contractual assignment, in the case that such assignment is not renewed or is terminated.

4.8.4

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

- a. in the case of renewals of definite contracts of staff in Private Secretariats or engagements made through the Public Service Commission or under delegated authority in terms of the provisions of Directive 9, Directors responsible for People Management are to take early action for such renewal;

²⁰ OPM Circular 18/2005

- b. in the case of Assistant Director positions, it is the prerogative of the Permanent Secretary whether or not to re-issue the call for applications or suppress the position. In the case of Headship positions, it is the prerogative of the Office of the Prime Minister;
- c. in the case of persons of trust, it is the prerogative of the Office of the Prime Minister or the respective Minister, as applicable, whether such a contract is to be renewed; and
- d. a two (2)-month grace period is given following expiry of the contract before action is taken to stop payments. However, the Gozo Salaries Section will still take action for the recovery of any overpayments.

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

4.9.1

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

4.9.2

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

4.9.3

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

4.9.4

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

4.10 Secondment of National Experts to Institutions of the European Union

4.10.1

Public Officers who are considered as experts in a specified field required by an EU Institution, Body or Agency, may be seconded on grounds of public policy as Seconded National Experts (SNEs) for a period of not less than six (6) months, but not more than two (2) years. Such secondment may be renewed once or more up to a total of four (4) years.

4.10.2

Following calls for secondment as National Experts by the Directorate General Personnel and Administration of the European Commission (EC) or the Council of the European Union, the Permanent Secretary of the interested Ministry will decide whether to disseminate the call or not within his/her ministry, and then to forward any nominations for the final approval of the Principal Permanent Secretary.

4.10.3

If, following interviews, the PSC/Council accepts any nominations in terms of the Rules Applicable to National Experts on Secondment, the nominee and the PREU are informed by the PSC/Council. After obtaining approval from his/her Permanent Secretary, the nominee proceeds abroad (usually Brussels or Luxembourg).

4.10.4

As a general rule, the salaries of seconded officers continue to be paid by their employing Ministry in Malta, and the EU Institution/Body/Agency pays living and travel allowances.

4.10.5

Renewals, approved by the Permanent Secretary concerned, are to be sent to the People Resourcing & Compliance Directorate at the People & Standards Division for the approval of the Principal Permanent Secretary, which approval is communicated to the Permanent Representative of the European Union (PREU) for onward transmission to the PSC/Council.

4.11 Engagement of Casual Substitutes²¹

4.11.1

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

4.11.2

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

4.11.3

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

- a. Casual Substitutes may only be engaged to replace serving Public Officers in a substantive grade on long paid or unpaid leave (other than Sick Leave or Pre-retirement Leave) and into an entry grade for which the relevant Classification Agreement provides for recruitment from outside the Public Service (e.g. Clerk, Executive Officer, Principal, Assistant Librarian, Information Officer, Engineer). Engagement is also subject to the possession of eligibility qualifications as provided for in the relevant Classification Agreements;
- b. the 'eligibility qualifications' shall not be construed as to include a written public examination where a Classification Agreement stipulates a written competitive examination as an eligibility requirement. Such a requirement shall be waived and the selection process shall consist of an interview only, conducted by a Selection Board;
- c. the selection process, whether after a public call for applications or through the services of the ETC, shall be conducted by a Selection Board appointed by the Permanent Secretary in accordance with the normal practice and norms followed by the PSC in the appointment of Selection Boards approved by it;
- d. the selection and interviewing criteria adopted by the Selection Board shall be those established by the Public Service Commission or by the Board of Local Public Examinations, as applicable, in the last selection process held for that particular grade;

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

- e. the engagements made by the Permanent Secretary shall be strictly in accordance with the order of merit established in the report of the Selection Board;
- f. Casual Substitutes shall not, in any way, benefit from progressions or promotions stipulated in the relative Classification Agreements.

4.11.4

Power to terminate the engagement of Casual Substitutes for reasons of misconduct or terminate the engagement on behalf of Government by giving one month's notice is exercisable by the Prime Minister acting upon the recommendation of the PSC, subject to the provisions of the following paragraph.

4.11.5

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

- i. the public officer being substituted returns to work;
- ii. in the event that the post of the public officer to whom the Casual Substitute is twinned becomes vacant for any reason whatsoever;
- iii. in cases where the contractual period of engagement expires.

4.11.6

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

4.11.7

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

4.11.8

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

4.11.9

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

4.11.10

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

4.11.11

The salary payable shall be the minimum salary point of the applicable basic Salary Scale, as announced in the Financial Estimates from year to year, of the entry grade into which the Casual Substitute is engaged²². Casual Substitutes may be engaged on a full-time basis or on part-time basis for twenty (20) or thirty (30) hours per week and paid pro-rata.

4.11.12

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

4.11.13

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

²² MPO Circular 99/2009

05

5.1 Detailing of Public Officers for Duty with Public Entities

5.1.1

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

5.1.2

Public officers may be detailed for duty with public entities, according to the exigencies of the Service, in the following instances:-

- (i) At the officer's own volition, either through a specific request or following an expression of interest or public call for applications. In such cases, the officer must have been confirmed in a Public Service appointment in order to be detailed/deployed. An appointment that has not yet been confirmed will be forfeited;
- (ii) At the request of the entity after having been identified by the entity; or
- (iii) Following the migration of a function to an entity. This could happen when Government decides to restructure the provision of a particular service by administratively setting up a specific entity or agency and hence public officers employed therein will need to be 'detailed' with the new entity or agency. Subsequently other public officers may need to be further detailed with the entity or agency to increase its performance or output as required.

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

5.1.3

Terms of detailing are as listed hereunder:-

- i. In the case of the detailing of officers who hold a substantive grade/indefinite status with the Public Service, the detailing will be made indefinitely, and in the case of reversion to the Public Service, such reversion will be made to their substantive grade/indefinite status with the Public Service and corresponding salary scale;
- ii. Public officers who hold a position of a definite duration with the Public Service at the time of their detailing with a Public Sector entity, irrespective of whether they hold a concurrent substantive grade, shall be entitled to indefinite status with the Public Service on the basis of such definite position and a comparable position with substantively the same tasks with the entity, after four years in terms of S.L. 452.81 entitled "Contracts of Service for a Fixed Term Regulations". The award of indefinite status with the Public Service in terms of this provision is subject that:
 - a. the positions do not carry an 'objective reason' in terms of S.L. 452.81;
 - b. indefinite status shall be in the designation of "Officer in Scale", and shall be tied to the salary scale of the Public Service position;
 - c. the parent Ministry/Department is to take steps for the notional renewal of the definite appointment of the officer concerned when the initial definite appointment is about to lapse; and

- d. this arrangement is to apply **only** in the case of officers detailed as a result of a **transfer of function** from the Public Service to a Public Sector entity, and in cases where officers are identified to be detailed with an entity **in the interests of the Public Administration**;
- iii. In the case of the detailing of officers who hold both a substantive grade/indefinite status and a position of a definite nature where an 'objective reason' exists in terms of S.L. 452.81 with the Public Service, the detailing will be made with the conditions of the definite appointment up to the expiry of such appointment and, thereafter, indefinitely on their substantive grade/indefinite status. In the case of reversion to the Public Service, such reversion will be made to their substantive grade/indefinite status and, unless the term of the definite appointment has expired, concurrently to their definite position;
- iv. In the case of the detailing of officers who only hold a position of a definite nature where an 'objective reason' exists in terms of S.L. 452.81 with the Public Service, the detailing will be made up to the date of expiry of the definite appointment, during which period, they may revert to the Public Service. Upon expiry of the term, the person concerned will cease to be a public officer;
- v. 'Detailed ' officers are released on grounds of public policy;
- vi. They shall benefit from the pay structures and conditions of service of the entity to which they are detailed, in accordance with the Collective Agreement in force, as applicable. Taken as a whole, the pay structures and conditions of service may not be less favourable than those they used to enjoy with the Public Service;
- vii. They will retain the rights and privileges applicable to their public office as well as progression and promotion rights arising from the respective Classification Agreement;
- viii. By virtue of their public officer status, during the period of detailing they will retain their right to apply for calls for applications open to public officers;
- ix. They will have their service with the entity reckoned as service with Government for the purposes of increments, promotion and progression;
- x. In the case of pensionable officers, they will also have their service with the entity reckoned as service with Government for Treasury Pension purposes;
- xi. They shall be under the administrative authority and control of the entity but any disciplinary action instituted against them will be taken in terms of the standing Disciplinary Regulations;
- xii. The Personal File pertaining to the detailed officer is to be kept at the Directorate responsible for People Management of the Ministry under which the receiving Entity falls.

5.2 Revocation of Detailing of Public Officers Detailed with Public Entities

5.2.1

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

- i. following a request by the officer concerned,
- ii. following a request by the Entity, or
- iii. following the officer's promotion to a higher grade within the Public Service.

Moreover, the Administration may revoke the detailing of an officer according to the exigencies of the Service (demand driven).

5.2.2

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

- i. the officer is to apply in writing to the Head of the respective entity;
- ii. the entity concerned is to confirm to the People & Standards Division that there are no objections to the requested revocation of detailing;
- iii. the entity must also bind itself not to recruit a replacement;
- iv. there must be a demand within the Public Service for the type of skills, trade, competencies or expertise of the person requesting revocation of detailing.

5.2.3

Reversion to the Public Service is subject to the following:

- i. The pay package and any other conditions offered to the officer by the entity with which he/she is detailed shall be effective only during the period of detailing i.e. they cannot be retained upon the officer's return to the Public Service; and
- ii. If an officer is granted indefinite status by the entity in terms of the Contracts of Service for a Fixed Term Regulations (S.L.452.81) on the basis of a definite contract held with the entity, the officer may retain such indefinite status with the entity concurrent with his/her substantive grade or other form of indefinite status he/she may hold with the Public Service, but cannot transfer an indefinite status attained with an entity to the Public Service.

- iii. the officer will benefit from the prevailing conditions applicable in the Public Service;
- iv. the officer will be posted in a Department where their professional skills and competencies are required;
- v. the officer will continue to be entitled to a Treasury pension, if he/she is of a pensionable status.

5.2.4

An entity may, because of particular reasons such as restructuring, request that the detailing of officers who had been detailed with the entity be revoked and they revert back to the Public Service.

5.2.5

Revocation of detailing may also be required when a detailed public officer is promoted within the Public Service, so that the officer concerned could take up the duties/responsibilities commensurate with the new grade. In such cases the consent of the Entity is not a binding condition for revocation of detailing. If the duties tied to the officer's new grade are also required by the entity, the officer may remain detailed in his/her new grade.

5.2.6

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

5.3 Deployment of Public Officers for Duty with Public Entities

5.3.1

The Prime Minister may likewise direct that a public officer is to be 'deployed' for duty with a public entity. The term 'deployment' is applied when the relative public entity has not been set up by law.

5.3.2

The reasons for deployment as well as the terms of deployment are similar to those applicable in the case of detailing as outlined at sections 5.1.2 and 5.1.3.

5.4 Reversion to the Public Service of Public Officers Deployed with Public Entities

5.4.1

The parameters/procedures in respect of the revocation of detailing to the Public Service of Public Officers detailed with public entities, as outlined at sections 5.2.1 - 5.2.5, are also applicable in the case of reversion to the Public Service of public officers deployed with public entities.

5.4.2

Approval for public officers deployed with Public Entities to revert to the Public Service rests with the Principal Permanent Secretary.

5.5 Detailing/Deployment of Public Officers with Public Entities following a Public Call for Applications or a Call for Expressions of Interest²³

5.5.1

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

5.5.2

Such officers shall be detailed/deployed with the entity for as long as they remain performing the duties of the call for applications/call for expression of interest. Moreover, detailed/deployed officers who apply for internal calls issued by the entity with which they are detailed/deployed shall remain detailed/deployed in the new post/position.

5.5.3

Public officers on a definite contract shall have their definite contract terminated in the eventuality that they take up a post/position with an entity.

²³ PAHRO Circular 15/2014

5.5.4

The detailing/deployment of officers, also following a public call for applications/call for expression of interest, is always subject to the following:

- a. the exigencies of the Public Service permit the detailing/deployment of the officer at that particular point in time;
- b. the officer may be re-called by the Prime Minister as and when required to resume duties within the Public Service according the exigencies of the Service, even in cases where a formal contractual engagement has been entered into with the entity; and
- c. due notice is to be given, in terms of the applicable provisions, at the discretion of the Ministry consenting to the officer's detailing/deployment, prior to the officer taking up the post/position with the entity.

5.5.5

Detailed/deployed officers following a public call or following a call for expressions of interest are subject to the following:-

- a. Throughout the period of detailing/deployment, they retain their public officer status and remain subject to the standing Disciplinary Regulations in the Public Service;
- b. Being in the public interest, the period of detailing/deployment is reckonable as years of service in their substantive grade for the purpose of progressions/promotions in terms of the pertinent Classification Agreement pertaining to their Public Service substantive grade and for the computation of years of service required for eligibility to a higher grade, subject to their performing duties not below their Public Service grade/indefinite status;
- c. In the case of reversion to the Public Service, detailed/deployed officers shall revert with the same conditions stipulated at paragraph 5.2.3 above.

5.6 Public Sector Employees Selected to fill Public Service Vacancies following a Public Call for Applications or a Call for Expressions of Interest²⁴

5.6.1

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

²⁴PAHRO Circular 15/2014

5.6.2

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

5.7 Public Sector Employees Selected to fill Vacancies with another entity

5.7.1

Public sector employees selected to fill vacancies with another entity may be loaned from their parent entity (with its consent, if having a separate legal personality) to the entity where they are selected if the vacancy is for a definite period. If the vacancy is for an indefinite period, re-deployment is effected in terms of Art.15A of the ETS Act, with the mutual consent of the two entities and subject to Prime Ministerial approval.

5.8 Public Sector Recruitment

5.8.1

In January 2014, Directive 7, entitled “Delegation of Authority to Recruit in the Public Sector Entities” was issued wherein certain powers of recruitment were delegated to Public Sector entities and their respective Permanent Secretaries. Resources and competencies were thus transferred nearer to the point of service delivery, and consequently HR functions were further decentralised, in line with the major trends in public administration modernisation. The “Manual for Public Sector Entities – Delegation of Recruitment Approval”, which was attached to Directive 7 and is intended to guide Public Sector entities when they are recruiting under the delegation given to them, can be accessed through the link: <https://publicservice.gov.mt/en/people/Documents/People-Resourcing-Compliance/Resourcing-Manuals/Directive-7-1-Manual-V5.pdf>.

5.9 Re-Deployment in Terms of Article 15A of the Employment and Training Services (Ets) Act (Chap. 343)

5.9.1

Redeployment of staff declared as surplus to requirements by a public entity may be effected by the Prime Minister by means of Article 15A of the ETS Act if their services are required in another public sector entity. Such redeployment is always effected on the advice of the Permanent Secretary of the relative Ministry and the Principal Permanent Secretary. The employees concerned will be required to endorse a written guarantee, signalling their acceptance to terminate their employment with the original employer and to be redeployed with the other entity, whilst accepting the terms, conditions and financial package being offered.

5.10 Executive Secretaries with Local Councils

5.10.1

Executive Secretaries with Local Councils are appointed in terms of the Local Councils Act (Chap. 363).

5.10.2

The Executive Secretary should be well versed with the Local Councils Act and its statutory Regulations.

5.10.3

As the executive, administrative and financial head of the Council, an Executive Secretary with a Local Council is expected to:

- a. issue all notices for Council and committee meetings, prepare the agenda in consultation with the Mayor and attend all meetings;
- b. draw up and sign the minutes of Council and committee meetings;
- c. submit a detailed annual administrative report to the Mayor who shall submit it to the Council for its approval;
- d. request the submission of estimates of the income and expenditure of the Council during the next financial year;

- e. carry out any other administrative duties as may be required by the Mayor, in accordance with policies decided and delegated by the Council;
- f. issue all orders bearing an expense as approved by the Council;
- g. report to the Director for Local Government, and submit all reports and any other documentation as required by the Director, and adhere to any other directive issued by the Director.

5.10.4

Calls for expressions of interest to serve as Executive Secretaries are issued through the PSC. The respective call will specify the eligibility criteria. Eligible officers will have to complete successfully a specialised course conducted by the Department of Local Government with a view to be placed in a pool, not in order of merit, from which pool Executive Secretaries will be appointed by the Minister following nomination by the Local Council. Executive Secretaries shall be public officers.

5.10.5

As public officers, Executive Secretaries are subject to the Public Service Management Code and the PSC standing disciplinary regulations.

5.10.6

The validity period of the pool containing the successful applicants who have followed the course is of two (2) years. Applicants not appointed as Executive Secretary from the pool within the two (2) year period will have to re-apply but their attained course certificate will still be recognised subject to any refresher course as determined by the Director for Local Government. The Department of Local Government may also assign a limited number of successful applicants from the pool to perform duties at the Department.

5.10.7

Executive Secretaries, once appointed and deployed to a Local Council, will:

- i. be accountable to the Director for Local Government, and will retain their inherent rights as Public Officers;
- ii. retain their substantive grade / indefinite status with the Malta Public Service, to which they will revert on termination of their deployment with Local Councils;
- iii. have their period of deployment reckoned as 'service in the grade' for the purpose of computation of length of service, seniority, salary, progression and, where applicable, for treasury pension purposes;

- iv. continue to receive their substantive salary and will also be entitled to a non-pensionable allowance which will vary according to the size of the Local Council, subject that their inherent rights are not vitiated;
- v. be entitled to a Performance Bonus up to a maximum of 10% (minimum of 5% as per Local Councils Human Resources Regulations);
- vi. will, whilst placed in the pool, not be entitled to any benefits (i.e. the non-pensionable allowance and performance bonus) pertaining to the carrying out of the duties of Executive Secretary.

5.10.8

On termination of their assignment with the Local Council, Executive Secretaries who hold a substantive grade/indefinite status in the Public Service will, by virtue of their inherent rights, fall back to their substantive grade/indefinite status, and be accordingly deployed as determined by the People & Standards Division in accordance with the exigencies of the service. Payment of the allowance and bonuses will be discontinued.

5.10.9

Executive Secretaries can be removed or transferred from one Council to another by the Minister as follows:

- a. at the request of the Council after a motion has been put forward stating the reasons for removal by the Council - in such cases the termination of their deployment to a Local Council shall be subject to the approval of the Minister and shall only become effective from such date as may be determined by the Minister;
- b. at the request of the Executive Secretary, providing reasons for termination of office within the Council - in such cases, the Executive Secretary should inform the Local Council to which he/she is deployed and the Director for Local Government at least one month prior to the last day of work. Failure to do so will, ipso facto, result in a penalty payment equivalent to one month's pay;
- c. at the request of the Department of Local Government if, following shortcomings shown in the auditors' report or following investigations carried out by the Department, it results that the Executive Secretary has committed any abuse or permitted abusive practices and contraventions of the law and of local council regulations.

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

5.11.1 Definition

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

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

5.11.2 Procedure

- i. The Ministry/Department requesting secondment is to submit a formal request to Director (People Resourcing & Compliance), as per template available at <https://publicservice.gov.mt/en/people/Pages/PeopleResourcingandCompliance/FormsandTemplates.aspx>, channelled through the respective Permanent Secretary;
- ii. The official request should include the following details:-
 - a. The cogent, demand driven, reasons why the services of the public sector employee concerned are required;
 - b. The duties to be performed by the public sector employee;
 - c. The salary / financial package to be offered;
 - d. Confirmation that funds are available;
 - e. Declaration by the public sector employee that s/he consents to forfeit any allowances previously enjoyed with the Public Sector entity, i.e. to receive only the basic salary (and any increase in conformity with the entity's Collective Agreement, if applicable). There may be instances where the line Ministry/Department intends to propose increases above the basic salary, as compensation for higher responsibilities which the seconded Public Sector employee is expected to perform above his/her substantive position. In such cases, an ad hoc request will need to be made and jointly approved by the People Support & Wellbeing Directorate (People & Standards Division).

- iii. The following documentation is to be submitted together with, and in support of, the original request:
 - a. confirmation by the head of the releasing entity that the employee concerned can be released against no consequential request to fill the vacated position, i.e. there should be no resultant headcount increase, unless the Principal Permanent Secretary determines that the request of the Public Service warrants otherwise;
 - b. details of the salary / financial package and other benefits/ allowances currently enjoyed by the employee concerned;
 - c. approval by the Permanent Secretary under whose remit the entity falls for this secondment to be proceeded with.
- iv. The decision of the Principal Permanent Secretary will be communicated to all stakeholders accordingly.
- v. The effective date of the secondment is the date of approval of the Principal Permanent Secretary, unless otherwise directed. As from the date of approval, the payment of the seconded employee's salary will be borne by the receiving Ministry\ Department.

06

- A. Re-Employment and Re-Instatement of Ex-Public Officers
- B. Engagement on Temporary Basis of Former Public Officers who are Granted Parole
- C. Re-Integration of Former Public Officers who were Dismissed from the Public Service

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

6.1 Definitions

6.1.1 Re-employment

Ex-Public Officers may be re-employed after resignation in cases of acute public service interest and/or grave humanitarian reasons or serious medical conditions that led the individual concerned to resign instead of being medically boarded out, as per conditions stipulated in this policy.

Ex-Public Officers may be re-employed in their last appointment in the Public Service or may request to be re-employed in any previous designation (i.e. grade/position/indefinite status), held before resignation.

6.1.2 Re-instatement

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

Ex-Public Officers may be re-instated in the designation they held in the Public Service after having been medically boarded out, as per conditions stipulated in this policy. Ex-Public Officers may be re-instated in their last appointment in the Public Service or may request to be re-instated in any previous designation/position/indefinite status held before their boarding out for medical reasons.

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

6.2.1 Functions

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

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

6.2.2 Composition

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

6.2.3 Procedure

- i. a. An application for re-employment or re-instatement shall be submitted by an ex-public officer to the Permanent Secretary (People & Standards Division), or delegate, who conducts the administrative side of the policy. The following documents should be attached to the formal application:
- An original certificate of conduct issued by the Police or other competent authority not earlier than one (1) month from the date of application;
 - An employment history issued by the Employment and Training Corporation (ETC), if required;
 - If applicable, a medical certificate by a treating specialist stating that the applicant is fit for duties. This is applicable only if (i) the applicant was medically boarded out, (ii) ill-health was the reason for his/her resignation, or (iii) health issues are mentioned in the application;
 - Any other documentation as deemed necessary by the RRC or by the applicant himself/herself to support his/her case.

Documents must be forthcoming in due time. The RRC may establish a deadline for submission which, if not met, will lead to disqualification of application.

- b. On its part, the People & Standards Division will request the relevant Department:
- whether the request for re-employment/re-instatement is in the Public Service Interest, and if in the affirmative, provide cogent reasons;
 - whether the applicant has any pending disciplinary cases, in which case the Head of the Department in which the officer is to be assigned duty, shall recommend to the PSC, in terms of Regulation 37(6) of the PSC Disciplinary Regulations, whether such action shall be resumed or otherwise; and
 - to provide any other relevant documents that may be required.

Respective departments are to provide the requested information to the People & Standards Division within one week from receipt of such request, failing which, the RRC will consider this as no information is forthcoming and will continue the processing of such requests.

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

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

- ii. The RRC shall regulate its own procedure during its deliberations and consider requests in line with the eligibility criteria outlined below. The Committee will consider the application within 20 working days from receipt of the individual's complete application for re-employment/re-instatement.
- iii. When the RRC agrees to the re-employment or re-instatement of the applicant, the Committee shall, subject to the assessment procedures described hereunder, submit its decision to the Permanent Secretary (People & Standards Division), or delegate, who shall in turn make submission to the PSC. If the PSC agrees that the applicant should be re-instated or re-employed, the engagement will be proceeded with in terms of Article 110(1) of the Constitution.
- iv. If the RRC does not agree to the re-employment or re-instatement of the applicant, the Permanent Secretary (People & Standards Division), or delegate, shall inform him/her accordingly and advise him/her of his/her right of appeal to the PSC against the RRC's decision, as stipulated in section 1.6.2.5 of this policy.

6.2.4 Eligibility Criteria for consideration by the RRC

- i. An application must satisfy all the following eligibility criteria:
 - a. the case must contain grave humanitarian reasons, and/or is in the public service interest;
 - b. applicants requesting re-employment or re-instatement will, apart from medical considerations where appropriate, be submitted to an assessment (interview - plus any practical/aptitude/general ability/other tests as may be deemed necessary) conducted by Assessment Board to ensure and certify that their level of competence and any required certification in the particular designation, has remained acceptable.
- ii. The Assessment Board will basically include three RRC representatives and in cases of particular skills/trades/professions, will also include a member of competent in the field. The Assessment Board is to observe the following standards so that these assessments are carried out consistently throughout the service:
 - 1. The Assessment Board should compare the qualifications the officer holds with the current entry requirements for the particular designation. The officer should be in possession of at least appropriate, comparable qualifications. In cases where the entry requirements are lacking, the Assessment Board shall ensure that the applicant is willing to undergo training to obtain the necessary qualifications within a stipulated time-limit dictated by the type of training required. The Assessment Board shall make it clear to the applicant that if at the expiration of the probationary period the requirements are not fulfilled, the employment will cease.
 - 2. If necessary, the Assessment Board may carry out a practical/aptitude/general ability/other test, apart from the interview.
 - 3. The Assessment Board shall assess whether the applicant is competent to carry out

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

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

- iii. Former Public Officers who had resigned/retired from a public sector entity after they had been permanently employed with it are not eligible to be considered under the re-employment and re-instatement policy.

6.2.5 Right of Appeal

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

6.3 Conditions

6.3.1 Re-employment after resignation

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

- i. The officer's previous service counts for progression and promotion purposes;
- ii. The officer will be placed:
 - In a former grade/position/indefinite status held during the previous service;
 - If the officer opts to rejoin the Service in the last grade/position/indefinite status held, s/he will be placed on the same salary scale and step occupied prior to leaving the Service, with due award of increments. If the officer opts to rejoin the Service in a lower grade/position/indefinite status, s/he will be placed on the maximum point subject that the salary point on leaving the Service is in no way exceeded. (Vide also Section 3.7 of the Manual on the Procedure and Computation of Salaries);
 - at the bottom of the seniority list of the designation; and
 - on probation for a period as specified in Section 1.8.2.

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

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

- i. The officer's previous service counts for progression and promotion purposes;
- ii. The re-instated officer will be placed:
 - in a former grade/position/indefinite status held during the previous service;
 - at the previous salary point;
 - at the bottom of the seniority list of the designation;
 - on probation for a period as specified in Section 1.8.2; and
- iii. If the officer is a pensionable officer, the Treasury pension granted under the Pensions Ordinance which was granted on retirement shall be immediately withheld. On the gratuity already paid to the officer, a sum based on the current Refund Policy shall be deducted from the officer's salary on a four-weekly basis.

6.4 Applicability for Members of Disciplined Corps

Ex-Public Officers, who served in the Police, Civil Protection and Correctional Services, shall also be eligible to apply for re-instatement or re-employment. However, if it is strictly in the Public Service interest, it may be considered that they may not be re-employed/re-instated in their former grade. In such cases, and if exceptional circumstances so warrant, they will have their grade changed to 'Officer in Grade' status in the relevant salary scale equivalent to their former grade, and they will be considered in terms of recruitment eligibility benchmarks adopted across the board. Their previous service shall count as service with Government but not as service in a disciplined force. These officers shall be assigned duties comparable to their scale in another department.

6.5 Further Clarifications

6.5.1

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

6.5.2

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

6.5.3

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

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

6.6 Aim

6.6.1

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

6.7 Procedure

6.7.1

Requests for engagement on temporary basis under this policy shall be submitted to the Permanent Secretary (People & Standards). It is the applicant's duty to present a strongly documented case. Such application may be submitted either whilst the applicant is still in prison or after the applicant is granted parole under the Restorative Justice Act. In the former case, applications submitted earlier than the 11th month of the prison sentence shall not be considered.

6.7.2

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

- i. the sentence/s delivered by the Criminal Court;
- ii. the report/s and any other document drawn up by the Parole Officer assessing the applicant;
- iii. the Parole licence granted to the applicant by the Parole Board; and
- iv. any other document concerning the applicant which may be considered relevant.

6.7.3

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

6.7.4

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

6.7.5

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

6.7.6

The RRC shall submit its findings together with the recommendation of the Assessment Board to Permanent Secretary (People & Standards) within three (3) weeks from the date the application is referred to it.

6.7.7

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

6.7.8

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

6.8 Eligibility

6.8.1

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

- i. they were dismissed from the Public Service after they were sentenced to a term of imprisonment, provided that a general perpetual interdiction was not imposed upon them by the Courts; and
- ii. they are in possession of a parole licence by the Parole Board, granted in terms of the Restorative Justice Act; and
- iii. they are found fit to perform the duties assigned to them through a medical test/ a Medical Board appointed for this purpose.

6.9 Right of Appeal

6.9.1

Applicants, whose request for engagement on a temporary basis is not accepted by the RRC, shall have the right to file an appeal with the Principal Permanent Secretary submitting grounds for that appeal. This appeal shall be submitted by not later than ten (10) working days from the date the applicant receives the People & Standards Division's reply. The Principal Permanent Secretary shall, on receipt of the appeal, appoint a Committee to decide about the appeal. This Committee shall be presided over by the Principal Permanent Secretary and two other individuals appointed on an ad hoc basis by the same Principal Permanent Secretary. This Committee shall decide about the case within ten (10) working days, and its decision shall be final.

6.10 Parameters

6.10.1

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

- i. whether the officer concerned is competent to perform the duties of his post; and
- ii. the place of work where s/he may be posted.

6.10.2

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

6.10.3

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

6.11 Conditions

6.11.1

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

- i. be engaged on a temporary basis for the duration of their parole license;
- ii. be paid a fixed salary equivalent to the minimum point of the salary scale of their former substantive grade/position, subject to capping to a post pegged to the minimum of salary scale 7. They will not be entitled to any increments for the duration of their engagement on temporary basis; and
- iii. be referred to the ESP Unit and monitored regularly throughout the term of the temporary employment.

6.12 Support Through the ESP Unit

6.12.1

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

6.12.2

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

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

6.13 Application

6.13.1

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

- i. found guilty of a disciplinary offence;
- ii. found guilty of a criminal offence including those who were released from prison after being sentenced to a term of imprisonment;
- iii. successfully terminated the parole period granted to them in terms of the Restorative Justice Act.

6.13.2

This policy also applies to former Public Officers who resigned or were medically boarded out from the Public Service but were subsequently guilty of a criminal offence. Ex-Public Officers may be re-integrated in their last appointment in the Public Service or may request to be re-integrated in any previous grade/position/indefinite status, held before resignation.

6.14 Procedure

6.14.1

An application for re-integration in a former grade/position/indefinite status, held during the previous service, shall be submitted by a former public officer to the Permanent Secretary (People & Standards) or his/her delegate, who administers the administrative side of the policy. The applicant shall attach a copy of a medical certificate by a medical doctor certifying that s/he is fit for duties. On receipt of the application, Permanent Secretary (People & Standards) shall, within one week from the date the application is received, refer the application to the Re-Employment and Re-Instatement Committee (RRC) referred to in section in 6.2.2 of this Manual. The following documents shall be referred to the RRC, along with the relative application:

- i. the report of the Disciplinary Board which investigated the relative disciplinary charges, if applicable;

- ii. the sentence/s delivered by the Criminal Court, if applicable;
- iii. the PSC's recommendation recommending the dismissal of the applicant and the reasons for such a recommendation;
- iv. a report drawn up by Director, Correctional Services on the behaviour of the applicant during the period the applicant spent in prison, if applicable;
- v. the report/s drawn up by the Parole Officer supervising the applicant whilst the applicant was on parole, if applicable;
- vi. a report of the Medical Board concerning the state of health of the applicant, if medical reasons are mentioned in the application
- vii. a confirmation from the applicant's former Head of Department as to whether the applicant had any pending disciplinary cases before s/he was dismissed, in which case the Head of Department in which the officer is to be assigned duty, shall recommend to the PSC, in terms of Regulation 47(6) of the PSC Disciplinary Regulations, whether such action shall be resumed or otherwise;
- viii. documentary evidence concerning any rehabilitation programme that the applicant has undergone in connection with substance abuse, if applicable;
- ix. the report drawn up by the applicant's supervisor in the case where the applicant was employed on a temporary basis during his/her parole;
- x. an employment history issued by the Employment and Training Corporation (ETC), if required; and
- xi. any other relevant documents.

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

6.14.2

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

6.14.3

The provisions stipulated in sections 6.2.4 shall also be observed by the Assessment Board when assessing applicants. However, the Assessment Board shall also determine the place of work where the applicant may be posted once s/he is re-integrated.

6.14.4

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

6.14.5

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

6.14.6

If, however, after considering the application in terms of this policy, the RRC decides that the application should not be accepted, the People & Standards Division shall inform the applicant about the refusal and advise him/her of his/her right to appeal to the PSC against the RRC's decision, as stipulated in section 6.2.5.

6.15 Eligibility

6.15.1

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

- i. they were dismissed from the Public Service after they were found guilty of a disciplinary offence or of a criminal offence, or if they were found guilty of a criminal offence after resigning from the Public Service. Applicants who: (a) at the time of application, had a general perpetual interdiction imposed upon them by the Courts; or (b) were found guilty of wilful homicide or drug trafficking; shall not be considered for re-integration under this policy;
- ii. there are grave humanitarian reasons and/or it is in the public service interest that the applicant is re-integrated in the Public Service;
- iii. they were found fit to perform the duties assigned to them by a Medical Board appointed for this purpose after the applicant is re-integrated within the Public Service;
- iv. in the case of applicants with a history of substance abuse, they should have successfully completed a rehabilitation programme. If an applicant did not complete a formal rehabilitation programme, on being re-integrated, the applicant shall be liable to undergo a rehabilitation programme of assessment and counselling.

6.15.2

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

6.15.3

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

- i. former public officers who were not granted parole by the Parole Board on the basis of the offences referred to in paragraph 3(i) above, or who had their parole license withdrawn by the Parole Board;
- ii. former public officers who had already been re-integrated in the Public Service but were subsequently dismissed, and;
- iii. former public officers who were dismissed from a public entity after they were permanently employed with that entity.

6.16 Considerations

6.16.1

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

- i. the report of the Disciplinary Board;
- ii. the sentence/s delivered by the Criminal Court;
- iii. the gravity of the offence/s for which the applicant was dismissed; and
- iv. the PSC's recommendation and reasons for dismissal.

6.17 Right of Appeal

6.17.1

Applicants, whose request for re-integration is not accepted, shall have the right to file an appeal with the PSC, as stipulated in section 6.2.5.

6.18 Parameters

6.18.1

Officers who are re-integrated under this policy shall not be assigned duties in places of work considered as 'sensitive' and where there is the possibility that the officer could come in contact with vulnerable groups.

6.18.2

If the officer had a pending disciplinary case before s/he was dismissed, the Head of the Department in which the officer is to be assigned duty, shall recommend to the PSC, in terms of Regulation 37(6) of the PSC Disciplinary Regulations, whether such action shall be resumed or otherwise.

6.18.3

Two (2) months before the lapse of the probationary period, the relative Head of Department should ask the officer's supervisor to submit a report about the officer's performance. This report shall be drawn up in conjunction with the ESP Unit. The appointment shall only be confirmed if the Head of Department is satisfied that s/he has carried out his/her duties in a creditable manner.

6.19 Conditions

6.19.1

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

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

- i. previous service is lost;
- ii. be placed:
 - in their former grade in a former grade/position/indefinite status held during the previous service or in a lower grade either within the class or as an Officer in Grade, as determined by the RRC, according to the circumstances of the case. A former public officer whose last appointment in the Public Service was in a fixed-term position will be placed in that same position;

- on the minimum of the lowest salary scale of the grade;
 - at the bottom of the seniority list of the grade; and
 - on probation for 48 months.
- iii. the probationary appointment shall be terminated if the officer fails to attend the rehabilitation programme of assessment and counselling referred to in section 6.2.4 (b), in cases of serious misconduct or breach of discipline or unsatisfactory performance.
- iv. are monitored by the ESP Unit during the probationary period.

6.19.2

Without prejudice to Section 1.8 of this Manual, regarding the probationary period, ex-Public Officers are re-integrated subject to a forty-eight (48) month period, even if an Officer is given an appointment to a new grade/position during such period.

6.20 Support Through the ESP Unit

6.20.1

Public Officers, who are reintegrated through this policy, will be referred by the People & Standards Division to the ESP Unit for assessment and monitoring with the aim of identifying any difficulties and supporting the employee to reintegrate at the workplace. This will involve discussions with the employee's supervisor accordingly. This support will remain for the duration of the probationary period as indicated above.



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