

PERSONNEL DEPARTMENT CIRCULAR MEMORANDUM

FROM: Chief Personnel Officer

TO: Permanent Secretaries, Heads of Department, Chief Administrator, Tobago House of Assembly and Heads of Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01

DATE: May 16, 2014

SUBJECT: *Determination of previous contract service for purposes of payment of salary to persons employed, on contract, in standardised positions in the Public Service*

I refer to Personnel Department Circular Memorandum dated January 18, 2013 on the subject "*Changes in administrative arrangements in respect of contract employment in the Public Service*", wherein you were advised, inter alia, of the salaries to be applied to persons employed, on contract, in various positions in clerical, secretarial, manipulative, human resource, communication and legal categories.

2. As indicated in paragraph 7 of that Circular Memorandum, except in the case of positions in the legal stream, other than that of Legal Officer I, salaries which have been established take account of the number of years of a person's employment, on contract, in the same or similar position in the Public Service or a Statutory Authority subject to the Statutory Authorities Act, Chapter 24:01. In the case of positions in the legal stream, other than that of Legal Officer I, salaries are to be determined on the **experience** of an individual as a **practicing Attorney-at-Law**.

3. Clarification has been sought by some Ministries/Departments on the salary to be applicable where individuals had been employed previously, on contract, for three or more continuous years but where their subsequent period of employment, on contract, did not **immediately** follow the termination date of the earlier term of engagement. In other words, there was a 'break' between the two (2) periods of service on contract. In this regard, in many cases, the very individuals were engaged during those 'breaks' on short term service contracts when they continued to perform the same duties as they did when they were previously employed, on contract.

4. I now wish to advise that where an individual, including a Legal Officer I:

- (a) was employed on contract for a period of three or more continuous years in the Public Service or in a Statutory Authority subject to the Statutory Authorities Act; and
- (b) the period at (a) above was followed by continuous service, in the same or a similar capacity, rendered on **a month to month short term basis and/or as a Service Provider**, prior to the commencement of a new contract, on or after 15 February, 2013,

the period of service at (b) above shall not be regarded as constituting a 'break' in service **for purposes only of determining the tier of salary at which such employee should be paid**. It is to be noted, however, that only the years **actually served on contract** are to be taken into account as '*years of service*' for such purposes. For example, Mary Greene completed her 3-year contract as a Human Resource Analyst in Ministry 'X' on September 11, 2012 and commenced a new contract in the same capacity with effect from January 14, 2014. During the entire intervening period from September 12, 2012 to January 13, 2014, she was retained to provide similar HR services in the Ministry on a month to month basis. In this case, Mary Greene should be paid salary at the rate of \$11,800 per month, that is, the salary applicable to a Human Resource Analyst with *3 years' and more but less than 6 years' service* as shown in the Circular Memorandum identified at paragraph 1 above and as illustrated in **Appendix 'A'**. The period during which she provided services on a month to month basis shall not be counted in determining her number of years of service.

5. I wish also to advise that where an individual, including a Legal Officer I, was employed:

- (a) on contract, for a period of three (3) or more continuous years in the Public Service or Statutory Authority subject to the Statutory Authorities Act; and
- (b) for whatever reason, there was a 'break' **not exceeding one (1) year**, between the termination date of his/her last contract and the commencement date of his/her employment on a subsequent contract, on or after February 15, 2013, in the same or similar position,

the individual's previous period(s) of continuous employment, on contract, shall be taken into consideration, **in determining the salary, only**, to be paid to him/her. For example, where an individual who had been employed previously, on contract, as a Business Operations Assistant I in the Public Service for a period of three (3) continuous years ending October 31, 2012, and subsequently commenced a new period of employment, on contract, in the same position, six (6) months later, on May 01, 2013, account is to be taken of the previous period of contract employment when determining the rate of salary payable to the individual. In such a case, the commencing salary to be paid to the individual who was employed for a new contractual period on May 01, 2013, would be \$5,100.00 per month up to December 31, 2013 and \$5,500.00 per month with effect from January 01, 2014, that is, the salary applicable to a Business Operations

Assistant I *with 3 years' and more but less than 6 years' service*, as set out in the Circular Memorandum mentioned at paragraph 1 above and as illustrated in **Appendix 'B'** hereto.

6. At paragraph 9 of the Circular Memorandum under reference, it is stated, inter alia, that where an organization considers it desirable to **re-employ** a person on or after February 15, 2013, in the same or similar position previously held by him/her but he/she does not now satisfy the minimum requirements of the job as reflected in the new standardized Job Description, that person shall be engaged for a period **not exceeding one year** during which he/she shall be required to obtain the qualifications and acquire the skills specified in the approved Job Description. In addition, the salary and other terms and conditions as approved by the Chief Personnel Officer in respect of the person's previous period of employment shall apply to that one-year period of engagement.

7. It has been drawn to my attention that the period of one year provided for at paragraph 6 above is proving to be inadequate for persons to complete their courses of study in order to obtain required qualifications. Accordingly, you are advised that where an employee provides **documented evidence** which indicates that he/she is actively pursuing studies and specifies the date by which the qualification requirements of the job are expected to be acquired, such employee may be considered for further employment to such date, **but not exceeding a period of three (3) years**, on the same salary and terms and conditions referred to at paragraph 6 above.

8. In light of the advice at paragraphs 4 and 5 above, please take appropriate steps to adjust the salary of any affected employee by July 31, 2014.

9. Kindly bring this Circular to the attention of all officers engaged in the administration of contracts in your Ministry/Department/Authority.



Chief Personnel Officer

Extract from Personnel Department Circular Memorandum dated January 18, 2013:

NAME OF POSITION	SALARY	
	February 15, 2013 to December 31, 2013	January 01, 2014 to December 31, 2016
Business Operations Assistant I with less than 3yrs service	\$4,750	\$5,150
Business Operations Assistant I with 3yrs and more but less than 6yrs service	\$5,100	\$5,500
Business Operations Assistant I with 6yrs and more service	\$5,400	\$5,800

Example:

Period of Previous Term of Employment on contract as a BOA I	Period of Break (not to exceed 12 months)	Period of New Term of Employment on contract as a BOA I	Salary Applicable to New Term of Employment
3 years: November 01, 2009 to October 31, 2012	6 months	3 years: May 01, 2013 to April 30, 2016 (This term of employment may be in the same or different Ministry/Department/Authority in/from which the previous term of employment, on contract, was served).	Business Operations Assistant I with 3yrs and more but less than 6yrs service: 01/05/13 – 31/12/13 = \$5,100 per month and 01/01/14 – 30/04/16 = \$5,500 per month

Extract from Personnel Department Circular Memorandum dated January 18, 2013:

NAME OF POSITION	SALARY	
	February 15, 2013 to December 31, 2013	January 01, 2014 to December 31, 2016
Human Resource Analyst with less than 3yrs service	\$10,600	\$11,250
Human Resource Analyst with 3yrs and more but less than 6yrs service	\$11,100	\$11,800
Human Resource Analyst with 6yrs and more service	\$11,600	\$12,350

Example:

Period of Previous Term of Employment on contract as a Human Resource Analyst	Period of Service on Short Term Employment and/or as a Service Provider	Period of New Term of Employment on contract as a Human Resource Analyst	Salary Applicable to New Term of Employment
3 years: September 12, 2009 to September 11, 2012	September 12, 2012 to January 13, 2014 (18 months)	3 years: January 14, 2014 to January 13, 2017 (This term of employment may be in the same or a different Ministry/ Department/ Authority in/from that in which the previous term of employment, on contract, was served).	Human Resource Analyst with 3yrs and more but less than 6yrs service: January 14, 2014 to January 13, 2017 - \$11,800 per month