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PERSONNEL DEPARTMENT CIRCULAR NO. 2 OF 2020

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: August 7, 2020

SUBJECT: Leave Provisions within the Public Service for Employees who are absent from duty as a consequence of circumstances associated with the COVID-19 Pandemic

Cabinet by Minute No. 1390 dated August 6, 2020 approved the National Policy Guidelines on Preparing Workplaces in Trinidad and Tobago for COVID-19, its objective being to minimize the spread of coronavirus by keeping employees safe and well at work.

Accordingly, 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 are required to implement the undermentioned facilities to enable the classification of leave subject to certain stipulated criteria being met as outlined at Appendix I, and the appropriate Application Form being completed.

These forms are attached as follows:

- Appendix II: Authorized Absence from Duty With Full Pay (COVID-19 Pandemic Leave); and
- Appendix III: Special Sick Leave.

This Circular, the details of which are explained in Appendix I, outlines those facilities applicable to the undermentioned categories of employees within the Public Service:

- a. Public Officers (Permanent and Temporary)
- b. Officers under Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01
- c. Government Hourly, Daily and Weekly Rated Employees;
- d. Part time monthly paid employees of the Government, including those who are paid on a sessional basis;
- e. Fixed Term Contract Employees; and
- f. Short Term Contract Employees.

The above categories of employees shall be eligible for *Authorized Absence from Duty with Full Pay (COVID -19 Pandemic Leave)* for the period commencing March 16, 2020 to June 21, 2020.

Where any category of employee mentioned above has tested positive for COVID-19, the individual shall be eligible for the facility of *Special Sick Leave*.

No worker/employee/office holder shall suffer any loss in the calculations of his/her pension, acting allowance, gratuity or incremental dates/payments or any other benefits/leave entitlement based on the classification of leave in accordance with this Circular.

You are advised that employees, whose absences from duty are as a consequence of circumstances associated with COVID-19, and whose absences were classified other than those identified in this Circular shall be reviewed and reclassified appropriately.

Permanent Secretaries, Heads of Department and Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01 and the Chief Administrator, Tobago House of Assembly are to be guided by the contents of this Circular.


CHIEF PERSONNEL OFFICER (Ag.)

APPENDIX I

A. AUTHORIZED ABSENCE FROM DUTY WITH FULL PAY (COVID-19 PANDEMIC LEAVE)

1. Authorized Absence from Duty with Full Pay (COVID-19 Pandemic Leave) shall be applicable to:
 - a. Public Officers (Permanent and Temporary);
 - b. Officers under Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01
 - c. Government Hourly, Daily and Weekly Rated Employees;
 - d. Part time monthly paid employees of the Government, including those who are paid on a sessional basis;
 - e. Fixed Term Contract Employees; and
 - f. Short Term Contract Employees.
2. Based on the nature of work, some individuals were not rostered to work and could not work remotely. Additionally, there were officers who are parents and/or guardians to children under the age of sixteen years who had no support system and were unable to be considered to work on a rostered basis and /or remotely. Further, some persons would have been directed to quarantine for showing signs and symptoms associated with COVID -19 and did not test positive as well as persons who, due to the closure of the borders, are unable to return to Trinidad and Tobago. In all the circumstances described, these employees will be eligible for *Authorized Absence from Duty with Full Pay (COVID-19 Pandemic Leave)*.
3. However, any position within the government service associated with the Defence Force, Protective Services, Health and Emergency Services, Transportation, Sanitation and Public Utilities shall not be eligible for Authorized Absence from Duty with Full Pay (COVID-19 Pandemic Leave) with the exception of those officers being sent to quarantine for showing signs and symptoms relating to COVID-19 and persons who, due to the closure of the borders, are unable to return to Trinidad and Tobago.
4. Where an individual was unable to report for work because of the circumstances at 3. above, that individual will be required to complete the Application Form as at Appendix II, which identifies the supporting documentation required for the consideration and approval of the request. Persons affected should be required to complete and submit applications promptly to ensure their absence from duty is appropriately classified.
5. Permanent Secretaries, Heads of Department and Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01 and the Chief Administrator, Tobago House of Assembly are asked to treat applications on a case by case basis, where certain supporting documents are not applicable and/or readily available.
6. Accordingly, no penalty shall apply where an officer is granted approval for his/her absence in these circumstances. That is to say, the officer will be treated no differently than the manner in which he/she would have been treated had he/she been at work. As

such, an individual whose acting/temporary appointments would have ended during this period must be given covering approvals, where necessary, so that the officer is not disadvantaged in any way. The incremental date (s) of the officer remains unchanged. In this way, the Pension and Leave Record of the officer would not be negatively affected.

7. It must be emphasized that accurate records of leave granted in these circumstances should be kept by the respective Ministry/Department/Statutory Authority/THA.

B. SPECIAL SICK LEAVE

1. The Leave Provisions referred to below shall be applicable to any individual employed within the Public Service, including those listed in paragraph A.1. above; and the members of the Defence Force.
2. Where any individual who has tested positive for COVID-19, the individual shall be eligible for Special Sick Leave (referred to as “SSL”), subject to the following conditions:
 - a. SSL can be applied for a maximum period of three (3) months with full pay from the date an individual has tested positive for COVID-19. The employee’s normal sick leave eligibility as at the date of confirmation of his/her positive test will be preserved and utilized in respect of any other subsequent periods of illness not associated with COVID-19;
 - b. Further, where an individual who is on SSL that commences in one year and continues into a new year, he/she will remain on SSL and his/her normal sick leave eligibility will be preserved in respect of the current year. Additionally, if an individual is on vacation leave and has tested positive for COVID-19, his/her vacation leave shall be interrupted from the date of his/her positive test and the balance of the vacation leave as at that date shall be preserved. In this case, the individual may opt to have the balance of his/her vacation leave which was preserved, deferred to be taken from the date on which he/she is deemed fit to resume duty or have the remaining period credited to his/her vacation leave eligibility. The individual must indicate in writing his/her preferred option;
 - c. However, the provision at b. above cannot be extended to an individual who is on vacation leave prior to compulsory retirement from the Service or where the date of termination of his/her appointment or term of engagement on contract – whether on resignation, retirement or otherwise has already been determined;
 - d. Any individual who, on the advice of a registered medical practitioner, requires an additional period for recovery from COVID-19, that is, in addition to the maximum period of three months as at a. above, that individual will be required to submit an application for extension of sick leave in the case of public officers and daily rated employees and leave of absence on the grounds of illness in the case of fixed term contract employees. If this occurs, the normal sick leave eligibility of the individual will be preserved to be utilized within the year in which he/she is deemed fit to resume duty;

- e. A Public Officer is eligible to earn vacation leave while on SSL. The grant of SSL does not constitute a break in an officer's service to determine acting allowances, increments and the calculations of pensions and/or gratuity as applicable. In the case of persons employed on contract, the earning of vacation leave does not apply, as such their leave entitlement is not affected. The earning of leave also does not apply to a Part time/Sessional worker whose annual vacation leave eligibility is fixed and not cumulative;
- f. All medical certificates that are submitted in order to access SSL must indicate "tested positive COVID-19" or words to that effect;
- g. Individuals must complete the prescribed form for SSL as directed by the Chief Personnel Officer and attached as Appendix III; and
- h. In order for an individual to return to work subsequent to SSL, the individual shall submit the documents requested as listed on the relevant application form which includes a negative result for COVID-19 and a certificate of fitness to resume duty.
