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1508

NOTIFICATION GUIDELINES FOR CONTRACT EMPLOYMENT IN GOVERNMENT MINISTRIES, DEPARTMENTS AND STATUTORY AUTHORITIES

THE MINISTER with responsibility for planning and development gives Notice that the following guidelines are prescribed for contract employment in Government Ministries, Departments and Statutory Authorities:

A. INTRODUCTION

1. The employment of persons to serve on contract shall obtain principally in the following situations:
 - (a) where there is a dearth of suitable candidates for permanent appointment to those pensionable offices on the establishment of any Ministry, Department or Statutory Authority and there is urgent need for the services attaching to such offices;
 - (b) where special projects or programmes of specified duration (often funded by International Agencies) are undertaken by any Ministry, Department or Statutory Authority and need to be executed and monitored by personnel additional to those on the permanent establishment of the Ministry, Department or Authority;
 - (c) where a need has been identified for the specialised services of an individual—e.g., an Adviser in a particular area of expertise—and such need cannot be met by the filling of any existing position on the establishment.
2. The recruitment of persons on contract is governed by the following policy:
 - (a)
 - (i) the period of a contract shall not normally exceed three years;
 - (ii) every contract shall constitute a separate period of employment, any period of extension granted being part of the original contract;
 - (iii) the period of contract shall not be extended by reason only of the grant of periods of leave of absence without pay to the person engaged;
 - (b) proposals for a contract position shall be submitted for the consideration of Cabinet by the appropriate Ministry on its own behalf or on behalf of a Department or Statutory Authority.

The Ministry shall be required to:

- (i) justify the need for the contract appointment;
 - (ii) provide the relevant job specification in respect of the particular position;
 - (iii) identify the source of the funds for effecting the relevant contract appointment;
- (c) contract positions must not carry job titles of offices on the permanent pensionable establishment of the Ministry, Department or Statutory Authority;
 - (d) once Cabinet has given approval for a contract position, the appropriate Minister may approve the selection of the person to fill the contract position, after ensuring where applicable, that a fair and transparent process was utilized in the selection process. The process should include advertisement of the position and the conduct of interviews by a Committee set up for the purpose;
 - (e) the Permanent Secretary of the the appropriate Ministry shall, in requesting terms and conditions of employment to be applicable to the person being engaged, submit his recommendations to the Chief Personnel Officer;
 - (f) the terms and conditions recommended, as advised by the Chief Personnel Officer, shall be offered to the person to be engaged and, following agreement, submitted for the approval of the appropriate Minister. The Chief Personnel Officer is to be provided with a copy of the Minister's approval;
 - (g) the parties to the agreement shall be the Permanent Secretary of the appropriate Ministry;
 - (h) an extension of the period of a subsisting contract shall be subject to the approval of Cabinet which must be obtained prior to the expiry date of such contract;

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- (i) where persons are to be employed on contract for a further period the approval of Cabinet must be sought for the retention of the contract position;
- (j) a person employed on contract shall not be an Accounting Officer within the meaning of the Exchequer and Audit Act, Chap. 69:01.

B. TERMS AND CONDITIONS OF EMPLOYMENT

VACATION LEAVE

1. With effect from June 1, 1998, the vacation leave eligibility of persons employed on contract is as follows:
 - (a) Persons in receipt of a monthly salary of up to \$5000.00 fifteen working days;
 - (b) Persons in receipt of a monthly salary in excess of \$5000.00 twenty working days;
 - (c) Persons with more than six consecutive years of service with effect from the seventh year, five additional working days in each category referred to at (a) and (b) above.
2. The vacation leave provision of twenty-one calendar days per annum in any subsisting contract remains unchanged.
3. The person engaged shall qualify for vacation leave after twelve months continuous service and thereafter on a pro-rated basis.
4. Leave earned may be utilized at such time as may be mutually agreed between the parties to the contract. In this context, no specific provision is made for casual absences from duty. The Permanent Secretary, Head of Department or Statutory Authority may, however in his discretion, approve of such absences, within limits, to be deducted from the vacation leave entitlement.
5. Where, in the exigencies of the Service, the person engaged is unable to utilize any or all of his leave, provision shall be made in the subsequent contract for the unutilized leave to be preserved, and taken during the life of, or at the expiration of the subsequent contract. Such leave shall attract salary and allowances at the rates payable under the previous contract(s).
6. Should the person engaged proceed on the leave preserved to him at the end of his subsequent contract, the salary earned during that period of leave would be included in the computation of gratuity under the terms of that contract.
7. Alternatively, the unutilized leave, may with the approval of Cabinet, be "bought out" at the rate of salary applicable at the time the previous contract expired: payment due being subject to deductions for tax purposes.
8. Where leave is "bought out", payment of allowances for which the person engaged would have been eligible had he proceeded on leave, e.g. travelling allowances, does not arise.
9. The value of leave bought out shall not be included in the computation of the gratuity payable under the contract.

SICK LEAVE

1. The sick leave entitlement shall be fourteen calendar days in respect of each twelve-month period over which the contract period extends.
2. The person engaged shall be required to furnish a medical certificate from a registered medical practitioner for absences exceeding two calendar days.
3. Absences on account of illness in excess of fourteen days shall normally be granted as leave of absence without pay on grounds of illness.

MATERNITY LEAVE

Provision shall be made for all female appointees to be granted maternity leave as follows:

1. Persons engaged shall be eligible for maternity leave comprising one month with full pay and two months with half pay on the following conditions:
 - (a) as of the date of commencement of such leave, she shall have served the government for a period of not less than twelve continuous months: service under a previous contract that immediately precedes her present period of engagement being reckonable for purposes of determining twelve continuous months;
 - (b) she shall proceed on maternity leave at least one month before the expected date of delivery of the child as certified by a registered medical practitioner;
 - (c) she shall furnish the certificate referred to at (b) above to the Permanent Secretary, Head of Department or Statutory Authority six weeks before the expected date of delivery.
2. Where the half pay to which the person engaged is entitled during maternity leave together with the Maternity Benefits payable under the National Insurance Act amounts to less than half her full pay, the difference shall be paid to the person engaged.
3. Where the person engaged has not completed twelve months continuous service she shall not qualify for the grant of maternity leave but shall be permitted to proceed on leave of absence without pay on grounds of pregnancy.
4. Where the person engaged proceeds on leave without pay on account of pregnancy before the completion of twelve months continuous service and the period of such leave extends beyond the date on which such qualifying period would be completed, she shall be paid for the leave commencing from the date immediately following that of the expiry of the qualifying period of twelve months service at that same rate of salary that she would have received for that period had she proceeded on maternity leave as at (1) above.
5. The taking of maternity leave shall not prejudice or affect the eligibility of the person engaged for vacation leave.

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TRANSPORT

1. Persons on contract are not paid upkeep and kilometric allowance under the Travelling Allowances Regulations, Chap. 23:50.
2. A flat Transport Allowance as recommended by the Chief Personnel Officer may be paid to such persons where it is determined that they are required to travel in the performance of their official duties. This allowance is not to be included in the taxable income of the recipients.
3. The payment of a Transport Allowance is not dependent on the person engaged being in possession of a motor vehicle. This allowance is intended to assist the person employed in defraying all expenses related to his travelling on official duty by whatever means of transport he chooses.

The quantum of the Transport Allowance varies depending on the amount of official travel which the person engaged is required to undertake.

4. The Transport Allowance is paid during periods of approved leave of absence on full pay or partial pay as in the case of vacation or maternity leave.
5. Provision may be made on the recommendation of the Chief Personnel Officer, depending on the extent of travel required, and the duration of the contract for the following facilities to persons employed on contract:
 - (a) a loan, to the maximum approved by the Minister of Finance, to purchase a new or used motor vehicle, a locally assembled motor vehicle using foreign parts or a completely built up foreign used motor vehicle with exemption from Motor Vehicle Tax/Value Added Tax (VAT)/Special Registration Fee or Special Motor Vehicle Tax to the limit approved by the Minister of Finance;
 - (b) a loan to cover the cost of Motor Vehicle Insurance Premium, the loan to be repaid over the period of the contract;
 - (c) a loan to the maximum approved by the Minister of Finance to effect repairs to the motor vehicle.

GRATUITY

1. The person engaged or, where he dies, his legal personal representative, shall be eligible for gratuity equivalent to twenty per cent of gross salary earned over the period of employment on the satisfactory completion of the term of his engagement; such gratuity to be subject to deduction for tax purposes.
2. The gratuity may be pro-rated in the following circumstances:
 - (a) where the contract is terminated by the employer other than for cause of unsatisfactory performance of the person engaged;
 - (b) where the person engaged dies prior to the termination date of the contract, but his work and conduct had been satisfactory.

COST OF LIVING ALLOWANCE

Cost of Living Allowance is not payable to persons employed on contract.

COMPUTER LOAN

Only persons employed on contract who otherwise hold permanent appointments in the Public Service are allowed to access the computer loan facility.

INJURY ON THE JOB

Where a person employed on contract suffers injury in circumstances arising out of or in the course of employment arrangements no less favourable than those applicable to officers in the Civil Service would apply.

SPECIAL LEAVE

Provision may be made for the grant of Special Leave with pay if the person engaged may be required for duty as a member of a National Team or as a representative of the State.

TRAINING

It is not normally the practice to select persons employed on contract for training awards—the known and limited period of their employment precluding their organizations from benefiting in the long term from the knowledge and skills acquired at considerable expense to the employer. Exceptional or special cases may be approved by Cabinet, with the person involved being required to enter into an agreement to serve a period of obligatory service to be determined in accordance with Cabinet Minute No. 2173 dated August 20, 1998.

C. STANDARD TERMS

The following clauses are standard in all contracts:

1. *Term of Engagement*

- (a) tenure (to be agreed upon) commencing from the date of assumption of duty;
- (b) the term of engagement shall be deemed to be completed on the day on which any leave granted to the person engaged in respect of such period of service expires.

2. *Duties*

The duties of the person engaged shall include the normal duties of the office in which he is engaged and any other related duties which the person may be required to perform.

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3. *Ill-Health*

- (a) if the person engaged shall be compelled by reason of ill-health (not caused by his own misconduct) to resign his office or if at any time it shall be certified by a duly qualified medical officer employed by government that he is incapable by reason of any infirmity of mind and body of rendering further efficient service, the Ministry, Department or Statutory Authority shall pay the person his salary up to the date of such resignation or certification;
- (b) a certificate signed by a duly qualified medical officer employed by government shall be conclusive evidence on the question of whether or not the person engaged was compelled to resign his office by reason of ill-health within the meaning of this clause.

4. *Dismissal*

If the person engaged at any time after the signing of this Agreement shall neglect or refuse or from any cause (excepting ill-health not caused by his own misconduct as provided in Clause 3 above), become unable to perform any of his duties or to comply with any order, including any order given by the Permanent Secretary, Head of Department or Statutory Authority or by any other officer duly authorized by him, or shall disclose any information respecting the affairs of the Ministry, Department or Authority to any unauthorized person, or shall in any manner misconduct himself, he may be dismissed and on such dismissal all rights and advantages reserved to him by this Agreement, shall cease.

5. *Termination of Contract*

The employment of the person engaged may be determined at any time after the expiration of three months from the date of the commencement of the Agreement by either party giving to the other one month's previous notice in writing or one month's salary in lieu thereof.

6. *Liability to make good damage*

In event of any pecuniary damage arising from the person engaged disregarding or failing to comply with any order or departmental instruction or from any neglect of duty whatsoever on his part he may be liable to a deduction in his salary to make good the damage or any part thereof the amount of which damage shall be fixed by Government.

7. *Further Employment*

- (a) three months prior to the completion of a term of service the person engaged shall give notice in writing as to whether he desires to remain in his employment and the Permanent Secretary, Head of Department or Statutory Authority shall decide whether he will be re-engaged or further employment offered to him;
- (b) if he is offered further employment, the re-engagement shall be on such terms and for such period as may be mutually agreed.

8. *Wrongful termination of contract*

In the event of the determination of the engagement by the person engaged at anytime prior to the expiration of three months from the commencement of the term of the engagement for any reason other than ill-health of the person engaged or of its determination by the person engaged after the said period of three months without his first giving one month's notice of such intended termination, the person engaged shall pay to the Comptroller of Accounts or Authority as the case may be a sum equal to one month's salary as liquidated damages.

D. SPECIFIC TERMS

In addition to the Basic Terms set out in Section B for contract officers, there are specific terms which are applicable to persons employed as legal officers, and for Public Officers employed in non-established positions. These are as follows:

1. *Legal Officers:*

In addition to the general terms and conditions of service of persons employed on contract, an individual employed on contract as "legal officer" is eligible for the following specific benefits applicable to officers in the Judicial and Legal Service (who fall within the purview of the Salaries Review Commission) viz:

- (a) *Travel Facilities*
 - (i) Motor Vehicle/Insurance/Repair loan with exemption from taxes to specified limits;
 - (ii) Transport Allowance.
- (b) *Subsistence Allowance*

An allowance at current rates when required to travel beyond a radius of 10 miles (16 km) from official headquarters in Tobago and when in Trinidad.

2. *Public Officers*

Where a public officer has been selected for employment, on contract, in a temporary, non-established position, the following principles are applicable:

- (a) the release of the officer from his substantive position in the Public Service shall be on leave of absence without pay granted on grounds of public policy: the period of which, under Regulation 9 (i)(d) of the Pensions Regulations is for pension purposes;
- (b) in determining the officer's remuneration/compensation package, due cognizance shall be given to the duties and responsibility of the job to be performed and the fact that persons employed on contract—
 - (i) are not paid cost of living allowance;
 - (ii) are eligible for less vacation leave per annum than that for which they were eligible;

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- (c) no contract gratuity is payable on completion of the period of engagement having regard to the effect of the grant of leave of absence without pay on grounds of public policy mentioned at (a) above;
- (d) where applicable, after Cabinet's approval has been obtained for the contract position, approval should be sought of the Minister in the Ministry to which the officer is attached, for the officer to be granted leave of absence without pay on grounds of public policy from his substantive office, for the period of the contract;
- (e) the Comptroller of Accounts, the Auditor General and the Director of Personnel Administration should be informed of the approval;
- (f) the officer is required to utilize all annual vacation leave of which he is eligible prior to the commencement of the period of leave of absence without pay on grounds of public policy.

E. SALARIES APPLICABLE TO CONTRACT EMPLOYMENT

Generally, a combination of the following factors should be taken in account in recommending to the Chief Personnel Officer the salaries to be applicable to contracts of employment:

- (a) the duties and responsibilities of the contract position and its comparison with a similar of "best fit" existing office in the Public Service;
- (b) the experience in the field of work of the person being engaged and his/her qualifications;
- (c) the level of independence with which the person is to function and the position of the job within the organisational structure;
- (d) the supply of/demand for the particular skill/professional in the public service;
- (e) the duration of the contract period. Due regard must be taken of the fact that the contract salary remains fixed for the entire duration of the contract so that a one year contract, if renewed, may be renegotiated taking into account any relevant changes, whereas a three year contract would normally remain unaltered despite changed circumstances;
- (f) the other components of the compensation package being offered, i.e., benefits such as money value; and
- (g) in the case of public officers who are selected for employment on contract, see D2(b) above.

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NOTIFICATION—PROCEDURE WITH REGARD TO THE GRANT OF SCHOLARSHIPS AND TRAINING AWARDS

THE MINISTER with responsibility for planning and development gives notice that the following guidelines are prescribed for the granting of Scholarships and Training Awards by all Government Ministries, Departments, Statutory Authorities and the Tobago House of Assembly:

1. DESCRIPTION OF AWARDS

(a) Scholarships

These are offered to eligible nationals of Trinidad and Tobago in instances where needs identified in the Public Service and in the country at large can best be addressed through the training of public officers as well as members of the general public.

(b) Full-Pay Study Leave Awards

These awards are intended specifically for public officers to enable them to upgrade their knowledge and skills. They are offered in cases where a training need exists in a Ministry/Department/the Tobago House of Assembly and suitably qualified officers are available within that organisation to pursue the required training. However, Full-Pay Study Leave awards may also be offered on a competitive basis within the Public Service as a whole.

(c) Technical Assistance Awards

The Government of the Republic of Trinidad and Tobago takes advantage of offers of technical assistance made available by donor governments and organisations under various technical assistance programmes. These awards are granted to suitably qualified public officers and other eligible nationals of Trinidad and Tobago to meet specific training needs.

2. SELECTION

Selection of persons for awards is guided generally by established suitability criteria and the demands in the areas of need as identified in the Cabinet's approved listing of National Priority Human Resource Requirements. (See copy attached at Appendix 1.)

3. PROCESSING OF TRAINING AWARDS

(1) The Administration of scholarships and technical assistance awards offered by/through the Government of the Republic of Trinidad and Tobago is handled by the Scholarships and Advanced Training Section of the Ministry of Finance, Planning and Development. This entails in the first instance the timely advertisement of training awards which are being offered on a competitive basis to nationals of Trinidad and Tobago to meet deadlines set by donors as well as institutional and other deadlines.

(2) The basis on which action is initiated to invite applications for the grant of training awards include the following:

- (a) Cabinet Minutes granting approval to advertise annually recurring awards offered under Technical Assistance programmes. Notwithstanding blanket approval, however, in most cases there is need to await receipt of annual offers from donors before awards are advertised;
- (b) Cabinet Minutes granting approval to advertise Trinidad and Tobago Government awards over a specified number of years.

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(3) A lead time of approximately four (4) months is normally required to process offers of awards and to submit nominations to donors by the stipulated dates. Offers of available awards are processed in the following manner:

- (a) the awards are advertised by means of notices in the daily newspapers, the *Trinidad and Tobago Gazette*, Circular Memoranda to Ministries/Departments/Statutory Authorities/the Tobago House of Assembly and offices of Diplomatic Missions;
- (b) from the applications received, a summary of information on each applicant is prepared for presentation to the Scholarship Selection Committee, the members of which are appointed by Cabinet;
- (c) the Scholarship Selection Committee shortlists applicants for interview based on criteria (including the academic qualifications of the applicant and the potential contribution he/she can make to national development) established by the Committee;
- (d) the Scholarship Selection Committee interviews the candidates shortlisted and makes recommendations for the award of the scholarships being considered;
- (e) a note is prepared for the Honourable Minister of Finance, Planning and Development for his consideration, setting out the recommendations of the Scholarship Selection Committee and seeking his approval of same;
- (f) on receipt of the Minister's approval, nominations are submitted to donor governments/agencies in respect of technical assistance awards for further selection by such donors. The final selection rests with the donor governments/agencies;
- (g) any queries by applicants can be addressed to the Scholarship Review Committee, the members of which are also appointed by Cabinet.

(4) Following the selection process, the Scholarships and Advanced Training Section is engaged in other activities noted hereunder:

- (a) making all the necessary arrangements (relating to medical examination, training agreements, travel, authorisation of payments due, etc.) to enable the successful candidates to take up their awards;
- (b) servicing the trainees throughout the duration of their awards; monitoring their progress through the receipt of academic reports; arranging for the re-absorption of Public Officers into the Public Service and job placements for other returning trainees; and
- (c) monitoring the returned trainees to ensure fulfillment of contractual service; pursuing "breach of contract" action in relevant cases; attending to any matters arising or outstanding at the end of the awards. The required period(s) of contractual service is based on the cost of the award. The details are attached at Appendix II.

APPENDIX I

NATIONAL PRIORITY HUMAN RESOURCE REQUIREMENT—

Energy/Petroleum

- Process/Chemical Engineers
- Information Technology Professionals
- Geophysicists
- System Designers
- Production Engineering
- Maintenance Engineering
- Petroleum Engineering
- Pipeline Engineering
- Marine Engineering
- LNG Technology
- Petroleum Law

Agriculture/Agro Industry

- Farming Techniques
- Farm Management
- Cultivation of non-traditional crops
- Organic Farming
- Research Scientists in Biotechnology
- Aquaculture

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APPENDIX I—CONTINUED

NATIONAL PRIORITY HUMAN RESOURCE REQUIREMENT—

- Plant Pathology
- Microbiology
- Agronomy
- Chemistry
- Plant Pathology
- Hydrographic Surveying
- Coastal Engineering
- Food Technology
- Crop Science

Tourism

- Hotel and Tourism Law
- Hotel Facilities
- Chartered Hotel Accountancy

Manufacturing

- System Analysts and Programmers
- International Marketing Personnel

Health

- Genetic Engineering
- Medical Epidemiology

Hematology

- Neurology
- Forensic Science
- Public Health Engineering
- Pharmacology
- Health Policy Planning

Education

- Education Planning
- Applied Technology in Education
- Youth Development Counselling
- Library Science
- Curriculum Development

Construction

- Construction and Civil Engineering
- Drainage Engineering
- Cartography, Photogrammetry
- Project Cycle Management
- Quantity Surveying
- Valuation
- Architecture
- Water engineering and Resources Management
- Geodesics, Seismology

Information/Telecommunication Technology

- Software Engineers
- Software Designers
- Systems Analysts
- Computer Aided Design
- Computer Aided Manufacturing

Trade/Economic Development

- Economic Management and Planning
- International Trade Negotiations
- Economic and Social Statistics

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APPENDIX I—CONTINUED

NATIONAL PRIORITY HUMAN RESOURCE REQUIREMENT—

Transport

- Transport Planning and Management

Environment Services

- Environmental Engineering
- Environmental Law
- Watershed Management
- Air Pollution Monitoring
- Toxicologists
- Environmental Compliance
- Environmental Impact Assessment

Legal

- Legislative Drafting
- Intellectual Property Rights
- Commercial Law

Financial Services

- Investment Portfolio Management
- Pension Fund Management
- Financial Sector Regulation

APPENDIX II

<i>Cost of Award</i>				<i>Period of Obligatory Service</i>	
Up to \$50,000	One (1) year
Over \$50,000 and up to \$100,000	Two (2) years
Over \$100,000	Three (3) years