

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE PUBLIC SERVICE
MANAGEMENT LAW (2013 REVISION) TO ENABLE THE RE-
APPOINTMENT OF CIVIL SERVANTS WHO HAVE ATTAINED THE
AGE OF SIXTY-FIVE; TO FACILITATE A STRUCTURED APPROACH
TO SUCCESSION PLANNING BY THE TRANSFER OF CIVIL
SERVANTS TO OTHER POSITIONS IN THE CIVIL SERVICE; AND
FOR INCIDENTAL AND CONNECTED PURPOSES**

THE PUBLIC SERVICE MANAGEMENT (AMENDMENT) BILL, 2016

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Public Service Management Law (2013 Revision) with a view to facilitating an increase in the normal retirement age and succession planning in the civil service.

Clause 1 of the Bill sets out the short title and commencement provisions of the legislation.

Clause 2 amends the interpretation provisions of the legislation in order to define the terms “early retirement age”, “normal retirement age” and “remuneration band”.

Clause 3 amends section 9 of the principal Law to replace the term “retirement age” with the term “normal retirement age” in respect of the appointment of Official Members.

Clause 4 of the Bill inserts into the principal Law a new section 20A to enable the transfer of a civil servant between ministries and portfolios, from a civil service position within one remuneration band to a civil service position within the same remuneration band. The purpose of the transfer would be to ensure the best operation of the civil service as a whole.

Clause 5 amends section 26 of the principal Law to replace the term “retirement age” with the term “normal retirement age” in respect of the appointment of chief officers of ministries and portfolios.

Clause 6 amends section 41 of the principal Law to prescribe the circumstances in which civil servants may be re-appointed after attaining normal retirement age or, at the request of the civil servant, be re-appointed at a lower remuneration after attaining early retirement age and having retired. The clause also enables the transfer of a civil servant in a ministry or portfolio to a position in the same or a lower remuneration band in the ministry or portfolio or between ministries and portfolios, in order to promote the advancement of a Caymanian to a key managerial or technical position in the civil service.

Clause 7 amends section 42 of the principal Law to specify the conditions that obtain when a civil servant is transferred from one ministry or portfolio to another.

THE PUBLIC SERVICE MANAGEMENT (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 2 of the Public Service Management Law (2013 Revision) - definitions and interpretation
3. Amendment of section 9 - appointment of Official Members
4. Insertion of section 20A - transfer of employees to facilitate succession planning
5. Amendment of section 26 - procedure for appointing chief officers of ministries and portfolios
6. Amendment of section 41 - procedures and requirements for appointment
7. Amendment of section 42 - basis of employment of staff

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Public Service Management (Amendment) Law, 2016. Short title and commencement

(2) This Law comes into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Law and in relation to different matters.

2. The Public Service Management Law (2013 Revision), in this Law referred to as the “principal Law”, is amended in section 2(1) as follows - Amendment of section 2 of the Public Service Management Law (2013 Revision) - definitions and interpretation

- (a) in the definition of the words “chief officer” by repealing paragraph (b)(i) and (iii); and
- (b) by inserting, in the appropriate alphabetical sequence, the following definitions -

“ “early retirement age”, in relation to a participant, has the meaning assigned to that expression in the Public Service Pensions Law (2013 Revision);

“normal retirement age” means the age of sixty-five;

“participant” has the meaning assigned to that expression in the Public Service Pensions Law (2013 Revision);

“remuneration band” means the particular salary grade on the overall pay scale which is approved from time to time by the Deputy Governor and Head of the Civil Service pursuant to paragraph 1 of Schedule 2 to the personnel regulations;”.

Amendment of section 9
- appointment of Official
Members

3. The principal Law is amended in section 9(4) by deleting the words “retirement age” wherever they appear and substituting the words “normal retirement age”.

Insertion of section 20A
- transfer of employees
to ensure best operation
of civil service

4. The principal Law is amended by inserting after section 20 the following section -

“Transfer of employees to ensure best operation of civil service 20A. (1) In order to ensure the best operation of the civil service as a whole, the Head of the Civil Service may transfer a staff member between civil service entities, from a civil service position within one remuneration band to a civil service position within the same remuneration band.

(2) Before effecting a transfer of a staff member under subsection (1), the Head of the Civil Service shall consult with -

- (a) the staff member;
- (b) the chief officer of the ministry or portfolio for which the staff member is working; and
- (c) the chief officer of the ministry or portfolio to which the staff member is to be transferred.”.

Amendment of section 26
- procedure for
appointing chief officers
of ministries and
portfolios

5. The principal Law is amended in section 26(3) by deleting the words “retirement age” wherever they appear and substituting the words “normal retirement age”.

Amendment of section 41
- procedures and
requirements for
appointment

6. The principal Law is amended in section 41 as follows -

- (a) by repealing subsection (11) and substituting the following subsection -

“ (11) An appointing officer may -

- (a) reappoint a staff member who has attained the normal retirement age for civil servants; or
- (b) at the request of a staff member who has attained early retirement age and has retired, reappoint the staff member to a position within the civil service entity, within a lower remuneration band;

and such reappointments shall be made without applying subsections (2) to (9) but shall be made in accordance with personnel regulations relating to reappointment of civil servants who have attained normal retirement age.”; and

- (b) by inserting after subsection (14) the following subsections -

“ (14A) In order to promote the advancement of a Caymanian to a key managerial or technical position in any part of the civil service, the Head of the Civil Service may transfer a staff member who is in that position in a civil service entity to a position in the same or a lower remuneration band, in the civil service entity or between civil service entities, without applying subsections (2) to (9) but the transfer shall substantively and procedurally comply with the personnel regulations.

(14B) Before effecting a transfer of a staff member under subsection (14A), the Head of the Civil Service shall consult with -

- (a) the staff member;
- (b) the chief officer of the ministry or portfolio for which the staff member is working; and
- (c) the chief officer of the ministry or portfolio to which the staff member is to be transferred.”.

- 7. The principal Law is amended in section 42 by repealing subsection (4) and substituting the following subsection -

Amendment of section
42 - basis of
employment of staff

“ (4) Except as provided in subsection (5), where a civil servant is transferred -

- (a) under section 20 or 20A from one civil service entity to another civil service entity; or
- (b) under section 41(14A) from one position in a civil service entity to another position in the same or a lower remuneration band, in the same civil service entity or between civil service entities,

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the civil servant shall continue to be an uninterrupted employee of the government and the tenure and terms and conditions of the civil servant's employment shall be unaffected by the transfer of the civil servant and the transfer shall substantively and procedurally comply with the personnel regulations.”.

Passed by the Legislative Assembly the day of , 2016.

Speaker.

Clerk of the Legislative Assembly.