

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE PUBLIC SERVICE
MANAGEMENT LAW (2007 REVISION) TO CONFER ON THE
GOVERNOR IN CABINET POWER TO NAME THE DATE ON WHICH
PERFORMANCE-BASED REMUNERATION WILL BE INTRODUCED;
TO ENABLE UNILATERAL VARIATIONS IN THE AGREED
REMUNERATION AND TERMS AND CONDITIONS OF SERVICE OF
PERSONS EMPLOYED IN CIVIL SERVICE ENTITIES, IN CASES
WHERE THE PUBLIC INTEREST SO REQUIRES; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE PUBLIC SERVICE MANAGEMENT (AMENDMENT) BILL, 2010

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to amend the Public Service Management Law (2007 Revision).

Clause 1 of the Bill provides the short title.

Clause 2 seeks to amend section 1 of the principal Law in order to prevent the provisions relating to performance-based remuneration from coming into force on 1st July, 2010. The clause confers on the Governor in Cabinet power to make an Order naming a date when the relevant provisions will come into force.

Clauses 3, 4 and 5 seek to amend sections 11, 28 and 43 of the principal Law in order to enable unilateral variations in the remuneration and terms and conditions of service of Official Members, chief officers of ministries and portfolios, and other persons employed in civil service entities, in cases where in the opinion of the Governor in Cabinet the public interest so requires.

New employment agreements would not be required in order for effect to be given to these variations, since the respective clauses exclude the operation of paragraph 3 of Schedule 4 to the Personnel Regulations, 2006.

THE PUBLIC SERVICE MANAGEMENT (AMENDMENT) BILL, 2010

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 1 of the Public Service Management Law (2007 Revision) - short title and commencement
3. Amendment of section 11 - remuneration of Official Members
4. Amendment of section 28 - remuneration of chief officers of ministries and portfolios
5. Amendment of section 43 - remuneration and other terms and conditions of employment

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Public Service Management (Amendment) Law, 2010. Short title

2. The Public Service Management Law (2007 Revision), in this Law referred to as the “principal Law”, is amended in section 1 by deleting the words “the 1st July, 2010” and substituting the words “such date as the Cabinet may by Order specify”. Amendment of section 1 of the Public Service Management Law (2007 Revision) - short title and commencement

3. The principal Law is amended in section 11 as follows - Amendment of section 11 - remuneration of Official Members
 - (a) by repealing subsection (2)(a) and substituting the following paragraph -

“(a) be within the remuneration band specified in the personnel regulations; but, where in the opinion of the Cabinet the public interest so requires, the agreed salary or wages may be reduced for a specified period and the agreed allowances may be reduced or discontinued for a specified period; and”;

(b) by inserting after subsection (2) the following subsection -

“(3) Paragraph 3 of Schedule 4 to the Personnel Regulations, 2006 does not apply to an employment agreement that is varied for a specified period pursuant to subsection (2)(a).”.

Amendment of section 28 - remuneration of chief officers of ministries and portfolios

4. The principal Law is amended in section 28 as follows -

(a) by repealing subsection (2)(a) and substituting the following paragraph -

“(a) be within the remuneration band established in the personnel regulations; but, where in the opinion of the Cabinet the public interest so requires, the agreed salary or wages may be reduced for a specified period and the agreed allowances may be reduced or discontinued for a specified period; and”;

(b) by inserting after subsection (2) the following subsection -

“(3) Paragraph 3 of Schedule 4 to the Personnel Regulations, 2006 does not apply to an employment agreement that is varied for a specified period pursuant to subsection (2)(a).”.

Amendment of section 43 - remuneration and other terms and conditions of employment

5. The principal Law is amended in section 43 as follows -

(a) by repealing subsection (1) and substituting the following subsection -

“(1) The remuneration of staff of a civil service entity shall be agreed, from time to time, between the chief officer (or person with delegated authority) and the staff member concerned, provided that the remuneration level is within the remuneration band established for the relevant position and specified in the personnel regulations; but, where in the opinion of the Cabinet the public interest so requires, the agreed salary or wages may be reduced for a specified period and the agreed allowances may be reduced or discontinued for a specified period.”;

- (b) by repealing subsection (3) and substituting the following subsection -

“ (3) The terms and conditions of staff of a civil service entity shall be agreed, from time to time, between the chief officer (or person with delegated authority) and the staff member concerned but shall comply with the minimum terms and conditions specified for the employment of civil servants in personnel regulations; but, where in the opinion of the Cabinet the public interest so requires, the agreed terms and conditions may for a specified period be varied.”; and

- (c) by inserting after subsection (3) the following subsection -

“ (4) Paragraph 3 of Schedule 4 to the Personnel Regulations, 2006 does not apply to an employment agreement that is varied for a specified period pursuant to subsection (1) or (3).”.

Passed by the Legislative Assembly the day of , 2010.

Speaker.

Clerk of the Legislative Assembly.