

PROPOSED AMENDMENT TO THE PSC CS Regulations 2015

Ref:	Amendment PSC CS Regs 2015 – 15-064										
Re:	PSC CS Regs A20 – Notice										
Proposal:	Removal of references to compulsory retirement age										
Existing Regulation:	<p>Notice</p> <p>A20 Provided a civil servant gives satisfactory service,</p> <ul style="list-style-type: none"> • his appointment in the Civil Service would not normally be terminated before the normal retirement age (65 years at present) and • contract appointments would not normally be terminated before the expiry of the contract term <p>Last updated : 19 October 2010 - Amendment No. <u>09-020</u></p> <p>A20.1 – Notice periods</p> <p>When a Civil Servant's appointment is terminated, the following minimum periods of notice shall be given, unless any of the following exceptions apply:-</p> <ul style="list-style-type: none"> • if the civil servant is dismissed on disciplinary grounds (in which case the period of notice to be given is entirely within the discretion of the Public Services Commission – see Regulation A 20.6 Notice period following dismissal on disciplinary grounds) or • prematurely retired on ill-health grounds (see <u>Section B – Employee Relations</u> to these Regulations) or • retires on reaching the normal retirement age <p>A) By the Commission:</p> <p>All permanent appointments</p> <table border="0"> <tr> <td>Less than 4 weeks' continuous service</td> <td>Nil</td> </tr> <tr> <td>Between 4 weeks' and 4 years' continuous service</td> <td>5 weeks</td> </tr> <tr> <td>4 years' or more continuous service</td> <td>1 week for each year of service, plus one week (up to a max of 13 weeks)</td> </tr> </table> <p>Fixed Term and Temporary Appointments</p> <p>As specified in the terms of the appointment.</p> <p>B) By the civil servant</p> <table border="0"> <tr> <td>(Posts in Pay Spans 1 to 5) Any length of service</td> <td>4 weeks</td> </tr> <tr> <td>(Posts in Pay Spans 6 to 9) Any length of service</td> <td>3</td> </tr> </table>	Less than 4 weeks' continuous service	Nil	Between 4 weeks' and 4 years' continuous service	5 weeks	4 years' or more continuous service	1 week for each year of service, plus one week (up to a max of 13 weeks)	(Posts in Pay Spans 1 to 5) Any length of service	4 weeks	(Posts in Pay Spans 6 to 9) Any length of service	3
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	<p>(Jesp Posts) Any length of service</p> <p>For the purpose of calculating the last day of service the 3 month period will be treated as 13 weeks (ending on the last working day of a week).</p> <p>A20.2 – Last working day</p> <p>Where a civil servant resigns voluntarily, the period of notice may expire</p> <ul style="list-style-type: none"> • only on the last working day of a week ie. a Friday or • on the last working day of the week if a bank/public holiday falls at the end of the week or • on a day agreed with the Accounting Officer, who may delegate this responsibility via an appropriate formal delegation of authority <p>Last updated : 2 April 2012 - Amendment No <u>11-006</u></p> <p>A20.3 – Procedure for tendering resignation</p> <p>Any civil servant wishing to tender his resignation from the Civil Service should do so in writing via his Accounting Officer, addressing the letter to the Secretary of the Public Services Commission.</p> <p>The minimum notice period required to be given by a civil servant is detailed above at Regulation A20.1b – Notice periods although all staff are encouraged to give as much notice as possible to facilitate the task of the Commission in recruiting a successor (Refer to A20.2 – Last working day).</p> <p>Last updated : 20 November 2007 – Amendment Ref 07-039</p> <p>20.4 – Reduction of notice period</p> <p>In certain circumstances the Secretary of the Public Services Commission may reduce the required period of notice if after consultation with the civil servant's Accounting Officer, it is considered appropriate to do so.</p> <p>A20.5 – Pay in lieu of notice</p> <p>Except in the case of dismissal on disciplinary grounds, if for any reason the minimum period of notice cannot be given to a civil servant on termination of employment, he shall receive pay in lieu of the unexpired period of notice.</p> <p>A20.6 – Notice period following dismissal on disciplinary grounds</p> <p>Where a civil servant is dismissed on disciplinary grounds, the Public Services Commission will pay due regard to his length of service and the nature of the disciplinary offence when deciding on the period of notice to be given.</p> <p>A20.7 – Part-time and job share appointments</p>	<p>months 3 months</p>
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Civil servants in part-time/job share appointments will be given the same notice periods as their full time equivalents.

A20.8 – Compensation in lieu of notice

a) General Compensation in lieu of notice is compensation for a civil servant whom a department cannot continue to employ during their notice. It is not payable where the date of leaving is mutually agreed or where a civil servant leaves on resignation before the end of the notice period provided for in this section by mutual agreement.

b) Pay increases in the Notice Period Compensation in lieu of notice will be calculated by reference to the gross rate of pay effective on the last day of actual service. It will not be recalculated for any increases in pay taking effect during the outstanding notice period for which it is paid. This includes stages of staged pay awards and deferred pay increases. However, where a pay increase is agreed after the last day of actual service but has an effective date of before the last day of actual service the compensation in lieu of notice should be recalculated to take account of the increased rate of pay.

Last updated : 16 June 2014 - Amendment Ref. 14-010

Proposed Amendment:

Notice

A20
 Provided a civil servant gives satisfactory service,

- ~~his appointment in the Civil Service would not normally be terminated before the normal retirement age (65 years at present) and~~
- his contract appointments would not normally be terminated before the expiry of the contract term

Last updated : ~~19 October 2010~~ January 2019 - Amendment No. ~~09-02015-064~~

A20.1 – Notice periods

When a Civil Servant's appointment is terminated, the following minimum periods of notice shall be given, unless any of the following exceptions apply:-

- if the civil servant is dismissed on disciplinary grounds (in which case the period of notice to be given is entirely within the discretion of the Public Services Commission – see Regulation A 20.6 Notice period following dismissal on disciplinary grounds)
- or**
- prematurely retired on ill-health grounds (see Section B – Employee Relations to these Regulations)
- or**
- ~~retires on reaching the normal retirement age~~ retires from the Service

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Last updated January 2019 – Amendment No. 15-064

A) By the Commission:

All permanent appointments

Less than 4 weeks' continuous service	Nil
Between 4 weeks' and 4 years' continuous service	5 weeks
4 years' or more continuous service	1 week for each year of service, plus one week (up to a max of 13 weeks)

Fixed Term and Temporary Appointments

As specified in the terms of the appointment.

B) By the civil servant

(Posts in Pay Spans 1 to 5) Any length of service	4 weeks
(Posts in Pay Spans 6 to 9) Any length of service	3 months
(Jesp Posts) Any length of service	3 months

For the purpose of calculating the last day of service the 3 month period will be treated as 13 weeks (ending on the last working day of a week).

A20.2 – Last working day

Where a civil servant resigns voluntarily, the period of notice may expire

- only on the last working day of a week ie. a Friday
or
- on the last working day of the week if a bank/public holiday falls at the end of the week
or
- on a day agreed with the Accounting Officer, who may delegate this responsibility via an appropriate formal delegation of authority

Last updated : 2 April 2012 - Amendment No 11-006

A20.3 – Procedure for tendering resignation

Any civil servant wishing to tender his resignation from the Civil Service should do so **in writing** via his Accounting Officer, addressing the letter to the Secretary of the Public Services Commission.

The minimum notice period required to be given by a civil servant is detailed above at Regulation A20.1b – Notice periods although all staff are encouraged to give as much notice as possible to facilitate the task of the Commission in recruiting a successor (Refer to A20.2 – Last working day).

Last updated : 20 November 2007 – Amendment Ref 07-039

20.4 – Reduction of notice period

In certain circumstances the Secretary of the Public Services Commission may reduce the required period of notice if after consultation with the civil servant's Accounting Officer, it is considered appropriate to do so.

A20.5 – Pay in lieu of notice

Except in the case of dismissal on disciplinary grounds, if for any reason the minimum period of notice cannot be given to a civil servant on termination of employment, he shall receive pay in lieu of the unexpired period of notice.

A20.6 – Notice period following dismissal on disciplinary grounds

Where a civil servant is dismissed on disciplinary grounds, the Public Services Commission will pay due regard to his length of service and the nature of the disciplinary offence when deciding on the period of notice to be given.

A20.7 – Part-time and job share appointments

Civil servants in part-time/job share appointments will be given the same notice periods as their full time equivalents.

A20.8 – Compensation in lieu of notice

a) General Compensation in lieu of notice is compensation for a civil servant whom a department cannot continue to employ during their notice. It is not payable where the date of leaving is mutually agreed or where a civil servant leaves on resignation before the end of the notice period provided for in this section by mutual agreement.

b) Pay increases in the Notice Period Compensation in lieu of notice will be calculated by reference to the gross rate of pay effective on the last day of actual service. It will not be recalculated for any increases in pay taking effect during the outstanding notice period for which it is paid. This includes stages of staged pay awards and deferred pay increases. However, where a pay increase is agreed after the last day of actual service but has an effective date of before the last day of actual service the compensation in lieu of notice should be recalculated to take account of the increased rate of pay.

Last updated : 16 June 2014 - Amendment Ref. 14-010

Agreed and authorised by:

Signed on behalf of
Prospect

M. C. Herod

Date: 6-2-2019

Signed on behalf of Unite
the Union

S. Halsall

Date: 6/2/19

Signed on behalf of the
Commission

R. J. J.

Date: 6/2/19

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For Office of Human Resources Use Only

Instruction for implementation:

Passed to..... Bryan Douglas
By..... Ruth Hussey Date 06/02/19

An IOM Government All Staff Notice prior to implementation ~~is~~ / is not* required (*please delete as appropriate) staff notice 12/04/18.

Signed
Head of Industrial Relations and Policy Section

Date MOA updated:
Website
Date 07-02-19

Previous PSC Memorandum of Agreement amendment reference (if any) :	09-020
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Notes/Special Instructions:
Communication to Pay Sections required

