



Independent State of Papua New Guinea

GENERAL ORDER NO. 9

**CONTRACTS FOR SENIOR OFFICERS APPOINTED
TO MANAGEMENT POSITIONS**

Being a General Order, to effect the policies of the National Executive Council in the appointment of senior officers to management positions for the purposes of contract of employment. This General Order covers the contractual terms and conditions of employment, appointment, transfer, discipline and termination of senior officers in the Public Service.

Made under the:-

Public Services (Management) Act 1995 (as amended)

I, **John M Kali**, Departmental Head of the Department of Personnel Management, by virtue of the powers conferred by Section 70 of the *Public Services (Management) Act 1995*, and all other powers me enabling, hereby issue **General Order No 9** which reflects the changes in the **Constitution**, the *Organic Law on Provincial & Local Level Governments*, the *Public Services (Management) Act* and the **Regulations** up to 31st December 2011 to come into force on 1st January 2012 and remain in force until further notice.

A handwritten signature in black ink, appearing to read 'John M Kali Obe', is written over a horizontal line.

JOHN M KALI OBE
Secretary

GENERAL ORDER NO.9

CONTRACTS FOR SENIOR OFFICERS APPOINTED TO MANAGEMENT POSITIONS

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GENERAL ORDER NO.9**CONTRACTS FOR SENIOR OFFICERS APPOINTED
TO MANAGEMENT POSITIONS****GENERAL POLICY OBJECTIVES**

- 9.1 This General Order applies to all Senior Officers designated by the National Executive Council in senior management positions for the purpose of contract employment under Section 40 to 42 of the *Public Services (Management) Act 1995*. By definition, positions so designated must have subordinate positions and do not include stand-alone positions
- 9.2 The Minister for Public Service may with approval of the National Executive Council designate by notice in the National Gazette those senior management offices which are to be occupied solely by senior officers on contract, and as currently listed under General Order 9.6 below. An officer may not occupy a position substantively so designated unless on contract and failure by an officer to execute a contract will result on termination of the appointment.
- 9.3 The Act specifies that the Secretary, Department of Personnel Management is to be responsible for interpretation of contractual terms and conditions. Each Department Head is responsible for administering the contracts of his/her Senior Officers, acting on the advice from the Department of Personnel Management.
- 9.4 As a matter of Government policy, all matters concerning the engagement of senior officers on contract will be delegated to Departmental Heads and Provincial Administrators by the Secretary, Department of Personnel Management in the attached delegation **Form SOC9.5**, **subject to compliance with this General Order.**
- 9.5 A Departmental Head will continue to seek approval from the Secretary, Department of Personnel Management and all contracts will be executed by the Secretary, Department of Personnel Management in the event that the Secretary's powers are not for any reason delegated, or in the event that delegated powers are withdrawn.
- 9.6 Three types of senior officer appointees are catered for under the Act and this General Order, namely:
- (a) officers appointed by the Head of State acting on the advice of the National Executive Council;
 - (b) officers appointed by Ministers under respective statutory provisions; and,
 - (c) officers appointed under the provisions of the *Public Service (Management) Act 1995* and General Order 1 or General Order 3, on the advice of the Chairperson of a duly appointed Selection Committee.

DEVOLUTION AND DELEGATION OF POWERS TO EXECUTE CONTRACTS

- 9.7 Prior to devolving powers to a Departmental Head by way of Section 23 of the Act, the Secretary, Department of Personnel Management shall conduct a due diligence test on the agency's HR management capacity to manage contractual matters in accordance with this General Order.
- 9.8 The Secretary, Department of Personnel Management will devolve the powers bestowed by **Section 41: (Senior Officers) Contracts** of the Act by way of an **Instrument of Delegation as prescribed in Form OD 2.1**, subject to the conditions set by this General Order.
- 9.9 A Departmental Head will exercise his/her delegated powers, subject to verification and authentication by a **Section 41 Senior Officer Contracts as Delegate of the Secretary, Department of Personnel Management**, who shall witness and sign all accountable decisions made by a Departmental Head on senior officer contracts.
- 9.10 A Departmental Head shall formally nominate a competent officer, either the Head of the HR Management Unit or more senior officer within the Department, or a person recommended by the Department of Personnel Management for that purpose, who may also be the Departmental Legal Officer, in **Form OD 2.2 – Section 41 Senior Officer Contracts Delegate**
- 9.11 The authorized Delegate shall be responsible for advising the Departmental Head on all contractual matters and shall liaise with and consult the officers of the Department of Personnel Management on senior officer contract policy.

DESIGNATION OF SENIOR MANAGEMENT OFFICES AND CONTRACT CATEGORIES

- 9.12 The National Executive Council has directed that the following senior management offices be categorised for contract purposes and for designating their terms and conditions of employment:
- (See Schedule 9.1 for details of positions and Public Service Grades for contracted positions. Medical Officers have special categories and terms and conditions.)**

CONTRACT TERMS AND CONDITIONS OF EMPLOYMENT

- 9.13 Contract terms and conditions of employment have been designated by the National Executive Council, as the only approved contract terms and conditions, according to the senior management category shown under General Order 9.12, as listed in **Schedule 9.1**.
- 9.14 A **Standard Contract Template** has been approved by the National Executive Council for all senior officer contracts as attached at **Schedule 9.2**, listing the only approved contract terms and conditions by contract category.
- 9.15 No other terms and conditions of contract employment other than the terms and conditions certified by the Secretary, Department of Personnel Management from time to time shall be applied to the senior officer contracts.

- 9.16 Devolution does not give power to a Departmental Head to determine the contract terms and conditions. It is a serious offence and breach of National Executive Council decisions to apply any contract terms and conditions contrary to those contained in **Schedule 9.1**.
- 9.17 Contract terms and conditions not detailed in **Schedule 9.1** are listed in the Standard Contract Terms and Conditions and/or in the General Orders, and in the event of any conflict as between a contract and General Orders, then the Contract shall prevail.

APPOINTMENT ON CONTRACT

- 9.18 General Order 3 and those parts of General Order 1 governing Recruitment, Selection and Appointment shall apply for all purposes to Senior Officers on contract in the Public Service. Any person appointed on contract is required to be a public servant, or shall automatically become a public servant on being employed on contract, by virtue of Section 41 of the Act. (Other than those officers employed by Public Hospitals under the Public Hospitals Act and in Provincial Hospitals under the Provincial Health Authorities Act.)
- 9.19 Notwithstanding the provisions of General Order 4, in respect of Probationary Officers, a Senior Officer shall as a result of being appointed on contract to a Senior Management position as defined, automatically becomes a Permanent Officer of the Public Service. Any reference to Probationary Officers does not apply to Senior Officers employed under General Order 9.
- 9.20 Notwithstanding General Order 9.18, a contract officer shall furnish all of the documentation required under General Order 3, for record purposes, and shall take the **Oath of Loyalty to the Public Service (Form RS3.3)**.
- 9.21 Issuance and termination of contracts, in accordance with the Act, has been delegated to respective Agency Heads subject to the provisions hereunder. Day to day administration of contracts is the responsibility of each Agency Head, and each Senior Officer's work performance, discipline, training, development, payment of emoluments, leave of absence etc, are subject to the control and direction of each Agency Head.
- 9.22 **Form SOC 9.1** shall be utilized by Departmental Heads and Provincial Administrators for the purpose of authorizing appointment to and termination of officers on contracts hereunder.

TRANSFER OF OFFICERS UNDER THE CONTRACT

- 9.23 A contract provides that General Order 3 applies to Senior Officers who during the term of a contract may wish to apply for other positions through the Public Service selection process, in which event, a Senior Officer may at his/her discretion, apply for and be subjected to the selection process for the new position.
- 9.24 In the event that a person on contract wins a position which is also classified as a senior management officer position subject to this General Order 9, then a **contract variation** will be issued, in consultation with the Department of Personnel Management. The duration and expiry date of his or her contract will however remain unchanged, and service and accrued benefits will be retained under the contract, as varied.

- 9.25 In the event that the position won by a Senior Officer is not covered by this General Order 9, then on taking up the appointment, the Senior Officer is deemed to have resigned, and the contract shall terminate.

PERFORMANCE OF DUTIES

- 9.26 Each contract provides that a Senior Officer shall comply with all Acts, General Orders, and work rules, and shall perform all the work, and the duties specified under the Description of Duties, pursuant to General Order 2, in a manner satisfactory to the Departmental Head.
- 9.27 The Senior Officer's work performance shall be subject to regular, periodic Performance Reviews by his/her Departmental Head, which shall be administered in accordance with General Order 13. The Performance Review conducted utilizing the Guidelines and the Performance Appraisal process under General Order 5 shall be utilised by the Departmental Head in assessing the Senior Officer's entitlement for salary increments, and for making decisions as to contract renewal, or termination.

DISCIPLINARY PROCEDURES

- 9.28 The Act exempts senior officers on contract from the provisions of Part XIV of the Act itself, covering the discipline of public servants. Each contract contains a disciplinary procedure, which, together with the definition of acceptable work performance, and grounds for termination for Cause binds the Parties.
- 9.29 The Disciplinary Procedure requires that for serious offences relating to breach of contract and termination for Cause, the Senior Officer shall be formally charged and suspended from duty by his or her Departmental Head, and shall be given the opportunity to reply to the charges prior to a decision being taken.
- 9.30 Attached to this General Order are **Forms SOC 9.2 to Form SOC 9.4**, for the purpose of administering discipline for contract officers in accordance with their individual contracts. Prior to terminating a contract prematurely, consultation should be held with the Department of Personnel Management to ensure that the termination is made lawfully.
- 9.31 Therefore, a Departmental Head shall exercise the power to terminate a contract prematurely on any grounds, in consultation with the Secretary, Department of Personnel Management, and in accordance with the advice of the Contractual Delegate pursuant to General Order 9.10.

DISCIPLINE OF NATIONAL EXECUTIVE COUNCIL APPOINTEES AND MINISTERIAL APPOINTEES

- 9.32 In the case of persons appointed by the National Executive Council/Minister, a report shall be made by the Departmental Head who carries responsibility for the Office, to the Minister, with an appropriate recommendation on future employment.

- 9.33 The Minister, having been furnished with a proper legal opinion and a review of the case by the Secretary, Department of Personnel Management, in the event that the Senior Officer is to be terminated, shall:
- (a) present his/her recommendation to the National Executive Council in respect of National Executive Council Appointees; or
 - (b) take appropriate disciplinary action in respect of Ministerial Appointees, taking into account the advise provided by the Departmental Head.

DISCIPLINE OF PUBLIC SERVICE APPOINTEES

- 9.34 In the case of persons appointed under the *Public Services (Management) Act*, the Departmental Head shall, having sought advice from the Department of Personnel Management, have sole responsibility for the exercise of discipline over senior officers on contract.
- 9.35 The Delegate of the Secretary, Department of Personnel Management shall advise the Departmental Head whether or not the Contract should be terminated, or consistent with the treatment of other Public Servants, whether or not a lesser punishment should be imposed, on the following scale:
- (a) demotion to a lower graded position, together with termination of the contract and full imposition of contract penalties; or
 - (b) demotion to a lower graded position, by variation of the contract; or
 - (c) termination of the Contract, and retention as an unattached officer; or
 - (d) permanent withholding of one annual gratuity instalment; or
 - (e) a formal written warning placed on the Senior Officers personal record, (which may accompany any of the above punishments); or
 - (f) withdrawal of the charges without sanction or penalty.

TERMINATION OF CONTRACT

- 9.36 Standard contracts are of three years duration and may be terminated by either Party at any time in accordance with the provisions of the Contract.
- 9.37 A Senior Officer may resign by giving appropriate notice under the Contract to his Departmental Head, and the Departmental Head shall accept the resignation and determine appropriate resignation benefits provided by the Contract, unless resignation is designed to avoid a disciplinary sanction. Having consulted the Department of Personnel Management, the Departmental Head may also give notice of termination in **Form SOC 9.4**, provided that in all cases of termination of the Contract, reasons for termination shall be given in writing to the Senior Officer and final termination shall be effected by the departmental head or provincial administrator.

- 9.38 The Contract also provides for termination "*in the best interest of the State*", and this is defined as termination of the Contract, resulting in termination without the application of penalties, or termination of the Contract, where provided for, by the Head of State on the advice of the National Executive Council, in the interest of PNG. For this purpose, a National Executive Council Submission shall be prepared by the Secretary, Department of Personnel Management.
- 9.39 Upon termination of the Contract at any time, unless the Contract specifically provides otherwise, following termination of notice period, the Senior Officer's employment in the Public Service will cease. In this event, the appropriate termination benefits, subject to any penalties shall become payable to the Senior Officer, including payment in lieu of notice if applicable.

FUTURE EMPLOYMENT IN THE PUBLIC SERVICE AT CONTRACT TERMINATION

- 9.40 Upon termination of the Contract, unless either:-
- (a) the Contract is renewed; or
 - (b) the Senior Officer secures an alternative position in the Public Service, through the selection process under General Order 3; or,
 - (c) the Departmental Head, having consulted the Department of Personnel Management offers a suitable alternative position in the Public Service;

then employment in the Public Service will terminate on a date no later than conclusion of notice period under the contract.

VARIATION TO TERMS AND CONDITIONS OF THE CONTRACT

- 9.41 The Contract makes provisions whereby the Secretary, Department of Personnel Management, may "vary, amend, add to, or delete" any of the terms and conditions of the Contract, either by mutual agreement between the Parties or by the giving of three months notice. In the event that the benefits under the Contract are to be reduced as a result, then the Senior Officer may give due notice, and resign without penalty.
- 9.42 The Contract also provides for the Departmental Head, having consulted the Department of Personnel Management to transfer the Senior Officer to another contract position at any time, and the Senior Officer is required to comply with any directions of his/her Departmental Head in this respect. In this event the Senior Officer shall be paid salary and benefits under the Contract at the higher level of the two positions.
- 9.43 The effect of this provision ensures that the Senior Officer will be paid the same or higher salary and benefits, and never a lower salary and benefits than provided for under the Contract.

ACTING APPOINTMENTS

- 9.44 A public servant who is not a Senior Officer on contract under General Order 9 may be appointed by the Departmental Head to act in a contracted position where the permanent incumbent is on an approved leave of absence. In such an event the acting appointee shall be entitled to only Telephone and Entertainment allowances where payable under the Contract, together with Higher Duties Allowance in accordance with General Order 13.
- 9.45 A Senior Officer on Contract appointed to act at a higher level also on contract, shall be paid Higher Duties Allowance calculated under General Order 13. Higher Duties Allowance will count towards base salary in the calculation of Gratuity. Telephone Allowance and Entertainment Allowance applicable to the position in which the Senior Officer is acting, will also be paid and all other allowances at his/her substantive level will remain unchanged.

APPLICATION OF OTHER GENERAL ORDERS

- 9.46 Unless the Employment Agreement provides otherwise and as may be modified by the Contract, the General Orders shall apply to regulate administration of the Contract.

RETIREMENT AND RETRENCHMENT

- 9.47 The provisions of the Acts and General Orders relating to the retirement and retrenchment of public servants, shall apply to officers employed under contract.
- 9.48 In the event of termination of the Senior Officer, either:
- (a) on grounds of redundancy as specified in General Order 16, and the Public Service Redundancy Agreement; or
 - (b) by mutual agreement of the Parties in the interest of the State; or
 - (c) force majeure (that is, an event outside of the control of either of the parties) as declared by the National Executive Council;

then termination benefits shall be paid in accordance with contract ex-gratia provisions.

- 9.49 Under no circumstances shall a contract officer, terminated prior to the Contract due date, be paid out the remainder/balance of the contract period. Termination benefits are limited to the ex-gratia provisions of the contract, as listed in the Terms & Conditions.

TERMS AND CONDITIONS DURING ABSENCE FROM OFFICE

- 9.50 The Senior Officer will be paid allowances and benefits specified under General Order 9.53 during any period of authorised paid leave to which the Senior Officer has an entitlement under General Order 14, including the following types of leave:
- recreation leave;

- sick leave;
 - compassionate leave;
 - maternity leave;
 - representational leave;
 - attendance at meetings of Local Government Bodies;
 - attendance at arbitration hearings;
 - for public interest purposes;
 - resulting from accidents on duty; and,
- furlough leave (where authorisation has been given by the Departmental Head prior to commencement of the contract).

9.51 During any period of authorised paid leave as described above, the Senior Officer will not be paid the pro-rata amount of Telephone and Entertainment Allowance and any vehicle provided to the Senior Officer for the conduct of the duties of office shall be surrendered to the Departmental Head, excepting where the vehicle is an entitlement under the contract. All other allowances and benefits under the contract shall be payable.

9.52 In the event that a Senior Officer is authorised to be absent from office, for any of the following reasons, as provided under General Order 14:

- leave to serve under other legislation outside of the Public Service (secondment);
- leave to serve with international organisations and agencies; and,
- leave to be attached to a private organisation,

then the Senior Officer automatically becomes an unattached officer, and his or her contract of employment will be terminated without penalty. All allowances and benefits under the contract will automatically cease at commencement of the leave under the provision. Refer to General Order 14.70 – General Order 14.81 for the provisions on secondment.

TERMS AND CONDITIONS ON STUDY LEAVE

9.53 In the event that the Senior Officer is to attend a full time course of study under the leave provisions of General Order 14, then allowances and benefits payable under the contract will be dependent upon the period of study leave granted, as follows:

(a) **Study Leave 12 months or less in duration**

The Senior Officer will not be paid any Entertainment and Telephone Allowance pro-rata to period of study leave and any vehicle provided for the conduct of his/her office will be withdrawn. All other contract allowances and benefits shall be payable.

(b) **Study Leave of more than 12 months in duration.**

The Senior Officer will not be paid any of the following allowances and benefits from commencement and for the duration of the study leave period:

- Vehicle Allowance (or use of a vehicle);
 - Utilities Allowance;
 - Entertainment Allowance; and,
 - Telephone Allowance.
- (c) Housing Allowance, Domestic Market Allowance (where applicable) and Gratuity shall be payable to the Senior Officer under extended training arrangements and as stipulated in the terms and conditions of the employment contract.

CURRENT ALLOWANCES AND BENEFITS PAYABLE UNDER CONTRACTS OF EMPLOYMENT

9.54 Allowances and benefits payable under each Contract are determined from time to time by decision of the National Executive Council and are dependent upon Contract Category.

The range of allowances and benefits at the date of this General Order by Contract Category are summarised in **Schedule 9.1**

9.55 The allowances and benefits are payable in accordance with contract terms and conditions. In respect of Medical and Dental Officers other allowances and benefits payable under contracts specifically by virtue of an industrial agreement made with the Medical & Dental Officers' Association.

9.56 A Senior Officer is not eligible for the Housing Allowance whilst occupying institutional accommodation provided by the employing Department. Where the Senior Officer is required to pay rent for the institutional accommodation whilst on contract, the senior officer is entitled to the difference between the Housing Allowance and the subsidized rent.

9.57 Accommodation rented from the National Housing Corporation is not classed as institutional accommodation, and a Senior Officer paying rent for National Housing Corporation accommodation is eligible for payment of Housing Allowance in full.

REVIEW OF EXPIRING CONTRACTS FOR THE PURPOSE OF RENEWAL OR NON-RENEWAL

9.58 A review process will commence six months prior to the contract termination date. The Departmental Head shall complete a review of each contract officer's performance three months prior to the termination date of a contract. . The purpose of this review is to make a decision whether or not to renew or not renew the contract.

9.59 A "**Contract Review Committee**", comprising Deputy Agency Head, plus divisional heads, within each Agency **plus the Delegate of the Secretary Department of Personnel Management** shall scrutinise all contract reviews for consistency and compliance with the principles and procedures and shall advise the Agency of the appropriateness of each renewal/non-renewal of contract.

- 9.60 The Agency Head shall review and authorise the recommendations in respect of all officers of the Agency, including divisional heads and deputy head(s). Unattached contract officers are dealt with under General Order 9.73.
- 9.61 Each contractual review shall be completed utilising **Form SOC 9.5** attached to this General Order, and shall be reviewed by the Agency Head on the recommendation of the Contract Review Committee at least three months prior to expiry of the officer's contract. **Form SOC 9.5** shall be accompanied by the following documents, which shall be compiled by the Section 41 Delegate:
- (a) a minimum of two performance review forms completed under General Order 5 for the purpose of awarding annual increment or of estimating promotion potential;
 - (b) an up to date copy of the officer's job description; and,
 - (c) any copies of disciplinary warnings and/or disciplinary proceedings conducted against the officer during the preceding period of the contract.
- 9.62 Provided that a contract officer has completed the period of the contract without disciplinary sanctions being applied, without current disciplinary warnings on the officer's record, and satisfactory performance reviews, then the officer should expect to have the contract renewed, and the Agency Head shall undertake a review and the Department shall maintain a Register of contract expiry dates for this purpose.
- 9.63 An Agency Head is required to show cause why a contract should not be renewed, namely through a failure by the contract officer to comply with the contractual requirements, and in particular, has failed to perform adequately against the approved job description and the performance commitments entered into, or has committed serious disciplinary offences, for which warnings are current on the officer's record.
- 9.64 The Agency Head shall not make an arbitrary recommendation not to renew a contract. Provided that the contract officer has performance reviews with ratings of not less than 4, then renewal of the contract shall be automatic. Performance Ratings of 3 should result in renewal of the contract, provided that no serious disciplinary offences are current, and most other work targets have been achieved.
- 9.65 Two Performance Ratings below 3, and/or current and/or outstanding disciplinary proceedings taken against the officer, shall result in a recommendation not to renew the contract, **provided that** an officer subject to such a recommendation may opt to contest the recommendation in **Form SOC 9.5**. Such a contest shall be supported by the officers reasoning in a signed statement, for consideration by the Agency Head.
- 9.66 An Agency Head shall not unnecessarily wait for due date to allow a contract to expire, where sufficient evidence exists during the period of the contract to charge the officer with poor performance, resulting from the officer's failure to perform, and/or serious disciplinary offence(s) has been committed. An Agency Head may act at any time and terminate the contract.

- 9.67 A deliberate and persistent refusal by a contract officer to perform normal duties, or deliberate breach of job performance rules, shall constitute a serious disciplinary offence for which the officer shall be charged, **and suffer the risk of being terminated for cause**. In other words, termination of contract shall not necessarily result in the payment of ex-gratia termination benefits under the contract.
- 9.68 Each Contract Agreement enables the Agency Head to terminate the contract for non-performance following a warning process and opportunity to improve their performance. Department of Personnel Management Review of Agency Head Recommendations on Contract Renewal or Termination (Where Powers Have Not Been Delegated Under General Order 9.4).
- 9.69 A Contract Review Committee chaired by the Deputy Secretary, Department of Personnel Management shall advise the Secretary, Department of Personnel Management on the consistency of Agency Head recommendations and compliance with review principles and procedures.
- 9.70 Any recommendation by an Agency Head which does not comply with the General Order shall be referred back to the Agency for re-assessment prior to a final assessment being made by the Secretary, Department of Personnel Management.
- 9.71 An Agency Head shall obtain permission from the Secretary, Department of Personnel Management, in order to advertise a position held by a substantive appointee, who is alleged not to be performing, and permission to advertise will be subject to compliance with the contract review procedure in the General Order.
- 9.72 The Secretary, Department of Personnel Management shall as far as possible notify a Agency Head of the outcome of each contract review, no later than one month prior to expiry of the reviewed contract.

Notification of Review Decisions by Secretary, Department of Personnel Management (Where Powers Have Not Been Delegated Under General Order 9.4).

- 9.73 A contract holder shall be informed by the Agency Head of a decision by the Secretary, Department of Personnel Management, to renew or not to renew an expiring contract at a suitable time as determined by the Agency Head, between three months and no later than one month prior to contract completion date.
- 9.74 A contract holder whose contract is to be terminated shall be retained within the Agency as an unattached officer, following a decision by the Secretary, Department of Personnel Management, until such time that either:
- (i) the officer secures an alternative position; or,
 - (ii) the officer is transferred to another position by mutual agreement with the officer; or,
 - (iii) the officer is terminated from the Public Service by the Agency Head with approval from the Secretary, Department of Personnel Management.

PROCEDURE FOR DEALING WITH UNATTACHED CONTRACT OFFICERS

- 9.75 In the event that, during the period of the contract, and during a period following expiry of a contract that was to be reviewed, a contract officer is displaced from his or her substantive position as a result of organisational change, however arising, and at the date of the contract renewal review, remains unattached, then the following procedure shall apply.
- (a) the Agency Head shall complete the review on **Form SOC 9.1**, as far as this may be possible, and determine the suitability of the senior officer to hold a contracted position;
 - (b) the contract of the unattached officer shall be automatically extended for up to three months by virtue of this General Order, pending confirmation of the officer in an unchanged or revised substantive position;
 - (c) the unattached officer shall apply for and seek selection and appointment to the contracted position, where one exists, or to a new contracted position;
 - (d) the Agency Head shall apply for a contract in respect of the new appointment, and the selection process shall be deemed to have performed the function of the review under this General Order.
- 9.76 The underlying principle when considering the entitlements of unattached contract officers who have continued to perform their normal functions in their substantive positions, is that they should not be made to suffer a loss of pay as a result of reorganisations. In the event that under General Order 9.73 an organisational review is not finalised within the three months period provided for under General Order 9.73 (b), then the Agency Head shall further extend the affected contracts until such time the structure is approved.

Officers Unattached from Abolished Positions

- 9.77 In the event that a position has been abolished through an approved re-organisation and the substantive office holder has ceased to perform the functions and duties of the position, and has become unattached, then the Agency Head shall terminate the contract by the giving of three month's notice, and upon conclusion of the three month notice period, all allowances, gratuities, and other benefits under the contract shall cease.

Payment of Contract Entitlements to Unattached Contract Officers

- 9.78 An unattached contract officer who meets the requirements under General Order 9.73 to General Order 9.75, will be entitled to continue receiving contract entitlements, provided that he or she:
- (a) became unattached as a result of reorganisation, and/or has not had a contract renewed for the same reason;
 - (b) substantively occupies a position affected by the reorganisation, and has continued to receive the contract benefits without break;

- (c) is not an acting appointee in a contract position, who immediately prior to the acting appointment was not a contracted officer;
- (d) has a valid recommendation for contract renewal where the contract has expired and has not been permanently appointed in the interim period to another non-contract position (to which General Order 9 does not apply);
- (e) has continued to perform the same or similar functions required of under their contracted substantive positions, prior to final reorganisation approval by the Agency Head; or
- (f) has not otherwise been disbarred from receiving gratuity for disciplinary reasons, as provided for under General Order 9.

GENERAL ORDER NO 9**PUBLIC SERVICE SENIOR OFFICER CONTRACT CATEGORIES AND ALLOWANCES**

The terms and conditions of Senior Officer Contracts are determined by the National Executive Council under Section 41 of the *Public Services (Management) Act*. **National Executive Council Decision No 54/2011** determines the Contract Categories and Terms and Conditions effective from 1st January 2011.

Senior Officer Contract Categories

The senior officers are categorised under their generic management titles for purpose of designating their contract terms and conditions of employment as follows:

- Category "A1" - Deputy Secretaries of Central Agency Departments (Grade 20).
- Category "A2" - Deputy Secretaries of Departments and Offices (other than Central Agencies) and Deputy Administrators of Provincial Administrations (Grades 18 – 19).
- Category "B" - First Assistant Secretaries and District Administrators (Grades 17 – 18).
- Category "C" - Assistant Secretaries, Provincial Coordinators/Advisers and Managers (Grades 15 – 17).
- Category "D" - Section/ Branch Heads and Managers (Grades 13 – 15).

(Note that Heads of Overseas Missions and Medical and Dental Officers are classified for contract purposes with separate categories.)

Senior Officer Contract Allowances

Contract terms and conditions of employment are designated by the National Executive Council, according to Senior Officer Contract Category, as follows.

<u>Allowance Type</u>	<u>Category "A1"</u>	<u>Category "A2"</u>	<u>Category "B"</u>	<u>Category "C"</u>	<u>Category "D"</u>
Accommodation	K26,000	K15,000	K7,500	K5,000	K2,500
Vehicle	K26,000	K15,000	NA	NA	NA
Utilities	K2,600	K1,800	K1,200	K350	NA
Telephone	K1,800	K1,200	K900	NA	NA
Entertainment	K3,600	K2,600	K1,800	NA	NA
Total Allowances	K60,000	K35,600	K11,400	K5,350	K2,500



Public Services (Management) Act

SENIOR OFFICER CONTRACTS
SECTION 41 DELEGATE NOMINATION FORM

Department: <Name>

Pursuant to **National Executive Council Decision No 54/2011** a Departmental Head exercising powers delegated by the Secretary, Department of Personnel Management to execute contracts of employment made under **Section 41** of the *Public Services (Management) Act*, shall seek endorsement of a delegate of the Secretary, Department of Personnel Management suitably qualified for that purpose.

A Departmental Head shall require endorsement of new contracts by a delegate of the Secretary, Department of Personnel Management. The delegate shall be either an officer of the Department of Personnel Management or an officer of the Department who is nominated utilizing this form.

An officer who is suitably qualified to be nominated shall be a serving officer at a level no lower than Assistant Secretary/Manager, occupying a position with responsibility for advising the Departmental Head on the appointment of senior officers to contract positions, with a full knowledge and understanding of the application of the Public Service General Orders and senior officer's contracts under **Section 41** of the *Public Services (Management) Act*. (If the nominated person is the Legal Officer of the Department, then he or she shall always exercise the delegated functions in consultation with the person responsible for advising on HR matters within the Department.)

Nomination of a Departmental Delegate

I <Name of Departmental Head> hereby nominate <Name> <Position> employed within this Department, for the purposes stated in Circular Instruction No <> of 2011, or for the purpose as stated in General Orders from time to time.

I hereby certify that the person so nominated is suitably qualified to advise the Department on the application of **Section 41** of the *Public Services (Management) Act* and the **General Orders** and to counter-sign Senior Officer contracts of employment within the Department and is a fit and proper person to be the delegate of the Secretary, Department of Personnel Management.

Signed By: _____ Date: _____
 <Name>

Suitability of the Nominated Delegate

I <Name of Nominee> <Position> confirm that I am a competent person to advise the Departmental

Head on the application of **Section 41** of the *Public Services (Management) Act* and the **General Orders** and to counter-sign Senior Officer contracts of employment within the Department as a delegate of the Secretary, Department of Personnel Management.

As the delegate of the Secretary, Department of Personnel I accept that my functions are to ensure that each senior officer contract when executed by the Departmental Head fully complies with the determinations of the National Executive Council as written in General Orders/Circular Instructions issued by the Secretary, Department of Personnel Management from time to time.

Signed By: _____ Date: _____
<Name>

Authorisation of Section 41 Delegate

I <Name>, Secretary, Department of Personnel Management hereby delegate to the senior officer <Name> <Position>, nominated by the Departmental Head, all necessary powers and functions for the purposes of advising the Departmental Head on **Section 41** of the *Public Services (Management) Act* and the **General Orders** thereto, and to counter-sign Senior Officer contracts of employment within the Department as a delegate of the Secretary, Department of Personnel Management, on the understanding that the said senior officer is a fit and proper person.

Signed By: _____ Date: _____
<Name>

Lodgment of Delegation Form

Copies of this Form are to be held by the Departmental Head, the Delegate and the Secretary, Department of Personnel Management, and appended to each copy of a signed contract executed by the Departmental Head under **Section 41** of the *Public Services (Management) Act*.

GENERAL ORDER 9

**DESIGNATED SENIOR MANAGEMENT POSITIONS
UNDER PART XI OF THE PUBLIC SERVICES (MANAGEMENT) ACT
INITIAL CONTRACT & CONTRACT RENEWAL**

OFFICER'S PERSONAL DETAILS

DEPARTMENT/AGENCY: _____ DIVISION: _____

FULL NAME OF OFFICER: _____

PAY FILE NO: _____ DATE OF BIRTH: _____ PUBLIC SERVICE START DATE: _____

OFFICER'S CURRENT SUBSTANTIVE APPOINTMENT

FULL SUBSTANTIVE TITLE: _____

POSITION NO. _____ CONTRACT CATEGORY: _____ APPOINTMENT DATE: _____

SALARY GRADE/POINT: _____ SALARY AT CONTRACT APPOINTMENT K _____ PA

OFFICER'S CONTRACT HISTORYINITIAL CONTRACT: YES/NO. OR CONTRACT VARIED BY NEW APPOINTMENT: YES/NO.OR CONTRACT RENEWED FOLLOWING PERFORMANCE REVIEW: YES/NO.

CONTRACT START DATE: _____ CONTRACT LENGTH: _____ YEARS.

CONTRACT RENEWAL DATE: _____ NO. CONTRACTS COMPLETED TO DATE: _____

N.B. Attach a copy of the Officer's Notification of Appointment Form, plus, Contract Performance Review Form as appropriate.

FORM PREPARED BY DELEGATE OF SECRETARY DEPARTMENT OF PERSONNEL MANAGEMENT:

NAME & POSITION: _____

SIGNED: _____ DATE: _____

DECLARATION BY DEPARTMENTAL HEAD:

The above named Officer substantively occupies a Senior Management Officer Position as defined under Sections 40 to 43 of the Act and General Order No.9, and is eligible for appointment on a contract of employment.

SIGNED: _____ DATE: _____

DEPARTMENTAL HEAD

Note that provided that the Departmental Head has delegated powers under Section 41 of the **Public Services (Management) Act** to execute contracts of employment, then the Departmental Head may proceed to execute an initial or renewed contract.

In the event that the Departmental Head has no delegated powers to execute contracts, then the Departmental Head's decision shall be ratified by the Secretary, Department of Personnel Management, and an initial or renewed contract shall be executed by the Secretary, Department of Personnel Management

Independent State of Papua New Guinea

**MEDICAL AND DENTAL OFFICERS ELIGIBLE UNDER
PART XI OF THE PUBLIC SERVICES (MANAGEMENT) ACT 1995
INITIAL CONTRACT & CONTRACT RENEWAL**

OFFICER'S PERSONAL DETAILS

DEPARTMENT/PUBLIC HOSPITAL/AGENCY: _____

<u>FULL</u>	NAME	OF	OFFICER:
-------------	------	----	----------

PAY FILE NO: _____ DATE OF BIRTH: _____ SERVICE START DATE:

OFFICER'S CURRENT SUBSTANTIVE APPOINTMENT

SUBSTANTIVE TITLE: _____ POSITION NO

MO/DO CATEGORY: _____ APPOINTMENT DATE: _____ SALARY GRADE/POINT:

SALARY AT CONTRACT APPOINTMENT:K_____PA CONTRACT TYPE OFFER:

OFFICER'S CONTRACT HISTORYINITIAL CONTRACT: YES/NO. OR CONTRACT VARIED BY NEW APPOINTMENT: YES/NO.OR CONTRACT RENEWED FOLLOWING PERFORMANCE REVIEW: YES/NO.

CONTRACT START DATE: _____ CONTRACT LENGTH: _____ YEARS.

CONTRACT RENEWAL DATE: _____ NO. CONTRACTS COMPLETED TO DATE: _____

N.B. Attach a copy of the Officer's Notification of Appointment Form, plus, Contract Performance Review Form as appropriate.

FORM PREPARED BY DELGATE OF SECRETARY DEPARTMENT OF PERSONNEL MANAGEMENT:

NAME: _____ POSITION: _____

SIGNED: _____ DATE: _____

DECLARATION BY SECRETARY FOR HEALTH/HOSPITAL CEO:

The above named Officer substantively occupies a Medical/Dental Officer Position and is eligible under Sections 40 to 43 of the Act and General Order No.9, for appointment on a contract of employment as described above. I hereby confirm that having accepted the advice of the Delegate of the Secretary, Department of Personnel Management, I declare that:

- A. A contract of employment shall be prepared for my signature OR
- B. No contract of employment is to be prepared

SIGNED: _____

DATE: _____

DEPARTMENTAL HEAD

Public Services (Management) Act 1995

FORM SOC 9.2

GENERAL ORDER NO.9

**NOTICE OF DISCIPLINARY SUSPENSION UNDER SECTION 25
OF THE TERMS & CONDITIONS OF A CONTRACT OF EMPLOYMENT**

TO: (Name & Address of Contract Officer)

PLEASE TAKE NOTICE THAT: Pursuant to the provisions of Section 25 of your contract of employment, you are hereby suspended from duty with effect from the date that this notice is served on you, until further notice.

AND PLEASE TAKE FURTHER NOTICE: That I have laid against you/I am preparing to lay against you * disciplinary charge(s) on Form SOC9.3 in respect of certain offence(s) that you are alleged to have committed.

AND PLEASE TAKE FURTHER NOTICE: That during the period of suspension you will be paid your entitlements under your contract, however, you are required to **forthwith** return to my Office, all official keys to files and offices and all files and papers and any other documents in your possession related to your position or to the Department.

Dated this _____ day of _____ 20-----

Signed by: _____
DEPARTMENTALHEAD

DELIVERY OF NOTICE OF SUSPENSION

I certify that I have served the Notice of Suspension as indicated:

Place Notice Served: _____ Date & Time Served: _____

Signed: _____ Witnessed: _____

(N.B. Officers serving and witnessing the signing of this Notice are to write their names clearly in block letters below their signatures).

I acknowledge receipt of the Notice recorded above.

Signed: _____
(Officer Suspended)

(In the event that the officer to be suspended cannot be contacted within a 7 day period of the Secretary signing the Suspension Notice, or declines to acknowledge receipt of this Notice, the person serving the Notice should record as appropriate on the form, and sign together with the witness. The Departmental Head reserves the right to determine disciplinary action as appropriate).

Public Services (Management) Act 1995

FORM SOC 9.3

GENERAL ORDER NO.9

Offence Reference: _____

**NOTICE OF DISCIPLINARY CHARGES UNDER SECTIONS 25
OF THE TERMS & CONDITIONS OF A CONTRACT OF EMPLOYMENT.**

TO: (Name & Address of Contract Officer)

PLEASE TAKE NOTICE THAT: Pursuant to the provisions of your contract of employment, you are hereby charged under Section 25 with having committed serious disciplinary offences within the meaning of Section 20, thereby breaching your contract, namely that:

Notes: *State the facts relating to one offence only under the "Offence Reference" above, giving the details of the offence allegedly committed, including, date, evidence and witness etc.*

State which of the paragraphs, from (a) to (h) of Section 20 of the contract apply to the offence alleged to have been committed, and make reference to the specific sections of the terms and conditions which may also have been breached.

Where more than one offence is involved, additional Offence References should be shown in sequence on separate charge sheets.

PLEASE TAKE FURTHER NOTICE: That you may, if you so decide, request to sight copies of non-confidential documents or reports, or to obtain extracts or information from those documents or reports that are relevant to the charges made against you hereunder, to enable you to obtain such information in accordance with arrangements determined by the Departmental Head.

PLEASE TAKE FURTHER NOTICE: That in accordance with Section 25, of the Terms and Conditions, you are required to respond in writing to the charges within 7 days of receipt of the charges, to enable you to state whether you admit or deny the truth of the charges, and give any explanation in writing that you may think fit for my consideration.

AND PLEASE TAKE FURTHER NOTICE: That should you fail to respond in the manner required, within the stipulated time, you may be deemed to have admitted the truth of the charges, and thereby render yourself liable to termination for cause.

Dated this _____ **day of** _____ **20-----**

Signed by: _____
DEPARTMENTAL HEAD

DELIVERY OF NOTICE OF DISCIPLINARY CHARGES

I certify that I have served the Notice of Disciplinary Charges as indicated:

Place Notice Served: _____ Date & Time Served: _____

Signed: _____ Witnessed: _____

(N.B. Officers serving and witnessing the signing of these charges are to write their names clearly in block letters below their signatures).

I acknowledge receipt of the Notice recorded above.

Signed: _____
(Officer Charged)

(In the event that the person charged cannot be contacted within a 7 day period of the Secretary signing the charge sheet, or declines to acknowledge receipt of this Notice, the person serving the notice should record as appropriate on the form, and sign together with the witness. The Departmental Head reserves the right to determine disciplinary action as appropriate).

Public Services (Management) Act 1995

FORM SOC 9.4

GENERAL ORDER NO.9

Offence Reference: _____

**DECISION OF THE DEPARTMENTAL HEAD IN RESPECT OF
EACH DISCIPLINARY CHARGE UNDER SECTIONS 25 OF THE
TERMS & CONDITIONS OF A CONTRACT OF EMPLOYMENT OF
_____ (Name) _____.**

TO: (Name & Address of Contract Officer)

PLEASE TAKE NOTICE THAT: Pursuant to the charge(s) laid against you under Section 25 of your contract of employment, Offence Reference Number shown above, and following consideration of your responses to the charges and based on legal advice relating to the charge(s) and your response(s), I have determined that:

Notes: *State the findings in respect of one offence only under the "Offence Reference" above, giving the reasons for the findings, and whether or not the charge is sustained or dismissed.*

State which of the paragraphs, from (a) to (h) of Section 20 of the contract apply to the offence committed, where the charge has been sustained, and make reference to the specific sections of the terms and conditions which have been breached.

Where more than one offence is involved, findings in respect of each additional Offence Reference should be shown in sequence on separate disciplinary findings sheets.

PLEASE TAKE FURTHER NOTICE: That I have determined appropriate disciplinary action consistent with my findings in respect to the charges laid above as follows:

Notes: *Select from one (or where appropriate, one or more), of the following:*

- (a) *Termination of the contract and termination of Public Service employment;*
- (b) *Termination of the contract and retention in the Public Service as an unattached officer at the same substantive level;*
- (c) *Termination of the contract and demotion to a lower graded position;*
- (d) *Variation of the contract, thereby demotion to a lower graded position;*
- (e) *permanent withholding of the next annual gratuity instalment;*
- (f) *formal written warning placed on the officer's personal record, (which may accompany any of the punishments (b) to (e));*
- (g) *withdrawal of all of the charges without sanction or penalty.*

PLEASE TAKE FURTHER NOTICE: That you have the right of appeal against the penalties determined by me through the Public Services Commission.

Dated this _____ day of _____ 20__

Signed by: _____
DEPARTMENTAL HEAD

DELIVERY OF NOTICE OF DISCIPLINARY FINDINGS

I certify that I have served the Notice of Disciplinary Findings and Penalties (as appropriate):

Place Notice Served: _____ Date & Time Served: _____

Signed: _____ Witnessed: _____

(N.B. Officers serving and witnessing the signing of these disciplinary findings are to write their names clearly in block letters below their signatures).

I acknowledge receipt of the Notice recorded above.

Signed: _____
(Officer Under Discipline)

(In the event that the person charged cannot be contacted within a 7 day period of the above disciplinary decisions, or declines to acknowledge receipt of this Notice, the person serving the notice should record as appropriate on the form, and sign together with the witness. The Departmental Head reserves the right to effect disciplinary action regardless of whether or not the Officer has acknowledged receipt in these circumstances.

Public Services (Management) Act 1995

FORM SOC 9.4A

GENERAL ORDER NO.9

(This Disciplinary Form is to be used where no delegations have been given to the Agency Head by the Secretary, Department of Personnel Management under Section 41 of the Public Services (Management) Act and final decisions on discipline rest with the Secretary, Department of Personnel Management.)

**NOTICE TO THE SECRETARY OF THE DEPARTMENT OF PERSONNEL
MANAGEMENT IN RESPECT OF DISCIPLINARY FINDINGS UNDER
SECTION 25 OF THE TERMS & CONDITIONS OF A CONTRACT OF
EMPLOYMENT OF _____(Name)_____.**

TO: Secretary, Department of Personnel Management.

I ATTACH FOR YOUR CONSIDERATION AND ACTION:

1. Offence Reference No(s). _____ to _____, served on _____(Name of Officer Charged)_____ on _____(Date)_____, under the provisions of Section 25 of his/her contract of employment.
2. Officer's response(s) to the disciplinary charge(s) of _____(Date)_____, which I have analysed and given careful consideration.
3. My findings and conclusions in respect of the officer's response(s) to each of the charge(s) under Offence Reference No(s). _____ to _____, and whether or not the officer is found guilty of the offence(s), or whether the charge(s) has been dismissed.

I HEREBY RECOMMEND FOR YOUR APPROVAL: That in respect of the punishments available under General Order 9.33 & General Order 38, taking into account the officer's response, you endorse and implement the following actions:

Notes: Select from one (or where appropriate, one or more), of the following:

- (a) **Termination of the contract and termination of Public Service employment;**
- (b) **Termination of the contract and retention in the Public Service as an unattached officer at the same substantive level;**
- (c) **Termination of the contract and demotion to a lower graded position;**
- (d) **Variation of the contract, thereby demotion to a lower graded position;**
- (e) **permanent withholding of the next annual gratuity instalment;**

- (f) **formal written warning placed on the officer's personal record, (which may accompany any of the punishments (b) to (e));**
- (g) **withdrawal of all of the charges without sanction or penalty.**

I HEREBY CERTIFY THAT: I have arranged for delivery of the above advice and recommendations to the Secretary for the Department of Personnel Management on the date below written, and request that the Secretary for the Department of Personnel Management provide a response and the appropriate course of action, prior to expiry of 21 days from date of receipt of this Notice.

Dated this _____ day of _____ 20____

Signed by: _____
DEPARTMENTAL HEAD

Public Services (Management) Act 1995

FORM SOC 9.4C

GENERAL ORDER NO.9

**DECISION OF THE SECRETARY OF THE DEPARTMENT OF PERSONNEL
MANAGEMENT IN RESPECT OF DISCIPLINARY ACTION TO TAKE UNDER
SECTION 25 OF THE TERMS & CONDITIONS OF A CONTRACT OF
EMPLOYMENT OF _____(Name)_____.**

TO: Name of Officer Charged
Department

PLEASE TAKE NOTICE THAT: I have considered the recommendations of your Departmental Head set out in Form 9.4A in respect of the disciplinary charges laid against you on _____ (date) _____. I have further considered your responses to the charges and also legal opinions. My decision in respect of each charge is contained in Form(s) 9.4B attached.

PLEASE TAKE FURTHER NOTICE THAT: I have determined appropriate disciplinary action, in accordance with General Orders 9.27 & General Order 9.38, in respect of the findings attached as follows:

Notes: Select from one (or where appropriate, one or more), of the following:

- (a) ***Your contract is hereby terminated and you are terminated from Public Service employment with immediate effect;***
- (b) ***Your contract is hereby terminated and you are demoted to a lower graded position (details attached), with immediate effect;***
- (c) ***Your contract is hereby terminated and you are to be retained in the Public Service as an unattached officer at the same substantive level;***
- (d) ***Your contract is hereby varied in such a manner as you are demoted to a lower graded position with immediate effect;***
- (e) ***Your next annual gratuity instalment is to be permanently withheld and forfeited to the State;***
- (f) ***You are to be surcharged an amount of K _____ which may be recovered through Payroll at a declared rate per fortnight;***
- (g) ***A formal written warning is to be placed on the officer's personal record, (which may accompany any of the punishments (b) to (f) to stand for a (normal) period of 12 months;***
- (h) ***All of the charges laid against you are to be withdrawn without sanction or penalty.***

PLEASE TAKE NOTICE THAT: You have the right of appeal against the charges laid against you and any penalties determined by the Secretary for the Department of Personnel Management, through the Public Services Commission, should you so desire.

Dated this _____ day of _____ 20_____

Signed by: _____
SECRETARY, DEPARTMENT OF PERSONNEL MANAGEMENT

DELIVERY OF NOTICE OF DISCIPLINARY ACTIONS.

I certify that I have served the Notice of Disciplinary Actions as indicated:

Place Notice Served: _____ Date & Time Served: _____

Signed: _____ Witnessed: _____

(N.B. Officers serving and witnessing the signing of these disciplinary actions are to write their names clearly in block letters below their signatures).

I acknowledge receipt of the Notice recorded above.

Signed: _____
(Officer Charged)

(In the event that the person charged cannot be contacted within a 7 day period of the Secretary signing of this Notice, or declines to acknowledge receipt of this Notice, the person serving the Notice should record as appropriate on the form, and sign together with the witness. The Departmental Head reserves the right to effect disciplinary action as determined by the Secretary, Department of Personnel Management).

Public Services (Management) Act 1995

FORM SOC 9.4B

GENERAL ORDER NO.9

Offence Reference: _____

**DECISION OF SECRETARY, DEPARTMENT OF PERSONNEL MANAGEMENT
IN RESPECT OF EACH DISCIPLINARY CHARGE UNDER SECTIONS 25
OF THE TERMS & CONDITIONS OF A CONTRACT OF EMPLOYMENT OF
_____ (Name) _____.**

TO: (Name & Address of Contract Officer)

PLEASE TAKE NOTICE THAT: Pursuant to the charge(s) laid against you under Section 25 of your contract of employment, Offence Reference Number shown above, and following consideration of the recommendation(s) made by the Departmental Head, and legal advice relating to the charge(s) and your response(s), I have determined that:

Notes: *State the findings in respect of one offence only under the "Offence Reference" above, giving the reasons for the findings, and whether or not the charge is sustained or dismissed.*

State which of the paragraphs, from (a) to (h) of Section 20 of the contract apply to the offence committed, where the charge has been sustained, and make reference to the specific sections of the terms and conditions which have been breached.

Where more than one offence is involved, findings in respect of each additional Offence Reference should be shown in sequence on separate disciplinary findings sheets.

PLEASE TAKE FURTHER NOTICE: That I have determined appropriate disciplinary action consistent with my findings addressed to you under Form 9.4C.

PLEASE TAKE FURTHER NOTICE: That you have the right of appeal against the charges laid against you and the penalties determined by the Secretary for the Department of Personnel Management, through the Public Services Commission, should you so desire.

Dated this _____ day of _____ 20__

Signed by: _____
SECRETARY, DEPARTMENT OF PERSONNEL MANAGEMENT

DELIVERY OF NOTICE OF DISCIPLINARY FINDINGS

I certify that I have served the Notice of Disciplinary Findings as indicated:

Place Notice Served: _____ Date & Time Served: _____

Signed: _____ Witnessed: _____

(N.B. Officers serving and witnessing the signing of these disciplinary findings are to write their names clearly in block letters below their signatures).

I acknowledge receipt of the Notice recorded above.

Signed: _____
(Officer Charged)

(In the event that the person charged cannot be contacted within a 7 day period of the Secretary signing the charge sheet, or declines to acknowledge receipt of this Notice, the person serving the notice should record as appropriate on the form, and sign together with the witness. The Departmental Head reserves the right to effect disciplinary action as determined by the Secretary, Department of Personnel Management).

GENERAL ORDER 9**SENIOR OFFICER'S CONTRACT REVIEW
(UNDER DEVOLUTION OF POWERS)**

DEPARTMENT/AGENCY: _____ DIVISION: _____
 NAME OF OFFICER: _____ PAY FILE NO: _____
 PUBLIC SERVICE COMMENCE'T DATE: _____ SUBSTANTIVE APPOINTMENT DATE: _____
 SUBSTANTIVE POSITION: _____ SALARY GRADE/POINT: _____
 CONTRACT START DATE: _____ CONTRACT LENGTH: _____ YEARS: RENEWAL DATE: _____
 NO. OF CONTRACTS COMPLETED TO DATE: _____ DATE REVIEW COMPLETED: _____
 DATE REVIEW SUBMITTED TO DHEAD: _____ NAME OF IMMEDIATE SUPERIOR: _____

- * The Review Form provides for an assessment of the officer's work performance, personal goals and achievements, and disciplinary record throughout the contracted period, and requires each contract officer under review to indicate his or her intentions whether or not to seek renewal of the contract.
- * The Form is to be completed in accordance with General Orders No. 9.57 to 9.73 and every officer is entitled to be treated in accordance with General Order No.9.
- * As far as possible, the results of this review shall be provided to the officer by his or her Departmental Head, no later than three months prior to contract termination in order to ensure that the three month notice period is satisfied.

N.B. EVERY OFFICER IS ENTITLED TO BE REVIEWED IN A FAIR AND OBJECTIVE MANNER.

PART 1: RESULTS OF PERFORMANCE REVIEWS DURING CONTRACT PERIOD

For this purpose, a minimum of two performance reviews conducted on DPM Appraisal Form 10.1 against his or her substantively held position, shall be appended, unless the officer has held other positions during the contract period, and if so, performance reviews conducted against those other positions shall (also) be utilised. The performance review forms shall be appended.

Performance Review 1: Date Conducted: _____ **Period Covered, From:** _____ **To:** _____
 Substantive Position: _____ Date Appointed: _____
 Overall Performance Rating: _____ Comments of Assessor: _____

Performance Review 2: Date Conducted: _____ **Period Covered, From:** _____ **To:** _____
 Substantive Position: _____ Date Appointed: _____
 Overall Performance Rating: _____ Comments of Assessor: _____

Performance Review 3: Date Conducted: _____ **Period Covered, From:** _____ **To:** _____

Substantive Position: _____ Date Appointed: _____

Overall Performance Rating: _____ Comments of Assessor: _____

PART 2: DISCIPLINARY RECORD DURING CONTRACT PERIOD

N.B. Record below only those outstanding warnings or punishments which constitute serious offences under General Order 9.27 to 9.34. Warnings which have expired after a period of 12 months, and/or punishments which have been dealt with and have expired should not be used as grounds for arbitrary termination of contract. Termination based on such disciplinary records may constitute "double punishment". Evidence must be provided that the officer had been warned that persistent and/or continuing offences during the balance of the contract period may result in non-renewal of contract at renewal time. The officer must have already been charged with such ongoing offences and given the opportunity to respond. All such disciplinary documents are to be attached.

Disciplinary Offence(s) 1: Date Committed: _____

Date Found Guilty: _____

Nature of Offence(s):

Punishment Imposed, (Including warnings about non-renewal of contract):

Disciplinary Offence(s) 2: Date Committed: _____

Date Found Guilty: _____

Nature of Offence(s):

Punishment Imposed, (Including warnings about non-renewal of contract):

Disciplinary Offence(s) 3: Date Committed: _____ **Date Found Guilty:** _____

Nature of Offence(s): _____

Punishment Imposed, (Including warnings about non-renewal of contract): _____

PART 3: PERSONAL ACHIEVEMENTS/FAILURES DURING CONTRACT PERIOD

N.B. *In the event that any failures or short-comings are to be identified, evidence should be shown that during the three year period, sufficient warnings had been given about poor performance, and the outcome of such warnings if a recommendation is to be made not to renew the contract.*

1. Description of Achievement/Non-Achievement of Corporate Plans and Work Targets:

2. Description of Fulfilment/Non-Fulfilment of Personal Development Goals:

PART 4: OVERALL ASSESSMENT OF OFFICER'S CONTRACTUAL PERFORMANCE

*Rate the officer on a three point scale, according to the guideline assessments of performance, disciplinary behaviour and personal achievements, by neatly deleting the statements shown *, where not applicable:*

* **More than Satisfactory, (contract to be renewed) * :** *
Officer has an average performance rating not less than 4, and no disciplinary record and has achieved most personal goals set.

* **Satisfactory, (contract to be renewed) * :** *
Officer has an average performance rating of not less than 3, and any disciplinary warnings or disciplinary actions have been positively responded to and the officer has shown sufficient improvement or they have expired, and not less than 50% of personal goals have been achieved.

* **Unsatisfactory, (contract not to be renewed) * :** *
Officer has an average performance rating below 3, and/or has current outstanding disciplinary record, making officer unsuitable, and/or has achieved less than 50% of personal goals.

Based upon the assessed rating, I recommend that:

* **THE OFFICER'S CONTRACT BE RENEWED:** *

* **THE OFFICER'S CONTRACT NOT BE RENEWED:** *

ASSESSING OFFICER'S

NAME: _____ **POSITION:** _____

SIGNED:

DATE: _____

RATIFYING OFFICER'S

NAME: _____ POSITION: _____

SIGNED: _____ DATE: _____

(Note that the Ratifying Officer is the Officer named as the Delegate of the Secretary, Department of Personnel Management for the purposes of Section 41 of the Public Services (Management) Act.

I have assessed the recommendation contained in this assessment and my decision is

* THE OFFICER'S CONTRACT BE RENEWED: *

OR

* THE OFFICER'S CONTRACT NOT BE RENEWED: *

SIGNED: _____ DATE: _____

DEPARTMENTAL HEAD

TRANSMITTED TO THE ASSESSED OFFICER BY HIS/HER DIVISIONAL HEAD ON

DATE: _____

PART 5: CONTRACT OFFICER'S VIEWS AND COMMENTS

I have noted the comments and ratings made above, and I have deleted inapplicable statements marked * , and I wish my views to be made known to the D/Head as follows:

* I do not wish to have my contract renewed: *

* I do not accept the recommendation made: *

For the following reasons:

* I do accept the recommendation made: *

SIGNED: _____ DATE: _____

CONTRACT OFFICER

PART 6: REVIEW BY DELEGATE OF SECRETARY DEPARTMENT OF PERSONNEL MANAGEMENT

* *This Section is to be completed by a delegate of the Secretary for the Department of Personnel*

*Management, in response to the recommendations and the officer's response made above, by deleting inapplicable statements **

* I do accept the recommendation made: *

* I do not accept the recommendation made: *

For the following reasons:

The Form is to be returned to the Departmental Head concerned for further review.

* Accordingly, I have determined that:

* THE OFFICER'S CONTRACT SHALL BE RENEWED: *

* THE OFFICER'S CONTRACT SHALL NOT BE RENEWED: *

* THE FORM SHALL BE RETURNED FOR FURTHER REVIEW: *

SIGNED: _____ DATE: _____

DEPARTMENTAL HEAD



Independent State of Papua New Guinea

**NATIONAL PUBLIC SERVICE
GENERAL ORDERS**

**RECOMMENDATION TO THE SECRETARY, MR JOHN M KALI OBE, TO APPROVE
GENERAL ORDER NO. 9 OF 1ST JANUARY 2012**

**CONTRACTS FOR OFFICERS APPOINTED
TO SENIOR MANAGEMENT POSITIONS**

To: Secretary

Date: 08 March 2012

We, the under-signed, confirm that **General Order No. 9 of 1st January 2012**, hereto attached, has been drafted in accordance with Government policies and the appropriate Sections of the **Public Services (Management) Act**, and the **Regulations** and reflects:

- (a) all policy changes made by the National Executive Council in the period 1st June 2002 to 31st December 2011;
- (b) all changes to the **Organic Law on Provincial & Local Level Governments** and the **Public Services (Management) Act 1995**, to effect implementation of the Provincial and Local Level Government Reforms; and,
- (c) all other changes to the **Public Services (Management) Act 1995**, which have been brought into force since 1st June 2002.

On behalf of the Executive Management Team, we recommend that the Secretary authorise this General Order for publication and distribution to line Departments and Agencies.


AGNES FRIDAY

Executive Manager, HRAS


EMMA FAITELI

Executive Manager, I&ER


ISHKEL MESULAM

Director, Legal & Investigations


RAVU VERENAGI

Deputy Secretary, Policy


RAVU VAGI

Deputy Secretary, Operations