L.N. 198 of 1996

LOCAL COUNCILS ACT, 1993
(ACT NO. XV OF 1993)

Local Councils (Human Resources) Regulations, 1996

IN exercise of the powers conferred by subsection (2) of section 53 and by section 72 of the Local Councils Act, 1993, the Minister of Justice and Local Councils, in concurrence with the Minister for Economic Affairs and Finance, has made the following regulations :

PART I

General Provisions

1. (1) These regulations may be cited as the Local Councils (Human Resources) Regulations, 1996. Citation and commencement.

(2) These regulations shall be deemed to have come into effect on the 1st July 1996.

2. In these regulations, unless the context otherwise requires — Interpretation.

"Act" means the Local Councils Act, 1993 ;

"Code of Ethics" means the Code of Ethics for Employees in the Public Sector published by the Cabinet Office in October 1994;

"employee" means any Council employee other than the Secretary;

"employment contract" means the Employment Contract indicated in Appendix P4.V to the Human Resources Procedures;

"Human Resources Procedures" means the Local Councils (Human Resources) Procedures, 1996, L.C.P. 4/96, published by virtue of the Local Councils (Procedures) Regulations, 1996; L.N. 180 of 1996.

"Minister" shall have the same meaning as described in the Act;

"Secretary" shall have the same meaning as described in the Act.

PART II

Qualifications and Remuneration of Secretaries

Qualifications of Secretaries.

3. No person shall be qualified to be appointed as a Council Secretary unless that person produces a certificate, reference or declaration indicating possession of the following minimum qualifications :—

(a) proficieny in Accounting procedures and Office Computer Applications (Word-processing, Data-base and Spreadsheet);

(b) managerial and/or executive experience or competence; and

(c) such qualifications which are normally required in order to read for a university degree in Business Administration and/or Management:

Provided that these minimum requirements do not apply to those persons who on the date of the publication of these regulations were occupying the post of Secretary or who have successfully attended a course for prospective Local Council Secretaries organised by the Local Councils Department and who were employed for a period of time as Secretaries with a Local Council;

Provided further that these requisites do neither apply to Council Secretaries when their employment contract is due for renewal with a Local Council, or who apply for the post of Secretary with any other Local Council.

Remuneration.

4. (1) Secretaries shall be employed in terms of section 51 of the Act and shall be entitled to the remuneration prescribed in paragraph (2) of this regulation.

(2) The following remuneration shall be payable to Secretaries:-

(a) Full-time Secretary :

where the Council size is —

9 to 13 members	Lm 6,425 per annum
7 members	Lm 6,026 per annum
5 members	Lm 5,629 per annum,

Sohowever that such remunertion is equivalent to the maximum remuneration of Scales 5, 6 and 7 in the Public Service for the year 1996; and

(b) Part-time Secretary :

who attends for at least 20 hours per week is paid *pro rata* the remuneration payable to the Secretary of that Council.

5. (1) The salaries of Secretaries are equivalent to the salary scales of employees in the Public Service and any increase in the salaries in the Public Service shall be added to the salaries of Secretaries as indicated in the preceding regulation: Salary Scales link.

Provided that there shall be no increase in the salaries of Secretaries indicated in subparagraph (a) of paragraph (2) of regulation 4 of these regulations which is retroactive to any day prior to the 1st of July, 1996.

(2) A full-time Secretary shall also be entitled to such cost of living increases as may be prescribed from time to time by the Government.

6. (1) The Council may also, at its discretion, award to the Secretary, at the end of any financial year, a performance bonus not exceeding 10% of the last salary received: Performance Bonus

Provided that in the case of those Secretaries whose employment was terminated prior to the end of the financial year, the bonus payable shall be computed on the last salary received.

(2) (a) If the performance bonus is approved, this shall be given in accordance with the following criteria :-

0% – if in the opinion of the Local Council the Secretary has performed his duties in a satisfactory manner;

5% – if in the opinion of the Local Council the Secretary has performed his duties in a fully satisfactory manner, as well as having shown a high level of competence and capability in a manner whereby, in general terms, he has met all the objectives which could be met in the circumstances and may sometimes have even exceeded them. The level of performance required at this level should be such that in a consistent manner the Secretary has met all the requirements of the position;

10% – if in the opinion of the Local Council the Secretary has not only performed his duties in a fully satisfactory manner, but in a significant and tangible manner he performed beyond competent level, and also where his performance is one which goes beyond what is normally required of the position.

(b) These levels shall be evaluated by means of a performance appraisal carried out on the form found in SCHEDULE A of these regulations. This performance appraisal is intended to help the Local Council to evaluate the Secretary's performance.

Deputy Secretary.

7. The appointment of a Deputy Secretary shall be made by means of a Council resolution and in terms of section 51 of the Act. The Deputy Secretary shall be given a remuneration which is equivalent to the maximum salary in Scale 11 for a period of ten consecutive days, after which shall be payable the equivalent of the salary due to the Secretary of the same Council. In such a case there shall be applicable also all the conditions which regulate the position of Secretary until that day when the Secretary resumes his duties or the Council appoints a new Secretary according to circumstances:

Provided that this arrangement for the appointment of a Deputy Secretary shall not exceed ninety days from the date of appointment.

Acting Secretary.

8. An Acting Secretary may only be appointed in terms of subsections (1) and (4) of section 49 of the Act.

PART III

Conditions of Employment of the Secretary

Secretary's hours of work.

9. The Secretary shall work an average of forty hours per week in accordance with a time-table determined by the Council by means of a resolution from time to time and provided that these are normal office hours:

Provided that the Secretary shall not be entitled to compensation for any extra hours which he is expected to work due to work exigencies or in order to perform his functions.

Vacation leave.

10. Vacation leave which has not been availed of due to work exigencies as determined by the Council, can only be accumulated from one year to another with the approval of the Council.

11. The Secretary shall also be entitled to special leave with pay in the following cases :- Special leave with pay.

(a) Death of Relatives - three working days in the case of death of the wife or husband, the mother or father, son or daughter, and brother or sister of the Secretary. In the case of death of grandparents, and the mother or father, brother or sister of the spouse of the Secretary, there shall be granted one (1) working day special leave with pay. Such special leave shall be availed of immediately following the death;

(b) Marriage – five working days in the case of the Secretary's marriage;

(c) Birth – three working days in the case of the birth of a baby to the Secretary's wife ;

(d) Pregnancy – female Secretaries are entitled to thirteen weeks with special leave for pregnancy ;

(e) Medication following Injury – in addition to what is provided in regulation 13 of these regulations, a Secretary who sustains injuries in the course of his duties shall be granted special leave as is necessary in order to take medication or to appear before the Social Security Injuries Board ;

(f) Jury Service – when a Secretary is appointed juror, he shall be afforded special leave for the duration of the jury ;

(g) Witness – a Secretary who is summoned as a witness by a Court or other Tribunal shall be granted special leave, provided that his testimony is required in a case which is directly related to his duties as a Council official ;

(h) Trade Union Activities – three working days special leave shall be afforded each year to a Secretary who is a member of the Secretaries' Group Committee (provided that the number of members does not exceed seven persons) in a representative capacity of the Local Councils Secretaries. This special leave shall only be granted to enable the representative to attend meetings, conferences, seminars or other similar trade union activities, and provided that prior consent is given by the Mayor of the Council concerned.

Sick leave.

12. (1) The Secretary shall be entitled, in any calendar year, to thirty days sick leave with full pay from which the total amount of sickness benefit paid under the Social Security Act shall be deducted, and a further thirty days on half pay from which shall be deducted half the amount of sickness benefit received under the Social Security Act.

(2) A Secretary who has been employed with the Council for less than one year, shall be entitled to sick leave on a *pro rata* basis according to the duration of employment.

(3) In exceptional circumstances of hospitalisation, convalescence from a surgical operation, or terminal disease, where in all three cases a specialist's medical certificate is required, the right to sick leave as indicated in paragraph (1) of this regulation, shall be increased, provided that such an increase does not exceed the amount of sick leave which has been unavailed of in the preceding two years.

Injury on duty.

13. In the case of injury on duty, and provided that such injury is not a result of carelessness on his part, a Secretary shall be entitled to full pay, from which shall be deducted any Injury Benefit received under the Social Security Act, for the whole period during which he is hospitalised, or during which he is convalescent, or during which he is temporarily unable to perform his duties:

Provided that this benefit cannot be granted for a period which exceeds one year from the day after the injury occurred.

PART IV

Qualilfications, Remuneration and Conditions of Work of other Employees

Qualifications and work conditions.

14. (1) The Council may also apppoint other personnel to perform clerical, technical or other duties in accordance with its needs and in order to operate efficiently as indicated in section 53 of the Act, and according to the qualifications which the Council deems appropriate.

(2) In appointing a person in any category as indicated in paragraph (1) of this regulation, the Secretary, as administrative head of the Council, shall be an *ex officio* member of the selection board.

(3) The working hours of the Council employees shall be determined by means of a Council resolution after having received the Secretary's recommendation:

Provided that in the case of employees on clerical duties, the working hours shall be determined by the Secretary after having consulted with the Mayor and provided that these work an average of forty hours per week which shall be normal working hours.

(4) The Secretary, as the administrative head of the Council, shall be responsible for the administration of all Council employees, including the giving of orders, discipline, instructions and work distribution.

Salary scales and remuneration.

15. (1) Full-time employees shall be employed in any one of the scales listed in subparagraphs (a) to (i) of subparagraph (3) of this regulation in the following manner :—

(a) where the Act provides for four, five or six persons, not more than one person in scale 11 and one person in scale 13 and the other employees in any other lower scale ;

(b) where the Act provides for two or three persons, not more than one person in scale 13 and the other employees in any other lower scale ;

(c) where the Act provides for one person, this person shall be employed in scale 15 or any other lower scale.

(2) Where the Act provides for the employment of only one part-time official, the person so employed shall be a part-time officer in any one of the scales listed in subparagraph (i) of paragraph (3) of this regulation.

(3) The following remuneration shall be payable to Council employees :—

(a) Full-time Officer in Scale 11

a minimum of Lm 3,721 and a maximum of Lm 4,417 per annum ;

(b) Full-time Officer in Scale 13

a minimum of Lm 3,329 and a maximum of Lm 3,953 per annum ;

(c) Full-time Officer in Scale 15

a minimum of Lm 2,985 and a maximum of Lm 3,537 per annum;

(d) Full-time Officer in Scale 16

a minimum of Lm 2,856 and a maximum of Lm 3,346 per annum;

(e) Full-time Officer in Scale 17

a minimum of Lm 2,714 and a maximum of Lm 3,169 per annum;

(f) Full-time Officer in Scale 18

a minimum of Lm 2,583 and a maximum of Lm 2,996 per annum;

(g) Full-time Officer in Scale 19

a minimum of Lm 2,445 and a maximum of Lm 2,884 per annum;

(h) Full-time Officer in Scale 20

a minimum of Lm 2,323 and a maximum of Lm 2,701 per annum;

(i) Part-time Officer (attending at least 20 hours per week)

in Scale 13	:	Lm 1,452 per annum
in Scale 15	:	Lm 1,252 per annum
in Scales 16 to 20	:	Lm 1,052 per annum.

Cost of living increases.

16. Full-time officers shall be awarded such cost of living increases as may be prescribed from time to time by the Government.

Performance Bonus.

17. (1) The Council may also, at its discretion, award to any of its employees, at the end of any financial year, a performance bonus not exceeding 5% of the employee's last salary received:

Provided that in the case of those employees who had terminated their employment prior to the end of the financial year, such bonus shall be computed on their last salary received.

(2) The performance level of Council employees shall be assessed by the Secretary, as administrative head of the Council, on the form set out in SCHEDULE A, and such appraisal together with the Secretary's recommendation shall be forwarded to the Council for its final approval.

18. (1) Employees are entitled to twenty days sick leave on full pay from which shall be deducted the full amount of sickness benefit received under the Social Security Act, and for a further twenty days on half pay from which shall be deducted half the amount of sickness benefit received under the Social Security Act. Sick leave. Cap. 318.

(2) Any employee who has been employed with the Council for less than one year is entitled for sick leave on a *pro rata* basis according to the duration of the employment.

PART V

Miscellaneous

19. (1) All appointments in the service of the Council shall be on a three-year contract which may be renewed for successive periods of three years. The contract document shall be the one published in the Human Resources Procedures. Period of contract.

(2) Every employment contract signed between a Council and a Secretary or any other employee in whatever category, which is still in force, shall be revised in order to include the new conditions and obligations resulting from these regulations.

20. The appointment of Council Secretaries and other employees from outside the public service shall be regulated by the provisions of subsection (6) of section 110 of the Constitution. Appointment of Secretaries, etc.

21. No appointment shall be offered in the service of the Council unless two acceptable written references are received by the Council. References.

22. The appointment of new employees in the service of the Council, including that of Secretaries, shall be subject to a term of probation of not less than three months and not more than six months. Probation.

23. (1) If it comes to the knowledge of any Secretary or other Council employee that a contract in which he has any pecuniary interest, whether direct or indirect, not being a contract to which he is a party, has been or is proposed to be, entered into by the Council, he shall as soon as practicable, disclose the interest in writing to the Council. Pecuniary interes.

(2) The Secretary shall record such disclosure in the Council minutes.

(3) Any person as mentioned in paragraph (1) of this regulation, who knowingly does not disclose such interest shall be subject to disciplinary action which could lead to dismissal.

Relationship with Secretary or prospective employee.

24. No Secretary or Council employee shall participate in the recommendation or interview procedures of a candidate applying for employment with the Council if such candidate is related to the Secretary or employee. For the purpose of this regulation a candidate shall be deemed to be so related if he falls under any of the relatioinships stipulated under subsection (4) of section 20 of the Act.

Confidentiality.

25. (1) The Secretary or any other Council employee shall not communicate to any person the content of documents relating to the Council unless required by law or expressly authorised to do so by the Council.

(2) The Secretary or any other employee shall not be permitted to give interviews or make public statements nor to disclose any information acquired during the course of his duties unless required to do so in accordance with the Act or so authorised by the Mayor in writing.

Code of Ethics.

26. (1) The Secretary and Council employees shall be required to observe the Code of Ethics during the course of their duties.

(2) The Secretary and other Council employees shall also observe the provisions which regulate conduct as indicated in the Local Councils (Human Resources) Procedures, 1996.

L.N. 180 of 1996.

Council member may not act as employee.

27. No member of the Council shall act as a Council employee or carry out such duties in the absence of the Secretary or the Deputy Secretary, or of any other employee.

Revokes L.N. 158 of 1993.

28. (1) The Local Councils (Human Resources) Regulations, 1993 are hereby revoked.

(2) Any provision in these regulations which is inconsistent or at variance with any provision in the (Local Councils Human Resources) Procedures, 1996, shall hereby prevail.

L.N. 180 of 1996.

SCHEDULE A

(Regulations 6 and 16)

PERFORMANCE BONUS APPRAISAL

Name ..... Job Title .....

Period of Appraisal .....

Length of time in post .....

..... Local Council

OVERALL PERFORMANCE :

[*The objective of this Section is to provide the Secretary/employee with feedback about his overall performance*]

Select the box below which you think best summarises the Secretary's/employee's overall performance when compared to his work expectations. Your rating should consider: how well-achieved was the work assigned to the Secretary/employee; how he went about to do his job; how demanding was the job assigned ; and any other achievements reached besides the assigned tasks.

The rating scale includes three ranges of acceptable and one level of unacceptable work performance rating, according to the following criteria :

Exceeded Expectations	Achievements consistently and significantly exceeded objectives or requirements.	☐
Commendable Expectations	Achievements consistently met the majority of objectives or requirements. In some area, accomplishments may have exceeded work expectations whereas in others, they may occasionally have fallen short; however, the overall performance reached the objectives or requirements.	☐

2.

Satisfactory Performance	Overall achievements frequently met several of the objectives or requirements. With improvements in certain areas in the work plan, the work performance may be considered satisfactory. ☐
Achievements Not Acceptable	Achievements consistently fell below objectives or requirements. Remedial action should be considered unless improvements are shown. ☐

PERFORMANCE BONUS APPROVED : ..... %

BY A RESOLUTION PASSED DURING A COUNCIL MEETING

HELD ON ..... 19 .

MAYOR ..... DATE .....

3.

Performance Factors :

[*This Section should enable to show in detail how the Secretary/employee goes about achieving the results of the job by establishing his strengths and weak nesses along different performance factors. For each factor the space marked "COMMENTS" should be used where specific examples typical of the Secretary's/employee's performance are given, clearly showing the effectiveness rating given and other factors which have influenced his performance.*]

PERFORMANCE FACTORS AND DEFINITIONS	**COMMENTS**
1. Volume of Work: Volume of work done compared with the job requirements.	
2. Quality of Work: Accuracy and presentation of work.	
3. Knowledge of Job: Understanding job procedures, equipment and methods, responsib-ilities and scope of duties.	
4. Dependability: The degree to which this person can be counted upon to do what is required in carrying out assigned tasks and to meet deadlines. Include also comments on attendance and punctuality.	

5. Innovation:
The degree to which the Secretary/employee continuously examines methods and policies and make suggestions for improvements.

6. Staff Development:
Consideration for sub-ordinates shown; planning of work to be carried out by his subordinates, as well as their monitoring, appraisal and development.

7. Communication:
Ability to communicate both verbally and in writing.

8. Teamwork:
What relationship has been established with work colleagues and others related to Council work.

Effectiveness Rating Summary :

Performance Factor	**High**	**Medium**	**Satisfactory**	**Not Acceptable**
1. Volume of work				
2. Quality of work				
3. Knowledge of job				
4. Dependability				
5. Innovation				

	5. High	Medium	Satisfactory	Not Acceptable
6. Staff Development				
7. Communication				
8. Teamwork				

Overall marking [Insert x where applicable] :

Exceeded Expectations	☐
Commendable	☐
Satisfactory Performance	☐
Not Acceptable	☐

General Comments by the Mayor :

6.

Work Improvement Plan:

[*This Section enables you to formulate a work improvement plan for the performance sector in which improvement is needed.*]

Performance Factor	**Recommendations for improvement in the Secretary's/Employee's work performance**

Secretary's/Employee's Comments:

This appraisal has been reviewed and discussed with the Secretary/employe.

Mayor

Secretary/ Employee

Date

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