

**VIRGIN ISLANDS**  
**PUBLIC SERVICE MANAGEMENT BILL, 2024**  
**ARRANGEMENT OF SECTIONS**

SECTION

PART I

PRELIMINARY

1. Short title and commencement
2. Interpretation

PART II

THE PUBLIC SERVICE

3. The Public Service
4. Ministries and departments
5. Minister's role in the service
6. Delegation of functions of a Minister
7. Employing ministerial staff

PART III

DUTIES, RESPONSIBILITIES AND POWERS OF THE HEAD OF THE  
PUBLIC SERVICE

8. Head of the Public Service
9. Principal objectives of the office of Deputy Governor
10. Functions of the Deputy Governor
11. Deputy Governor to issue instructions
12. Reports to the Governor from the Deputy Governor

PART IV

PERMANENT SECRETARIES

13. Application of this Part
14. Appointment of Permanent Secretaries.
15. Functions of Permanent Secretaries
16. Supervision of departments by Permanent Secretaries
17. Delegation of powers
18. Remuneration of Permanent Secretaries
19. Performance agreements and appraisals of Permanent Secretaries
20. Removal from office of Permanent Secretaries
21. Acting Permanent Secretary

22. Duty of Permanent Secretaries in relation to health and safety

## PART V

### HEADS OF DEPARTMENT

23. Appointment of Heads of Department
24. Functions of Heads of Department
25. Transfer of Heads of Department

## PART VI

### ROLE OF THE DIRECTOR OF HUMAN RESOURCES

26. Role of the Director of Human Resources

## PART VII

### VIRGIN ISLANDS PUBLIC SERVICE LEARNING INSTITUTE

27. Establishment of the Virgin Islands Public Service Learning Institute
28. Educational programmes
29. Reports of the Virgin Islands Public Service Learning Institute
30. Continuous Learning
31. Funding
32. Establishment of the Public Service Learning Institute Development Committee
33. Functions of Virgin Islands Public Service Learning Institute Development Committee
34. Annual reports of Virgin Islands Public Service Learning Institute Development Committee

## PART VIII

### PERFORMANCE MANAGEMENT

35. Performance and efficiency evaluation
36. Evaluation stages

## PART IX

### ASSOCIATION OF OFFICERS AND EMPLOYEES

37. Interpretation for this Part
38. Representation of officers and employees
39. Association to make rules
40. Recognition of other associations

PART X  
REGISTRATION OF INTEREST OF PUBLIC OFFICERS

- 41. Interpretation of this Part
- 42. Declaration of interests
- 43. Duties of the Registrar
- 44. Information
- 45. Access to the Register
- 46. Computer records
- 47. Confidentiality

PART XI  
DISCIPLINE AND DISCIPLINARY PROCEDURES

- 48. Ultimate disciplinary authority
- 49. Reporting of alleged misconduct
- 50. Establishment of investigative committees
- 51. Institution of disciplinary proceedings
- 52. Misconduct
- 53. Unsatisfactory performance
- 54. Minor misconduct
- 55. Gross misconduct
- 56. Types of penalties
- 57. Misconduct not provided for
- 58. Reporting matters of a criminal nature
- 59. Director, Chief Education Officer to be informed of criminal charges and conviction
- 60. Interdiction
- 61. Suspension of increment pending proceedings

PART XII  
INTEGRITY IN PUBLIC LIFE

- 62. Code of Conduct
- 63. Use of Office and Conflict of Interests
- 64. Insider information
- 65. Influence
- 66. Gifts
- 67. Provisions of this Part and addition to any other law
- 68. Acts of Corruption
- 69. Offences and Penalties

PART XIII  
MISCELLANEOUS PROVISIONS

- 70. Preference for Belongers in Appointments, Transfers, and Promotions
- 71. Succession planning and shadowing requirement
- 72. Employment of Senior managers
- 73. Administrative Directions to Constitutionally Established Departments
- 74. Administrative Leave
- 75. Creation, Upgrade, Re-grade, and Transfer of Positions (CURT) process
- 76. Health and Safety
- 77. Public service handbooks
- 78. Matters for relevant Commissions
- 79. Amendment of Schedule
- 80. Regulations
- 81. Savings and transitional provisions

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

I ASSENT

Governor.  
, 2024

**VIRGIN ISLANDS**

No. of 2024

A BILL FOR

AN ACT TO CONTINUE THE PUBLIC SERVICE, TO DEFINE ITS ROLE AND TO PROVIDE FOR CONNECTED MATTERS.

[Gazetted , 2024]

ENACTED by the Legislature of the Virgin Islands as follows:

PART I

PRELIMINARY

**Short title and commencement**

1. (1) This Act may be cited as the Public Service Management Act, 2024.

(2) This Act shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

**Interpretation**

2. (1) In this Act, unless the context otherwise requires,

“allowances” means a financial entitlement paid to officers and employees in addition to salary;

“appointment” means the conferment of an office of emolument in the service and includes a transfer, a promotion, and an acting appointment;

“Attorney General” means the person appointed in accordance with section 58 of the Virgin Islands Constitution Order 2007, U.K. S.I. 2007 No. 1678;

“Auditor General” means the person appointed in accordance with section 109 of the Virgin Islands Constitution Order 2007;

“Cabinet Secretary” means the person appointed in accordance with section 51 of the Virgin Islands Constitution Order 2007;

- “Cadet Programme” means a post-tertiary transition programme established to train and develop Virgin Islanders and Belongers for key roles within the Public Service;
- “calendar year” means any twelve-month period beginning 1st January and ending 31st December;
- “class” or “class of posts” means a post or group of posts involving duties and responsibilities so similar that the same or like qualifications may reasonably be required for, and the same title, schedule or grade of pay can be reasonably applied to, all posts in the group;
- “classification” means the assignment of an office to a grade in the service;
- “Complaints Commissioner” means the person appointed in accordance with section 110 of the Virgin Islands Constitution Order 2007;
- “conditions of service” means the laws, codes, regulations, orders and other instruments that regulate the terms of service of an officer or employee, including (without prejudice to the generality of the foregoing) provisions regulating his or her tenure of office, transfer, promotion, disciplinary control, remuneration, leave and passages;
- “Constitution” means the Virgin Islands Constitution Order 2007, U.K. S.I. 2007 No. 1678;
- “Constitutionally Established Head” means a person appointed in accordance with the Virgin Islands Constitution Order 2007 to hold or act in the office of Attorney General, Auditor General, Cabinet Secretary, Complaints Commissioner, Director of Public Prosecutions, Registrar of Interest, and Clerk, House of Assembly respectively and each of whom has responsibility for the management of an office specified in Part D of the Schedule 1;
- “days” means working days;
- “department” means an entity within the public service that has administration responsibility for implementing specific functions or areas of the public service, and which is listed in Schedule 1;
- “deployment” means, in relation to officers and employees, the assignment of an officer or employee for duties within a Ministry or Department, not involving a change in remuneration or duties;
- “Director” means the person holding or acting in the office of Director of Human Resources;
- “Director of Public Prosecutions” means the person appointed in accordance with section 59(1) of the Virgin Islands Constitution Order 2007;
- “employee” means any of the persons employed to the non-established division referred to in subsection 5;
- “employment” means engagement under a contract of service or of apprenticeship or a contract to execute personally any work or labour;
- “establishment” means an office or post which has been created for the normal and regular requirements of the service for which funds have been allocated for the payment of emoluments and included in the Annual Budget Estimates of the Virgin Islands;

- “grade” means any of the grades listed in the Schedule, and consists of a group of one or more posts in one or more departments which bear a common designation and are filled directly through an appointment to the grade and attracting the same level of remuneration;
- “Head of Department” means, subject to subsection (2), an officer charged with the responsibility for the management of a department specified in Part C of the Schedule;
- “Head of the Public Service” has the meaning assigned to it under section 8(1);
- “job description” means the official description of a class of position which describes the nature of work, provides examples of work performed, and knowledge, skills and abilities and states the generally accepted minimum qualifications required for employment;
- “Judicial and Legal Services Commission” means the Commission established under section 94 of the Constitution, U.K. S.I. 2007 No. 1678;
- “Minister” means the Minister responsible for the administration of a ministry and includes a Junior Minister;
- “ministerial staff” means the staff assigned to a Minister and includes special advisors, private secretaries to Ministers and any other staff agreed to by Cabinet;
- “ministry” means the whole of a division of government administration, the actions of which a Minister is accountable to the House of Assembly and includes a departmental section or unit which forms part thereof, but does not include a statutory corporation or a non-ministerial department;
- “non-ministerial department” means the whole of a department of Government for the actions of which a department specified in Part E of Schedule 1 is accountable to the Governor or the Deputy Governor, and includes a departmental section, division or unit which forms part of the non-ministerial department;
- “officer” or “public officer” means a person appointed to an office or post in the established division referred to in subsection (4);
- “Permanent Secretary” means, subject to subsection (2), the holder of an office specified in Part B of Schedule 1;
- “post” means any office in the service for which financial provision exists;
- “prescribed” means prescribed by regulation;
- “probationary period” means
- (a) a period of up to one year following the employment of a public officer; or
  - (b) a period of up to one year following the promotion of a public officer;
- for purposes of assessing the officer’s suitability for the post;
- “promotion” means a change in the status of an officer or employee from a position in one class to a vacant position in another class of higher rank as measured by salary range and increased level of duties or responsibilities;

“public office” or “office” means any office of emolument in the service, whether pensionable or non-pensionable, which is shown under a personal emoluments sub-head in the Annual Budget Estimates of the Virgin Islands;

“Public Service” or “the service” means the service of the Crown in a civil capacity in respect of the Government of the Virgin Islands but shall not be construed as including service in

- (a) the office of Governor, Premier, Ministers, Junior Ministers, Leader of the Opposition, Speaker, Deputy Speaker or member of the House of Assembly not being a Minister;
- (b) the office, or as a member, of the Judicial and Legal Services Commission, the Public Service Commission, Teaching Service Commission or the Police Service Commission;
- (c) an office as a member of any board, committee, or other similar body, whether incorporated or not, established by any law in force in the Virgin Islands; or
- (d) the office of a Judge;

“Public Service Commission” means the Commission established under section 91 of the Constitution, U.K.S.I. 2007 No. 1678;

“Public Service Management Code” means the Public Service Management Code 2023 issued by the Governor and any amendments thereto;

“relevant Commission” or “Commission” means the Public Service Commission, the Teaching Service Commission or the Judicial and Legal Services Commission, as the case may be;

“relevant minister” means, in relation to a ministry, the minister having responsibility for that ministry;

“Registrar of Interest” or “Registrar” means the person appointed by the Governor under section 112(1) of the Virgin Islands Constitution Order 2007;

“salary” means a regular fixed payment that an officer or employee earns for performing work during a specific period of time;

“salary range” means a minimum and maximum salary limit linked to a specific level of work;

“scale” in relation to salary, includes salary at a fixed rate;

“seniority” means the ranking order of a post in relation to another or the date on which the officer or employee is deemed to have entered that post in relation to another officer or employee, U.K.S.I. 2007 No. 1678;

“Teaching Service Commission” means the Commission established under section 93 of the Constitution;

“transfer” means the appointment of an officer or employee on a permanent basis to another post on the same grade where there is no foreseeable intention that he or she will return to the post that the officer was in prior to the transfer;



“remuneration” means reward of employment in the form of salary, allowances, benefits (such as medical and pension plans), bonuses and monetary value of non-cash incentives.

(2) In this Act, unless the context otherwise requires a reference to a Permanent Secretary or Head of Department shall include

- (a) a reference to a Constitutionally Established Head; or
- (b) a reference to a Head of Department who does not report to a Minister directly or through a Permanent Secretary.

(3) Unless the context otherwise requires, any reference to ‘this Act’ includes a reference to the Regulations made under this Act.

(4) A post in the established division means a full-time or part-time permanent post existing or created after the commencement of this Act and to which officers are appointed on

- (a) pensionable terms being full-time employment for an unspecified period of time whose conditions of service attract the earning of a pension;
- (b) probationary terms being full-time employment for an officer who has not yet completed the probationary period and who upon completion will be employed on pensionable terms;
- (c) provisional terms being full-time employment of an officer who does not meet the minimum requirements for full-time appointment;
- (d) contract terms being full-time employment for a specified period not less than 12 months.

(5) A post in the non-established division means a full-time or part-time non-permanent posts existing or created after the commencement of this Act and consists of the following description of employees holding posts which are not pensionable:

- (a) “temporary employee” being an employee engaged to perform specific duties because of a temporary increase in the work load for a specified period or a needs basis;
- (b) “relief employee” being an employee engaged to fill a post on a temporary basis as replacement for the regular incumbent;
- (c) “student employee” being a person employed who has been in full-time attendance as a student at an educational institution and affirms at the time of his or her appointment that he or she will return to full-time attendance at an educational institution in the same year;
- (d) “cadet employee” being a person employed under the Cadet Programme;
- (e) “special advisor” being a person employed to perform specific duties for a minister including private secretaries to ministers and section 7 shall apply with respect to their appointments;

(f) “volunteer” means a person offering his or her services wholly or primarily for reward other than remuneration.

(6) A person who is an independent contractor is not an officer or employee of the service.

## PART II THE PUBLIC SERVICE

### **The Public Service**

**3.** (1) The organisation in existence immediately before the coming into force of this Act known as the “Public Service” is, and shall, subject to this Act, continue to be, the Public Service.

(2) The public offices in the service set out and classified in Part A of Schedule 1 and in the Annual Budget Estimates, as updated and prepared by the Ministry of Finance shall from time to time be deemed to constitute the service for the purposes of this Act.

(3) A person who holds an office in the service that by subsection (2) is deemed to be an office in the service shall be referred to as a public officer.

### **Ministries and departments**

**4.** (1) A ministry shall be constituted as a distinct organisation under a Minister who is assigned a portfolio of responsibilities in accordance with section 56 of the Constitution, U.K.S.I. 2007 No.1678, and a ministry shall consist of

- (a) the Minister and his or her secretariat;
- (b) the office of the Permanent Secretary and other officers or employees of the ministry;
- (c) such other departments, divisions, sections, or other units within the service as may be placed or established within that ministry by the Governor.

(2) Where more than one Permanent Secretary reports to the same Minister, the scope of responsibilities of each Permanent Secretary shall be delineated by the Governor, acting in accordance with the advice of the Premier.

(3) Ministries and departments of Government and their functions shall from time to time be those listed in Parts C, D and E of Schedule 1.

(4) Subject to section 77, the Governor may after consultation with Cabinet, by Order published in the *Gazette*, amend Schedule 1 to

- (a) establish a new ministry or department;
- (b) abolish a ministry or department or change its name or function;
- (c) amalgamate or divide existing ministries or departments and designate the resulting ministry or department;
- (d) alter the designation of existing ministries or departments;
- (e) change the titles of offices; and
- (f) effect any other change the Governor deems necessary.

### **Minister's role in the service**

5. (1) A Minister has, in relation to a ministry or department for which he or she has ministerial responsibility, the following functions,

- (a) administrative direction and control of the Ministry;
- (b) to direct the implementation of government policy as it relates to the Ministry;
- (c) to authorise reviews of activities or functions of the ministry or department;
- (d) to refer to the Deputy Governor for review, matters relating to the effectiveness or efficiency of the ministry, department and public officers;
- (e) to monitor the performance of the Permanent Secretary in the ministry and ~~report on same~~ to the Deputy Governor;
- (f) to provide the policy direction for that particular Ministry, which shall be executed by the Permanent Secretary.

(2) This section does not limit or otherwise affect other functions of a Minister or require a Minister to carry out any particular action.

### **Delegation of functions of a Minister**

6. (1) A Minister may from time to time, either generally or particularly, delegate to the Permanent Secretary or Head of Department any of his or her functions and powers under this Act.

(2) Every delegation under this section shall be in writing and no delegation shall include the power to delegate.

(3) The power of the Minister to delegate under this section

- (a) is subject to any restrictions or conditions contained in any other enactment in relation to the delegation of his or her function or powers; but
- (b) does not limit any power of delegation conferred on the Minister by any other enactment.

(4) Where a Permanent Secretary or Head of Department purports to act pursuant to any delegation under this section, that Permanent Secretary or Head of Department shall provide written proof of such delegation-

(5) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any such delegation affect the responsibility of the Minister for the actions of any person acting under the delegation.

(6) A delegation under this section shall be revocable in writing at will, and any such delegation, until it is revoked, shall continue in force.

(7) In the event of a Minister, by whom a delegation has been made ceases to hold office, the delegation shall continue to have effect as if made by the person for the time being holding office as a Minister and, the Permanent Secretary or Head of Department shall forthwith advise that Minister of the terms of the delegation.

(8) In the event of a Permanent Secretary or Head of Department to whom any such delegation has been made ceases to hold office, it shall continue to have effect as if made to the person for the time being holding office as Permanent Secretary or Head of Department or, if there is no Permanent Secretary or Head of Department in office or if the Permanent Secretary or Head of Department is absent from duty, to the person for the time being directed to act in the place of a Permanent Secretary or Head of Department.

### **Employing ministerial staff**

7. (1) Ministerial staff shall be deemed to be occupying posts of special trust and shall be appointed thereto, on the basis of a contract of employment between the individual and the Director or the individual and a Permanent Secretary as the case may be.

(2) The contract of employment shall

- (a) be in writing and signed by or on behalf of the parties to that contract; and
- (b) specify the terms and conditions of employment and the day on which the employment expires.

(3) The employment of ministerial staff terminates

- (a) if the Minister for whose assistance the ministerial staff was employed ceases to hold office as such; or
- (b) on the day specified in the relevant contract of employment as the day on which that employment expires,

whichever comes first.

(4) Notwithstanding anything in any other enactment, a person who immediately before his or her employment as a ministerial staff, was not employed in the service is not, while he or she remains employed as a ministerial staff or so engaged under a contract for services, eligible to apply for, or to be appointed to, any office or post in the service.

(5) Notwithstanding anything in any other enactment, a ministerial staff shall not, otherwise than with the agreement of the Permanent Secretary or Head of Department, direct an officer or employee of that ministry or department in relation to the manner in which that officer or employee is to perform the functions of his or her office in that ministry or department.

(6) The Deputy Governor, in consultation with the Director, may issue guidelines concerning the functions, administration and the engagement of ministerial staff, and the terms and conditions under which such staff shall serve.

(7) A person appointed as ministerial staff shall meet the eligibility criteria for the specific post to which the appointment relates.

(8) For the purposes of determining pension, where a public officer, who is permanent and pensionable, is appointed on contract as a ministerial staff, the years of service of the officer under that contract shall count as service with the public service.

(9) Subject to subsection (3), the officer may be placed by the Department of Human Resources in a position in the public service, in accordance with his or

her qualifications or returned to the position he or she occupied prior to the appointment as a ministerial staff.

(10) In this section “special trust” means in relation to a post, a position involving significant responsibility and requiring a high degree of integrity, honesty, competence and confidentiality.

### PART III

#### DUTIES, RESPONSIBILITIES AND POWERS OF THE HEAD OF THE PUBLIC SERVICE

##### **Head of the Public Service**

**8.** (1) For the purposes of this Act, the Deputy Governor shall be the head of the public service where the Governor acting pursuant to section 38(2) of the Constitution, authorises in writing the Deputy Governor to oversee responsibility for the management of the service.

(2) The Deputy Governor shall, to the extent provided for by a delegation from the Governor issued pursuant to section 38(2) of the Constitution, perform the functions specified by or under this Act.

(3) The Governor may, pursuant to section 38(4) of the Constitution, by written notice to the Deputy Governor at any time, revoke any authorisation to the Deputy Governor to oversee responsibility for the management of the service, without prejudice to any future authority being delegated on such terms and conditions the Governor thinks fit.

##### **Principal objectives of the office of Deputy Governor**

**9.** For the purposes of this Act, the principal objectives of the office of the Deputy Governor are to

- (a) promote and maintain the highest levels of integrity, impartiality, equity, accountability and leadership across the service;
- (b) improve the capability of the service to provide strategic and innovative policy advice, implement the decisions of the Government and meet public expectations;
- (c) attract and retain a high calibre professional workforce in conjunction with the Department of Human Resources and the Virgin Islands Public Service Learning Institute;
- (d) ensure the recruitment and selection processes comply with the merit principles and adhere to professional standards;
- (e) foster a public service and customer service culture in which service to clients, initiative, individual responsibility and the achievement of results are strongly valued;
- (f) build public confidence in the service;
- (g) ensure the development and continuity of operations and disaster management functions for the public service;

- (h) provide safe and healthy working accommodations for all branches of Government;
- (i) secure and make accessible the records of the Public Service;
- (j) support the Government in achieving outcomes through strengthening the capability of the service;
- (k) be responsible for the Government's Public Estate, with the Permanent Secretary, Office of the Deputy Governor serving as the Chairperson of the Office Accommodations Committee; and
- (l) monitor the public perception and image of the Public Service, including providing the necessary information and guidance necessary to maintain the image of the Public Service.

### **Functions of the Deputy Governor**

**10.** (1) Subject to the Constitution, U.K.S.I. 2007 No. 1678 and this Act, the functions of the Deputy Governor shall include

- (a) in partnership with the Minister, managing the performance of Permanent Secretaries by agreeing to annual performance agreements and assessing the performance of Permanent Secretaries in accordance with section 19;
- (b) providing oversight and the administration of the Public Service Management Code for the management and growth of the service;
- (c) providing oversight on matters issued via circulars, which may fall within the functions of the Head of the Public Service;
- (d) the identification of reform opportunities for the service and to advise the Governor and Ministers on policy innovations and strategy in those areas of reform;
- (e) leading the strategic development and management of the service in relation to the following:
  - (i) compliance with the Public Service Management Code;
  - (ii) advising the Governor on the leadership structure for the service;
  - (iii) advising the Governor on appropriate strategies, policies and practices in relation to the structure of the service;
  - (iv) developing and advising the Governor on service delivery strategies and models for the public service through collaboration with the private business sector, the not-for-profit sector and with the wider community;
- (f) promoting equity and diversity, including developing strategies to ensure the service reflects the diversity of the wider community;
- (g) advising the Governor on appropriate strategies, policies and practices in relation to such other matters as the Governor may determine from time to time, and to monitor, co-ordinate and assist in the implementation of strategies, policies and practices in such other cases as the Governor may determine from time to time;

- (h) issue instructions regarding shutdown procedures and closure of government offices in the event of a natural disaster, security threats, or emergency planning meetings; and
- (i) such other functions as are conferred or imposed on the Deputy Governor under any other enactment.

(2) In carrying out his or her functions, the Deputy Governor

- (a) shall act independently and is not subject to the direction of any other person or authority other than the Governor pursuant to the Constitution;
- (b) may request from Permanent Secretaries and Heads of Department information concerning the activities of those ministries and departments;
- (c) shall give directions of a general nature respecting the performance, by officers or employees, of their duties in order to promote the continuing development of the service;
- (d) shall advise on recruitment and promotions generally, on disciplinary matters and such other matters as may be required for the efficient running of the Public Service;
- (e) shall conduct such inspections or investigations and make or receive such reports as the Deputy Governor may consider necessary or the Governor may direct;
- (f) may appoint committees, panels and other bodies for the purposes of carrying out the inspections, or investigations under paragraph (e); and
- (g) may deal with any other matter the Deputy Governor under his defined responsibilities, as the Governor may direct in accordance with his or her constitutional responsibilities.

(3) Nothing in this section shall be construed so as to limit or affect in any way the functions or duties of the Deputy Governor conferred or imposed on him or her under the Constitution or any other enactment.

### **Deputy Governor to issue instructions**

**11.** (1) The Deputy Governor may issue written instructions concerning the following:

- (a) the management and administration of the service;
- (b) human resource management, including official conduct;
- (c) customer service;
- (d) health and safety;
- (e) the transformation of the Public Service;
- (f) the taking of improvement action; and
- (g) any other matter in respect of which the Deputy Governor's instructions are required or permitted under this Act.

(2) The Deputy Governor's instructions shall be made public in such manner as the Deputy Governor deems appropriate.

(3) The Deputy Governor's instructions may apply

- (a) generally;
- (b) to an office or class of offices specified in the instructions; or
- (c) to a class of officers or employees specified in the instructions.

(4) The Deputy Governor may amend or revoke his or her instructions and before issuing, amending or revoking an instruction, consult such persons as he or she considers it desirable or practicable to consult.

### **Reports to the Governor from the Deputy Governor**

**12.** (1) The Deputy Governor shall, as soon as practicable, in each year, prepare a report to the Governor on the following:

- (a) the state of the administration and management of the service which includes
  - (i) an assessment of the administrative performance of the whole of the service, including notable achievements, challenges and priorities; and
  - (ii) an analysis of service workforce data;
- (b) the compliance or non-compliance by officers and employees, either generally or in particular, with this Act and the Public Service Management Code; and
- (c) any other matters arising out of the performance of the Deputy Governor's functions that in his or her opinion is of such significance as to require reporting on.

(2) Notwithstanding subsection (1), the Deputy Governor may, at any time report, in writing to the Governor on any matter relating to the service.

(3) The Governor shall submit the report referred to in subsection (1) to the Cabinet and shall cause the report to be tabled, in the House of Assembly, as soon as practicable, but no later than 60 days after he or she receives the report.

## **PART IV**

### **PERMANENT SECRETARIES**

#### **Application of this Part**

**13.** For the avoidance of doubt, this Part does not apply to a Constitutionally Established Head.

#### **Appointment of Permanent Secretaries**

**14.** (1) The appointment of a Permanent Secretary shall be on a contractual basis for a term of employment not exceeding 5 years in the first instance and the terms and conditions of employment of a Permanent Secretary shall be in accordance with section 60 and section 92 of the Constitution..



(2) A person appointed in terms of this section shall be eligible for re-appointment for such number of terms as the Governor, acting in accordance with the advice of the Public Service Commission, may determine.

(3) The decision whether or not to re-appoint a person under this section shall be made and notified to that person in accordance with the terms of that person's contract of employment.

(4) In addition to the contract of employment entered into between the persons referred to in subsection (1) and the Governor, each such person shall enter into a performance agreement with the Deputy Governor.

(5) For the purposes of determining pension, where a person who is permanent and pensionable, is appointed on contract pursuant to this section, the years the person has served in the public service shall continue to count as service with the public service.

(6) Upon the conclusion of a contract appointment under this section, an individual is entitled to return to their substantive role or grade, or to another suitable position for which they are qualified, subject to the provisions of Section 92 of the Constitution.

(7) For the avoidance of doubt, there is no limit to the number of contract renewals a Permanent Secretary can receive.

### **Functions of Permanent Secretaries**

**15.** (1) Subject to this Act and to any other enactment relating to his or her ministry, the functions of a Permanent Secretary, under the direction of a Minister, are to manage that ministry and in particular

- (a) to provide strategic direction and a focus on results for that ministry;
- (b) to provide advice on policy to the relevant Minister;
- (c) to plan for and undertake financial, and information management in relation to that ministry and to monitor the administrative and financial performance of that ministry;
- (d) to manage and oversee the ministry's budget in accordance with relevant legislation;
- (e) to assess the appropriateness, effectiveness and efficiency of the customer service provided by the ministry;
- (f) to be responsive on matters relating to the collective interests of Government by a ministry;
- (g) to ensure the appropriate utilisation of resources within that ministry;
- (h) to ensure the proper organisation of that ministry, including the devising of organisational structures and arrangements to the core and support functions of the ministry;
- (i) to ensure the appropriate division of responsibilities between, and the assignment of functions to, the officers, employees and coordinate the Ministry's workload with the ministerial staff employed in that ministry;

- (j) to evaluate the performance of officers and employees employed in the ministry, in such manner as the Director may specify in writing, and make recommendations to the Director on staff training, performance rewards and development;
  - (k) ensure the development of each employee and a succession plan for the Ministry or Department in partnership with the Virgin Islands Public Service Learning Institute;
  - (l) to hold general staff meetings at least twice per year to communicate and review the strategic direction, major challenges and the goals and objectives of the ministry;
  - (m) to seek to resolve or redress the grievances of officers and employees in that ministry;
  - (n) subject to any enactment that provides for the management and preservation of public information, to ensure that the ministry keeps proper records;
  - (o) the provision of guidance on the administrative procedures of Government;
  - (p) to manage Human Resources in Ministries;
  - (q) to develop, implement and monitor succession plans for the Ministry and its Departments;
  - (r) to implement Ministerial transformational plans;
  - (s) transformation and disaster management plans;
  - (t) to develop ministerial strategic plans and monitoring, evaluation and reporting framework;
  - (u) oversee development functions;
  - (v) Health and Safety;
  - (w) to ensure health and safety policies standards are applied;
  - (x) to facilitate the advancement of Cabinet Papers on behalf of the Minister;
  - (y) to report annually on their work through the submission of Annual Reports for Cabinet's approval and thereafter the reports shall be laid in the House of Assembly; and
  - (z) to perform such other functions as are conferred or imposed on the Permanent Secretary under this Act or any other enactment.
- (2) In performing his or her functions a Permanent Secretary, shall
- (a) endeavour to
    - (i) attain performance objectives agreed with the relevant Minister and the Head of the Public Service;
    - (ii) achieve Government objectives, in coordination, as necessary, with other ministries, departments, and other government entities;

- (iii) achieve satisfactory levels of efficiency and quality in the delivery of any services to the public;
- (iv) promote and uphold the applicable policies and directives governing staff conduct, management and the use of resources;
- (b) comply with the Service Commissions Act, No. 8 of 2011, Service Commissions Regulations, No. 48 of 2014, the Appointment to Public Office (Devolution of Human Resources Functions) Regulations, S.I. 19 of 2008, the Public Service Management Code 2023, the Deputy Governor's instructions, service standards and ethics;
- (c) comply with any lawful directions or instructions given to him or her from time to time by the relevant Minister;
- (d) document in policy logs or such other format as may be specified by the Head of the Public Service, any instructions received from a Minister, when there is a disagreement between both parties regarding the law, regulations, policies, or rules governing the administration of the Public Service.

(3) Except as provided in any other enactment, a Permanent Secretary is not responsible for the performance of functions or duties or the exercise of powers in a department created under the Constitution or other enactment for which stewardship is vested in a Head of Department who acts, for all intents and purposes, in the capacity of a Permanent Secretary.

(4) A Permanent Secretary has power to do all things that are necessary or convenient to be done for or in connection, with the performance of his or her functions.

(5) A Permanent Secretary shall be individually accountable in relation to his or her area of responsibility for the matters listed in subsection (2) and that Permanent Secretary shall be liable to disciplinary proceedings under this Act and all other relevant enactment related to the public service, if he or she fails to prevent or correct misconduct or negligence on the part of his or her subordinates where he or she could reasonably have taken steps to do so.

### **Supervision of departments by Permanent Secretaries**

**16.** (1) Subject to section 56 (5) of the Constitution, U.K. S.I. 2007 No 1678, a Permanent Secretary may give directions to and set targets for a Head of Department of a department, under that Permanent Secretary, on any matter in fulfilment by the Head of Department of his or her duties, and the Permanent Secretary shall monitor and assess the Head of Department's performance in relation to such directions and targets.

(2) Notwithstanding subsection (1) a Permanent Secretary may not give directions to or set targets for a Head of Department on matters where the Head of Department is required by any other enactment to act independently or in accordance with the direction of a person or authority other than a Minister.

### **Delegation of powers**

17. (1) Subject to any enactment, a Permanent Secretary may delegate any power or duty of the Permanent Secretary under this Act to an officer or an employee on the basis of

- (a) seniority; or
- (b) the specialised knowledge, expertise or resource of the person to whom the power or duty is delegated.

(2) The delegation shall be in writing and signed by the Permanent Secretary and the person to whom a power or duty is delegated under this section cannot delegate that power or duty.

(3) If a power or duty delegated under subsection (1), is exercised or performed by the delegate, that power or duty is to be taken to be exercised or performed by the Permanent Secretary who delegated it.

(4) Nothing in this section limits the ability of the Permanent Secretary to perform a function though delegated to an officer or employee.

### **Remuneration of Permanent Secretaries**

18. (1) The remuneration of Permanent Secretaries shall be agreed from time to time between the Deputy Governor and the Permanent Secretary concerned, in consultation with the Director of Human Resources.

- (2) The remuneration referred to in subsection (1) shall
  - (a) be within the salary scales specified in the Annual Budget Estimates of the Virgin Islands; and
  - (b) include a performance-related portion established in accordance with such regulations as may be prescribed, the payment of which shall be based on the performance of the Permanent Secretary as determined by the Deputy Governor.

### **Performance agreements and appraisals of Permanent Secretaries**

19. (1) The Deputy Governor shall, with the agreement of the relevant minister, within thirty days of the annual budget approved by the House of Assembly, or as soon as is practicable, enter into a performance agreement with each Permanent Secretary, which shall specify the performance expected of the Permanent Secretary for that financial year.

- (2) The performance agreement shall include
  - (a) the period to be covered by the performance agreement;
  - (b) the performance expected of the Permanent Secretary; including the outputs that the Permanent Secretary is to produce during the performance period;
  - (c) the competencies and behaviours expected of the Permanent Secretary during the performance period;
  - (d) any training, skills or personal development that the Permanent Secretary is expected to undertake during the performance period;

- (e) any other performance expectations as may be specified and agreed between the Permanent Secretary and the Deputy Governor;
- (f) a signed acknowledgement by both parties to the agreement that they have discussed and agreed the performance agreement, together with the date on which that discussion occurred and the agreement was arrived at; and
- (g) such other matters as may be required by the Director to be included in the performance agreement.

(3) During a financial year the parties to a performance agreement may agree to modify the performance agreement.

(4) The performance of a Permanent Secretary is to be reviewed at the end of each financial year by means of an annual performance appraisal undertaken by the Deputy Governor and involving the Permanent Secretary concerned.

(5) Before completing a performance appraisal, the Deputy Governor shall consult with the relevant Minister and any other persons the Deputy Governor thinks relevant about their views on the extent to which the Permanent Secretary has achieved the performance specified in the performance agreement for the year.

(6) In undertaking the performance appraisal and determining the amount of any performance related remuneration, the Deputy Governor shall base his or her assessment on a factual comparison of actual performance with that specified in the performance agreement, for the financial year, together with any modifications to the agreement.

(7) The performance assessment shall be completed within ninety (90) days after the end of the financial year, or as soon as practicable.

### **Removal from office of Permanent Secretaries**

**20.** To the extent that the Permanent Secretary is a public officer, his or her removal from office shall be governed by the same rules governing the removal of officers and employees from the service.

### **Acting Permanent Secretary**

**21.** Where there is a vacancy in an office of a Permanent Secretary or, a Permanent Secretary is absent from duty (for whatever cause) and the Permanent Secretary is unable to delegate his or her responsibilities under section 17, to any other person, all or any of the functions, duties, and powers of the Permanent Secretary, may be exercised and performed by

- (a) a Deputy Permanent Secretary; or
- (b) a Head of Department under that ministry or another ministry; or
- (c) any person for the time being appointed by the Public Service Commission to exercise and perform them, whether the appointment has been made before the absence or vacancy occurs or while it continues.

### **Duty of Permanent Secretaries in relation to health and safety**

22. (1) A Permanent Secretary shall, in collaboration with the Director of Human Resources, implement sound policies and practices to promote good health, welfare and safety in the workplace and to ensure that the provisions of Part IX of the Labour Code, 2010, No. 4 of 2010, or any enactment in respect of the health, safety and welfare of persons at work are observed in relation to the ministry or department to which the Permanent Secretary is assigned.

(2) A Permanent Secretary shall be regarded as having discharged his or her duties under subsection (1) where the Permanent Secretary has taken all actions that are necessary or appropriate in the circumstances or made reasonable attempts to do so.

## **PART V**

### **HEADS OF DEPARTMENT**

#### **Appointment of Heads of Department**

23. (1) A Head of Department shall be appointed by the Governor, acting in accordance with the advice of a relevant Commission, after consultation with the Premier.

(2) The appointment of a Head of Department may be on a contractual basis or to the Permanent and Pensionable Establishment, based on the exigencies of the Public Service.

(3) A Head of Department appointed on contractual terms shall be eligible for re-appointment for such number of terms as the Governor, acting in accordance with the advice of the Public Service Commission, may determine.

(4) The terms and conditions of employment of a Head of Department shall be in accordance with section 60 and section 92 of the Constitution.

(5) Upon the conclusion of a contract appointment under this section, an individual is entitled to return to their substantive role or grade, or to another suitable position for which they are qualified, subject to the provisions of Section 92 of the Constitution.

(6) For the avoidance of doubt, there is no limit to the number of contract renewals a Permanent Secretary can receive.

#### **Functions of Heads of Department**

24. (1) The functions of a Head of Department shall be to

- (a) manage the activities and programmes of the department efficiently, effectively and economically;
- (b) manage and oversee the Department's budgets in accordance with relevant legislation, where he or she is so required;
- (c) ensure that the department achieves a satisfactory standard in the delivery of services to the public;
- (d) exercise authority, fairly, rationally and consistent with sound human resource management practices;

- (e) tender advice to the relevant Minister through the Permanent Secretary and to other authorities as appropriate on matters within the department's competence;
- (f) establish performance indicators covering the programmes and activities of the department, and to set performance targets for officers and employees serving in that department;
- (g) coordinate the activities of the department with
  - (i) those of the ministry, where that department is under a ministry, or
  - (ii) those of other government ministries or departments in the best interests of economy, efficiency, effectiveness and quality service delivery;
- (h) the provision of guidance on the administrative procedures of Government;
- (i) manage Human Resources in departments;
- (j) develop, implement and monitor succession plans for the Ministry and its Departments;
- (k) implement Ministerial transformational plans;
- (l) transformation and disaster management plans;
- (m) develop ministerial strategic plans and monitoring, evaluation and reporting framework;
- (n) oversee development functions;
- (o) assess the appropriateness, effectiveness and efficiency of customer service provided by the Department;
- (p) ensure the development of each employee and a succession plan for the Ministry or Department in partnership with the Virgin Islands Public Service Learning Institute;
- (q) ensure health and safety policies standards are applied;
- (r) report annually on their work through the submission of Annual Reports to the Permanent Secretary for onward submission to Cabinet and the House of Assembly.

(2) In performing the functions specified in subsection (1), a Head of Department shall

- (a) endeavour to attain performance objectives agreed with the Permanent Secretary of the ministry or department;
- (b) endeavour to achieve Government objectives, in coordination as necessary with other government ministries or departments;
- (c) achieve satisfactory levels of efficiency and quality in the delivery of services to the public;
- (d) hold general staff meetings at least twice per year to communicate and review the strategic direction, major challenges and the goals and objectives of the department under his or her supervision;

- (e) comply with the Deputy Governor's instructions, public service standards, and the Public Service Management Code and all other relevant enactment related to the public service;
- (f) promote applicable policies and directives governing staff conduct, management and the use of resources;
- (g) comply with any other functions, responsibilities and duties imposed on that Head of Department under any other enactment; and
- (h) comply with any lawful directions or instructions given to him or her from time to time by the relevant Minister or Permanent Secretary.

(3) A Head of Department shall be individually accountable in relation to his or her area of responsibility for the matters listed in subsections (1) and (2) and that Head of Department shall be liable to disciplinary proceedings under this Act and all other relevant enactment related to the public service, if he or she fails to prevent or correct misconduct or negligence on the part of his or her subordinates where he or she could reasonably have taken steps to do so.

(4) Nothing in subsection (1) shall be read to as to limit the functions and duties of a Head of Department on matters where that Head of Department is required by any other enactment to act independently or in accordance with the direction of a person or authority other than a Minister.

### **Transfer of Heads of Department**

**25.** (1) Subject to subsection (3), on the request of a Permanent Secretary, the Director may recommend to the Governor that a Head of Department be transferred to a vacancy or an impending vacancy in the post of Head of Department

- (a) in that ministry, where that ministry has more than one department under it; or
- (b) to another ministry.

(2) Before making a recommendation under subsection (1), the Director shall

- (a) believe on reasonable grounds that the transfer would be in the public interest; and
- (b) obtain the Head of Department's agreement to the transfer; and
- (c) consult the relevant Minister.

(3) A request under subsection (1) may be at the instance of the Head of Department and to that end subsection (2) shall be read with the necessary modifications.

(4) The Director may make recommendations under this section without advertising the vacancy or impending vacancy.

## **PART VI**



## ROLE OF THE DIRECTOR OF HUMAN RESOURCES

### **Role of the Director of Human Resources**

**26.** (1) Subject to subsection (2), the Director shall provide administrative support and technical advice on human resource matters to the Governor and the Deputy Governor, and shall be responsible for the management of human resources of the service.

(2) The Permanent Secretary of the Office of the Deputy Governor shall supervise the Director of Human Resources to ensure that the Director's functions under this Part are effectively carried out effectively.

(3) Without prejudice to the generality of subsection (1), the Director shall be responsible for

- (a) the oversight and administration of guidelines, policies and other enactments that may be developed from time to time for the management of human resources in the service;
- (b) the management of officers and employees in accordance with this Act;
- (c) the review of the terms and conditions of service and make recommendations to the Governor in respect of those terms and conditions;
- (d) the implementation of the Governor's decisions in relation to all human resources matters relating to officers and employees;
- (e) the general administrative oversight of the Department of Human Resources, in respect of
  - (i) the classification of posts;
  - (ii) grievances;
  - (iii) compensation and benefits; and
  - (iv) the terms and conditions of employment;
- (f) the industrial inter-relationships with the Public Service Association or other established associations and trade unions;
- (g) the maintenance of those records of officers and employees and an integrated human resources management information system of personnel records that aid in planning and decision-making;
- (h) advising the Head of the Public Service on the development and maintenance of a system of classification of posts, as well as a pay plan, in the service and ensuring that the system is observed and in fixing the classifications;
- (i) the establishment of policies for the administration of performance management and evaluation of officers and employees;
- (j) the administration of pensions and gratuities and the computation of benefits;
- (k) the promotion of high levels of performance and productivity, setting work standards, developing results-oriented job

descriptions and techniques that contribute to high morale, motivation and job satisfaction amongst officers and employees;

- (l) the processing of the recruitment and selection of officers and employees, particularly compliance with the requirements relating to appointments and promotions on merit;
- (m) workforce planning including identifying risks and strategies to minimise risks;
- (n) the appointment of employees into the non-established division and volunteers;
- (o) conducting human resource and training needs assessments, diagnosing constraints and opportunities for development and advancement, establishing areas of priorities based on the findings and take appropriate actions to satisfy those needs and priorities;
- (p) aligning government scholarship programmes to take into account the human resource needs of the service in collaboration with the Ministry of Education, the Department of Labour and Workforce Development and the Virgin Islands Public Service Learning Institute;
- (q) the oversight and administration of human resources budgeting and control;
- (r) fostering and maintaining a work environment within the service that supports the active engagement and involvement of officers and employees;
- (s) ensuring the maintenance of a safe, healthy and productive working environment for officers and employees;
- (t) researching, reviewing and developing human resources policies and guidelines to support the Government's objectives in accordance with legislative requirements and best practices and guidelines;
- (u) the oversight of an established programme for public officer's wellness and relations;
- (v) Health and Safety;
- (w) the development of employee recognition programmes;
- (x) programmes related to employee relations, workforce planning, organisational development, compensation, human resources information systems and benefits and employee services;
- (y) annual reports, which must include statistics which will allow for a report on the status of the public service;
- (z) the establishment of a programme for quality assurance and human resource information systems; and
- (aa) such other matters as may be prescribed.

(3) In carrying out the responsibilities in subsection (2), the Director may, if he or she deems it necessary to do so

- (a) consult
    - (i) the Governor or Deputy Governor;
    - (ii) the Service Commissions;
    - (iii) Permanent Secretaries or Head of Departments;
    - (iv) officers or employees; and
    - (v) the Public Service Association or any other association.
  - (b) request information concerning human resource practices from any ministry or department;
  - (c) review salaries, including allowances, every two to three years and where evidence support an increase in salary, propose the increase based on affordability;
  - (d) collaborate with Permanent Secretaries and Heads of Department to monitor, assess and evaluate the performance of officers and employees assigned to the respective Ministry or Department under their responsibility or supervision.
- (4) The Director shall endeavour to promote the effectiveness of the service and the personal development of officers and employees
- (a) through the improvement of operational methods and monitoring and controlling their implementation;
  - (b) by carrying out staff inspections and reviews and making recommendations for improvements;
  - (c) through administering, promoting, encouraging and facilitating in-service and other training programmes, including mentorship programmes;
  - (d) by developing and maintaining a quality assurance policy as well as other policies and strategies.
- (5) The Director of Human Resources shall submit quarterly reports on all matters for which the Director is responsible under this Act to the Head of the Public Service through the Permanent Secretary and shall obtain the approval of the Head of the Public Service for matters which he or she is responsible pursuant to this Act.
- (6) The report referred to in subsection (5), shall be submitted to the Head of the Public Service, as soon as reasonably practicable, and shall include comprehensive statistics of the status of the public service's capacity as at the reporting date.
- (7) Within three months after the end of every year, the Director of Human Resources shall prepare and submit to the Head of the Public Service, through the Permanent Secretary, an annual report.
- (8) The Director of Human Resources shall compile annually a list of positions in the service, based on the Annual Budget prepared by the Ministry of Finance.

## PART VII

## VIRGIN ISLANDS PUBLIC SERVICE LEARNING INSTITUTE

### **Establishment of the Virgin Islands Public Service Learning Institute**

27. (1) There is established by this Act the Virgin Islands Public Service Learning Institute (in this Act referred to as the “VIPSLI”) which shall be headed by a Director.

(2) The Governor, acting in accordance with the provisions of section 92 of the Constitution, shall appoint the Director of the Virgin Islands Public Service Learning Institute and such number of other staff as may be necessary for the administration and operation of the Department.

(3) Without prejudice to subsection (1), the Permanent Secretary of the Office of the Deputy Governor shall have day-to-day oversight of the VIPSLI.

(4) The functions of the Director of the VIPSLI are

- (a) to provide strategic direction and leadership for the VIPSLI;
- (b) to implement a Work Plan and to report quarterly to the Permanent Secretary and the Director of Human Resources on the progress of the Work Plan;
- (c) to develop and implement activities to fulfil the VIPSLI vision, mission, and goals;
- (d) to design, implement, and manage training courses and programmes that contribute to public officers' individualised and professional development and performance improvement including identifying training needs, conducting needs assessments, creating curriculum and training materials;
- (e) the proper administration and management of the budget and resources allocated to the VIPSLI ensuring that financial resources are effectively utilised;
- (f) to lead and manage a team of training professionals, administrative staff, and subject matter experts;
- (g) to collaborate, engage, establish and maintain relationships with stakeholders, such as government departments, agencies, and other training institutions;
- (h) to identify training priorities, share best practices, and foster partnerships as well as engage with external organisations, academic institutions, and industry experts;
- (i) to collaborate on research, share knowledge, and stay abreast of the latest developments in learning and development practices;
- (j) to provide guidance, mentorship, and support to ensure the effective delivery of training programmes;
- (k) to ensure quality and effective training programmes by conducting evaluations, gathering participant feedback, and making continuous improvements to enhance the learning experience;
- (l) to contribute to the development of policies, standards and guidelines for learning and development within the Public Service;

- (m) to keep abreast with emerging trends, technologies, and best practices in training and incorporate them into programme design;
- (n) to evaluate training programmes and monitor the impact on individual and organisational performance, and to prepare the requisite reports and communicate the outcomes to senior management and stakeholders upon completion;
- (o) to complete annual reports and submit the reports to the Head of the Public Service through the Permanent Secretary.
- (p) to encourage a greater awareness of the Public Service, public sector management, public administration and the role and functions of Government, and involving a broad range of individuals and institutions in the VIPSLI pursuit of excellence in the Public Service;
- (q) to acquire, manage, maintain, design and operate training, orientation and development programmes for public officers and employees;
- (r) to assist departments, boards and agencies of Government to enhance the skills of officers through training programmes, professional development and performance improvement at the VIPSLI; and
- (s) to conduct human resource and training needs assessments, diagnose constraints and opportunities for development and advancement, establish areas of priorities based on the findings and take appropriate actions to satisfy those needs and priorities;
- (t) to set the proficiency standards for the advancement of public officers throughout the public service;
- (u) to foster partnerships and complete skills assessment and analysis; and
- (v) to establish a system to monitor continuous learning hours pursuant to section 30.

(5) For the purpose of carrying out his or her functions, the Director of the VIPSLI shall make use of any available services and facilities of Departments, Boards and Agencies that are appropriate for the operation of the VIPSLI.

### **Educational programmes**

**28.** (1) The educational programmes offered by or through the Virgin Islands Public Service Learning Institute shall encompass

- (a) annual programmes of professional training for public officers;
- (b) individualised training programmes designed or identified for specific classes of public officers;
- (c) training programmes in strategic areas for public officers who wish to advance from junior to senior roles;
- (d) specialised education meant for individual groups of public officers that the Director of the VIPSLI may from time to time determine in accordance with talent assessment results;

- (e) reputable and accredited online programmes and platforms for self-directed learning;
- (f) setting proficiency standards for public officers to advance within the Public Service; and
- (g) such other programmes that the Director of the VIPSLI may determine.

(2) The VIPSLI may form alliances with other academic institutions, entities, institutes, training development opportunities and partners for the provision of any of the educational programmes referred to in subsection (1).

(3) Notwithstanding subsection (2), the VIPSLI shall continuously maintain a Memorandum of Understanding with the H. Lavity Stoutt Community College, and any other locally established colleges.

### **Reports of the Virgin Islands Public Service Learning Institute**

**29.** (1) The Director of the Virgin Islands Public Service Learning Institute shall report to the Permanent Secretary quarterly.

(2) Within three months of the end of the previous year, the Director of the VIPSLI shall prepare and submit to the Head of the Public Service, through the Permanent Secretary an annual report.

(3) The annual report shall include, for the reporting year,

- (a) the activities of the VIPSLI;
- (b) a comprehensive learning and development needs analysis;
- (c) a skills gap analysis for the advancement of the Public Service; and
- (d) financial data such as the expenditure for the reporting period.

(4) The Director of the VIPSLI shall collaborate, engage with, liaise with and report to the Director of Human Resources as the need arises on training programmes, professional development and performance improvement and all other matters deem necessary by the Director of Human Resources.

(5) the Director of the VIPSLI shall meet with the Director of Human Resources and the Permanent Secretary of the Office of the Deputy Governor annually and agree on a work plan and budget.

### **Continuous Learning**

**30.** Public officers may participate in the training programmes offered by the VIPSLI to fulfil the essential learning requirement of a minimum of sixty (60) hours each year per public officer and Supervisors and Heads of Department shall facilitate the attendance of public officers to any such programmes.

### **Funding**

**31.** The funds of the VIPSLI shall consist of

- (a) such monies as may be appropriated by the House of Assembly for the purposes of the Institute; and

- (b) any other funding sources approved by the VIPSLI after consultation with the Head of the Public Service.

### **Establishment of the Virgin Islands Public Service Learning Institute Development Committee**

**32.** (1) There is established by this Act the Virgin Islands Public Service Learning Institute Development Committee which shall comprise not more than eleven persons as follows:

- (a) the Director of the VIPSLI, who shall be the Chairperson,
- (b) a Human Resources Manager nominated by the Head of the Public Service, who shall be the Secretary;
- (c) one person from the Ministry of Education nominated by the Permanent Secretary, Ministry of Education and Culture;
- (d) the Financial Secretary or a person nominated by the Financial Secretary;
- (e) the Director of the Public Service Association or a person nominated by that Director;
- (f) a person from the Human Resources Department nominated by the Head of the Public Service;
- (g) the Permanent Secretary of the Office of the Deputy Governor;
- (h) a technical person;
- (i) the President of the Civil Service Association or his or her representative.
- (j) any two of the following:
  - (i) a representative from the BVI Chambers of Commerce;
  - (ii) a member of the community; or
  - (iii) any other person that the Head of the Public Service may approve.

(2) The Committee may co-opt a resource person as it considers necessary to provide advice or assistance when reviewing applications, but the person co-opted shall have no voting rights and shall not exercise any of the powers of a Committee member.

### **Functions of the Virgin Islands Public Service Learning Institute Development Committee**

**33.** The functions of the Virgin Islands Public Service Learning Institute Development Committee are

- (a) to review applications submitted by public officers seeking scholarship opportunities and to assess their eligibility and suitability for scholarships offered;

- (b) to conduct interviews with, and assessments of, scholarship applicants and applications respectively to make informed decisions;
- (c) to select scholarship recipients based on predetermined criteria, including
  - (i) academic performance,
  - (ii) job performance
  - (iii) financial need,
  - (iv) public service priority needs; and
  - (v) alignment with the opportunities offered,
 to approve placements for attachments;
- (d) to ensure that the funds are distributed fairly and in accordance with such regulations as may be prescribed and such guidelines as may be issued;
- (e) to communicate the decisions with respect to scholarship applications to successful and unsuccessful applicants and provide guidance on next steps, if any;
- (f) to aid in the establishment of the criteria for awarding scholarship funds and determine individuals approved for attachments;
- (g) to aid in the review of applications for persons seeking secondment opportunities to assess their eligibility and suitability and to make recommendations accordingly;
- (h) to make recommendations with respect to study leave to the Public Service Commission; and
- (i) to provide a list of accredited institutions annually.

**Annual reports of the Virgin Islands Public Service Learning Institute Development Committee**

**34.** Within three months after the end of every year, the Director of the Virgin Islands Public Service Learning Institute Development Committee shall submit to the Head of the Public Service, through the Permanent Secretary, an annual report on the performance of its functions during the previous year.

PART VIII

PERFORMANCE MANAGEMENT

**Performance and efficiency evaluation**

**35.** (1) Evaluation of the performance and efficiency of officers and employees shall be conducted bi-annually for the preceding calendar year and an annual report shall be submitted at the end of the year.

(2) A supervisor shall monitor the performance of an officer or employee on a continuous basis and give the officer or employee feedback on his or her



performance and if the performance is unsatisfactory the supervisor shall in writing, inform the officer or employee.

(3) The performance assessment for all officers shall be completed within ninety (90) days after the end of the financial year, or as soon as is practicable.

(4) Where the Government of the Virgin Islands implements a Pay for Performance Policy, the Policy shall be instituted in accordance with the Public Service Management Code and any rewards for performance shall be executed or implemented in accordance with the Pay for Performance Policy.

### **Evaluation stages**

**36.** (1) The procedure for evaluation of the performance management programme of officers and employees shall be conducted in three principal stages

- (a) planning of tasks to be performed by an officer or employee, wherein the officer or employee and his or her immediate supervisor mutually ascertain the performance agreement, setting the objectives he or she is expected to achieve;
- (b) supervision of performance and efficiency, wherein the officer or employee and his or her supervisor shall review previous achievements and adjust the performance agreement as needed;
- (c) evaluation of performance and efficiency, wherein the overall work of the officer or employee shall be evaluated by his or her supervisor based on results achieved.

(2) The procedures for the evaluation of performance of officers and employees shall be guided by the policies developed by the Director under section 26(2)(a).

(3) An officer or employee who is not satisfied with the outcome of his or her evaluation, may, in writing submit a formal complaint to his or her supervisor, who shall be obliged to examine the complaint together with the officer or employee and in the event of disagreement on the final assessment between the supervisor and the officer or employee, it shall be referred to the Director and shall be further dealt with in accordance with the policies developed by the Director under section 26(2)(a).

## **PART IX**

### **ASSOCIATION OF OFFICERS AND EMPLOYEES**

#### **Interpretation for this Part**

**37.** (1) In this Part “existing association” means the Civil Service Association.

(2) For the removal of doubt, an Association referred to in this Part shall be an independent body and does not represent the position of the Management of the Public Service.

#### **Representation of officers and employees**

**38.** (1) The Government recognises the Civil Service Association as the duly appointed bargaining body for and on behalf of officers and employees on any matter relating to

- (a) grievances;
- (b) remuneration;
- (c) terms and conditions of employment; and
- (d) any other matters of concern to officers or employees.

(2) For the purposes of subsection (1), the Head of the Public Service, all other senior officers shall similarly recognise the Civil Service Association and liaise with it as appropriate over human resource issues for which the Association is responsible.

(3) A senior public officer at the management level, who is responsible for the development and execution of management policies and initiatives shall not serve in the executive body of the Civil Service Association..

(4) Notwithstanding subsection (1), any department of the Government may establish their own association to represent the specific interests and needs of that department.

### **Association to make rules**

**39.** (1) The Public Service Association shall make Rules providing for the good government of the association and for carrying out the objects of the association, and with respect to such Rules, subsection (2) shall have effect.

(2) The Rules shall contain provisions in respect of the following matters:

- (a) the name of the association and the place of meeting for its business;
- (b) the whole of the objects for which the association is established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the association;
- (c) the manner of making, altering, amending, and rescinding rules;
- (d) a provision for the appointment and removal of a general committee of management, of a trustee, treasurer, and other officers;
- (e) a provision for the investment of the funds, and for an annual or periodical audit of accounts;
- (f) the inspection of the books and names of members of the association by every person having an interest in its funds;
- (g) the manner of dissolution;
- (h) the protection of voting rights of members of the association and the general conduct of elections;
- (i) the powers, duties and functions of the Executive Committee of the association;
- (j) disputes between members of the association and the Executive Committee thereof; and

(k) a prohibition against admission to membership with respect to an officer or employee who is a member of an appropriate recognised association.

(3) A copy of the Rules and every amendment thereto shall be delivered by the association to every officer or employee who is a member of that association on demand, subject to the payment of any prescribed fee.

### **Recognition of other associations**

40. The Governor may, by order published in the Gazette, recognise associations, other than the existing association, existing before or formed after the commencement of this Act and, the provisions of this Part shall, with the necessary modifications apply to those associations.

## **PART X**

### **REGISTRATION OF INTEREST OF SPECIFIED PUBLIC OFFICERS**

#### **Interpretation of this Part**

41. (1) For the purposes of Part,

“child”, in relation to a public officer, means a person who has not attained the age of eighteen years and who is dependent on the public officer and includes a child born out of wedlock, an adopted child, a step-child or a child of the family;

“child of the family”, in relation to a public officer, means any child, who has been accepted and treated by both the public officer and his or her spouse as a child of their family;

“declaration” means a declaration of interests under section 42;

“interest” means any beneficial interest in property;

“records” includes any documents in whatever form they are held;

“spouse”, in relation to a public officer and for the purposes of a declaration, means the husband or wife of the public officer or a person of the opposite sex who is living with the public officer in the circumstances of husband and wife on the date on which the duty to make the declaration arose, but does not include a husband or wife

(a) who is living separate and apart from the public officer; and

(b) who is a party to proceedings for divorce or judicial separation which were instituted at any time before the date on which the duty to make the declaration arose.

“Register” means the Register of Interests established under section 112 of the Virgin Islands Constitution Order 2007.

(2) This Part applies to the public officers specified in Schedule 2.

### **Declaration of interests.**

**42.** (1) A public officer specified in Schedule 2 shall make a declaration in the form set out in Schedule 3

- (a) on such date as may be prescribed, and
- (b) on each subsequent anniversary of that date.

(2) A declaration of interests under this section

- (a) shall be made in respect of interests held on the date on which the duty to make the declaration arose; and
- (b) shall, where required by the registration form, include a declaration in respect of the interests held on that date by a child or spouse of the public officer.

(3) A public officer who, without reasonable cause, fails to submit his or her declaration within the period prescribed in subsection (1) shall have his or her salary withheld until compliance.

(4) The salary withheld pursuant to subsection (3) shall be paid in full when the public officer complies with this section.

### **Duties of the Registrar.**

**43.** (1) Subject to subsections (2) to (4), the Registrar shall enter in the Register the interests declared in each Registration Form.

(2) Before entering in the Register the interests declared by a public officer, the Registrar shall, for the purpose of satisfying himself or herself that a full and accurate declaration has been prepared,

- (a) examine each declaration and ensure that the declaration has been made in the form set out in Schedule 3; and
- (b) obtain from that public officer such information as in the opinion of the Registrar, would assist him or her in examining a declaration furnished.

(3) Where the Registrar is satisfied that an entry in the Register has been made as a result of a fraudulent or materially misleading declaration by a public officer,

- (a) the Registrar shall
  - (i) mark the entry as cancelled; and
  - (ii) by notice, require the public officer to make a new declaration in respect of the interests held at the date the fraudulent or materially misleading declaration was made; and
- (b) the Registrar shall require the public officer to make the new declaration within twenty-eight (28) days from the date of the notice.

(4) The Registrar shall mark as cancelled any entry which has been incorrectly made.

(5) A public officer who, without reasonable cause, fails to comply with a notice issued pursuant to subsection (3) shall have his or her salary withheld until compliance.

(6) The salary withheld shall be paid in full when the public officer complies with this section.

### **Information**

**44.** (1) The Registrar may, by notice, require a public officer to

- (a) supply to the Registrar such information, and
- (b) produce to the Registrar such records,

as may be specified in the notice, being information and records the Registrar considers necessary or desirable for the purpose of enabling the Registrar to carry out his or her functions under this Part.

(2) A notice under subsection (1) shall require the information to be supplied and the records to be produced within such period as may be specified in the notice being not less than fourteen days (14) from the date of the notice.

(3) Where the Registrar gives a notice under subsection (1) to a public officer for the purposes of examining the declaration of that officer, the Registrar shall not register the declaration of the officer unless

- (a) the officer complies with the notice; or
- (b) before the end of the period allowed for compliance, the officer shows to the satisfaction of the Registrar that he or she has reasonable grounds for not complying with it.

(4) A public officer whose declaration is being examined, who fails without reasonable excuse to comply with a notice under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

(5) A public officer whose declaration is being examined, who in purported compliance with a notice under subsection (1) knowingly or recklessly supplies information which is false or misleading in a material particular, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or both.

### **Access to the Register**

**45.** (1) The declarations of public officers contained in the Register shall be private.

(2) Notwithstanding subsection (1), the Governor and the Deputy Governor may access the Register.

(3) Where an officer is involved in a criminal investigation and a production order is issued, a request can be made by the Royal Virgin Islands Police Force through the Governor or Deputy Governor to access the officer's information in the register.

## **Computer records**

**46.** Where any records are held or kept in electronic form, the power of the Registrar to require the supply of information and production of records shall include powers

- (a) to require any person having charge of, or otherwise concerned with the operation of a computer or associated apparatus which is or has been in use in connection with such information or records, to afford to the Registrar such assistance as he or she may reasonably require; and
- (b) to require the records to be produced or copied in any form which he or she may reasonably request.

## **Confidentiality**

**47.** (1) The Registrar and any person appointed or designated to assist the Registrar in the performance of his or her duties under the Register of Interests Act 2006 shall not, except in accordance with this Part or otherwise in relation to any court order or a written request from a Commissioner of Inquiry, disclose information

- (a) relating to any declaration or matter in the Register regarding a public officer; or
- (b) that he or she has acquired in the course of or in relation to his or her duties or in the exercise of any powers or performance of duties under this Part.

(2) Where a request for information is made to the Registrar pursuant to subsection (1), the Registrar may provide information that in his or her opinion is strictly necessary to fulfil the request and upon such conditions as to the preservation of confidentiality after the purpose for same has been exhausted as he or she shall consider appropriate.

(3) Where the Registrar or any other person appointed or designated to assist him or her contravenes subsection (1), he or she commits an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars, or both.

## **PART XI**

### **DISCIPLINE AND DISCIPLINARY PROCEDURES**

#### **Ultimate disciplinary authority.**

**48.** (1) The Governor is the final disciplinary authority for all public officers.

(2) The relevant Commission shall conduct disciplinary proceedings against an officer alleged to have committed misconduct referred to it by the Director, Chief Education Officer or Secretary, consequent to a report received from a Permanent Secretary or Head of Department or otherwise.

(3) The relevant Commission shall, after the completion of the disciplinary proceedings, advise the Governor for his or her decision on the appropriate penalty to be imposed.

(4) Where the relevant Commission is the Judicial and Legal Services Commission and the officer referred to in subsection (2) is a person holding the office of

- (a) Attorney General;
- (b) Director of Public Prosecutions
- (c) Magistrate;

the provisions of section 3 (3) of the Service Commissions Act shall apply.

### **Reporting of alleged misconduct**

**49.** (1) A public officer or a person who alleges misconduct by a Permanent Secretary or Head of Department may in writing, report the alleged misconduct to the Deputy Governor.

(2) The Deputy Governor shall on receipt of a report referred to in subsection (1), notify in writing the Permanent Secretary or Head of Department against whom the allegation is made, and shall

- (a) send the report together with any supporting documentation,
- (b) a recommendation as to whether or not disciplinary proceedings should be instituted

to the relevant Commission for its consideration.

(3) An officer or a person who alleges misconduct by an officer may, in writing report the alleged misconduct to the officer's Permanent Secretary or Head of Department.

(4) A Permanent Secretary or Head of Department shall on receipt of a report referred to in subsection (3), notify in writing, the officer against whom the allegation is made, of the nature of the allegation, and shall, through the Director, Chief Education Officer or Secretary

- (a) send the report together with any supporting documentation,
- (b) make a recommendation as to whether or not disciplinary proceedings should be instituted

to the relevant Commission for its consideration.

(5) The Deputy Governor shall recommend the initiation of disciplinary proceedings for any misconduct by a Permanent Secretary or Head of Department as soon as it is considered necessary that such disciplinary action should be instituted by the relevant Commission.

(6) A Permanent Secretary or Head of Department through the Secretariat or Secretary shall recommend the initiation of disciplinary proceedings for any misconduct as soon as it is considered necessary that such disciplinary action should be instituted by the relevant Commission.

(7) After the completion of disciplinary proceedings taken against an officer the Secretariat or Secretary shall report to the Deputy Governor, Director or Chief Education Officer for communication to the Permanent Secretary, Head of Department or officer, as the case may be, the disciplinary penalties imposed on the officer.

## **Establishment of investigative committees**

**50.** (1) Where a relevant Commission receives a report on an officer pursuant to this Act, the relevant Commission may establish an investigative committee comprising of a cross section of officers to investigate the alleged misconduct and to make a report to it.

(2) The relevant Commission may on receipt of a report referred to subsection (1), where the report indicates that disciplinary proceedings should be instituted, notify in writing through the Secretariat or Secretary the officer to whom the allegation is made.

(3) The relevant Commission may institute disciplinary proceedings in accordance with section 51.

## **Institution of disciplinary proceedings**

**51.** (1) Where a relevant Commission receives a report on an officer pursuant this Act, and considers that the report is sufficient to support the allegations being made against the officer, the relevant Commission shall commence disciplinary proceedings.

(2) Where an officer is charged, the Deputy Governor, Director, Chief Education Officer or Secretary, as the case may be, shall notify the officer in writing and provide a copy of the report, a brief statement of the allegations and the charges and all evidence presented to the relevant Commission and the officer shall be invited by the relevant Commission to state in writing within seven working days, any grounds on which he or she wishes to exculpate himself or herself.

(3) If the statement provided by the officer does not exculpate the officer of the charges, the relevant Commission will proceed to hear the matter.

(4) Where the officer does not reply to the charges by the date specified in the notice, the relevant Commission shall assume that he or she does not wish to make a statement and shall therefore proceed to hear the matter.

(5) The officer shall be informed of the date, time and place of the hearing and may be represented, including being represented by a legal practitioner.

(6) An officer shall be present at the hearing but if the officer is absent without reasonable excuse then, at the discretion of the relevant Commission, the hearing may proceed without the officer.

(7) Before the hearing begins, the relevant Commission shall allow the officer to provide a list of persons who he or she wishes to call as witnesses on his or her behalf and the officer may during the hearing cross-examine personally or through his or her representative.

(8) The relevant Commission may summon witness and cross-examine witnesses.

(9) If the Deputy Governor, Permanent Secretary or Head of Department considers that additional charges should be brought against an officer, then the same procedure as was adopted in making the original charges shall be followed.

(10) The relevant Commission shall on completion of a hearing, submit to the Governor a written report which shall consist of



- (a) the record of the proceedings;
- (b) any documents or exhibits tendered in evidence;
- (c) its findings; and
- (d) advice on the penalty to be imposed in accordance with the Service Commissions Act and Regulations.

(11) The Governor shall on receipt of the relevant Commission's report, consider any findings and advice and when satisfied that each charge is established he or she shall impose a penalty, as appropriate.

(12) An officer shall be informed of the Governor's decision in writing by the Director, Chief Education Officer or Secretary.

(13) An officer who is not satisfied with a decision of the Governor, may appeal the decision to the Governor within seven working days of receipt of the decision only if the officer has new evidence that is relevant to the case which he or she thinks may exculpate him or her.

(14) An officer summoned as a witness before a relevant Commission who fails or refuses to comply with a summons commits misconduct and may be subject to disciplinary action.

### **Misconduct**

**52.** An act done by officer amounts to misconduct, if it is an act specified in regulations 46 or 47 of the Service Commissions Regulations, 2014.

### **Unsatisfactory performance**

**53.** (1) Subject to section 23 of the Service Commissions Act, 2011, the Deputy Governor shall where the work of a Permanent Secretary or Head of Department is unsatisfactory give written notice to the Permanent Secretary or Head of Department specifying

- (a) the nature of the unsatisfactory performance;
- (b) the improvements or corrective measures that are required and time frame within which such improvements or corrective measures are to be made;
- (c) any disciplinary action that may be taken if the improvements or corrective measures required, are not made.

(2) Subject to section 23 of the Service Commissions Act, a Permanent Secretary or Head of Department shall, where an officer's work is unsatisfactory give written notice specifying

- (a) the nature of the unsatisfactory performance;
- (b) the improvements or corrective measures that are required and time frame within which such improvements or corrective measures are to be made;
- (c) any disciplinary action that may be taken if the improvements or corrective measures required, are not made.

(3) Based on the officer's history of performance, the Deputy Governor, Permanent Secretary or Head of Department, as the case may be

- (a) where he or she is of the opinion that the officer's unsatisfactory performance is related to the lack of competencies required for the job, may in an effort to improve the officer's performance, where feasible recommend that the officer undergoes training relevant to the competencies required for the position;
- (b) where he or she is of the opinion that the officer's unsatisfactory performance is related to a personal problem affecting the officer's job performance, may refer the officer to the Employee Assistance Programme;
- (c) where he or she is of the opinion, that the officer's unsatisfactory performance is not related to the lack of competencies required for the job or related to a personal problem, may recommend to the relevant Commission through the Secretariat or Secretary any of the following:
  - (i) withholding of increment;
  - (ii) demotion; or
  - (iii) termination.

(4) Where a notice given pursuant to this section indicates that the Deputy Governor, Permanent Secretary or Head of Department, as the case may be, will make a recommendation that the

- (a) officer's increment be withheld;
- (b) officer be demoted;
- (c) officer's employment be terminated,

such notice shall be given within seven working days from the date on which the appraisal was completed.

(5) The Deputy Governor, Permanent Secretary or Head of Department shall at the same time inform the Director, Chief Education Officer or Secretary of any action taken pursuant to this section.

### **Minor misconduct**

**54.** An act specified in Schedule 1 of the Service Commissions Regulations constitutes minor misconduct by an officer and with respect to each act, attracts a corresponding penalty specified in that Schedule.

### **Gross misconduct**

**55.** An act specified in Schedule 2 of the Service Commissions Regulations constitutes gross misconduct by an officer and with respect to each act, attracts a corresponding penalty specified in that Schedule.

### **Types of penalties**

**56.** (1) Subject to section 34 of the Service Commissions Act, the following penalties may be imposed for minor misconduct:

- (a) reprimand in the form of a verbal warning;

- (b) severe reprimand in the form of a written warning documented in the officer's personal file;
- (c) suspension without pay for a period not exceeding thirty working days;
- (d) demotion, which is a reduction to a lower grade with a reduction in salary;
- (e) termination of appointment with or without a reduction in retirement benefits, where applicable;
- (f) dismissal.

(2) Subject to section 34 of the Service Commissions Act, the following penalties may be imposed for gross misconduct:

- (a) suspension from duty without pay for a period not exceeding thirty working days;
- (b) demotion, which is a reduction to a lower grade with a reduction in salary;
- (c) termination of appointment with or without a reduction in retirement benefits, where applicable;
- (d) dismissal.

(3) The following corrective measures may also be applied for either minor or gross misconduct:

- (a) mandatory training;
- (b) a referral to the Employee Assistance Programme;
- (c) probation;
- (d) a mandatory referral to the Employee Assistance Programme or rehabilitation or both.

**Misconduct not provided for.**

57. Misconduct or misbehaviour not provided for under the Service Commissions Regulations shall be referred to the relevant Commission through the Secretariat or Secretary, so that the Commission may consider it and, if thought fit, commence appropriate disciplinary proceedings in accordance with section 51 with the necessary modifications to those provisions.

**Reporting matters of a criminal nature.**

58. (1) Where it appears from information received that an officer has committed a criminal act, a Permanent Secretary or Head of Department shall immediately report the matter to the Police and the Attorney General.

(2) A report made pursuant to subsection (1) shall also be made by the Permanent Secretary or Head of Department to the relevant Commission through the Secretariat or Secretary.

(3) Where the officer referred to in subsection (1), is a Permanent Secretary or Head of Department, the Deputy Governor shall make the report to the Police and the Attorney General.

**Director, Chief Education Officer to be informed of criminal charges and conviction.**

59. (1) An officer who is charged with a criminal offence punishable with imprisonment of three months or more shall report the charge without delay to the Secretariat or Secretary.

(2) Where an officer is convicted of a criminal offence by a court, the appropriate officer of the court shall report that fact to the relevant Commission and shall send a copy of the charges and the judgement, or on request, a copy of the entire proceedings, to the Secretariat or Secretary.

(3) If an officer appeals against the conviction, the appropriate officer of the court shall report this and the outcome of the appeal to the relevant Commission, the Secretariat or Secretary.

(4) If an officer is acquitted, the appropriate officer of the court shall send a copy of the judgement to the relevant Commission and the relevant Commission may, if it considers it appropriate advise the Governor to reinstate the officer.

(5) For purposes of this section, “appropriate officer of the court” means the Registrar of the High Court or the Court Manager, as the case may be.

**Interdiction.**

60. The interdiction of an officer pending disciplinary proceedings shall be carried out in accordance with section 30 of the Service Commissions Act.

**Suspension of increment pending proceedings**

61. (1) A relevant Commission may advise the Governor, to suspend or withhold an officer’s increment where disciplinary proceedings or criminal proceedings have been or are about to be instituted against an officer.

(2) The Secretariat or Secretary shall inform the officer concerned that the increment may be suspended or withheld and if a decision is not taken finally to withhold the increment, it shall be restored from the date that it was due.

PART XII

INTEGRITY IN PUBLIC LIFE

**Code of Conduct**

62. (1) A public officer shall observe, abide and conduct himself or herself in accordance with such Code of Conduct as the Governor may by regulations, prescribe, with respect to public officers.

(2) A public officer shall, within the prescribed period of taking office, sign a copy of such Code of Conduct as may be prescribed and the Commission shall keep a signed copy of the said Code of Conduct.

(3) A public officer shall execute his/her duties with selflessness, integrity, objectivity, accountability, honesty, leadership, professionalism, openness, and fairness.

### **Use of office and conflict of interests**

**63.** (1) A public officer shall ensure that he or she performs his or her functions and administers the public resources for which he or she is responsible in an effective and efficient manner and shall

- (a) be fair and impartial in exercising his or her public duty;
- (b) afford no undue preferential treatment to any group or individual; and
- (c) arrange his or her private interests, whether pecuniary or otherwise, in such a manner as to maintain public confidence and trust in his or her integrity.

(2) A public officer shall not

- (a) use his or her office for the improper advancement of his or her own or his or her family's personal or financial interests or the interest of any person;
- (b) accept any position or have any commercial or other interest that is in conflict with his or her office, function and duty or the execution of his or her duties, or that may be perceived as conflict of interest with his or her office, function and duty or the execution of his or her duties;
- (c) use public property or services for activities not related to his or her official work; and
- (d) directly or indirectly use his or her office for private gain.

### **Insider information**

**64.** A public officer shall not use information that is gained in the execution of his or her office and which is not available to the general public to further, or seek to further, his or her private interests.

### **Influence**

**65.** A public officer shall not use his or her office to seek to influence a decision made by another person or public body to further his or her own private interests.

### **Gifts**

**66.** (1) A public officer shall not accept a gift, fee or personal benefit that is connected directly or indirectly with the performance of the duties of his or her office, whether as a reward for any official act done by him or her, or as an inducement for any official act to be done by him or her or otherwise.

(2) Subsection (1) does not apply to

- (a) a gift or a personal benefit in such amount as may be prescribed by Regulations;
- (b) a personal gift received by a public officer from a relative or friend; or

- (c) an official gift, received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

(3) Where a public officer accepts a gift in the circumstances referred to in subsection (2)(c), he or she shall make a report by completing the prescribed form, signed by the Department of Head, to the Deputy Governor, within such period as may be prescribed.

### **Provisions of this Part in addition to any other law**

**67.** The provisions of sections 68 and 69 are in addition to and not in derogation of the provisions of the Criminal Code, any other law or the common law.

### **Acts of corruption**

**68.** (1) A public officer commits corruption if he or she

- (a) seeks or accepts personal or private benefit for himself or herself or a member of his or her family or person associated with him or her, whether or not the benefit places him or her under an obligation to the person giving or offering the benefit;
- (b) solicits or accepts, whether directly or indirectly, any article or money or other benefit or advantage for himself or herself or another person for doing any act or omitting to do any act in the performance of his or her functions as a public officer;
- (c) offers or gives, directly or indirectly, to a public official any article, money or other benefit or advantage for doing any act or omitting to do any act in the performance of the public official's duties;
- (d) knowingly or recklessly allows his or her private interest to conflict with his or her public duties or improperly influence his or her conduct in the performance of his or her duties as a public officer;
- (e) improperly uses for his or her own benefit or for anyone else, any property belonging to the Government or any statutory body or any government controlled company to which he or she has access as a result of or in the course of, the performance of his or her duties;
- (f) acts as an intermediary, or through another person seeks to obtain a decision from any Ministry or Department of the Government or any statutory body or any government-controlled company, in order that he or she may improperly obtain for himself or herself or for another person any benefit or gain;
- (g) improperly influences in support of any scheme or in furtherance of any contract or proposed contract or other matter in regard to which he or she has an interest;
- (h) offers or gives, directly or indirectly to a government official of another Country, any gift or money or other benefit, in connection with any economic or commercial transaction for an act to be performed or omitted to be performed by that person in the performance of his or her public duties;
- (i) uses public funds or resources for private purposes, including party political purposes;

- (j) improperly uses for his or her own benefit or for anyone else, information acquired in the course of his or her duties;
- (k) interferes in, or seeks to influence, otherwise than as part of his or her duty, the appointment, promotion, suspension, demotion or dismissal of a public officer or other person;
- (l) induces or encourages another officer to act contrary to a prescribed Code of Conduct for public officers; or
- (m) instigates, aids, abets or is an accessory after the fact or participates in the commission or attempted commission of corruption in this section.

(2) A person who commits an act corruption under subsection (1) commits an offence and is liable on conviction to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding five years.

### **Offences and penalties related to integrity**

**69.** (1) A person who

- (a) fails, without reasonable cause, to attend an inquiry being conducted for the purposes of the Integrity in Public Life Act or knowingly gives any false information in such inquiry;
- (b) a person who fails, without reasonable cause, to furnish to the Integrity Commission such further particulars which he or she is required to furnish in accordance with the Integrity in Public Life Act;
- (c) makes any frivolous or vexatious complaint to the Integrity Commission

commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding five years, or both.

(2) A person who aids, abets, or facilitates another person in commission of an offence under subsection (1) commits an offence and is liable on conviction, to the same penalty as provided for in subsection (1).

(3) Where a person is convicted of an offence under section 68, the Court may, in addition to any penalty imposed on him or her for that offence, make an order of forfeiture of any property in possession or control of that person that has been, or which the Court has reasonable grounds to believe was unlawfully acquired and

- (a) where property involved is situated in the Virgin Islands declare that it be forfeited to the Government; or
- (b) where the property involved is situated outside the Virgin Islands, order that an amount equivalent to the value of property, be paid by the public officer to the Government.

(4) Any property acquired from a person referred to under subsection (3) by a bona fide purchaser for value without notice of any offence by that person shall not be liable to forfeiture, but an amount equivalent to the value of the

property or the price paid by the purchaser, whichever is the greater, shall be paid by the public officer to the Government.

(5) The payment of all sums due to the Government pursuant to subsection (3) (b) or subsection (4) may be enforced as a debt due to the Government.

### PART XIII

#### MISCELLANEOUS PROVISIONS

##### **Preference for Belongers in Appointments, Transfers, and Promotions**

**70.** (1) When filling vacancies, the legitimate employment interests of Virgin Islanders and Belongers shall be paramount, ensuring the preservation of social balance, national cultural heritage, values, and norms of the Virgin Islands.

(2) The Commission shall first consider candidates who are Belongers, provided they are suitable for the appointment, transfer, or promotion and where a post in the Service cannot be filled by a Virgin Islander or Belonger, the post may be filled by a non-Belonger on contractual terms.

##### **Succession planning and shadowing requirement**

**71.** Where a non-Virgin Islander is employed on contract, a Virgin Islander or Belonger shall be assigned to shadow the non-Virgin Islander in preparation to fill the role.

##### **Employment of Senior managers**

**72.** (1) In addition to Permanent Secretaries pursuant to section 14 the Public Service Commission may recommend that other senior managers be employed in the Public Service either on a contractual or permanent basis.

(2) The terms and conditions of employment of an individual under subsection (1) shall be in accordance with section 60 and section 92 of the Constitution and he or she shall be eligible for re-appointment for such number of terms as the Governor, acting in accordance with the advice of the Public Service Commission, may determine.

(3) The decision whether or not to re-appoint a person under this section shall be made and notified to that person in accordance with the terms of that person's contract of employment.

(4) In addition to the contract of employment entered into between the persons referred to in subsection (1) and the Governor, each such person shall enter into a performance agreement with the Deputy Governor.

(5) For the purposes of determining pension, where a person who is permanent and pensionable, is appointed on contract pursuant to this section, the years the person has served in the public service shall continue to count as service with the public service.



(6) Upon the conclusion of a contract appointment under this section, an individual is entitled to return to their substantive role or grade, or to another suitable position for which they are qualified, subject to the provisions of Section 92 of the Constitution.

(7) For the avoidance of doubt, there is no limit to the number of contract renewals a Permanent Secretary can receive.

### **Administrative Directions to Constitutionally Established Departments**

**73.** For the avoidance of doubt, Constitutionally Established Departments shall

- (a) act independently and are not subject to the direction of any other person or authority, in the exercise of the performance of their functions;
- (b) in the performance of their administrative functions, follow advice and comply with all administrative procedures established and required for Heads of Departments.

### **Administrative Leave**

**74.** (1) Where a public officer has engaged in conduct that may warrant disciplinary action, and the Deputy Governor is of the opinion that the presence of the officer may disrupt the daily operations of the Office, the Deputy Governor may upon receipt of supporting documentation from the relevant Head of Department or Permanent Secretary, remove the officer from his or her assigned duties and place the public officer on administrative leave.

(2) Administrative leave shall be for a period of not less than seven (7) days and not more than thirty (30) days, as determined by the Deputy Governor.

(3) The relevant Commission shall make a determination, within thirty (30) days, as to whether the public officer's conduct warrant disciplinary action based on the best interests of the Public Service.

(4) In this section, "remove" means to temporarily require a public officer to cease physically reporting for duty or engaging in any activities within his or her department where their presence may disrupt the daily operations of the Office.

### **Creation, Upgrade, Re-grade, and Transfer of Positions (CURT) Process**

**75.** (1) The Department of Human Resources shall oversee job reclassification and the Creation, Upgrade, Re-grade, and Transfer of Positions process (in this Act referred to as "CURT") in accordance with regulations made under this Act.

(2) The CURT process shall include the submission, review, and approval of proposals for position changes within Ministries and Departments as part of the annual budget.

(3) The proposals shall include:

- (a) strategic and operational justification for the proposed changes;
- (b) existing role profiles for each position;
- (c) organisational charts;
- (d) nominal rolls;

- (e) an estimated costs associated with the changes information on the source of funding; and
- (f) details of the officers affected by the proposed changes, (if any).

### **Health and Safety**

76. The Chief Medical Officer may, in consultation with the Head of the Public Service, order the closure of an office or department, where a health and safety risk arises in the public service.

### **Public service handbooks**

77. The Head of the Public Service shall cause appropriate determinations and directives made or issued in terms of this Act to be included in one or more handbooks to be used by the service.

### **Matters for relevant Commissions**

78. Nothing in this Act shall be construed so as to effect any matters pertaining to officers and employees which are matters properly dealt with by a relevant Commission.

### **Amendment of Schedules**

79. The Governor, after consultation with the Director, may from time to time, by Order published in the *Gazette*, amend the Schedule.

### **Regulations**

80. (1) The Governor may make Regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for the following:

- (a) for prescribing the terms and conditions of employment in the service;
- (b) for prescribing allowances;
- (c) for prescribing arrangements in relation to redeployment and retraining of officers and redundancy;
- (d) for prescribing arrangements and procedures for providing, assisting in or coordinating staff development programmes.

(2) The Governor in exercise of his or her powers under subsection (1) may consult with the Director.

(3) Notwithstanding subsection (1)(a), the Public Service Management Code 2023 issued by the Governor, prescribing the terms and conditions of employment in the service, shall be deemed to be made under this Act, and shall continue in force until amended or replaced by Regulations made under this Act.

### **Savings and transitional provisions**

81. Subject to this Act

- (a) the administrative structures of the service in existence before the commencement of this Act shall, to the extent that their continued existence is not inconsistent with this Act, continue in existence;
- (b) the posts which were in existence before the commencement of this Act shall, to the extent that their continued existence is not inconsistent with this Act, continue in existence;
- (c) every officer or employee employed in the service immediately before the commencement of this Act shall continue to be employed in the same post in the service;
- (d) every person employed in terms of a contract immediately before the commencement of this Act shall continue to be employed on the same terms and conditions of the contract;
- (e) a person who was, immediately before the commencement of this Act employed as a ministerial staff shall continue to be employed on the same terms and conditions of the contract.

## SCHEDULE 1

[Sections 2(1), 3(2), 4(3), (4)]

### PART A

#### PUBLIC OFFICES IN ALPHABETICAL ORDER SUPPORT/TECHNICAL

##### **SALARY GRADE 1**

Assistant Maintenance Officer  
Canteen Steward  
Chainman I  
Cleaner  
Conservation/Fisheries Trainee  
Custodial Worker I  
Custodian  
Fish Processor I  
Library Trainee  
Office Cleaner  
Office Generalist Trainee  
Office Generalist Trainee/Messenger  
Postal Trainee  
Trainee Technician

Labourer/Field  
Learning Support Assistant/Teacher Assistant  
Legal Assistant I  
Maid  
Office Generalist I  
Photo Assistant Postal Officer I  
Sewerage Works Operative I  
Surveyor/Cad Trainee  
Teacher Trainee  
Telephone Services Representative  
Tool Storeman  
Trainee Engineer  
Trainee Surveyor  
Training Clerk I

##### **SALARY GRADE 2**

Agricultural Trainee Agricultural/Fisheries  
Trainee Assistant Cook  
Assistant Compressor Operator Assistant  
Mechanic  
Beach Warden  
Book Repairman  
Chainman II  
Custodial Worker II  
Customs Trainee  
Driver  
Field Assistant  
Fish Processor II  
Gardener  
Groundsman  
Handyman  
Human Resources Clerk I  
Immigration Trainee  
Janitor  
Labourer I  
Labourer  
Labourer/Crops

##### **SALARY GRADE 3**

Assistant Accounts Officer  
Assistant Collections Officer I  
Beach Safety Officer  
Computer Technician I  
Craft Instructor  
Data Entry Clerk  
Data Processor  
Field Supervisor  
Fisheries Extension Assistant  
Heavy Equipment Operator I  
Human Resources Clerk II  
Immigration Clerk I  
Intake/Officer Manager  
Laboratory Technician I  
Labourer II  
Laundress  
Legal Assistant II  
Meter Reader / Serviceman I  
Office Generalist II  
Paver Assistant  
Plant Operator II  
Plant Quarantine Assistant I

Postal Officer II  
Revenue Officer I  
Sanitation Officer  
Secretary I  
Secretary, Long Look Lands Commission  
Senior Tradesman  
Sewerage Works Operative II  
Survey Technician I  
Tractor Driver (Operator)  
Trainee Draughtsman  
Training Clerk II  
Veterinary Assistant I  
Waste Management Trainee  
Waterworks Operative I

#### **SALARY GRADE 4**

Air Condition Repairman  
Assistant Marine Officer  
Assistant Programme Supervisor  
Assistant Statistical Officer  
Assistant Surveyor  
Bodyman/Welder  
CAD Technician I  
Carpenter I  
Construction and Maintenance Works Operative I  
Courier & Chauffeur Officer  
Custodial Supervisor  
Customs Guard  
Customs Officer I  
Electrical Assistant  
Electrician I  
Engineer Technician I  
Engineering Laboratory Technician I  
Facilities Maintenance Technician  
Geriatric Aide I  
Heavy Equipment Operator II  
House Parent  
Human Resources Clerk III  
Immigration Clerk II  
Immigration Officer I  
Kitchen Assistant  
Legal Assistant III  
Library Assistant I  
Library Assistant I (Driver)  
Library Records Officer  
Maintenance Officer I  
Manager, Community Centre  
Mason

Meat/Seafood Processor I  
Mechanic I  
Mechanical Inspector I  
Meter Reader / Serviceman II  
Museum Supervisor  
Office Generalist III  
Plant Maintenance Officer  
Plumber  
Postal Officer III  
Product Assistant  
Pump Technician  
Recycling Officer  
Revenue Officer II  
Secretary II  
Security Guard  
Security Officer/Watchman  
Stores Clerk  
Store Keeper  
Supervisor (Custodial Worker)  
Systems Operator I  
Technician I  
Training Clerk III  
Vector Control Officer I  
Waste Management Equipment Operator I  
Watchman  
Waterworks Operative II

#### **SALARY GRADE 5**

Accounts Officer I  
Agricultural/Fisheries Assistant I  
Animal Control Officer  
Assistant Auditor  
Assistant Collections Officer II  
Assistant Environmental Health Officer  
Assistant Research Officer  
Assistant Security Supervisor  
Auxiliary Police Officer  
Auxiliary Officer  
Case File Assistant  
Chargehand  
Construction and Maintenance Works Operative II  
Court Clerk I  
Customer Service Specialist  
Deputy Security Supervisor  
Electrician II  
Engineer Technician II  
Engineering Laboratory Technician II  
Environment Assistant I

Executive Officer  
Fisheries Assistant  
Food Production Assistant I  
Geriatric Aide II  
Graphic Artist I  
Heavy Equipment Operator III  
Housekeeper  
Human Resources Records Clerk I  
Labour Assistant  
Legal Executive Officer  
Library Assistant II  
Library Assistant II (Driver)  
Licensing Clerk I  
Livestock Assistant I  
Office and Housing Technician  
Orderly  
Planning Assistant I  
Plant Maintenance Programme Supervisor  
Plant Operator/Technician  
Postal Collection Officer I  
Production Technician I  
Programme Supervisor  
Programme Supervisor  
Records Officer I  
Revenue Collections Officer I  
Senior House Parent  
Senior Store Clerk  
Systems Operator II  
Teacher Grade I  
Technician II  
Training Assistant I  
Vector Control Officer II  
Waste Management Equipment Operator II

#### **SALARY GRADE 6**

Asphalt Plant Supervisor  
Assistant Addiction Counsellor  
Assistant Computer Programmer  
Assistant Information Officer  
Assistant Systems Operator Supervisor  
Assistant Vector Control Supervisor  
Bailiff I  
Building Foreman  
CAD Technician II  
Carpenter II  
Computer Technician II  
Cook  
Courier & Chauffeur Supervisor  
Customs Officer II

Executive Attendant  
Emergency Communications Assistant  
Fire Officer I  
Foreman  
General Foreman  
Human Resources Records Clerk II  
Human Resources Records Officer I  
Head Gardener  
Immigration Officer II  
Intelligence Officer  
Laboratory Assistant  
Lifeguard  
Livestock Assistant II  
Maintenance Officer II  
Mechanic II  
Meat/Seafood Processor II  
Nursing Assistant  
Photographer  
Planning Assistant II  
Prison Officer I  
Probationary Constable  
Processing Officer I  
Roads Foreman  
Security Supervisor  
Senior Plant Operator/Technician  
Tax Officer I  
Telephone Technician I  
Waste Management Equipment Operator III

#### **SALARY GRADE 7**

Abattoir Assistant  
Accounts Officer II  
Agricultural/Fisheries Assistant II  
Agricultural Representative  
Assistant Chef  
Assistant Engineer  
Assistant Roads Officer  
Bailiff II  
Branch Postmaster  
CAD Technician III  
Case File Clerk  
Collections Officer  
Community Development Assistant  
Conservation Assistant  
Court Clerk II  
Cultural Officer I  
Enforcement Assistant  
Engineer Technician III  
Environment Assistant II

Exhibit Officer  
Food Production Assistant II  
GIS Technician  
Graphic Artist II  
Home Supervisor  
Human Resources Assistant  
Human Resources Records Officer II  
Incinerator Plant Foreman  
Kitchen Supervisor  
Labour Officer  
Leading Fire Officer  
Licensing Clerk II  
Major Crime Administrator  
Manager of Senior Citizen Programme  
Mechanical Inspector II  
Plant Quarantine Assistant II  
Postal Collection Officer II  
Postal Executive  
Plumbing Inspector  
Production Technician II  
Programme Aid I  
Project Assistant  
Records Officer II  
Revenue Collections Officer II  
School Librarian  
Scopist  
Senior Customer Service Specialist  
Senior Executive Officer  
Senior Nursing Assistant  
Senior Pump Technician  
Senior Engineering Laboratory Technician  
Senior Legal Executive Officer  
Senior Library Assistant  
Social Welfare Officer  
Statistical Officer  
Sub Postmaster  
Superintendent (Anegada)  
Superintendent (Virgin Gorda)  
Superintendent, W&S  
Surveillance Assistant  
Surveillance Officer I  
Systems Operator Supervisor  
Technician III  
Telephone Technician II  
Training Assistant II  
Vector Control Supervisor  
Waste Management Assistant

#### **SALARY GRADE 8**

Administrative Cadet  
Assistant Maintenance Supervisor  
CAD Specialist  
Case Manager  
Chaplain  
Clerk of Works  
Cultural Officer II  
Constable  
Customs Officer III  
Detective  
Express Mail Coordinator  
Fire Officer II  
Foreign Language Teacher  
Immigration Officer III  
Labour Protection Officer  
Mechanic Supervisor  
Paralegal I  
Postal Supervisor  
Processing Officer II  
Prison Officer II  
Professional Cadet  
Programme Aid II  
Restorative Justice Officer  
Senior Branch Postmaster  
Senior Maintenance Officer  
Tax Officer II  
Teacher Grade II  
Trade Inspector  
Veterinary Assistant III  
Workshop Foreman

#### **SALARY GRADE 9**

Accounts Supervisor I  
Administrative Officer  
Agricultural/Fisheries Officer I  
Architect I  
Assistant Human Resources Manager  
Assistant Postmaster  
Assistant Programme Officer  
Aviation Technical Staff Coordinator  
Business Systems Analyst  
Civil Engineer I  
Communications Specialist  
Community Development Officer  
Community Relations Officer  
Content Engineer  
Court Reporter I  
Cultural Officer III  
Crime Scene Technician I

Economist I  
Electrical Inspector  
Emergency Communications Officer  
Engineer I  
Executive Chef  
Finance Cadet  
Fish Technologist  
GIS Analyst  
Graphic Artist III  
Incinerator Plant Manager  
Information Officer I  
Investment Promotions Officer  
Laboratory Technician  
Lands Officer  
Legal Cadet  
Librarian I  
Maintenance Supervisor  
Matron  
Paralegal II  
Physical Planner I  
Planner I  
Planning Officer  
Production Designer  
Production Technician III  
Procurement Officer  
Programmer I  
Project Administrator  
Project Manager I  
Quantity Surveyor I  
Rehabilitation Officer  
Research Officer  
Roads Officer  
Senior Accounts Officer  
Senior Bailiff  
Senior Records Officer  
Statistician I  
Surveyor I  
Surveillance Officer II  
Systems Administrator I  
Tax Inspector  
Technical Planning Officer  
Trade Development Officer  
Trade Licensing Officer  
Traffic Maintenance Supervisor  
Training Officer  
Truancy Officer  
Veterinary Technician  
Waste Management Officer  
Web Administrator

Workshop Manager

**SALARY GRADE 10**

Accounts Manager  
Accounts Supervisor II  
Assistant Environment Officer  
Assistant Fisheries Officer  
Auditor  
Budget Officer I  
Building Inspector I  
Building Supervisor  
Compliance Officer I  
Computer Training Coordinator  
Court Reporter II  
Crime Scene Technician II  
District Officer  
Environmental Health Officer I  
Fingerprint Analyst  
Guidance Officer I  
Internal Auditor I  
Labour Dispute Officer  
Labour Relations Officer  
Librarian II  
Marine Officer  
News Anchor  
Parole Officer I  
Payroll Officer  
Payroll Processing Officer  
Philatelic Bureau Supervisor  
Postal Inspector  
Principal Officer  
Probation Officer I  
Programmer II  
Project Coordinator  
Registered Nurse  
Residential Manager  
Senior Customs Officer  
Senior Immigration Officer  
Senior Labour Inspector  
Senior Labour Officer  
Senior Processing Officer  
Sergeant  
Sergeant-at-Arms/Protection Officer  
Social Media Officer  
Social Worker I  
Sub Officer  
Systems Administrator II  
Teacher Grade III  
Way Leave Officer



## **PROFESSIONAL**

### **SALARY GRADE 11**

Aerodrome Inspector  
Agricultural/Fisheries Officer II  
Air Traffic Services Inspector  
Architect II  
Assistant Marine Surveyor  
Assistant Superintendent of Prison  
Budget Officer II  
Cadastral Information Manager  
Cash Management Officer  
Civil Engineer II  
Communications Officer I  
Compliance Officer II  
Consumer Affairs Officer  
Crime Analyst  
Data and Security Analyst  
EAP Counselor  
Economist II  
Editor  
Education Officer I  
Emergency Communications Manager  
Enforcement Officer  
Engineer II  
Environmental Health Officer II  
Environment Officer I  
Environment Education Officer  
Finance Officer  
Financial Accountant  
Fisheries Officer  
Food Production Assistant Manager  
Food Technologist  
Graphic Supervisor  
Guidance Officer II  
Immigration Officer (Surveillance)  
Information Manager  
Information Officer II  
Inspector  
Intake Officer/Investigator  
Internal Auditor II  
Librarian III  
Lifeguard Supervisor  
Livestock Officer  
Marine Biologist  
Marketing, Research and Extension Officer  
Media Relations Coordinator  
Network Administrator

Parole Officer II  
Physical Planner II  
Planner II  
Planning and Preparedness Manager  
Prison Counsellor  
Probation Officer II  
Production Supervisor  
Programme Officer  
Project Manager II  
Public Health Officer I  
Public Relations Officer  
Quantity Surveyor II  
Research Analyst  
Retail and Marketing Manager  
School Nurse  
Senior Auditor  
Senior Case Manager  
Senior Collections Officer  
Senior Programmer  
Senior Tax Administrative Officer  
Senior Tax Inspector  
Senior Training Officer  
Social Protection Information Systems Manager  
I  
Social Worker II  
Statistician II  
Surveillance Officer  
Surveyor II  
Teacher Grade IV  
Truancy Officer II

### **SALARY GRADE 12**

Architect III  
Assistant Chief Immigration Officer  
Assistant Commissioner of Customs  
Assistant Commissioner of Inland Revenue  
Assistant Commissioner of Motor Vehicles  
Assistant Director of Central Statistics  
Assistant Labour Commissioner  
Assistant Manager/Nurse  
Assistant Principal, Primary  
Assistant Registrar of Lands  
Broadcasting Station Supervisor  
Building Inspector II  
Business Development Manager  
Legal Case Manager  
Civil Engineer III  
Clinical Social Worker  
Communications Officer II

Compliance Officer III  
Deputy Chief Information Officer  
Deputy Commissioner of Motor Vehicle  
Deputy Principal  
Deputy Telephone Services Manager  
Development Planner  
Economist III  
Environmental Health Officer III  
Engineer III  
Financial Comptroller  
Geographical Information Systems Manager  
Graduate Land Surveyor  
Guidance Officer III  
Hansard Editor  
Human Resources Business Partner  
Intake Officer/Investigator  
Internal Auditor III  
Judicial & Legal Services Secretary  
Laboratory Technician Supervisor  
Labour Relations Manager  
Labour Protection Manager  
Law Librarian  
Learning and Development Business Partner  
Management Accountant  
Nurse Manager  
Programmer III  
Project Manager III  
Public Health Communications Specialist  
Public Health Officer II  
Quantity Surveyor III  
Reading Specialist  
Records and Information Management Officer  
Senior Administrative Assistant  
Senior Administrative Officer  
Senior Assistant Human Resources Manager  
Senior Court Administrator  
Senior Court Reporter  
Senior Investment Promotions Officer  
Senior Lands Officer  
Senior Marine Officer  
Senior Planning Officer  
Senior Probation/Parole Officer  
Senior Programme Manager  
Senior Procurement Officer  
Senior Project Coordinator  
Senior Technical Planning Manager  
Senior Trade Licensing Officer  
Social Worker III  
Special Education Teacher

Special Projects Officer  
Speech and Language Pathologist  
Station Officer  
Statistician III  
Structural Engineer  
Surveyor III  
Systems Librarian  
Training Manager  
Veterinary Officer I  
Web Design Specialist/Coordinator  
Workforce Development Manager

### **SALARY GRADE 13**

Assistant Commissioner of Police  
Assistant Principal, Secondary  
Assistant Registrar General  
Audit Manager  
Aviation Secretary  
Budget Analyst  
Business Manager  
Cabinet Recording Secretary  
Chief Inspector  
Chief Inspector of Police  
Computing and Communications Officer  
Compliance Manager  
Crown Counsel  
Deputy Director of Agriculture and Fisheries  
Deputy Chief Fire Officer  
Deputy Chief Librarian  
Deputy Chief Surveyor  
Deputy Clerk, House of Assembly  
Deputy Chief Environmental Health Officer  
Deputy Director Civil Aviation  
Deputy Director of Culture  
Deputy Director, Facilities Management  
Deputy Superintendent of Prison  
Education Officer II  
Environment Officer II  
Facilities Manager  
Food Production Manager  
Human Resources Analyst  
Information Systems Services Officer  
Information Technology Manager  
Judicial Assistant  
Lead Data and Security Analyst  
Legislative Counsel  
Maintenance Manager  
Manager, Adina Donovan Home  
Manager, Rainbow Children's Home

Meteorologist  
Operations Manager  
Planning and Quality Officer  
Principal (Primary)  
Project Engineer  
Programme Director  
Records Centre Manager  
Remediation Coordinator  
Reporting Manager  
Research and Development Officer  
Revenue Manager  
Social Protection Information Systems Manager  
II  
Security Coordinator  
Senior EAP Counselor  
Senior Research Analyst  
Senior Payroll Officer  
Support Services Manager  
Technology Support Services Officer  
Veterinary Officer II

## MANAGEMENT

### **SALARY GRADE 14**

Archivist  
Assistant Cabinet Secretary  
Assistant Chief of Infrastructural Development  
Assistant Director of Projects  
Assistant Director of Protocol  
Assistant Secretary  
Assistant Secretary, External Affairs  
Coordinator of Health Promotion Services  
Compliance Coordinator  
Chief Information Officer  
Chief Veterinary Officer  
Deputy Accountant General  
Deputy Chief Immigration Officer  
Deputy Chief Planner  
Deputy Chief Social Development Officer  
Deputy Commissioner of Customs  
Deputy Commissioner of Inland Revenue  
Deputy Court Manager  
Deputy Director of Central Statistics  
Deputy Director of Disaster Management  
Deputy Director of Internal Audit  
Deputy Director of Information Technology  
Deputy Director of Trade and Consumer Affairs  
Deputy Director of Water & Sewerage

Deputy Director of Waste Management  
Deputy Labour Commissioner  
Deputy Postmaster General  
Deputy Registrar General  
Deputy Supervisor of Elections  
Educational Psychologist  
Electrical Engineer  
Employee Relations and Support Manager  
Finance and Planning Officer  
Financial Analyst  
Gender Affairs Coordinator  
Health and Safety Coordinator  
Human Resources Manager  
Legal Office Administrator  
Marine Surveyor  
National Epidemiologist  
Private Secretary  
Procurement Coordinator  
Public Estate Manager  
Public Health Officer III  
Public Service Commission Secretary  
Secretary  
Secretary General (UNESCO)  
Security Management Officer  
Senior Legislative Officer  
Senior Records and Information Management  
Officer  
Sister Island Programme Coordinator  
Superintendent of Police

### **SALARY GRADE 15**

Assistant Budget Coordinator  
Assistant Parliamentary Counsel  
Business Development Director  
Business Support Director  
Chief Environment Officer  
Chief Environmental Health Officer  
Chief Executive Officer  
Chief Records Management Officer/Archives  
Coordinator  
Chief Surveyor  
City Manager  
Commissioner of Motor Vehicles  
Coordinator of Student Services  
Curriculum Coordinator  
Deputy Auditor General  
Deputy Chief Education Officer  
Deputy Commissioner

Deputy Director, BVI International Affairs Secretariat  
Deputy Director of Public Works  
Deputy Registrar of Lands  
Deputy Registrar of Supreme Court  
Director of Culture  
Director, Emergency Call Centre  
Director, Legal Operations Support Division  
Director, Safe Haven Transitional Centre  
Director of Youth Affairs and Sports  
Deputy Commissioner, Complaints Commission  
Employee Services Coordinator  
Engineer Surveyor  
Financial Senior Crown Counsel  
Human Resources Benefit Coordinator  
Policy Analyst I  
Principal (Secondary)  
Senior Crown Counsel  
Senior Legislative Counsel  
Telephone Services Manager

#### **SALARY GRADE 16**

Assistant Secretary/Protocol  
Chief of Drugs and Pharmaceutical Services  
Chief Fire Officer  
Chief Librarian  
Chief Marine Safety Accident Investigation Officer  
Chief Nursing Officer  
Chief Operations Officer  
Court Manager  
Deputy Cabinet Secretary  
Director of Communications  
Deputy Commissioner of Police  
Deputy Director of Human Resources  
Director of Civil Aviation  
Director, Facilities Management  
Director of Fair Trade  
Director of Investment Promotions  
Director of Trade & Consumer Affairs  
Director of Planning  
Executive Secretary  
Medical Officer of Health  
Public Service Transformation Programme Manager  
Security and Justice Policy Advisor  
Superintendent of Prison  
Supervisor of Elections

#### **SALARY GRADE 17**

Accountant General  
AML/CFT Implementation Coordinator  
Chief of Infrastructural Development  
Chief Digital Information Officer  
Chief Education Officer  
Chief Immigration Officer  
Chief of Staff  
Chief Planner  
Chief Registrar of Lands  
Chief Social Development Officer  
Clerk, House of Assembly  
Commissioner of Inland Revenue  
Commissioner of Customs  
Budget Coordinator  
Director of Agriculture & Fisheries  
Director of Disaster Management  
Director of Environment  
Director of Information Technology  
Director of Internal Audit  
Director of International Affairs Secretariat  
Director of Learning and Development  
Director of Public Infrastructure  
Director of Projects  
Director of Public Works  
Director of Water & Sewerage  
Director of Waste Management  
Deputy Secretary  
Labour Commissioner  
Macro Fiscal Coordinator  
Magistrate  
Parliamentary Counsel  
Policy Analyst II  
Policy Analyst/Strategic Advisor  
Postmaster General  
Principal Crown Counsel  
Registrar of Interests  
Registrar General  
Registrar of Supreme Court

#### **EXECUTIVE**

#### **SALARY GRADE 18**

Auditor General  
Chief Medical Officer  
Chief Parliamentary Counsel  
Commissioner of Police  
Deputy Financial Secretary

Director of Central Statistics  
Director of Human Resources  
Director of Policy, Planning and Performance  
International Relations Counsel  
Senior Magistrate  
Trade Commissioner

**SALARY GRADE 19**

Cabinet Secretary  
Chairman, Law Reform Commission  
Complaints Commissioner

Director of Public Prosecutions  
Permanent Secretary  
Solicitor General

**SALARY GRADE 20**

Attorney General  
Executive Director of International Business  
(Regulations)  
Financial Secretary

**PART B**

**PERMANENT SECRETARIES**

Permanent Secretary in the Premier's Office  
Permanent Secretary in the Ministry of Health and Social Development  
Permanent Secretary in the Deputy Governor's Office  
Financial Secretary in the Ministry of Finance  
Permanent Secretary in the Ministry of Education, Youth Affairs and Sports  
Permanent Secretary in the Ministry of Communication and Works  
Permanent Secretary in the Ministry of Environment, Natural Resources, and  
Climate Change  
Permanent Secretary in the Ministry of Financial Services, Trade and Labour  
Permanent Secretary in the Ministry of Tourism, Culture, and Sustainable  
Development

**PART C**

**HEAD OF DEPARTMENTS CHARGED WITH RESPONSIBILITY OF A  
DEPARTMENT**

<i>Department</i>	<i>Head of Department</i>	<i>Function of the department</i>
Central Statistics Office	Director, Central Statistics Office	To provide statistical information, economic analysis to facilitate informed, evidence- based decision making, planning and policy formulation for the overall strategic development of the territory.

Town and Country Planning	Chief Planner	To provide for the administration and operation of the system of planning to ensure that the Territory is developed in an orderly and sustainable manner.
Trade, Investment, Promotion and Consumer Affairs	Director, Trade, Investment, Promotion and Consumer Affairs	To monitor and provide assistance to small businesses and to regulate intellectual property and trade.
International Affairs Secretariat	Director, International Affairs Secretariat	To coordinate and implement BVI's international relations and provide advice on international affairs.
Customs	Commissioner of Customs	To collect customs and excise duties and curb illegal imports while facilitating trade.
Information and Public Relations	Chief Information Officer	To provide the public with up-to-date, comprehensive and meaningful information on Government policies, services and activities, and on matters which may be of public interest. To manage the Government Printing Press.
Inland Revenue	Commissioner, Inland Revenue	To administer fiscal legislation in relation to income and other taxes.
Post Office	Postmaster General	To provide reliable, and affordable postal services to the territory.
Internal Audit	Auditor General	To conduct internal audits and investigations under the Internal Audit Act.
Treasury Department	Accountant General	To maintain uniform accounting system across Government departments; supervise, monitor and report on all Government financial transactions and manage public debt.

Department of Information and Technology	Director, Information and Technology	To direct and control the development, implementation and maintenance and security of the Government's information and communications strategy and systems.
Agriculture	Chief Agricultural Officer	To promote, develop and regulate farming.
Conservation and Fisheries	Chief Conservation Officer	To promote and coordinate development of aquaculture, coordinate, review and implementation of policies, and legislation on matters related to fishery resources, management and conservation.
BVI Fishing Complex	Manager, BVI Fishing Complex	To manage the operations and services of the BVI Fishing Complex.
Labour and Workforce Development	Labour Commissioner	To administer and implement the provisions of the Labour Code.
Land Registry	Chief Registrar of Lands	To maintain a register of title to freehold and leasehold land and resolve land disputes throughout the Territory.
Survey	Chief Surveyor	To provide professional land surveying services.
Youth Affairs and Sports	Director, Youth Affairs and Sports	To provide sport, recreation and youth development for young persons throughout the territory.
Department of Culture	Director, Department of Culture	To plan, coordinate and promote community arts and heritage programs and events.
Library Services	Chief Librarian	To manage library services within the territory.
Her Majesty's Prison	Superintendent of Prisons	To securely detain offenders while providing rehabilitation

Department of Education	Chief Education Officer	services to them to help them reintegrate into society. To provide for the administration and management of the education department, advises on education policies, practices and procedures.
Waste Management	Manager, Waste Management	To manage the overall operations of the landfill and waste management plan for the territory.
Social Development	Chief Social Development Officer	To regulate the welfare sector and ensure that the providers of social welfare services comply with set standards.
Facilities Management	Facilities Manager	To provide cleansing services, plan and carry out maintenance work of CAB offices.
Civil Aviation	Director, Civil Aviation	To provide oversight for the inspection, maintenance, coordination, licensing and regulation of civil aviation activities.
Fire and Rescue	Chief Fire Officer	To provide fire-fighting and rescue services and take protective action against, natural and other emergencies.
Water and Sewerage	Director, Water and Sewerage	To execute the functions and duties of the public administration in matters relating to the design, implementation and dissemination of water.
Motor Vehicles	Commissioner of Motor Vehicles	To manage activities in the inspection, licensing and registration of motor vehicles.
Public Works	Director, Public Works	To design, plan and carry out public infrastructure works and projects. To provide ancillary building project services, manufacturing services, public cleansing service and a regulatory framework for the building construction industry.
Telephone Services Management	Manager, Telephone Services Management	To manage the telecommunication services



		provided to ministries and departments.
Disaster Management	Director, Disaster Management	To coordinate the enforcement and implementation of policies and plans to respond, rapidly and effectively to national disasters and major emergencies.
Civil Registry and Passport Office	Registrar General	To provide and maintain a reliable system for the storage of public records, access services to these records and an efficient registry service which supports the registration of births, deaths, adoptions and marriages in Territory.

## PART D

### DEPARTMENTS NOT SUBJECT TO MINISTERIAL CONTROL

<i>Department</i>	<i>Head of Department</i>	<i>Function of the department</i>
Attorney General's Chambers	Attorney General	To be the principal legal adviser for the Government.
Cabinet Office	Cabinet Secretary	To support the workings of Cabinet.
Complaints Commission	Complaints Commissioner	To investigate any action taken by a department of Government or agency in the exercise of its administrative functions.
Office of the Director of Public Prosecutions	Director of Public Prosecutions	To institute, take over and discontinue criminal proceedings.
Office of the Auditor General	Auditor General	To conduct independent audits and issue appropriate reports on the use of public resources.
House of Assembly	Clerk, House of Assembly	To support the Members of the House of Assembly.
Office of the Registrar of Interests	Registrar of Interest	To keep record of the financial interests of

Supreme Court	Registrar	members of the House of Assembly. To support and facilitate the administration of justice.
Commercial Court	Registrar	To support and facilitate the administration of justice.

## PART E

### DEPARTMENTS UNDER GOVERNOR'S GROUP

<i>Department</i>	<i>Head of Department</i>	<i>Function of the department</i>
Governor's Office	Executive Secretary	To support the Governor in the fulfilment of his or her constitutional duties.
Magistracy	Court Manager	To execute the functions and duties in relation to the provision of court services in Virgin Islands.
Elections Office	Superintendent of Elections	To support the Supervisor of Elections in the exercise of its functions.
Department of Human Resources	Director of Human Resources	To bring human resources management closer to you. As a dynamic, facilitative organisation, the Department remains dedicated to delivering the highest quality services to both internal and external customers to ensure service needs are met in a fair, just, equitable, and consistent manner
Civil Registry and Passport Office	Registrar General	To provide and maintain a reliable system for the storage of public records, access services to these records and an efficient

		registry service that supports the registration of births, deaths, adoptions, and marriages in the Territory
Supreme Court (Administration)	Registrar	To support and facilitate the administration of justice.
Magistracy (Administration)	Court Manager	To execute the functions and duties in relation to the provision of court services in Virgin Islands.
Commercial Court (Administration)	Registrar	To support and facilitate the administration of justice

## SCHEDULE 2

[Section 41, 42]

### SPECIFIED PUBLIC OFFICERS

Deputy Secretaries  
Heads of Department  
Public officers in Grades 19 to 21

## SCHEDULE 3

[Section 42(1), 43(2)(a)]

### REGISTRATION FORM FOR DECLARATION OF INTERESTS PUBLIC OFFICER OF THE VIRGIN ISLANDS PUBLIC SERVICE REGISTRATION OF FINANCIAL INTERESTS

#### REGISTRATION FORM

The main purpose of the Register of Interests is to provide information of any pecuniary interest or other material benefit which a public officer might reasonable be thought by others to influence his or her actions taken in the performance of his functions as a public officer.

For the details of the information which is required to be registered, please refer first to the explanatory notes in each section of the Form.

If there is not enough space in any section of this Form for the information required, additional sheets may be attached to it; but each such sheet should carry the public officer's signature.

Subsequent changes or additions to your entry should be notified to the Registrar within one month of any changes occurring.

NAME (Block capitals(please), Post, Grade, Department, Years in Public Service):

#### 1. DIRECTORSHIPS

Do you have any remunerated or unremunerated directorships in any company?  
YES/NO (Please delete as appropriate)

If yes, please list the names of the companies, briefly stating the nature of the business of the company in each case.

*Notes: (i) You should include directorships which are individually unremunerated but where remuneration is paid through another company in the same group.*

*(ii) In this category and category 2, "remunerated" should be read as including allowances or benefits.*

## 2. REMUNERATED EMPLOYMENT, OFFICE, PROFESSION, ETC.

Do you have any employment, office, trade, profession or vocation (apart from being a public officer) for which you are remunerated or in which you have any pecuniary interest?

YES/NO (Please delete as appropriate)

If yes, please set out the details. Actual amounts of remuneration need not be stated. When registering employment with a company or firm, please briefly indicate the nature of its business.

## 3. GIFTS, BENEFITS AND HOSPITALITY (VIRGIN ISLANDS)

Have you, or your spouse to your knowledge, received any gift of a value greater than \$500.00, from any company, organisation or person in the Virgin Islands which in any way relates to you as a public officer?

YES/NO (Please delete as appropriate)

If yes, please give details.

*Notes: (i) You should include any hospitality given and services or facilities offered free or at a price below that generally available to members of the public, except that where the advantage is known to be available to all public officers, it need not be registered.*

*(ii) You should include not only gifts and material advantages received personally by you and your spouse, but also those received by any company or organisation in which you (or you and your spouse jointly) have a controlling interest.*

## 4. OVERSEAS VISITS

Have you or your spouse made any overseas visits relating to or in any way arising out of your being a public officer where the cost of the visit was not wholly borne by yourself or by public funds?

YES/NO (Please delete as appropriate)

If yes, please list relevant visits in chronological order.

Countries visited	Dates of visit	Who paid?
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*Note: You are not required to register visits undertaken on behalf of the Commonwealth Parliamentary Association. Other categories of overseas visits which are exempt from the requirement to register are listed in the guidance pamphlet on Registration and Declaration of public officers' Interests.*

## 5. OVERSEAS BENEFITS AND GIFTS

Have you, or your spouse to your knowledge, received any gift of a value greater than \$150.00 or any material advantage of a value as a public officer, from or on behalf of any foreign Government, organisation or person which in any way relates to you as a public officer?

YES/NO/ (Please delete as appropriate)

If yes, please give details.

*Note: Overseas hospitality and travel facilities should be entered under category 5. Otherwise the notes under category 4 apply here also.*

## 6. REAL PROPERTY

Do you have any real property, other than any home used solely for the personal residential purposes of you or your family?

YES/NO (Please delete as appropriate)

If yes, please indicate below the nature of the real property (e.g. Estate, Farm, Smallholding, Woodland, Residential rented/leasehold real property, Commercial rented/leasehold real property) and give the registration section, block and parcel number, and the street and number (if appropriate) of the real property in each case.

Nature of Land

.....

Location

Registration Section No.:

Block No.:

Parcel No.:

Address:

.....

Registration Section No.:

Block No.:

Parcel No.:

Address:

.....

Registration Section No.:

Block No.:

Parcel No.:

Address:

## 7. SHAREHOLDINGS

Do you have (either yourself or with or on behalf of your spouse or dependent children) interests in shareholdings in any company or other body which has a nominal value (a) greater than \$25,000.00, or (b) less than \$25,000.00 but greater than 1 percent of the issued shared capital of the company or body?

YES/NO (Please delete as appropriate)

If so, please list each company or body, indicating in each case the nature of its business and whether your holding falls under sub-category (a) or (b) above.



## OBJECTS AND REASONS

This Bill seeks to formally establish and continue the Public Service and its organisational frameworks.

The Public Service Management Act, 2024 would have 13 Parts and 3 Schedules.

Part I (clauses 1 - 2) would provide for preliminary matters.

The preliminary provisions would provide for the short title and commencement of the Bill, as well as define various terms used throughout the Bill.

Part II - (clauses 3 - 7) would provide for the Public Service.

This Part would deal with the Public Service, its establishment and continuation.

Clause 4 would address the organisational structure of ministries. Clause 5 would speak to role of Ministers in the Public Service. Clause 6 would speak to the delegation of the Minister's functions to either a Permanent Secretary or Head of Department, and each delegation is to be made in writing. Clause 7 would recognise the need for Ministers to engage staff and requires persons employed as Ministerial staff to execute a contract between that person and the Director of Human Resources or the Permanent Secretary where necessary. The Deputy Governor may issue guidelines on the administration and engagement of ministerial staff.

Part III - (clauses 8 - 12) would provide for the Duties, Responsibilities and Powers of the Head of the Public Service.

By clause 8, the Deputy Governor would be the Head of the Public Service, having the overall responsibility to the Governor for the management of the service, where the Governor acting pursuant to section 38(2) of the Constitution, so authorises in writing.

Clause 10 would provide for the responsibility and functions of the Deputy Governor, including managing the performance of Permanent Secretaries and agreeing to annual performance objectives. By clause 12, the Deputy Governor would be required to submit annual reports to the Governor on matters arising out of the performance of his or her duties and the Governor would be required to table the report in the House of Assembly.

Part IV - (clauses 13 - 22) would provide for Permanent Secretaries. This Part would speak to Permanent Secretaries, including the Financial Secretary. It would speak to the appointment of Permanent Secretaries who shall be on a contractual basis for term of employment not exceeding 5 years in the first instance. By clause 19, the Deputy Governor would, enter into a performance agreement with each Permanent Secretary. By clause 22, it would be the duty of every Permanent Secretary to implement sound policies and practices to promote good health, welfare and safety in the workplace and to ensure that the provisions of Part IX of the Labour Code, 2010 or any enactment in respect of the health, safety and welfare of persons at work are observed in relation to the ministry or department to which the Permanent Secretary is assigned.



Part V - (clauses 23 - 25) would provide for Heads of Department. This Part would speak to the role of Heads of Department in the service. It should be noted that some Heads of Department in the service are not under a ministry and that distinction in roles is outlined under this Part.

Part VI - (clause 26) would provide for the Role of the Director of Human Resources. The Director would provide administrative support and technical advice on human resources matters to the Governor and the Deputy Governor Generally, the Director has administrative oversight for the classification of posts, salaries and allowances and terms and conditions of employment.

Part VII - (clauses 27 - 34) would provide for Virgin Islands Public Service Learning Institute.

Clause 27 would provide for the establishment of the Virgin Islands Public Service Learning Institute. The Learning Institute would be a department in the public service that is responsible for designing, implementing, and managing training courses and programmes that contribute to public officers' individualised and professional development and performance improvement. This includes identifying training needs, conducting needs assessments, creating curriculum and training materials, and contributing to the development of policies, standards and guidelines for learning and development within the Public Service. Clauses 32 and 33 would provide for the establishment of a Virgin Islands Public Service Learning Institute Development Committee and its functions. The functions of the Committee would include reviewing applications submitted by public officers seeking scholarship opportunities and assessing their eligibility and suitability for scholarships offered.

Part VIII - (clauses 35 - 36) would provide for Performance Management.

This Part would speak to the procedure for evaluation of the performance management programme of officers and employees which is to be conducted in three principal stages guided by policies developed by the Director.

Part IX - (clauses 37 - 40) would provide for the Association of Officers and Employees.

This Part would speak to the right of officers and employees to associate. To that end, by clause 38, the Government would recognise the Public Service Association as the duly appointed bargaining body for and on behalf of officers and employees on any matter relating to grievances; remuneration; terms and conditions of employment; and any other matters of concern to officers or employees.

PART X - (clauses 41 - 47) would provide for Registration of Interests of Public Officers. This Part would require specified public officers to register their interests for the purposes of section 112 of the Virgin Islands Constitution.

PART XI - (clauses 48 - 61) would provide for Discipline and Disciplinary Procedures. This Part provides for the disciplinary procedures applicable to public officers.

PART XII - (clauses 62 - 69) would provide for Integrity in Public Life. This Part would provide for the conduct public officers are required uphold and for certain acts of corruption which would be offences.

PART XIII - (clauses 70 - 81) would provide for the Miscellaneous Provisions.

This Part would concern general provisions including the amendment of the Schedules and the making of regulations. Clause 70 would require the Commission, when filling vacancies to first consider Virgin Islanders and Belongers. Clause 73 would provide for administrative directions to Constitutionally Established Departments. Clause 74 would provide for the Deputy Governor to temporarily impose administrative leave. Clause 81 would provide for the savings and transitional provisions.

Governor