



## STATUTORY INSTRUMENT

No. 8 of 2014.

*Public Services (Management) (Employment of District Administrators) Regulation 2014.*

### ARRANGEMENT OF SECTIONS.

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## STATUTORY INSTRUMENT

No. of 2014.

### ***Public Services (Management) (Employment of District Administrators) Regulation 2014,***

Being a Regulation for the purpose of implementing Section 73 A of the *Organic Law on Provincial Government and Local Level Governments*; and Sections 64 of the *Public Services (Management) Act 2014*,

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council to be deemed to have come into operation on 1<sup>st</sup> October 2014.

#### **PART I. – OVERALL ADMINISTRATIVE AND PROCEDURAL RESPONSIBILITIES UNDER THE REGULATION.**

##### **1. PROVINCIAL ADMINISTRATOR AND CONSULTATION WITH THE ELECTED MEMBER OF THE OPEN ELECTORATE IN THE DISTRICT.**

(1) Section 73A of the Organic Law on Provincial Governments and Local-level Governments provides that a District Administrator shall be appointed by the Provincial Administrator in consultation with the elected member of the open electorate in the district.

##### **2. SECRETARY, DEPARTMENT OF PERSONNEL MANAGEMENT AND REPRESENTATION IN THE PROVINCIAL SELECTION COMMITTEE.**

(1) The Secretary, Department of Personnel Management is responsible for the overall review of the District Administrator employment processes described in the Regulation.

(2) The Secretary shall monitor the selection and appointment process through a delegate appointed to sit in the Provincial Selection Committee, and shall as necessary provides reports to the Governor, the Secretary Department of Provincial & Local Level Governments and to the Minister for Public Service.

#### **PART II. – JOB DESCRIPTION AND MINIMUM PERSON COMPETENCY AND PERFORMANCE REQUIREMENTS.**

##### **3. JOB DESCRIPTION - KEY RESULT AREAS AND PERFORMANCE INDICATORS.**

(1) The Provincial Administrator shall, on the advice of the delegate of the Secretary for the Department of Personnel Management, compile and maintain up to date the job description for each District Administrator.

(2) In compiling the job description, the Provincial Administrator shall consult the Provincial Governor and the Open Member in determining the key result areas and performance indicators together with the specific qualifications, competencies and experiences which will be required by the appointee to meet the performance expectations in a particular Province.

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(3) The job description shall be utilised by the Provincial Administrator for the following purposes:

- (a) compiling the minimum person competency and performance requirements for the position; and
- (b) compiling the merit-based selection criteria for the advertisement of vacant positions and conduct of the selection and appointment process; and
- (c) compiling the key result areas for measurement of performance and the performance indicators for purposes of contractual commitments and for performance assessment.

(4) A copy of each job description shall be made available within the Administration, accessible at all times to each District Administrator and to potential applicants for each District Administrator position.

**4. MINIMUM PERSON COMPETENCY AND PERFORMANCE REQUIREMENTS FOR SELECTION AND APPOINTMENT.**

(1) Persons applying for the position of District Administrator from within or outside of the Public Service are required to satisfy the minimum person competency and performance requirements for selection and appointment in order to be considered as suitable candidates for appointment as follows:

- (a) a serving officer of the National Public Service, or a person fit and qualified to serve as an officer of the National Public Service, as determined by the criteria hereunder; and
- (b) satisfies health and fitness requirements for occupancy of a District Administrator position; and
- (c) the candidate is not less than 30 years of age and not more than 60 years of age; and
- (d) the candidate possesses as a minimum a diploma level qualification from a recognised learning institution together with Public Service training relevant to the technical requirements of the position, and a recognised management qualification; and
- (e) of good character and repute, with no previous criminal record, and as witnessed by suitable references from three persons of standing in the community; and
- (f) free of criminal charges or outstanding court cases of a nature likely to seriously injure the professional standing and reputation of the officer, as verified by a current Police clearance; and
- (g) free of any outstanding investigations or disciplinary proceedings under any laws; and
- (h) possesses proven skills, experience and competencies in the following fields:
  - (i) management of staff, with a minimum of three years at a level not lower than Section Head or deemed equivalent level in another public or private sector organisation; and
  - (ii) finance and project management; and
  - (iii) manpower planning; and
  - (iv) general public relations skills; and
  - (v) general knowledge of the provincial administration systems, the *Public Finances (Management) Act 1995* and the *Public Services (Management) Act 2014* and the General Orders; and
  - (vi) firm resolve to uphold the Public Service Code of Business Ethics and Conduct; and
- (i) possesses other competencies (physical and mental skills and abilities) relevant to the position, as prescribed in the Job Description in Schedule 2; and
- (j) has satisfied all of the requirements specified from time to time in the Advertisement for the position.

**PART III. – ADVERTISING AND MERIT-BASED SELECTION AND APPOINTMENT PROCEDURES FOR SUBSTANTIVE APPOINTMENTS.**

**5. SECTION 64 OF THE ACT - SUMMARY OF PROCEDURES.**

(1) The procedures for the substantive appointment of a District Administrator must be merit based and subject to open and transparent assessment prior to a recommendation being made by the Provincial Selection Committee to the Provincial Administrator.

(2) A substantive District Administrator who has stated their willingness to continue in office shall have their performance appraised by the Provincial Administrator in consultation with the elected Member and the Provincial Administrator shall determine whether to re-appoint that person without advertisement of the position.

(3) The merit based procedures are summarised as follows:

- (a) where an office of District Administrator becomes vacant, the Provincial Administrator in consultation with the Provincial Governor and the Open Member in the District shall advertise the vacancy in local news sheets and national newspapers for a period of not less than two weeks; and
- (b) the Provincial Selection Committee shall assess all applicants for the position against the advertised minimum person specification and present a list of not less than three but not more than five candidates to the Provincial Administrator; and
- (c) the Provincial Administrator shall select the preferred three candidates from the list for final consultation with the Open Member in the Electorate;
- (d) the Provincial Administrator shall then in his or her sole discretion make an appointment of the District Administrator.

**6. REVIEW OF INCUMBENT DISTRICT ADMINISTRATOR'S PERFORMANCE FOR RE-APPOINTMENT PRIOR TO ADVERTISEMENT OF THE VACANCY.**

(1) The Provincial Administrator shall firstly inform the incumbent District Administrator not less than 6 months prior to expiry of the appointment and request the incumbent to state in writing whether or not they wish to be considered for re-appointment, subject to receipt of satisfactory performance appraisals covering the period of the contract.

(2) The incumbent District Administrator shall respond to the Provincial Administrator within 14 days and shall state whether or not they wish to be considered for reappointment and shall provide satisfactory (Performance Appraisal Reports and Standard Performance Appraisal Form) to support their application.

(3) The Provincial Administrator shall consult the Open Member as to the performance of the incumbent during the period of the contract and no later than four months prior to contract expiry on the suitability of the incumbent District Administrator based upon the merit of their performance.

(4) In the event that the Provincial Administrator, in his or her sole discretion, resolves to reappoint the incumbent Provincial Administrator, notice shall be given to re-appoint no later than three months prior to expiry of the contract.

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(5) In this event the Provincial Administrator shall not advertise the position and the incumbent District Administrator shall be informed of the reappointment, with advice to the Governor, the Open Member, the Secretary, Department of Provincial & Local level Governments, and the Secretary, Department of personnel Management.

**7. VACANCY IN AN OFFICE OF DISTRICT ADMINISTRATOR.**

(1) Vacancy in this context means a position that is substantively vacant and does not include a position in which a substantive office holder is absent from office for a temporary period for any reason.

(2) The Provincial Administrator shall maintain the register showing the occupancy details of each District Administrator by name, date of birth, appointment date, and period, expiry date, number of previous appointments and performance history.

(3) The Provincial Administrator, in accordance with the over-riding provisions of the Organic Law is responsible for coordination and compliance with the processes to fill the vacancy.

(4) The Provincial Administrator shall advertise the vacant position in the Standard Advertising Format, displaying the Minimum Person Competency and Performance Requirements, inviting suitable persons to apply within a prescribed time limit.

(5) The advertisement shall be advertised within the Province in local news sheets and shall be placed in a standard quarter page format in not less than two daily newspapers on at least two occasions for a period of not less than two weeks. The Provincial Administrator shall ensure that budgeted funds are provided for the advertisement.

(6) In order to be considered in the selection process by the Provincial Administrator an applicant must satisfy all requirements for the position and the conditions specified in the advertisement.

(7) A Provincial Selection Committee is established by the Provincial Administrator as provided by Section 4 to receive and to assess all applications to the advertisement.

**8. PROVINCIAL SELECTION COMMITTEE.**

(1) The Provincial Administrator, shall convene the Selection Committee with the following membership from within the Province:

- (a) Deputy Provincial Administrator responsible for District Planning activities as the Chairman; and
- (b) Senior Officer responsible for Staff Development activities; and
- (c) Delegate of the Secretary Department of Personnel Management; and
- (d) Delegate of the Secretary Department of Provincial & Local Government Affairs.

(2) A quorum of the Committee is the Chairman plus the delegate of the Secretary Department of Personnel Management plus one other public servant.

(3) The members of the Selection Committee shall be bound by the provisions of the Act governing confidentiality and secrecy and shall conduct themselves with due diligence in the selection process.

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(4) The Provincial Administrator shall appoint a Secretary to the Committee who shall be responsible for all administrative arrangements and provision of accountable forms under this Regulation.

**9. MERIT-BASED SELECTION CRITERIA AND APPLICANT ASSESSMENT PROCESS.**

(1) The Secretary to the Selection Committee shall complete the merit-based assessment profile for each applicant and record the assessment details in the following format:

- (a) date of birth and age at commencement and end of contract period; and
- (b) state of health (applicants to provide medical certificates if short listed); and
- (c) character and ethical record (new applicants to provide Police Clearance); and
- (d) public or private sector business standing; and
- (e) secondary, tertiary and vocational qualifications supported by certificates and testimonials; and
- (f) curriculum vitae covering applicants whole career; and
- (g) management competency; and
- (h) technical competency related to the District's needs.

(2) Each of the assessment factors (c) to (h) have been given a standard weighting reflecting the relative importance to achieving the objectives of the position and fulfilling the performance targets set by the Provincial Government.

(3) Utilising the merit-based selection profile compiled for each applicant, the Selection Committee shall allocate a points score against each of the assessment factors (c) to (h) in the merit-based points score and ranking matrix.

(4) The Provincial Administrator may determine the need to interview individual applicants who have no prior standing in the Public Service in order to verify the information contained in their applications and enable the Selection Committee to further assess their compliance with the minimum person selection criteria.

(5) The Provincial Administrator shall compile the points rated rank order of applicants and shall determine a short list of not less than three suitable candidates selected in order of merit for the position.

**10. CONSULTATION WITH THE OPEN MEMBER IN THE DISTRICT AND APPOINTMENT BY PROVINCIAL ADMINISTRATOR.**

(1) The Provincial Administrator shall consult and seek the view of the Elected Member in the District on the suitability of the three short listed candidates.

(2) The Provincial Administrator shall take into account the views of the Elected Member and shall in his or her sole discretion select and appoint the most suitable candidate as District Administrator from the list of three candidates.

**PART IV. – PROCEDURES FOR ACTING APPOINTMENTS.**

**11. ACTING APPOINTMENT.**

(1) In the event that a vacancy occurs in the office of District Administrator for any reasons, the Provincial Administrator shall initiate a process to make an acting appointment.

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(2) For the purpose of making an acting appointment, the Provincial Administrator shall maintain a list of three suitable candidates from within the Administration who meet the minimum person specification for District Administrator appointment.

(3) The Provincial Administrator shall consult the Open Member and in his or her sole discretion shall make an acting appointment for a maximum period of three months, pending the making of a substantive appointment.

(4) Where an acting appointment is made under Subsection (3), the appointee is entitled to payment of higher duty allowance as per the General Orders.

**PART V. – FIXED PERIOD CONTRACTS OF EMPLOYMENT.**

**12. APPOINTMENT OF DISTRICT ADMINISTRATOR ON CONTRACT.**

(1) As a senior officer of the Public Service, pursuant to Section 65 of the Act, a District Administrator is to be employed on a fixed period contract made under Section 41 of the Act in a prescribed format on such terms and conditions as determined by the National Executive Council.

(2) The Provincial Administrator shall prepare a contract of employment in the prescribed format for execution with the District Administrator and witnessed by the delegate of the Secretary Department of Personnel Management.

(3) The Secretary is responsible on behalf of the State for advising a Provincial Administrator and the District Administrator on the interpretation of the contract terms and conditions.

(4) The standard senior officer contract provides for annual performance reviews which must be undertaken by the Provincial Administrator utilising the standard form.

**13. TERMS AND CONDITIONS OF EMPLOYMENT.**

(1) The Secretary shall inform the Provincial Administrator of the salaries and allowances applicable to the District Administrator according to the standard contract allowances and the General Orders applying to the salary grade of the position.

(2) The Secretary may at the request of the Provincial Administrator, subject to the *Salaries & Conditions Monitoring Committee Act 1988* determine a Special Domestic Market Allowance applicable to the position to provide adequate remuneration sufficient to attract a well-qualified and experienced person to take up the appointment and reside in the District.

**PART VI. – SUSPENSION AND DISCIPLINE OF DISTRICT ADMINISTRATOR.**

**14. GROUNDS AND PROCEDURES FOR SUSPENSION.**

(1) A Provincial Administrator may suspend a District Administrator from office on disciplinary grounds, only in accordance with the District Administrator's contract of employment, utilising the standard forms.

(2) In effecting the suspension, the Provincial Administrator shall consult the Elected Member in the District.



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(3) Thereafter, the disciplinary procedure shall be conducted in accordance with the contract procedures.

**15. GROUNDS AND PROCEDURES FOR TERMINATION.**

(1) An appointment shall be revoked only in accordance with the criteria and the procedures contained within the District Administrator's contract of employment, made pursuant to Section 41 of the Act.

(2) The Provincial Administrator shall consult the Elected Member in the District and prior to effecting termination shall seek the advice of the Secretary, or the delegate of the Secretary in the Province.

**PART VII. – TRANSITIONAL PROVISIONS.**

**16. TRANSITIONAL PROVISIONS FOR VARIATION OF DISTRICT ADMINISTRATOR CONTRACTS.**

(1) The standard terms and conditions of district administrator contracts as at 30 September, 2014 provide that the Secretary, Department of Personnel Management may, by direction of the National Executive Council, vary the terms and conditions of a contract by mutual agreement or by the giving of three months' notice.

(2) The National Executive Council has directed the Secretary to vary the terms and conditions of each contract of employment to comply with the Act and the Regulations effective on and from 1 October, 2014.

(3) The contractual variation will not have any effect to vary the start and end dates of each contract in operation as at 1 October, 2014 and the contractual variation will conform with the new procedures for the appointment and removal of a district administrator by a provincial administrator, in consultation with the Open Member of the said district.

(4) The variation includes the application of the performance management system and the execution of performance commitments agreement as a component of the varied contract by the district administrator to come into effect on and from 1 January, 2015.

(5) The Secretary shall prepare the varied contract documents for execution by the district administrator and the provincial administrator.

(6) A refusal by the district administrator to execute a varied contract shall be automatic ground for termination of the district administrator's contract by the payment of three months' pay in lieu of the notice period which shall be effected by the provincial administrator on the advice of the Secretary.

(7) In the event that a district administrator is to be terminated for refusing a variation of the contract, the Secretary shall resolve the matter with the provincial administrator.

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MADE this 15<sup>th</sup> day of October, 2014.

  
GOVERNOR-GENERAL.