

Public Services (Management) Act 1995**FORM SOC 9.4A****GENERAL ORDER NO.9**

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

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

TO: Secretary, Department of Personnel Management.

I ATTACH FOR YOUR CONSIDERATION AND ACTION:

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

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

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

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

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

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

Dated this _____ day of _____ 20____

Signed by: _____
DEPARTMENTAL HEAD

Public Services (Management) Act 1995

FORM SOC 9.4C

GENERAL ORDER NO.9

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

TO: Name of Officer Charged
Department

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

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

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

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

PLEASE TAKE NOTICE THAT: You have the right of appeal against the charges laid against you and any penalties determined by the Secretary for the Department of Personnel Management, through the

Public Services Commission, should you so desire.

Dated this _____ day of _____ 20____

Signed by: _____
SECRETARY, DEPARTMENT OF PERSONNEL MANAGEMENT

DELIVERY OF NOTICE OF DISCIPLINARY ACTIONS.

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

Place Notice Served: _____ Date & Time Served: _____

Signed: _____ Witnessed: _____

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

I acknowledge receipt of the Notice recorded above.

Signed: _____
(Officer Charged)

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

GENERAL ORDER NO.9

Offence Reference: _____

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

TO: (Name & Address of Contract Officer)

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

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

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

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

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

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

Dated this _____ day of _____ 20____

Signed by: _____
SECRETARY, DEPARTMENT OF PERSONNEL MANAGEMENT

DELIVERY OF NOTICE OF DISCIPLINARY FINDINGS

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

Place Notice Served: _____ Date & Time Served: _____

Signed: _____ Witnessed: _____

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

I acknowledge receipt of the Notice recorded above.

Signed: _____
(Officer Charged)

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