

STATUTORY INSTRUMENTS SUPPLEMENT
to The Uganda Gazette No. 33 Volume XCV dated 7th June, 2002.

Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS.
2002 No. 37.

THE UGANDA LAW REFORM COMMISSION (TERMS AND CONDITIONS OF SERVICE FOR
STAFF) RULES, 2002.

ARRANGEMENT OF RULES.

Rule.

PART I—PRELIMINARY.

1. Title.
2. Definitions.
3. Staff to be subject to the laws.
4. Functions of the Attorney General in relation to staff.
5. Purpose of the Rules.
6. Objectives.
7. Applicability of the Rules.
8. Applicability of Government Standing Orders and regulations, *etc.*
9. Implementation of the Rules.

PART II—APPOINTMENT AND TERMS OF SERVICE.

10. Personnel policy.
11. Recruitment policy.
12. Appointments board.
13. Functions of the board.
14. Appointment on probation.
15. Confirmation in appointment.
16. Appointment on promotion.
17. Appointment on contract.
18. Acting appointment.
19. Legal protection.

Rule.

PART III—SALARIES, ALLOWANCES AND BENEFITS.

20. Salaries.
21. Salary advance.
22. Allowances and benefits.
23. Allowances for a newly recruited employee.
24. Transport allowance.

25. Housing allowance.
26. Subsistence allowance within Uganda.
27. Subsistence allowance outside Uganda.
28. Safari day allowance.
29. Duty allowance.
30. Training allowance.
31. Lunch allowance.
32. Responsibility allowance.
33. Warm clothing allowance.
34. Health, safety and welfare.
35. Provision of transport.
36. Medical allowance.
37. Medical treatment outside Uganda.
38. Compensation for disability.
39. Funeral expenses.
40. Protective clothing and uniforms.
41. Benefits and allowances not pensionable.
42. Approval of the Attorney General.
43. Merit awards.

Rule.

PART IV—LEAVE.

44. Annual leave.
45. Sick leave.
46. Study leave.
47. Leave of absence.
48. Compassionate leave.
49. Maternity leave.
50. Unpaid leave.
51. Public holidays.

PART V—PERFORMANCE EVALUATION.

52. Performance evaluation.
53. Training and staff development.

PART VI—CODE OF CONDUCT AND DISCIPLINARY MATTERS.

54. Duty performance and conduct.
55. Use of and care for Commission property.
56. Discipline.
57. Offences.
58. Punishments.

PART VII—RETIREMENT, RESIGNATION, TERMINATION
AND TRANSFER OF SERVICE.

59. Retirement.
60. Resignation.
61. Termination.
62. Termination due to abscondment.
63. Transfer of Service.

Rule.

PART VIII—CONTRIBUTORY PENSION SCHEME.

64. Pension.
65. Obligations on cessation of service.

STATUTORY INSTRUMENTS.

2002 No. 37.

The Uganda Law Reform Commission (Terms and Conditions of Service for Staff) Rules, 2002.

(Under section 17 (3) (c) of the Uganda Law Reform Commission Statute, Statute No. 7 of 1990).

IN EXERCISE of the powers conferred upon the Attorney General by section 17 (3) (c) of the Uganda Law Reform Commission Statute, 1990 these Rules are made this 31st day of May, 2002.

PART I—PRELIMINARY.

1. Title.

These Rules may be cited as the Uganda Law Reform Commission (Terms and Conditions of Service for Staff) Rules, 2002.

2. Definitions.

In these Rules, unless the context otherwise requires—

“board” means the appointments board established under rule 12 of these Rules;

“calendar month” means any one month of the twelve months of the year;

“Chairperson” means the chairperson of the Commission appointed under section 3 of the Statute;

“child” means a person who is an off-spring of an employee or legally adopted by the employee, and is under eighteen years of age;

“Commission” means the Uganda Law Reform Commission established by section 2 of the Statute and article 248 of the Constitution;

“contract” means an agreement in which a specific period of employment and terminal gratuity are expressed;

“department” means a division in the structure of the Commission under a designated head directly responsible to the secretary;

“employee”, “officer” or “member of staff” means a member of staff of the Commission appointed under section 17 of the Statute;

“head of department” means an officer heading a department;

“home destination” means a place which the employee declares in writing at the time of recruitment as his or her permanent place of residence for the purpose of claiming allowances on assumption of duty, and on leaving the employment with the Commission;

“long-term training” means training for six months or more;

“management” means the chairperson, secretary and heads of department;

“member of the Commission” means member of the Commission appointed under section 3 of the Statute;

“medical practitioner” means a qualified doctor duly registered and approved according to the Medical and Dental Practitioners Statute, 1996;

“Secretary” means the secretary of the Commission appointed under section 15 of the Statute;

“Statute” means the Uganda Law Reform Commission Statute, 1990;

“support staff” means members of staff who are in (SS 1—SS3) salary scale;

“year” means a period of twelve complete months, calculated from any month.

3. Staff to be subject to the laws.

All members of staff hold office by virtue of the Constitution and all arrangements for their employment in the Commission are subject to the laws of Uganda.

4. Functions of the Attorney General in relation to staff.

The functions of the Attorney General in relation to the staff of the Commission shall be as specified in section 17 of the Statute.

5. Purpose of the Rules.

The main purpose of these Rules is to define the relationship between the Commission and its employees and to provide explanations relating to that relationship.

6. Objectives.

The objectives of these Rules are—

(a) to provide and define the rights, obligations, roles and responsibilities of the Commission as the employer;

(b) to provide and define the rights, obligations, privileges, roles and responsibilities of the management and members of staff of the Commission;

- (c) to ensure a systematic approach to the administration of personnel policies, systems, procedures and practices with the aim of achieving a harmonious relationship between the Commission and its staff;
- (d) to ensure continued effort of attracting, rewarding, retaining and satisfying high quality staff; and
- (e) to provide and promote the effective and efficient operation of the Commission.

7. Applicability of the Rules.

Except as otherwise expressly provided in these Rules, these Rules shall—

- (a) apply to all employees of the Commission; and
- (b) replace and cancel all previous notices, regulations, rules and standing instructions in conflict with these Rules, if any, pertaining to terms and conditions of employment with the Commission.

8. Applicability of Government Standing Orders and regulations, etc.

Where these Rules do not provide for a particular circumstance, the Uganda Government Standing Orders, the Treasury Accounting Instructions and any other Government regulations governing the public service shall apply to the Commission.

9. Implementation of the Rules.

Unless otherwise specified, the responsibility for implementing these Rules vests in the Secretary.

PART II—APPOINTMENT AND TERMS OF SERVICE.

10. Personnel policy.

(1) Every member of staff shall have the right to equal treatment as well as to equal opportunity subject to these Rules.

(2) Appointments will be based on merit and staff performance appraisal will be open and transparent.

(3) Each member of staff is employed in his or her own right as an individual and is entitled to or eligible for the benefits and privileges specified in the letter of his or her appointment.

11. Recruitment policy.

(1) The power to create, review and grade posts in the Commission shall be in accordance with the structure of the Commission determined by the Attorney General and approved by the Minister responsible for the public service.

(2) All vacant positions shall be advertised either within the Commission, the press or the electronic media and must be filled on merit in relation to job requirements.

(3) The appointment, confirmation and promotion of employees of the Commission and the discipline and removal of those employees from office shall be in accordance with these Rules.

12. Appointments board.

The Commission shall have an appointments board consisting of—

- (a) the Chairperson of the Commission who shall be the chairperson of the board;
- (b) a member of the Public Service Commission or his or her representative;
- (c) the Solicitor General or his or her representative;
- (d) the Permanent Secretary of the Ministry responsible for the public service or his or her representative;
- (e) two members of the Commission;
- (f) not more than two persons with requisite professional or technical qualifications co-opted by the Commission; and
- (g) the Secretary who shall be the secretary to the board.

13. Functions of the board.

The functions of the board are to make proposals and recommendations to the Attorney General on—

- (a) the appointment, confirmation and promotion of the staff of the Commission;
- (b) the establishment of a salary structure of the Commission;
- (c) the determination of allowances and other benefits payable to members of staff of the Commission;
- (d) the discipline of the staff of the Commission where the disciplinary committee has recommended to the board that a disciplinary offence under these Rules warrants dismissal of a member of staff; and
- (e) the termination of the services of a member of staff of the Commission.

14. Appointment on probation.

(1) On appointment except where otherwise specifically stated, all employees of the Commission shall be subject to a probationary period of twenty four months which may be extended by the Commission by not more than twelve months.

(2) The board may terminate the appointment of an employee before the expiry of the probationary period.

(3) An employee on probation shall not until the probation period is over—

- (a) be considered for promotion; or
- (b) attend a long-term training course.

(4) The Commission reserves the right to waive part or the whole of the probationary period for special cases.

15. Confirmation in appointment.

(1) Every employee of the Commission shall be confirmed on satisfactory completion of a probationary period in accordance with rule 14 of these Rules.

(2) When an employee is appointed in a post of a higher grade or in another post of the same grade, and that employee was prior to that appointment in the employment of the Commission on permanent terms, the Commission shall not require the employee to serve another probationary period.

(3) One month before the expiry of the probationary period, the head of department under whom the employee serves shall, on the basis of performance appraisals, recommend to the secretary the course of action to be taken.

(4) If the employee fails to achieve satisfactory performance during the period of probation including the extended period, his or her appointment shall be terminated.

(5) An employee whose services have been terminated under subrule (4) of this rule shall be entitled to 30 days notice or payment in lieu of the notice and to his or her own contribution to the pension scheme.

16. Appointment on promotion.

(1) Appointment on promotion shall take effect when an employee already serving in the Commission in a lower rank is appointed to a higher post.

(2) No employee shall be recommended for promotion when he or she—

(a) is on probation;

(b) has not served a minimum of two years in the substantive post;

(c) is absent on long-term training; or

(d) is absent on unpaid leave.

(3) Without prejudice to subrule (2) (b) and (c) of this rule, special consideration may be given for exceptional performance.

17. Appointment on contract.

The board may determine the categories and terms and conditions of officers and staff to be employed by the Commission on contract.

18. Acting appointment.

(1) An officer shall be regarded to be acting in a post when he or she has been appointed by the Commission in writing to act.

(2) An officer appointed to act in a post shall receive an acting allowance which shall be the full difference between his or her basic salary and that of the post in which he or she is acting, provided that he or she acts for a period of not less than thirty continuous days.

(3) An officer shall be appointed to act only in a vacant post and shall sign as “Acting” for the purpose of internal communication.

(4) The officer acting in the post of secretary is the only officer authorized to sign as “Acting” for the purpose of external communication.

(5) All requests below the post of Secretary for acting appointments shall be submitted to the board by the Secretary.

(6) In the case of the post of the Secretary, the Chairperson shall recommend one of the next senior officers for appointment by the Attorney General as acting Secretary of the Commission.

(7) An acting appointment shall not exceed a period of six consecutive months without review; and arrangements must be made in the course of that period to have the post filled substantively.

(8) Where the substantive holder of a post is temporarily absent from office, another officer shall be requested by the secretary to perform the duties of that higher post on the recommendation of the head of department.

(9) The officer to whom functions of another officer are delegated under subrule (8) of this rule shall receive duty allowance calculated according to the provisions of the Uganda Government Standing Orders.

(10) Where an officer acting in a post competes for it and earns a promotion to it the effective date of his or her appointment on promotion shall be the date when the Commission appoints him or her substantively on promotion and not the date he or she assumed duty on acting basis.

19. Legal protection.

(1) Where legal proceedings are instituted against an employee of the Commission as a result of his or her official position or because of an act done or omitted to be done in the course of his or her official duties, the Commission shall request the Attorney General to represent the employee.

(2) No employee is permitted to institute legal proceedings against any person for any wrong he or she suffers in the course of his or her official duties without prior consent and approval of the secretary.

PART II—SALARIES, ALLOWANCES AND BENEFITS.

20. Salaries.

(1) The Attorney General shall establish a salary structure of the Commission.

(2) All members of staff shall be paid salaries which shall be fixed at an annual rate and paid in twelve equal instalments; each instalment becoming payable at the end of the month in which it is due.

(3) The Commission may make compulsory deductions to make good advances or loans unaccounted for or willful or negligent damage or loss of the Commission property and other causes that may justify deductions from an employee's salary, if the employee is informed in advance about the deductions.

(4) The Attorney General shall review pay levels from time to time.

(5) An employee who is not on contract appointment shall receive a salary increment each year as indicated in the salary structure unless he or she reaches the maximum of his or her scale.

(6) The incremental date shall be the first day of the month in which the employee started duty.

(7) Where an employee who has been in the employment of the Commission receives another appointment within the Commission the effective date of appointment shall be the date that employee assumes duty in the new post.

(8) The incremental date shall also change to the first day of the month in which he or she assumed duty of the new post.

(9) The Attorney General may raise the salary scale of an employee on the basis of his or her experience and responsibility without promoting the employee to a higher position.

(10) An employee may be appointed to a position at a salary personal to holder at the discretion of the Commission under the following circumstances—

(a) when the post has been regraded;

(b) when an employee is appointed to a post lower than the one he or she was holding after the abolition of his or her post;

(c) when an employee appointed to the post in the Commission was receiving a higher salary in another organization but due to the need for his or her service, the Commission employs him or her at the previous salary; or

(d) in such other circumstances as the Attorney General thinks fit.

(11) Where an employee has reached the top of his or her salary scale the Attorney General may raise his or her salary to the next salary scale on the basis of personal to holder.

21. Salary advance.

(1) An employee may apply for a salary advance not exceeding one month's salary subject to approval by the secretary.

(2) The advance shall be recovered in four equal consecutive months following the month in which it is given.

(3) In case of death of an employee or where an employee leaves the service of the Commission the unpaid balance or the whole amount of the advance shall be recovered from the employee's gratuity or any other monies that may be due to him or her.

22. Allowances and benefits.

The Attorney General shall determine allowances and benefits payable to the employees of the Commission specified in this Part of these Rules.

23. Allowances for a newly recruited employee.

(1) On first appointment, an employee shall be provided with money to transport his or her family and household property from his or her place of current abode to his or her new place of abode.

(2) A newly recruited employee shall also be paid a non-accountable once for all settling-in allowance of 50 percent of his or her monthly basic salary.

(3) In addition, the Commission may pay a salary advance of 50 percent of his or her monthly salary which will be recovered in three equal parts in three consecutive months following the month in which it is given.

(4) If an employee has received the settling-in allowance as provided in subrule (2) of this rule and leaves the Commission service within less than six months, he or she shall repay the 50 percent settling-in allowance in full.

24. Transport allowance.

Any employee who is not entitled to a motor vehicle shall be paid a monthly transport allowance at a rate determined by the Attorney General.

25. Housing allowance.

Each employee shall be paid housing allowance at the rate determined by the Attorney General.

26. Subsistence allowance within Uganda.

(1) Subsistence allowance shall be paid to an employee of the Commission while he or she is outside his or her duty station on official duty within Uganda at the rates determined by the Attorney General.

(2) Subsistence allowance does not cover a spouse.

27. Subsistence allowance outside Uganda.

Every employee who travels outside Uganda on official duty shall be paid subsistence allowance according to the rates determined by the Attorney General.

28. Safari day allowance.

(1) Safari day allowance shall be paid when an employee travels for duty from his or her duty station in Uganda for a period of 6 hours or more and returns to his or her duty station on the same day.

(2) An employee shall qualify for payment of safari day allowance when he or she has travelled for a distance of 16 or more kilometres from his or her duty station by the most direct route.

(3) Safari day allowance shall be paid according to the rates determined by the Attorney General.

29. Duty allowance.

Duty allowance shall be paid according to rule 18 (9).

30. Training allowance.

An employee sponsored by the Commission or through an offer by any organization to the Commission may receive a training allowance and other benefits in accordance with the programme depending on the availability of funds.

31. Lunch allowance.

The Commission shall pay a monthly lunch allowance to each employee as shall be determined by the Attorney General.

32. Responsibility allowance.

Each employee of the Commission shall be paid a responsibility allowance at the rates determined by the Attorney General.

33. Warm clothing allowance.

(1) An employee travelling on duty overseas to a temperate or cold climate shall be paid a warm clothing allowance.

(2) Warm clothing allowance shall be paid once in any period of three consecutive years but shall not be paid where the employee has received that allowance from another source.

34. Health, safety and welfare.

The Commission shall, within the resources and means available to it, endeavour to create a healthy and safe working environment and provide welfare services to its employees.

35. Provision of transport.

(1) The Secretary is entitled to a chauffeur driven Commission motor vehicle for official use.

(2) Similar benefits shall apply to any other officer who is entitled to a vehicle as provided in his or her terms of employment with the Commission.

(3) A head of department is entitled to a Commission motor vehicle.

(4) Where none is available and he or she uses his or her own vehicle he or she shall be refunded money in the form of mileage.

(5) Mileage rates for official duties shall be determined by the board and shall be reviewed from time to time by the Attorney General.

36. Medical allowance.

The Commission shall pay a monthly medical allowance to each of its employees, to cater for the member of staff and his or her family, according to the rates determined by the Attorney General.

37. Medical treatment outside Uganda.

(1) Medical treatment outside Uganda may be paid for by the Commission on the recommendation of the medical board set up by the Director of Medical Services.

(2) The Commission may pay for the medical treatment, transport costs and subsistence for an employee or pay for medical treatment only while the employee meets all other costs, as the Commission may determine in each case.

38. Compensation for disability.

In the event of physical or mental incapacitation or death by accident attributed to the execution of the Commission duties, a member of staff or his or her nominated beneficiaries or next of kin shall receive compensation in accordance with the provisions of the Workers Compensation Act, 2000.

39. Funeral expenses.

The Commission shall provide a coffin, transport and burial materials in respect of the deceased member of staff or his or her spouse and children.

40. Protective clothing and uniforms.

(1) An employee who by virtue of his or her duties requires a uniform or protective clothing shall be provided with the uniform or the protective clothing by the Commission.

(2) The categories of employees eligible to uniforms or protective clothing shall include office attendants, messengers, drivers and security staff.

(3) Two sets of clothing shall be provided once in every financial year and the employee required to wear a uniform shall wear it at all times.

41. Benefits and allowances not pensionable.

Benefits and allowances do not attract pension or gratuity.

42. Approval of the Attorney General.

In establishing a salary structure and determining allowances and benefits payable under this Part of these Rules the Attorney General shall act in consultation with the Minister responsible for the public service.

43. Merit awards.

(1) The Commission may give merit awards to any member of staff in recognition of his or her outstanding service, initiative, innovation and contribution to the reputation of the Commission.

(2) The type of the award granted under subrule (1) of this rule shall be determined by the Commission.

PART IV—LEAVE.

44. Annual leave.

(1) Every employee of the Commission shall be entitled to an annual leave in accordance with his or her terms of employment.

(2) Officers in scale U2 and above are entitled to 36 days per year and officers between U3 and U5 are entitled to 30 days per year.

(3) When taken, leave shall include Saturdays and Sundays.

(4) An employee shall take his or her leave due in each calendar year in accordance with the leave roster prepared by the Secretary.

(5) An employee proceeding on any type of leave must hand-over properly to the employee appointed to perform his or her duties in his or her absence.

(6) The Secretary may request an employee to carry forward his or her leave where the workload of the Commission warrants; but the leave carried forward shall not be allowed to accumulate for more than two years.

(7) Leave may be interrupted at any time in the interest of the work of the Commission; and in those circumstances the balance may be deferred and taken at a later date.

(8) Unjustifiable delay in resumption of duty on expiry of leave shall be treated as absence from duty without permission and shall attract disciplinary action.

45. Sick leave.

(1) Sick leave shall be granted by the secretary to an employee on production of a medical certificate from a Government medical officer or any other medical practitioner registered under the Medical and Dental Practitioners Statute, 1996.

(2) Any employee of the Commission who is hospitalised or who needs a period of convalescence subject to conditions stipulated in subrule (1) of this rule may be granted sick leave with full pay of up to a period of six months in any period of twelve months.

(3) Any employee of the Commission who exhausts his or her sick leave but has not fully recovered may be granted an extended sick leave with half pay for another six months subject to recommendation by a Government medical officer or a medical officer from a hospital recognized by the Commission that he or she needs further sick leave.

(4) If at the end of the extended period of sick leave on half pay the employee has not recovered, he or she may be retired on medical grounds.

46. Study leave.

(1) Study leave shall be granted to an employee only if the programme of study has been approved by the Commission and if the period of study does not exceed eighteen months.

(2) Employees on study leave shall be required to achieve satisfactory progress in the programme of study and to prepare end of training reports.

(3) The Commission may stop the study leave if there is no hope of the employee achieving satisfactory progress.

(4) An employee who undertakes a long-term course of study sponsored by the Commission shall sign an agreement bonding him or her for a specified period, the breach of which shall attract compensation of the full amount as has been paid by the Commission for his or her sponsorship.

47. Leave of absence.

(1) Leave of absence is short leave granted to an employee to attend to personal affairs.

(2) Application for leave of absence shall be made to the Secretary through the employee's head of department.

(3) Leave of absence shall be granted at the discretion of the Secretary and shall, in any case, not exceed fourteen working days in any one year.

48. Compassionate leave.

(1) Compassionate leave shall be leave granted to any employee under special circumstances such as death or illness of any member of the employee's family.

(2) Compassionate leave shall be granted by the Secretary on the recommendation of the head of department.

49. Maternity leave.

(1) A female employee of any rank shall be granted maternity leave of sixty days on full pay.

(2) Maternity leave may commence from the thirty sixth week of the pregnancy if a medical practitioner so recommends or upon giving birth.

(3) Application for maternity leave must be approved by the Secretary.

(4) An expectant female employee may accumulate one year's annual leave which may be taken immediately after the expiry of maternity leave subject to approval by the Secretary.

(5) An additional period of absence from duty may be granted on the recommendation of the medical practitioner if it is applied for as sick leave or unpaid leave as the case may be.

50. Unpaid leave.

(1) Unpaid leave may be granted by the Commission on the recommendation of the Secretary to an employee on permanent terms of employment.

(2) The Commission may, under special circumstances, grant unpaid leave to an employee on contract terms of service.

(3) The period of unpaid leave shall be limited to twelve months but may be extended beyond twelve months under special circumstances.

(4) After the period of unpaid leave granted under subrule (3) of this rule the employee may retire from the service of the Commission if he or she so wishes.

(5) Unpaid leave shall be taken after all outstanding leave has been taken.

(6) All benefits shall cease during the period of unpaid leave.

(7) Prior to commencement of unpaid leave the employee shall be required to handover his or her duties and facilities of the Commission to another employee as may be authorised by the head of department.

51. Public holidays.

(1) Any public holiday announced by the Government shall be observed by the Commission.

(2) An employee will enjoy public holidays on full pay but if the employee is required to serve on a public holiday the Secretary shall make arrangements for the employee to take another day off in compensation.

PART V—PERFORMANCE EVALUATION.

52. Performance evaluation.

(1) The Commission shall operate an open and developmental performance evaluation system.

(2) The words “evaluation”, “appraisal” and “assessment” shall be used interchangeably.

(3) The purpose of performance evaluation shall be—

(a) to assess the current level of performance judged against pre-determined and agreed targets or outputs within a specified time-frame;

(b) to identify the strength and weaknesses of an employee with a view to assisting him or her to improve;

(c) to reward an employee for outstanding performance;

(d) to guide the disciplinary committee on disciplinary actions;

(e) to identify training and development needs; and

(f) to provide information about personnel potential for the purpose of continuity of the work planning.

53. Training and staff development.

The Commission shall endeavour to increase the capacity of its employees through systematic and planned training programmes.

PART VI—CODE OF CONDUCT AND DISCIPLINARY MATTERS.

54. Duty performance and conduct.

(1) An employee of the Commission shall at all times conduct himself or herself in a proper manner and shall not do anything that will damage the reputation of the Commission.

(2) An employee shall show exemplary behaviour in his or her conduct and shall always act with integrity and devotion to duty.

(3) An employee shall obey, observe and uphold all the Rules of the Commission.

(4) An employee shall observe the official working hours.

(5) An employee may be called upon to work outside working hours if circumstances necessitate.

(6) An employee shall comply with the public service code of conduct and the professional code of ethics.

55. Use of and care for Commission property.

(1) An employee must take utmost care and economical utilisation of the Commission's property entrusted with him or her.

(2) An employee shall be provided with an identity card which shall be the property of the Commission.

(3) The identity card must be kept securely, surrendered upon termination of employment and in case of loss, the loss shall be reported immediately to the Secretary.

(4) All defective or inadequate equipment must be reported by the employee to the supervisor and ultimately to the secretary.

(5) No employee shall remove any movable property of the Commission from its appropriate place or position without permission.

(6) No employee shall use any movable or real property of the Commission to his or her personal advantage or gain for commercial, social or political purposes.

56. Discipline.

(1) Except as otherwise provided in this rule, the board shall be the disciplinary authority over the staff of the Commission.

(2) There shall be a disciplinary committee of the Commission comprising the Secretary of the Commission who shall be the chairperson of the committee and heads of department as members of the committee .

(3) Cases of indiscipline of the staff shall be first handled by the disciplinary committee which shall forward its findings and recommendations to the board for action.

(4) Where the offence calls for dismissal the board shall refer the matter to the Attorney General for final decision.

(5) The head of the personnel section shall be the Secretary of the disciplinary committee.

(6) A member of staff appearing before the disciplinary committee or board shall have the right to be heard before a decision is made in his or her case.

57. Offences.

The following shall constitute disciplinary offences—

- (a) persistent lateness to work;
- (b) negligence or omission of duty;
- (c) persistent absence from duty;
- (d) incompetence or inefficiency;
- (e) sexual harassment of a fellow employee;
- (f) misuse of the Commission's equipment or property;
- (g) untidy appearance;
- (h) insubordination or deliberate refusal to obey lawful orders;
- (i) drunkenness and disorderly behaviour;
- (j) smoking within the Commission's premises;
- (k) fighting on the Commission's premises;
- (l) theft, misappropriation of funds, forgery or dishonesty;
- (m) abuse of office, including accepting bribes or collecting money from the public using the Commission's name; and
- (n) any other behaviour that the Commission shall consider a disciplinary offence.

58. Punishments.

Disciplinary measures shall include the following—

- (a) verbal warning for minor offences;
- (b) written warning for more serious offences;
- (c) demotion;
- (d) suspension with half pay for a period not exceeding twelve months;
- (e) interdiction; or
- (f) dismissal.

PART VII—RETIREMENT, RESIGNATION, TERMINATION AND TRANSFER OF SERVICE.

59. Retirement.

(1) The compulsory retirement age shall be sixty years for all employees of the Commission.

(2) An employee qualifies for voluntary retirement from the service of the Commission after service of fifteen years with the Commission or on reaching the age of forty five years and having been in the service of the Commission continuously for at least ten years.

(3) The service of current serving officers appointed in the public service shall be taken as qualifying service in the Commission for purposes of pension.

60. Resignation.

(1) Any employee on permanent terms of employment wishing to terminate his or her service by resignation shall be required to give the Commission two months' notice in writing or to forfeit two months' salary in lieu of the notice.

(2) An employee who resigns during his or her probation shall not be entitled to any benefit.

(3) A confirmed employee who resigns his or her appointment shall be entitled to the appropriate benefits provided in the pension scheme determined by the board and approved by the Attorney General.

61. Termination.

(1) The board may with the approval of the Attorney General, terminate the services of an employee if his or her termination is for a good cause.

(2) An employee may also be terminated on medical grounds according to the procedures laid down in the manual of the Commission governing the terms and conditions of service of its employees.

(3) An application for retirement shall be made to the board and approved by the Attorney General.

(4) An employee who retires from the service of the Commission shall be paid retirement benefits in the pension scheme determined by the board and approved by the Attorney General.

62. Termination due to abscondment.

(1) An employee shall be presumed to have absconded from duty if he or she absents himself or herself from office for fifteen continuous days without permission.

(2) An employee who absconds from duty shall have his or her salary stopped.

(3) Failure by the supervisor to report the absence of an employee shall attract disciplinary action against the supervisor.

(4) An employee who absconds from duty and who has been declared by the board to have absconded from duty shall be regarded as having resigned his or her office.

(5) Any monies owed to the Commission by an employee who has absconded including the amount in lieu of notice of resignation shall be deducted from monies that are due to him or her.

63. Transfer of Service.

Upon the coming into operation of these Rules, employees of the Commission who were appointed by the Public Service Commission shall be treated in accordance with Public Service regulations in regard to transfer of staff to other organisations.

PART VIII—CONTRIBUTORY PENSION SCHEME.

64. Pension.

(1) The Commission shall operate a contributory pension scheme to which all employees on permanent appointment shall contribute.

(2) The employee shall contribute 5 percent of his or her monthly salary towards the scheme and the Commission shall contribute 10 percent to the scheme.

(3) The pension scheme shall be arranged with an insurance company or any other body which deals with pension schemes approved by the Commission.

65. Obligations on cessation of service.

An employee of the Commission who ceases to be in the service of the Commission either by retirement, resignation, end of contract or dismissal shall be required to discharge the following obligations before receiving his or her entitlements-

- (a) to prepare and submit to his or her head of department a handover report;
- (b) to account for all advances drawn from the Commission for official duty;
- (c) to surrender all the Commission's property that may be in his or her possession or custody; and
- (d) to pay all outstanding advance.

Attorney General

F.J. AYUME,