

# **HISTORY OF THE JAMAICA FIRE BRIGADE**

## **The Early Years**

The Fire Service in Jamaica was established in October, 1871 with the formation of the Kingston and St. Andrew (KSA) Fire Brigade to satisfy the need for a trained and equipped Fire Service to be responsive to growth in housing, industrial and commercial developments in Kingston following a spate of large fires which has ravaged sections of the City's commercial sectors.

Operating from Sutton Street in Downtown Kingston the Brigade was then comprised of a horse-drawn steam pump and a small number of men under the command of a Scotsman-Alexander McFarlane.

As the city grew, the need for a wider coverage gave rise to the first sub-station, Half-Way-Tree, which opened in the late 1930s. In keeping pace with the developments a new Headquarters, York Park, was opened in November, 1944 housing at the time sixty-nine (69) men and six (06) firefighting vehicles and a utility car.

Operating under the aegis of the Kingston and St. Andrew Fire Brigade Act, the KSA Fire Brigade was primarily for "...the protection of life and property from the ravages of fire within the limits of the Corporate area..."

The rural Parishes in the island were not without their own defense against fire hazards and under the Parochial Fire Brigade Act twelve (12) Parish Fire Brigades were established at various times in: St. Catherine – 1933, St. Elizabeth – 1934, Portland – 1936, St. James – 1942, St. Mary – 1948, St. Ann – 1951, Trelawny and Hanover – 1957, St. Thomas, Clarendon and Manchester – 1958 and Westmoreland – 1961.

## **The Amalgamation**

These thirteen (13) dis-joined Parish Brigades were all funded by Central Government but continued as fragmented parochial entities. It was always the perception in the post-independence years that for (among other things) greater cost effectiveness, more efficient fire coverage, greater command and control, the fragmented Brigades should all be re-organized, unified and made answerable to one central command.

Steps to bring about this unification were finally taken in October of 1988 with the passing of the Fire Brigade Act which repealed the Kingston and St. Andrew Fire Brigade Act and the Parochial Fire Brigade Act "...and established in and for (all) Jamaica a national Fire Service (thereafter) to be called the Jamaica Fire Brigade..." - one unified, national organization unfettered by parochial restrictions.

The Jamaica Fire Brigade to which you are employed is that Organization – it is an independent Statutory Body established under the Fire Brigade (Amendment) Act, 1992.

The Jamaica Fire Brigade is a Statutory Body within the Office of the Prime Minister (Local Government). Its central administration is headed by a Board of Directors which sets broad policy guidelines implemented by a Commissioner in whom is vested the operational command and the day –to-day running of the Brigade.

For carrying out its functions the Brigade is broadly divided into two branches, an Operations and an Administrative Branch, each headed by a Deputy Commissioner.

The Deputy Commissioner in-charge of Operation has overall responsibility for the four Areas which carry out the major responsibilities of the Brigade in firefighting and rescue operations island wide. Headed by Assistant Commissioners, these Areas are drawn up along geographic lines for administrative and operational purposes. The Fire Prevention and Public Relations Division and the Emergency Medical Services (EMS) also fall under the Operations Branch of the Brigade.

The Deputy Commissioner in charge of Administration has overall responsibility for the Brigade Stores, the Accounts, Communications, Human Resource Development and Training Departments. There is also a General Maintenance Department which comprises the Brigade Workshop, the Transport and Fleet Management, Building Maintenance and Equipment Maintenance Sections.

## PREFACE

*This manual represents the personnel policies and administrative, operational and disciplinary procedures which are enshrined, in part in the:-*

*The Public Service Regulations, (1961)*

***Staff Orders for the Public Service (2004)***

*The Manual is the complete reference point on the Terms and Conditions of employment for all categories of **non-uniformed** staff within the Jamaica Fire Brigade.*

*Similarly, the Fire Brigade Board may alter its policies, practices and procedures from time to time and these will be reflected by revising the appropriate Sections.*

***The Manual contents are for use within the Jamaica Fire Brigade only.***

The Manual takes effect from November 1, 2008



.....  
Chairman – Board of Directors  
Jamaica Fire Brigade

## **MISSION STATEMENT**

***TO MINIMIZE LOSS OF LIVES, INJURY TO PERSONS AND DAMAGE TO PROPERTY FROM FIRES, NATURAL DISASTERS, ACCIDENTS AND OTHER EMERGENCIES BY THE APPLICATION OF APPROPRIATE TECHNOLOGY, FIRE PREVENTION DOCTRINES, RESCUE AND FIREFIGHTING TACTICS AND BY ACTING IN CLOSE COLLABORATION WITH INDUSTRIES, BUSINESSES, INSTITUTIONS, HOUSEHOLDS AND COMMUNITY ORGANIZATIONS IN FULFILLING THE ROLE OF “SAVING LIVES; PROTECTING PROPERTY”.***

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# **JAMAICA FIRE BRIGADE STAFF MANUAL**

## **INTRODUCTION**

- i. Recorded in this Staff Manual are the administrative policies and procedures applicable to the non-uniformed staff of the Jamaica Fire Brigade – stipulations to the non-uniformed employees of the terms and conditions of their employment.
- ii. They are intended to create standardization in administrative procedures to avoid inconsistencies or uncertainties on the part of either management or staff.
- iii. These policies and procedures are subject to long-term periodic review and change to reflect new and forward thinking and techniques in the Brigade's administrative policies.
- iv. On joining the staff of the Jamaica Fire Brigade each employee will be required to read through the Manual in its entirety and to sign a proforma to the effect which will be filed on his/her personal file.
- v. Each employee will be given a copy of the staff manual as far as is possible for his/her retention.
- vi. Copies of the Staff Manual will be kept in each Division/Department and shall be accessible to employees on request.

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# **1. MANAGEMENT OF HUMAN RESOURCE POLICIES AND PROCEDURES**

## **1.1 Policy Statement**

The development and maintenance of this Human Resource Policies and Procedures manual is one of the primary policies of the Jamaica Fire Brigade (JFB ), in order that such approved policies be properly communicated and understood, and to emphasize the responsibilities of the Brigade and employees alike.

## **1.2 Objectives**

The objectives of this policy are:

- to ensure common understanding and application of the JFB's Human Resources policies and procedures;
- to identify authority and responsibilities for Human Resources policies and procedures;
- to provide a working guide for use in managing staff throughout the employment cycle, i.e., from entry to exit,
- to provide an established point of reference for use in auditing and determining the need for improvement of existing policies, procedures and practices, or addition of new ones.

## **1.3 Spectrum**

This policy includes procedures for:

- . posts covered by this policy and procedures manual;
- . preparation and approval of policy material;
- . distribution and maintenance of policy manuals; and
- . the implementation of Human Resources policies and practices.

## **1.4 Procedures**

### **1.4.1 Posts covered**

This policy and procedure manual covers all Civilian employees of the Brigade, with the exception of persons on fixed term contracts, for whom specific terms will be included in the individual contracts.

### **1.5 Preparation and approval of policy material**

The Director Human Resource Management and Development or his/her designate shall prepare a draft of new or revised Policies and procedures for preliminary review.

The Director Human Resource Management and Development shall co-ordinate subsequent reviews and approval of policy drafts with managers/supervisors and a Human Resources Committee comprising representatives from different functional areas and levels within the Brigade

The Board shall give final approval and sign off on all material to be included in the Human Resource Policies and Procedures Manual, indicating the date(s) when new policies and procedures become effective. These date(s) will be indicated on all policies.

### **1.6 Distribution and maintenance of policy manuals**

While the Director Human Resource Management and Development may designate certain positions for the assignment of manuals, this should not be construed to mean individual copies, but is in an attempt to ensure easy access to Staff. In addition to this, an office copy will be made available at a designated location, for ease of access, as it may prove prohibitive to provide each employee with personal copies.

All manuals remain the property of the Jamaica Fire Brigade and the holders of Manuals are accountable for returning assigned copies upon request.

### **1.7 Implementation of Human Resource policies and procedures**

Divisional Heads and/or Supervisors shall ensure that all Human Resource policies and procedures are implemented in a consistent and impartial manner.

The policies and procedures described herein are subject to change as deemed advisable and/or necessary.

### **1.8 Responsibilities**

#### **1.8.1 Director Human Resource Management and Development**

It is the responsibility of the Director Human Resource Management and Development to regularly audit the Human Resource Policies and Procedures Manual and update and distribute revised policies and procedures in line with business requirements.

It is the responsibility of the Board to approve and sign off on all Human Resource Policies and Procedures and revisions of same.

- a) Divisional Heads /Supervisors

It is the responsibility of Divisional Heads /Supervisors and assigned manual holders to maintain an updated copy of this manual and be thoroughly familiar with its contents.

It is the responsibility of all Divisional Heads, supervisors and employees to recommend revisions to established Human Resources policies and procedures whenever such revisions are recognized as desirable and/or necessary.

Such recommendations should be presented in writing to the Director Human Resource Management and Development

Any employee may recommend an addition or modification to the Human Resource Policies and Procedures Manual through his/her supervisor/ Divisional Heads or through an accredited staff representative.

All employees are reminded that the manual contains policies and procedures relating to the conduct and performance of staff, and further, that, any breaches of these policies and procedures may lead to disciplinary action in accordance with the disciplinary procedure.

## **2. MANAGEMENT RIGHTS & AUTHORITIES**

### **2.1 Statement**

It is the policy of the Jamaica Fire Brigade to maintain effective and efficient management of its operations.

These rights and authorities include, but are not limited to the:

- hiring, disciplining and termination of staff,
- deciding the structure and number of management and staff in its structure,
- setting of policies and procedures,
- monitoring and enforcing of work performance, and
- remuneration of staff.

### **2.2 Objectives**

The objectives of this policy are:

- to make management and staff aware of their rights, responsibilities and authorities in the management of the Fire Brigade, and
- to ensure a clear line of rights and authorities within the management structure.

## 2.3 Spectrum

This policy includes procedures and delegation of authorities for the posts of:

- Director Human Resource Management and Development
- Divisional Heads
- Supervisor

## 2.4 Procedures

It is not feasible to outline all rights and authorities for every position. However, below are the main guidelines for significant posts within the Fire Brigade. Members of the management team should discuss with and seek direction from the **Director Human Resource Management and Development** prior to imposing discipline on staff, and in all cases the prescribed procedure set out in the Human Resource Policy Manual should be followed when taking any disciplinary action.

## 2.5 Rights & Authorities

### 2.5.1 Director Human Resource Management and Development

The **Director Human Resource Management and Development** is the executive administrative Employees for the Brigade and has the responsibility of maintaining an effective organization. This includes, but is not limited to the implementation of the overall corporate or strategic plan and budget, as well as ensuring that all staff acts in compliance with all policies and procedures. The **Director Human Resource Management and Development** may delegate authority for the hiring, disciplining and termination of staff, in order that human resource issues can be dealt with effectively and in a timely manner.

The **Director Human Resource Management and Development** is responsible for maintaining the budget and the overall staff morale of the Brigade.

### 2.5.2 Divisional Heads

Divisional Heads report to the **Director Human Resource Management and Development**, and have the authority to initiate the hiring, disciplining or terminating of staff under his/ her supervision.

### 2.5.3 Supervisor

The Supervisor, reports to the **Director Human Resource Management and Development** and consults with he/she in regard to any decision to hire, discipline or terminate staff under his/ her supervision, if so delegated. In the absence of the **Director Human Resource Management and Development**, the Supervisor may take disciplinary action should the offence be of a serious nature. The Supervisor

instructs subordinates in the performance of the functions of the unit and evaluates the performance of subordinates in accordance with the requirements of the performance management system. The Supervisor is responsible for assisting the **Director Human Resource Management and Development** in maintaining the Departmental budget and overall staff morale in his/her area. The Supervisor is responsible for ensuring that all staff complies with all rules and regulations of the Fire Brigade.

## **CHAPTER 1**

### **1. EMPLOYMENT POLICIES**

#### **1.1 EMPLOYMENT OF NATIONALS:**

It is the policy of the Brigade to give preference in employment to Jamaicans for all positions for which qualified candidates can be found. Based on this, only persons of Jamaican nationality shall be appointed to the Brigade. However, persons of foreign nationality may – in special cases – be appointed to the Brigade but shall only be so appointed where there is no suitable qualified Jamaican national available to fill the vacant post. This is subject to the CSME by-laws.

#### **1.2 NON-DISCRIMINATION**

The Brigade does not discriminate against employees, or applicants for employment on the grounds of race, sex, sexual orientation, membership or non-membership, in any religious, social, political or labour organization.

#### **1.3 CONFLICT OF INTEREST:**

It is a basic policy not to employ person who's personal or business interests would conflict with their duties and the roles and functions of the Brigade. The final resolution of any dispute over the determination of such conflict will rest with the Board of Directors.

#### **1.4 EMPLOYMENT OF RELATIVES:**

The Brigade does not encourage the employment of immediate relatives of its employees. However, in the event that this does occur, it is the policy of the Brigade not to assign new employee to any position in which it is envisaged that at some foreseeable future date he/she will or may become, either the immediate supervisor or a subordinate of a relative.

#### **1.5 RECRUITMENT:**

Recruitment will be undertaken only when the need to fill vacancies in the Brigade is established. In filling positions, the administration will first determine, via internal advertisement and eventual screening, whether there are suitable and qualified persons within the organization who can fill the posts through transfer, or by promotion. In the event that these avenues are not fruitful the Brigade will recruit from outside.

#### **1.6 AGE:**

The minimum age for employment is 18 and the maximum is 50. The retirement age for men and women is 60.

## 1.7 APPLICATIONS:

All applications will be received by the Human Resource Department who, along with the relevant Divisional/Departmental Heads, will examine them to ensure that they conform to the requirements of the job advertised. Steps for the interviewing of prospective candidates will then be taken. All candidates for employment must have written references and must produce originals of certificates including of birth certificates, diplomas, degrees or other documents relevant to their educational achievements and work experience.

## 1.8 TEST:

Skill Test -A skill test mandatory for all candidates for positions requiring skill  
e.g. secretaries and drivers, etc.

## 1.9 TEMPORARY EMPLOYMENT/PROBATIONARY PERIOD:

- a. During temporary employment the service of an employee may be terminated by two (02) weeks written notice without reason being given. In cases of proven dishonesty/theft on the job, dismissal will be immediate.
- b. On appointment to a post in the Brigade all employees will be required to serve a period of employment of six (06) months probation during which their performance will be evaluated to determine suitability for permanent employment..
- c. If the new employee does not satisfactorily complete his/her temporary Employment/Probationary period, then the termination process will be considered.
- d. A letter of confirmation will be sent to each employee on satisfactory completion of probation/temporary service. Among other things, this appointment letter will indicate; formal confirmation in the position and dates of eligibility for entry to the various benefit schemes.

## 1.10 ENTRY-LEVEL REQUIREMENTS

### a. Administrative Staff:

All prospective employees will be required to have passes in a minimum of four (04) subjects at CXC (General Proficiency) grades 1 and 2 or grade 3 or the equivalent. In the technical areas such as

Accounting, one of the subjects should be Accounts or Mathematics while in other areas there may be specific internal pre-requirement. In all instances, English Language will be a compulsory subject,

**b. Ancillary Staff:**

All prospective employees will be required to be functionally literate or to have attained grade 9 standard.

**1.11 APPOINTMENTS:**

- a. Qualifications and other requirements for appointment to posts will be determined by the Board. These may be subject to amendments or revision from time to time and where such amendments or revisions affect incumbents of posts, sufficient time will be allowed for compliance with the revised standards.
- b. A letter of appointment, setting out the salary scale, conditions of employment, as well as job description will be issued to persons employed on the first and any subsequent appointment. On starting date, the employee is required to submit to the Human Resource Director all document of previous employment, if any, relating to National Insurance, Income Tax, National Housing Trust, or any other statutory declaration which may be in force at the time.
- c. Persons may also be appointed to posts in the Brigade as Contract employees. In such cases the terms of the Contract shall apply.

**1.12 OUTSIDE EMPLOYMENT AND CONFLICT OF INTEREST:**

- a. The Brigade will be informed of other employment or involvement undertaken by employees including those undertaken outside of working hours.
- b. Employees shall not, without permission from the Brigade, engage in or undertake any other employment outside of normal working.
- c. When any external employment, association or involvement results, or could lead to (in the judgment of the Brigade) a conflict of interest, the Brigade reserves the right to request disassociation on the part of the employees so involved. Failure to comply can result in termination of service.

### **1.13 OFFICE HOURS:**

- (i) Unless otherwise directed, employees are required, to observe a 40-hour work week with hours of attendance as follows:
  - 8:30am – 4:30pm Mondays to Fridays.
  - 7:00am – 3:00pm for Ancillary staff

There is a one hour lunch break each day.

- ii) Whenever the exigencies of the Brigade so require, Area Officers, Divisional/ Departmental Heads or Supervisors may require any or all Staff under their supervision to work longer hours than those specified.

### **1.14 ATTENDANCE:**

- a. Each employee is required to follow the rules established for confirming his/her work and through his/her supervisor is required to provide evidence of being at work when on assignment away from the office.
- b. An attendance register shall be established in which staff members are required to sign their names and insert time of arrival and departure except those exempted by the Commissioner.
- c. In view of the nature of the operations at Fire Stations and Area/Divisional Offices, flexible time arrangements may be exercised with the written permission of the Commissioner to ensure that Fire Station operations/offices are facilitated.
- d. Employees who are required to undertake work outside of normal working hours shall be compensated by the Brigade.
- e. Absence from work on account of illness for more than three consecutive working days, without authorization, requires a Medical Certificate. Unpunctuality and absenteeism will be noted in the personal records of the employee and frequent occurrence may be cause for disciplinary action. Persons should report illness on the first day he/she is absence.

### **1.15 PERFORMANCE APPRAISAL:**

- a. Each employee's performance will be appraised and documented on the prescribed form twice during the period of temporary employment/probation and thereafter every twelve (12) months. This is a means of assisting Divisional/Departmental Heads to evaluate the

work of employees and for employees to be made aware of their progress or otherwise.

- b. Interim or periodic discussions of employee's performance shall be conducted throughout the calendar year. Once each year, during the months of February and March, supervisors will conduct a formal evaluation of the performance of staff during the preceding year.
- c. Performance Evaluations are signed by the Rating Employees, the Reviewing Employees (Immediate Supervisor) and the Rated Employees (Employees being evaluated) who should be the last to sign the report so that he/she is fully aware of everything being reported on him/her. It is mandatory for the Rated Employees to sign, not necessarily in agreement with what is said but in acknowledgement of having seen the report. The rated Employees who disagree with the evaluation have the right to appeal through the grievance procedure.

#### **1.16 PROMOTION:**

- a. Acting on recommendations submitted by Divisional/Departmental Heads, the Commissioner and/or the Board of Directors shall be the final assessor of the requirement for any job and of the suitability of any candidate for such a job. Cognizance shall be taken of ability/performance qualifications and seniority.

#### **1.17 PERSONAL RECORDS:**

- (i) A separate personal history for each employee shall be maintained. These records are kept by the Human Resource Department. Such records will include:
  - a. Employment application forms.
  - b. Certified copies of Birth Certificate.
  - c. Certificates of educational achievements and job experience
  - d. References.
  - e. Performance appraisals.
  - f. Salary progression records while employed to the Brigade.
  - g. Correspondence relating to the employee.
  - h. Leave records.
  - i. No correspondence shall be placed on the employee's file without their knowledge.
  - j. Next of Kin, their addresses and phone numbers.
  - k. Employee's home address and telephone number.
  - l. Name of physical or family doctor is optional.

- (ii) Personal records are confidential but employees shall be allowed supervised access to their own records. Employees will only be allowed to see the records in the presence of the Human Resource Director or other senior authorized employee. Employees are not permitted to take/make copies of official correspondence relating to them except with the permission of the Human Resource Director.

#### **1.18 PRIVATE AND CONFIDENTIAL NATURE OF BUSINESS:**

- a. On assumption of duty, employees are required to sign the official Secret Act. It must be clearly understood that all information to which employees have access during the course of their duties is **STRICTLY PRIVATE AND CONFIDENTIAL** no information whatsoever should be divulged to any outside person without the prior written permission of the Board Chairman or the Commissioner unless so required by law.
- b. In addition to signing the declaration under the Official Secrets Act employees are required to observe the Brigade's procedures on information and secrecy. "The guidelines for classification and declassification of information and the physical protection of vital data shall be strictly allowed.

#### **1.19 ACCIDENTS WHILE ON DUTY:**

- a. Appropriate safety gear and protective clothing provided by the Brigade must be used.
- b. Employees are required to report as early as possible, but in any event within 48 hours of its occurrence, accidents which take place during the course of duty. Brigade Headquarters should be informed and a written Injury Report submitted on the prescribed form.
- c. Employees who are unable to report to work due to injuries sustained while discharging their duties will in the Brigade's discretion be considered for Leave of Absence without their normal Sick Leave entitlement being affected. Benefits accruing from the Life Insurance Policy in force will be applicable in case of injuries.
- e) Employees are required to observe safety procedures and guidelines as established from time to time.

#### **1.20 TRANSFERS:**

The Brigade reserves the right to transfer employees temporarily or permanently from their usual place of duty when the exigencies of the Brigade warrant this, however, discretion should be exercised in making these transfers. The Subsistence Allowance payable from time to time will apply.

## **1.21 TERMINATION OF EMPLOYMENT**

- a. During the period of employment, the service of an individual may be terminated in accordance with the stipulations in the letter of appointment/employment.
- b. Employment may also be terminated as set out below:
- c. Upon reaching the normal retirement age of sixty (60) years.
- d. By redundancy in accordance with the (Employment Termination and Redundancy Payment Act).
- e. for the appropriate disciplinary reason, if proven guilty.
- f. The Termination of the Employment of Contract employees will be in accordance with the Terms of Contract.

## **1.22 DISMISSAL OF CAUSE:**

- (i) On the recommendation of the Divisional/Departmental Head, and in consultation with the Head of the Human Resource Department disciplinary action may be taken against the employee. This action may be in the form of dismissal from the Brigade's in the event that:
  - a) There is evidence of the employee's misconduct, Insubordination, persistent unpunctuality, breach of the Official Secrets Act, neglect of duty
  - Or**
  - b) An employee or any rule or regulation made by the Brigade.

**Notwithstanding the above, the individual must be given the opportunity of a hearing by the appropriate Committee.**

## **CHAPTER 2**

### **2. HOURS OF WORK**

#### **2.1 HOURS OF WORK**

On employment, each employee shall have access to a copy of the Staff Manual for his/her reading and to apprise himself of the contents thereof. Thereafter, each employee shall be required to submit to the Director of Personnel a signed copy of a Proforma confirming having read and understood the code of conduct expected from him/her as an employee of the Jamaica Fire Brigade. A copy of the Proforma shall be placed on the employee's Personal File and the contents of the Manual shall be immediately binding on him/her.

#### **2.2. PUNCTUALITY AND ATTENDANCE AT WORK**

- i. The hours of work are as follows:
  - (a) **Administration staff**  
**from 8:30 a.m. to 4:30 p.m. Mondays to Fridays**
  - (b) **Ancillary staff**  
**7:00 a.m. to 3:00 p.m. Mondays to Fridays**
- ii No permanent alteration may be effected to these hours of work for any employees of the Jamaica Fire Brigade without the approval of the Board.
- iii. With the exception of those persons who are exempted from signing, it is required every working day that each employee shall sign-in and sign-out in the Attendance Register kept for this purpose and shall insert the **time of arrival and the time of departure from work.**
- iv. At 7:15 a.m. in the case of ancillary staff, 8:45 a.m. in the case of the administrative staff, a double red line will be drawn directly below the last entry and Attendance Register removed from its usual place to the desk of the Senior Employees/Senior Personnel Employees. Lateness and "lost time" will then be noted for all persons signing below the red line.
- v. The Attendance Register will be closed at **10:30 a.m.** at which time employees will **not** be allowed to sign for the date in question unless prior approval was given by the approval Employees.
- vi In calculating "lost time", a grace period of fifteen (15) minutes from 7:15 a.m./8:45 a.m. will be allowed. However, if an employee arrives later than 7:15/8:45 a.m. lost time will be calculated from 7:00 a.m./8:30 a.m. For example, if an employee arrives precisely at 7:15/8:45 a.m. no "lost time"

is incurred. However, if the employee arrives at 7:16/8:46 a.m. the “lost time” will be recorded as sixteen (16) minutes.

- vii Each Division/Department/Office etc., shall keep an Attendance Register in which will be recorded the “lost time” referred to at paragraphs **2.2.(xi)** and **2.2.(xii)** below. From this Register, the monthly report of late arrivals and reports of habitual time-loss at particular desk will be compiled, and submitted to the HRMD at Brigade Headquarters.
- viii. An Employees so nominated by his appropriate superior authority will check the Attendance Register daily noting habitual lateness, “lost-time”, and absenteeism, failure to sign in and sign out etc. and bring these to the attention of the appropriate superior authority for further action.
- ix Monthly report of all employees arriving late for work five (5) times or more during the month is to be given by persons in charge of Division, Departments and Section etc.
- x Time-loss in excess of one hour per week or three hours per month is to be reported.
- xi Time-loss referred to in paragraph **2.2. (xi)** and **2.2. (xiii)** include time off given by the supervisor. Supervisors must ensure that time off which is given is non-discriminatory and given for good reasons. Those who require time off for evening classes must apply in writing for same and must produce documentary evidence of acceptance/enrollment at an institution. In granting time-off, account must be taken of compensatory time to be taken from the employee’s Vacation Leave/Departmental Leave and the state of the employee’s work must be taken into consideration.
- xii An employee requiring leave on the grounds of illness or other known circumstances must submit the relevant application no later than the day before absence from work. However, in unforeseen/unavoidable circumstances, the employee must notify his supervisor by telephone, E-mail or letter before the start of work day or as early as possible thereafter on the first day of absence
- xiii. An employee who absences himself/herself from work for five (05) consecutive working days without permission except in case of illness or other unavoidable circumstances renders himself/herself open to disciplinary action which may lead to dismissal.

### **2.3. TIME-OFF REGISTER**

- I "Time-Off" is defined as a short period not exceeding two (02) hours granted to an employee to attend to private matters.
- ii "Time-off" is not an entitlement but a privilege which may be granted at the discretion of the Divisional Head or Departmental Head etc.
- iii A Time-Off Register shall be kept by all Divisions/Department/Offices. An employee who desires time-off during regular working hours must apply to his/her supervisor **prior** to departing the premises. No employee may absent himself/herself from work during working hours without permission of the Employees in charge. Any changes to the Time-Off Register must be made and initialed only by the supervisor.

### **2.4 TRAVELLING EMPLOYEES**

Travelling Employees must prepare itineraries so that the Register may be Updated when they are out travelling, failing which, they will be regarded as being absent

## **CHAPTER 3**

### **3. CODE OF CONDUCT**

#### **3.1 THE FRAMEWORK**

- (i) The Jamaica Fire Brigade is governed by establish Statues, Regulations, Orders and Procedures. These are translated into a list of behaviour expectations deemed to be acceptable which may be considered as a Code of Conduct for all Jamaica Fire Brigade Staff including those in managerial position.
- (ii) The expectations listed in these Orders apply generally to all members of staff of the Jamaica Fire Brigade. In addition, base on the nature of the organization other professional requirements might apply.
- (iii) Taken together, the combined list of expectations established the framework for equity and fairness within the organization outlines the rights, privileges and obligations of individuals and becomes the standard or benchmark against which the conduct of both Managers and Employees will be assessed.
- (iv) Violation of any of the behaviour expectations could lead to disciplinary measures being taken.

#### **3.2 BEHAVIOUR EXPECTATIONS**

##### **3.2.1 Dress Code**

**The following stipulation applies to dress for work:**

- i All employees must be appropriately dressed for work in manner which speaks to decorum, good taste, a professional approach to work and a respect for other members of staff as well as others with whom they come in contact at the work place.
- ii. In this regard, clothing must **not** be casual, close fitting, short, transparent or flamboyant to draw undue attention to the wearer or to expose the cleavage and form of the wearer. Females must ensure that clothes worn are of a style and design in accordance with accepted office standards.
- iii. Male employees are to dress in accordance with accepted office standards
- iv. Failure to comply with the above will result in the application of disciplinary sanctions.

### **3.3 NEPOTISM**

- i) The employment of mother, father, son, daughter, brother, sister, husband, wife should be discouraged. When this is discovered to have taken place, the persons concerned should be separated from working together in the same Department. Under no circumstance should persons take part in interviewing relatives for employment.

### **3.4 EATING AT THE DESK**

- i) Eating at the desk is not permitted because of the risk of spillage of foodstuff and/or drink on the office documents and computer equipment and is an unsightly and unprofessional behaviour.

### **3.5 TAKING CHILDREN TO WORK**

- i. The workplace is not a place for children. However, certain discretions may be exercised to allow child/children to be brought to work in such situations where this cannot be avoided. In the exercise of these discretions the following will apply:
  - ii. Permission must be sought before children are taken to work.
  - iii. No child/children taken to work should be less than four years old.

### **3.6 PERSONS FROM OTHER DEPARTMENT/OFFICES.**

- i) Persons from outside the Department and especially persons from other Divisions/Department or organizations are not allowed to loiter or congregate in any Office/Department during working hours unless on legitimate office business or with the permission of the Department Head/Supervisor. This must be strictly observed and Department Heads/Supervisors will be held responsible for such infringements.

### **3.7 USE OF TELEPHONE**

- i e-loss must not be created by employees through the use of the telephone  
When necessary, callers must be told this politely and telephone conversations kept as brief as possible.
- ii Employees who abuse this privilege will only be allowed personal calls during break or lunch periods and are liable to the sanctions as shown at paragraph **2.14.1** below. Under no circumstances will an employee be allowed to exceed three (3) minutes for private telephone calls.
- iii. When employees use the telephone to make private calls (be it local or overseas calls), the cost of these calls is to be borne by the employee.

However, there should be no delay in paying a bill because an employee has not paid for his private calls which forms only part of the bill.

- iv. The full bill is to be paid by the Accounts Department and the amount payable by the employee will be recovered from him. If the employee does not pay the amount within one month, it will be treated as a debt and recovered by salary deductions as early as possible.
- v. Telephone Register must be kept in which the payments of telephone bills are entered. The details of private telephone calls, the amounts owed and amounts paid must be entered in this Register.

### **3.8 SUMMARY OF SANCTIONS**

**The following are the sanctions which may be applied for breaches of the Code of Conduct:**

- a. Counseling/Verbal warning
- b. Written reprimand/warning
- c. Sending home and the deduction of Department/Vacation Leave
- d. Withholding of recommendations for acting appointment/promotion
- e. Removal from training roster or other privileges
- f. Deduction from pay for lost time
- g. Demotion
- h. Suspension
- i. Dismissal

### **3.9 INFRINGEMENT AND APPLICABLE SANCTIONS**

#### **3.9.1 Absence without Leave**

- (a) The absence of employee from duty for a period of five (5) days or more without permission renders him liable to dismissal with effect from the first day of absence. Persistent unauthorized absence will be regarded as a breach of discipline and can constitute grounds for dismissal.

### **3.10 LATENESS**

- (i) Being late for work for more than five (5) times or having a total “lost-time” of more than one hundred and twenty (120) minutes (2 hours) within a calendar month without approval attracts the following sanctions:

- a. **First Offence - Counseling/verbal warning.**
- b. **Second Offence - Reprimand.**
- c. **Third Offence - Deduction “For lost time”.**

- d. **Fourth Offence - Suspension without pay not exceeding five (5) days.**
  - e. **Fifth Offence - Recommendation for disciplinary action with a view to dismissal.**
- N.B. The foregoing sanctions relate to any four-month period (Which need not be consecutive) in each calendar year.**

### **3.11. INAPPROPRIATELY DRESSED FOR WORK**

Being dressed for work contrary to the Dress Code guidelines shall be subject to the immediate application of a sanction as follows:

- a. **First Offence - Send home employee for the day and deduct from Departmental/Vacation Leave.**
- b. **Second Offence - Reprimand in addition to the above sanction.**
- c. **Third Offence - Suspension for two (2) days without pay.**
- d. **Fourth Offence - Suspension for five (5) days without pay.**
- e. **Fifth Offence - Disciplinary action with a view to dismissal.**

### **3.12 MIS-USE OF WORKING HOURS**

The following constitutes misuse of working hours:

- a. **Having breakfast/tea/coffee at work beyond the 8:30 a.m. start of work without permission.**
- b. **Quitting or ceasing work before the laid down time without permission.**
- c. **Overstaying the time allotted for lunch, without permission.**
- d. **Absenteeism (unauthorized absence on any work day).**
- e. **Leaving the place of work during working hours without permission.**
- f. **Loss of man-hours through romping in the office, entertaining friends in the office, recreational reading, playing of games, etc.**
- g. **Loss of man-hours through lengthy, private conversation on the phone/another member of staff.**
- h. **Sleeping on the job.**

- (1) **First Offence - Counseling**
- (2) **Second Offence- Verbal Warning**
- (3) **Third Offence - Written warning/reprimand**
- (4) **Fourth Offence - Suspension without pay not exceeding five (5) days**
- (5) **Fifth Offence - Disciplinary action with a view to dismissal**

### **3.13 FALSIFY ENTRIES TO ATTENDANCE REGISTER**

**The above infringement occurs if an employee:**

- a. Signs the Attendance of Time-Off Register for another employee.
- b. Tampers with the Attendance or Time-Off Register.
- c. Falsifies an entry or entries in the Time-Off or Attendance Register.

- (1) **First Offence - Suspension (Not exceeding five [5] days)**
- (2) **Second Offence - Disciplinary action with a view to dismissal**

### **3.14 UNBECOMING BEHAVIOUR**

**1. The following constitute unbecoming behaviour:**

- a. The use of indecent, abusive or insulting language to any other member in the office areas and on the premises in general.
- b. Talking loudly, singing or dancing resulting in distractions to others at work.
- c. Disorderly and unruly behaviour in the office or when on official business elsewhere.
- d. Verbally abusing another employee or member of the public.
- e. Disrespectful to supervisor
- f. Being abusive or vindictive in the exercising of authority.
- g. Refusing to obey a legitimate instruction by a supervisor or senior Employees.

- (1) **First Offence - Reprimand.**
- (2) **Second Offence - Face a hearing with a view to suspension.**
- (3) **Third Offence - Disciplinary action with a view to dismissal**

2. **Threatening, or fighting assaulting another employee or member of the public in the office areas on the Fire Brigade premises in general.**

**First Offence - Refer to Disciplinary Committee for action with a view to suspension/dismissal.**

### **3.15 MISUSE/ABUSE OF BRIGADE'S PROPERTIES**

The following constitute misuse/abuse of Brigade's property:

- a. **Causing damage to office property including motor vehicles through negligence and/or breach of authority.**
  - (1) **First Offence - Fine to the repair/restoration value of the damage.**
  - (2) **Second Offence - Disciplinary action with a view to suspension or dismissal.**
- b. **Using office machines and equipment without authorization.**
  - (1) **First Offence - Reprimand**
  - (2) **Second Offence- Fine to the extent of use**
  - (3) **Third Offence - Suspension for a period not exceeding five days.**
  - (4) **Fourth Offence - Disciplinary action with a view to dismissal.**
- c. **Driving a Brigade vehicle without permission.**
  - (1) **First Offence - Suspension**
  - (2) **Second Offence- Disciplinary action with a view for dismissal**
- d. **Causing damage deliberately to Brigade's property –**
  - (1) **First Offence - Disciplinary action with a view to dismissal.**

### **3.16 SUBSTANCE ABUSE**

This infringement includes any of the following:

- a. **Reporting for work under the influence of alcohol or other illegal substances or the use of liquor and other intoxicants during working hours.**
  - (1) **First Offence - Counseling**
  - (2) **Second Offence- Reprimand**

- (3) Third Offence - Refer to the appropriate Institution.**
- (4) Fourth Offence - Dismissal.**

**b. Possession of narcotics on the premises.**

**First Offence - Immediate intervention of the Police**

**3.17 CRIMINAL OFFENCE**

**The following constitute breaches:**

**a. Fraud, bribery and corruption**

**b. Falsification of information or tampering with documents for whatever reason.**

- i) First Offence-Disciplinary action with a view to dismissal and**
- ii) if appropriate advise the police.**

**3.18 CONFLICT OF INTEREST/COMPROMISE OF POSITION**

**3.18.1 Engagement in Private Work**

Officers may engage in private work, only under specified conditions and with prior permission from the appropriate authority/ Commissioner, based upon an assessment of potential for conflict of interest.

**3.18.2 Conflict of Interest**

**(i) A conflict of interest may be deemed to exist under any of the following circumstances:**

- (a) Engagement in private activity similar to official functions;**
- (b) Using information and/or any material gained from official position for private gain;**
- (c) Exploiting the status and privilege of one's position for private gain;**
- (d) Soliciting and/or accepting payment and/or any other consideration relating to the performance of or neglect of official duties;**
- (e) Conducting private business during work hours and/or on government property;**
- (f) Engaging in transactions with relatives or family members, or an organization in which relatives or family members have interest.**

(g) Ownership of investment or shares in any company or undertaking.

(h) Acting as auditors or directors of companies or societies.

**(ii)** In order to address the potential for conflict of interest, officers should in all instances inform the appropriate authority of any such undertaking, seek clarification and get permission. Any such permission would be subject to periodic review.

### **3.18.3 GIFTS AND EXCHANGES**

(i) Employees are forbidden to solicit or accept gifts and favours whether in the form of money, goods, services, free or reduced passages, or other personal benefits if by receiving such gifts there is a compromise of their position and/or the Brigade's interest. Consequently, the soliciting or accepting of presents or cash from clients, customers or other members of staff for favours granted or to be granted is strictly prohibited.

**a. First Offence - Reprimand**

**b. Second Offence- Disciplinary action with a view to dismissal.**

### **3.19 DISCIPLINARY COMMITTEE**

(i) The review of infringement and the recommendation of sanctions shall be administered by a Disciplinary Committee comprised as under:

- a. Deputy Commissioner (Administration) or his designate
- b. Human Resource Management Director
- c. Industrial Relations Officer
- d. Director of Personnel
- e. Union/Staff Representative

(ii) The **Disciplinary Committee** shall submit its findings/decisions to the Commissioner as recommendations for ratification.

(iii) **The Disciplinary Committee** shall meet as appropriate to review infringements put before it and must have a quorum of three persons for each sitting.

(iv) In the interest of natural justice before an individual is to be sanctioned he/she must be made to face the **Disciplinary Committee** and be given a chance to say something in his/her defense.

- (v) Appeals involving verbal/written reprimand must be forwarded to the **Disciplinary Committee**. Otherwise it must be forwarded to the Board.
- (vi) In any event, individuals who have been suspended for disciplinary offences twice within a calendar year and commits a further offence should be tried by the Disciplinary Committee with a view to dismissal if found guilty.

## CHAPTER 4

### 4. PAY AND ALLOWANCES

#### 4.1 PAYMENT OF SALARIES:

- (i) Salaries and allowances are payable in accordance with scales approved by the Board of Directors from time to time. Unless otherwise arranged and announced, salaries will be paid as follows:

##### **Monthly Paid Staff:**

- (ii) Monthly paid staff to be paid on the 25<sup>th</sup> day of each month. If the 25<sup>th</sup> of any month falls on a Friday, Saturday, Sunday, Monday or public holidays, salaries will be paid on the Thursday prior to the specified day.

##### **Fortnightly Paid Staff:**

- (iii) If the Friday falls on public holidays, fortnightly paid staff will be paid on or before the Thursday prior to the specific day.
- (iv) These conditions shall be subjected to the Brigade's receipt of funds from the responsible Ministry.
- (v) Employees are reminded that their earnings shall be subject to all Statutory Deductions in force from time to time.

#### 4.2 INCREMENTAL DATES

- (i) The incremental dates for all employees will be the Anniversary date of permanent appointment.
- (ii) During temporary service/probation employees will not receive an increment.
- (iii) On promotion, the payment of increment will be 12 months after appointment to the new position.

#### 4.3 ACTING ALLOWANCES:

- (i) The Brigade will pay acting salary to an employee who has been assigned/authorized to act in a higher grade for a continuous period of not less than twenty (20) days.
- ii) The acting payment shall be the difference between the substantive salary

and the minimum of the higher post but not less than one increment.  
Persons who are acting and proceed on Vacation Leave for less than twenty (20) working days will continue to receive the acting payment.

#### **4.4 SENIORITY ALLOWANCE**

- i) An employee who holds a post to which an annual scalar salary is attached, and who has served at the maximum salary of the scale for two (02) years or more will be eligible to receive a seniority allowance at a rate equivalent to the highest incremental rate of his/her salary scale, subject to paragraph (iii) of this section, except where there is established evidence that he/she is not performing satisfactorily.
- ii) A weekly-paid Employees who holds a post to which a scalar salary is attached, and who has served at a maximum salary of the scale for a period of two (02) years or more, will be eligible to receive a seniority allowance at a rate equivalent to the highest incremental rate of his/her salary scale, subject to paragraph (iii) of this section, except where there is established evidence that he/she is not performing satisfactorily.
- iii) The grant of any seniority allowance will be made only if there is no increase in the number of increments attached to the particular scale.
- iv) All employees who have been granted seniority allowance will be considered for the grant of one (01) further increment if, in the absence of promotional opportunity, he/she serves two (02) more years in the same post, except where there is established evidence that he/she is not performing satisfactorily.
- v) Seniority allowances are personal to the Employees who have earned them and are taken into account in the calculation of retiring benefits.

#### **4.5 DUTY ALLOWANCE**

- i) A duty allowance may be payable to Employees who are required to work beyond established working hours on a regular basis.
- ii) To be eligible for duty allowance, the duties performed must be related directly to the regular duties of the Employees.
- iii) Such a duty allowance may only be paid to the Employees who actually perform the duties in respect of which the allowance is granted.
- iv) Duty allowance rates and other eligibility criteria are determined by the Jamaica Fire Brigade Board of Directors.

- v. The allowance may be paid to the substantive holder of the position to which the duties are attached, during any period of leave of absence not exceeding twenty (20) working days at any one time.
- vi. In the event of an Employees who is in receipt of a duty allowance being granted a leave of absence in excess of twenty (20) working days, the Employees acting in the position and performing the duties will be paid the allowance for the duration of the acting appointment and the substantive holder of the position will receive the duty allowance for the first twenty (20) working days only.
- vii. Certain Employees who receive overtime payment for working excess hours are **not eligible** for duty allowance

#### **4.5 HONORARIUM**

- i. Honorarium may be paid to an employee who is assigned special duties which are extraneous to his/her normal duties and which necessitate the performance of official duties beyond normal working hours, for a period of not less than one (01) month;
- ii. The request for the performance of such duties should be made to the Commissioner or Head of Department well in advance of the commencement date and should include a statement of the particulars of the work to be done, a work plan, the reason for the exercise, the proposed duration the number of categories of staff to be involved as well as an estimate of the cost;
- iii. The employee should not be relieved of his/her normal duties for the duration of the assignment.
- iv. The existing rate of payment is determined by the Commissioner and to be eligible for such payment the Employees is required to work not less than forty (10) hours per week or an average of ten (10) hours per week over the period;
- v. Persons who qualify for the payment of overtime or are in receipt of a Duty Allowance should not be paid honorarium. Supper allowance is also not payable;

## **CHAPTER 5**

### **5. TRAVEL AND SUBSISTENCE**

#### **5.1 AUTHORITY**

The authority for the administration of the Government's traveling and subsistence policy, including the setting of rates, is vested in the Ministry with the responsibility for the Public Service.

#### **5.2 PURPOSE**

Travelling and subsistence allowances are granted to meet expenses actually incurred in the performance of official duties. Holders of posts requiring travel should neither be out of pocket, nor should they derive financial benefits beyond their direct costs.

#### **5.3 TRAVELLING ALLOWANCES**

##### **5.3.1 Travelling Allowance:**

Divisional/Departmental Heads will ensure that economy is exercised at all times whenever official traveling is undertaken. Employees are also encouraged to do official traveling together whenever possible. In the event that a traveling party involves any individual who has the facility of a Brigade vehicle, that individual shall provide transportation for the party. The Brigade will give reimbursement at the prevailing rate in respect of mileage incurred by a Travelling Employees on submission of the relevant claim form. Where this assignment is for a duration in excess of a working week, the Brigade will pay traveling claim for one trip only from and to use.

##### **5.3.2 Eligibility**

When the functions of a post include travel as an essential requirement, the holder of the post may, subject to the applicable provisions, be eligible for either one or a combination of traveling allowances.

##### **5.3.3 Upkeep Allowance**

When the functions of a post make it essential for the holder to possess his/her own means of transport, an allowance for its upkeep may be paid. In addition, he/she will be paid for the actual distance (kilos) at the rate prescribed.

### **5.3.4 Commuted Allowance**

In cases where it may be expedient and desirable that the Employees possess his/her own means of transport, he/she may be granted a contribution toward the upkeep and running expenses in the form of a combined traveling allowance. In addition, he/she will be paid for the actual distance (kilos) for travel outside a radius of ten (10) kilometers from his/her place of work.

### **5.3.5 Allowance In-Lieu**

An Employees holding a post to which a motorcar upkeep or commuted allowance is attached but who has no motorcar may be eligible for an allowance at the prescribed rate. Employees in receipt of this allowance will not be eligible for reimbursement of taxi fares or bus fares.

### **5.3.6 Casual Allowance**

When an Employee to whom neither an upkeep allowance nor a commuted allowance has been granted uses his own means of transport while traveling in the performance of duties, he/she will be paid fully for the actual distance (kilos) at the rate prescribed.

### **5.3.7 Incidental Allowance**

Employees who are not in receipt of traveling allowance and who uses the service of a taxi in the performance of his/her duties may be refunded expenses incurred.

### **5.3.8 Alternate Travelling Allowance**

- i) Commissioner/Heads of Departments may approve the reimbursement of the cost of hiring alternate transportation for public Employees who are eligible for upkeep or a commuted allowance and whose personal motor vehicle is out of service.
- ii) The period of entitlement will begin after five (05) working days of the loss of use of the personal vehicle and the maximum period of the allowance shall not exceed twenty-five (25) working days.
- iii) In exceptional circumstances the Commissioner/Heads of Department may authorize the allowance for a further period, not exceeding an additional twenty-five (25) working days.

### **5.3.9 Fully Maintained Motor Vehicle**

**Certain categories of parastatal Employees are entitled to fully maintained motor vehicles as determined by the Board in conjunction with the Commissioner in conformity with the Motor Vehicle Policy.**

- i) An Employee may elect to operate his/her own vehicle and will be eligible for the prescribed allowance;
- ii) An Employee may elect to operate a partially maintained vehicle and will be eligible for a percentage of the allowance prescribed;
- iii) Employees whom Government vehicles are assigned on a full-time basis **should not be paid** a traveling allowance.

### **5.3.10 Motor Vehicle Purchase Advance**

Employees who are eligible for upkeep or a commuted allowance may, subject to the conditions specified in the Financial Instructions, be considered for an advance from public funds to assist with the acquisition of a motor vehicle.

## **5.4 PAYMENT OF TRAVELLING CLAIMS**

### **5.4.1 Submission of Claims**

- a. Travelling Claims should normally be submitted monthly for payment, but may be accumulated for a period not exceeding three (03) months;
- b. The specific approval of the Commissioner or his designate with responsibility for the respective Division/Department will be required for any claim exceeding three (03) months;
- c. The Employees should be required to state the reasons for the late submission of the claims in excess of three (03) months.

### **5.4.2 Advances for Travelling Expenses:**

- (i) The Brigade may also grant on request, advance for reasonable travelling expenses to employees proceeding on official travel assignment in rural areas. Advances will only be considered where employees will have abnormal out-of-pocket expenses, e.g. hotel or lodging expenses. These advances supported by relevant receipts are to be submitted within 30 days of travel, the Brigade will forthwith recover the outstanding amount from the employee's salary.

## **5.5 EMPLOYEES REMOVED FROM TRAVELING DUTIES**

- i) When an Employee who is in receipt of motor vehicle upkeep/commuted allowance is transferred permanently to a post where such allowance is not payable, he/she will continue to receive the full allowances for a period not exceeding three (03) months.
- ii) When an Employee is in receipt of an upkeep/commuted allowance is seconded or appointed to act in a post to which a lower or not traveling allowance is attached, he/she may be paid the full allowance attached to his/her substantive post, during the period of his/her secondment or acting appointment, subject to review of the position at the expiration of six (06) months.

### **5.5.1 Allowance during Leave**

- i) An upkeep/commuted allowance shall be payable during all periods of sick, departmental, vacation, pre-retirement, maternity and approved training courses including full pay study leave taken locally.
- ii) The provisions of this Order shall not apply in cases where an Employee is granted leave prior to resignation or separation from the service in any circumstances or prior to permanent transfer out of Jamaica, except as specified in sub-section (i) above.
- iii) The allowance will also not be payable during the period of pre-retirement leave where the Employees have been employed during such leave by an agency financed from public funds on terms which include the payment of traveling allowance.
- iv) If the traveling allowance attached to the substantive office from which he/she is retiring is higher than that payable in relation to the person's re-employment, then the higher rate of allowance may be paid up to the date of the expiration of pre-retirement leave. This payment shall be in lieu of the allowance payable in respect of there-employed position. The allowance is relation to his/her re-employment will become payable when he person's retirement becomes effective.
- v) Where the study is undertaken overseas, the allowance should be paid only for the period of vacation leave utilized in connection with the study.
- vi) Where an Employee attains the maximum vacation leave accumulable and

is paid salary in lieu of vacation leave, the traveling allowance should be paid for the entire period in respect of which salary in lieu of leave is paid.

## **5.6 SUBSISTENCE ALLOWANCE**

### **5.6.1 Eligibility**

- a. When traveling on official duty, public Employees are eligible to be paid a subsistence allowance at the appropriate rate prescribed from time to time
- b. To be eligible, the public Employees must have traveled a distance which exceeds eighteen (18) kilometers from his/her official place of work and must have been absent for a period of at least six (06) hours.
- c. Expenditure above the per diem rate set by the Brigade must be substantiated by receipts.
- d. Employees will not qualify for Subsistence Allowance and Lunch Subsidy simultaneously.

### **5.6.2 Calculation of (Subsistence) Allowance**

- (i) The subsistence allowance will be calculated on the basis of the 24 hour day and will be pro-rated for the number of hours of absence.
- (ii) Public Employees who overnight will be eligible for a full day's allowance, irrespective of the number of hours of absence.
- (iii) If the public Employees travel on official duty for a period which exceeds twenty-four (24) hours, the calculation will be  $1/24^{\text{th}}$  of the daily rate for each completed hour from the beginning to the end of the tour.

## **5.7 REIMBURSEMENT FOR ACTUAL EXPENSE**

The Commissioner and Heads of Departments may reimburse Employees actual expenses in lieu of subsistence on the presentation of bona fide vouchers reflecting reasonable rates, where the actual expenditure exceeds the current rates of subsistence.

## **5.8 TRANSFER ALLOWANCE**

### **5.8.1 Temporary Transfer**

- i) Public Employees who are transferred from their substantive station will be eligible for subsistence allowance in order to ensure that they are not rendered out of pocket by reason of the transfer.

- ii) The eligibility for, and the duration of such payments may be authorized by the Commissioner or Head of Department and should be reviewed continually.
- iii) In conducting such reviews, consideration should be given to whether the public interest would be served by continuation of the assignment on a temporary basis taking into account factors such as:
  - a. The circumstances which makes the continuation of the assignment necessary;
  - b. It's likely duration;
  - c. The relative costs involved in the payment of the subsistence allowance as against other appropriate alternative arrangements.

### **5.8.2 Basis of Payments**

- 1) In the case of an Employee who has to maintain an established home at his substantive station, the allowance may be paid for a period of twenty (20) days at the rate prescribed from time to time. An Employee should be regarded as maintaining an established home if he/she can show that he/she must necessarily continue to meet reasonable expenses over and above rental relating to a house previously occupied by him/her at his/her substantive station which has not been let or sublet during his/her absence. After the expiration of twenty (20) days the allowance should be reduced to a rate not exceeding 75% of the rates prescribed.
- 2) In the case of an Employee who has no established home but lives in lodgings in his/her substantive area, subsistence allowance at the rate prescribed from time to time may be paid for the first seven days of the temporary assignment. Thereafter, only such reasonable payments should be made as may be required to reserve the Employee's lodgings at his/her substantive station and vouchers should be produced in support of any such claim.

### **5.8.3 Visiting Allowances for Extended or Permanent Transfer**

- i) Public Employees on temporary or permanent transfer or on prolonged tours of duty involving separation from their families, should be reimbursed traveling expenses (at rates approved for traveling on duty) paid either in respect of a journey to the Employees' normal residence for a weekend visit, or for the spouses to visit offices at their location away from home.

- ii) Family visits by, or with Employees should be so arranged as not to prevent Employees from carrying out their official duties and to ensure on-going service to the public.
- iii) Reimbursement in respect of journeys made by an Employee's spouse should be limited to the actual expenses incurred on the following basis:
  - a) in the case of the spouse of a traveling Employees a sum not exceeding the amount which would have been payable had the Employees himself/herself paid the visit, calculated on the basis of the distance covered for the purpose of the journey both ways, and the rate applicable to the Employees himself/herself for traveling on official duty;

#### **5.8.4 Taxi Reimbursement Allowance**

This allowance is payable to non-shift employees who are required to work beyond 7:00p.m. It is also payable to employees who work on the swing and graveyard shifts. It is not payable to any employee whose post attracts a motorcar allowance, traveling allowance, allowance in lieu of traveling, commuted taxi, transport allowance or who is transported to and/or from work.

#### **5.8.5 Supper Allowance**

This allowance is payable to non-shift employees who are required to work beyond 7:00p.m. and who are not in receipt of overtime payments, duty allowance, or honorarium. Where meals are provided a supper allowance is not payable.

#### **5.8.6 Refreshment Allowance**

This allowance is payable to employees who are required to work on weekends (Saturday/Sunday) and public holidays and who are not in receipt of duty allowance, sessional rate, overtime or honorarium. An Employee should be working a minimum of four (4) hours before being eligible for this allowance.

#### **5.8.7 Employee Benefits:**

- (i) The Brigade provides/operates the following Schemes and the participation of Employees in these Schemes are mandatory as a condition of service:
  - a. Group Life Insurance Scheme.
  - b. Health Insurance Scheme.
  - c. Pension Scheme.
- (ii) Enrollment under the Pension Scheme is dependent on employees being permanently employed.

### **5.8.8 Payment of Contributions:**

- (i) The Brigade will continue to pay contribution to the Schemes on behalf of employees who are on leave of absence, without pay, and which leave has been authorized by the Brigade provided that the Brigade receives permission from the employee, in writing, for such continued contributions to be made on his behalf. Contributions made on behalf of the employee will be recovered by way of salary deduction.

### **5.8.9 Protective Gear for Staff:**

- (i) Protective gear provided in keeping with health and safety requirements must be worn on the job.

## CHAPTER 6

### 6. LEAVE AND LEAVE ENTITLEMENTS

#### 6.1 AUTHORIZATION:

The final authority for approving all leave of absence for individual employees is vested in the Commissioner or his nominee acting on the recommendation of Divisional/Departmental Heads.

#### 6.2 LEAVE:

- (i) Employees shall be entitled to vacation, departmental, sick and study leave as set out in this chapter. However, the grant of leave shall be subject to the exigencies of the service and to the stipulations of the Conditions of Service.
- (ii) The Brigade reserves the right to cancel leave and to recall employees from Vacation Leave in the national interest. The un-used portion of this leave will be credited to the employees' leave balance.

#### 6.2.1 Accumulation of Leave

- (a) **Accumulated Leave** may include Vacation, recreation and recalled leave. Divisional/Departmental Heads should encourage and facilitate employees to take vacation leave on a regular basis, as soon as possible in the year after it has been earned.
- (b) Employees may accumulate leave to a maximum not exceeding the leave Entitlement for three (3) years only with the permission of the Commissioner or his/her designate.

#### 6.2.2 Accumulation beyond the Maximum

- (a) Permanent employees shall be allowed to earn and accumulate additional full-pay vacation leaves for a further period not exceeding two(2) years if applications for all or any portion of their accumulated leave cannot be granted, due to the exigencies of the service.

#### 6.3 ADDRESSES WHILE ON LEAVE:

A leave address must always be provided by each employee on the prescribed leave application form. If leave is spent away from the home address, the Brigade must be informed of any temporary changes of address and telephone number.

#### 6.4 LEAVE OVERSEAS:

If Leave is to be spent overseas, permission in writing must be obtained from the Director of Personnel, prior to proceeding on such leave.

#### **6.5 UNAUTHORIZED ABSENCE:**

- i) When an employee is absent from duty without permission, except in the case of illness, the time taken will be deducted from the employee's departmental or vacation leave entitlement. If the employee has no departmental or vacation leave to his/her credit, the monetary equivalent will be deducted from his/her salary.
- (ii) An employee on leave seeking an extension of Vacation Leave must apply in five (05) working days to allow for a reply being received prior to the expiration of the original leave

#### **6.6 LEAVE PRIOR TO RETIREMENT:**

An employee who is being retired from the Brigade shall normally be granted immediately prior to the effective date of retirement on pension, all the accumulated leave, on full salary, to which he/she is entitled subject to the recovery of any outstanding amounts owing to the Brigade.

#### **6.7 LEAVE PRIOR TO DISMISSAL:**

Employees who are being dismissed from the employment of the Brigade will be paid for vacation leave earned prior to dismissal.

#### **6.8 LEAVE PRIOR TO RESIGNATION:**

- (i) Employees who resign voluntarily from the employment of the Brigade are entitled to full pay for all vacation leave earned immediately prior to the effective date of resignation.
- (ii) Vacation leave will be computed up to the last working day that an employee reports for duty prior to resignation.

#### **6.9 RESIGNATION DURING LEAVE OF ABSENCE:**

If an employee resigns during leave of absence without having given notice of desire to do so, the employee shall be paid a sum equivalent to the remuneration that would have been received had the employee been granted all the vacation leave to which he was entitled. The effective date of resignation would be on the expiration of such leave.

#### **6.10 LEAVE BENEFITS UPON DISMISSAL OR DEATH:**

- (i) An employee who has been dismissed from the Brigade shall be paid a sum

equal to the remuneration which the employee would have received had the employee been granted all the vacation leave entitlement prior to dismissal.

- (ii) In the event of the death of an employee, a sum equal to the remuneration which the employee would have received had the employee been granted all his vacation entitlement shall be handed over the Administrator General's Department on the probate of will or the issue of Letters of Administration.

## **6.11 VACATION LEAVE:**

### **6.11.1 Definition;**

**Vacation Leave is a period of scheduled absence on full salary for the purpose of recreation and/or rejuvenation.**

- (i) No employee shall be granted Vacation leave within the first twelve (12) months of employment except in cases of emergency and with the approval of the Commissioner. Each employee shall take at least ten (10) working days of the Vacation Leave earned each year and vacation leave shall not be granted for period less than seven (07) days at each occasion. The exigencies of the Brigade may result in employees having to defer their vacation leave which may be accumulated to a maximum of two years entitlement.
- (ii) If an employee who has accumulated the maximum vacation leave in respect of his grade should apply for leave, but is not granted such leave owing to the exigencies of the service, such an Employee shall be allowed with effect from the date immediately after attaining the prescribed maximum of his grade to earn additional full pay leave beyond the maximum leave entitlement of his grade.
- (iii) The amount of additional leave which may be so accumulated shall be limited to leave in respect of service or a further period of one year subject to approval from the Brigade.
- (iv) Vacation leave should be applied for and approved twenty (20) working days prior to the effective date of leave.

### **6.11.2 A MEMBER SHALL EARN VACATION LEAVE WHILE ON VACATION LEAVE**

Any Period of Vacation leave granted to members of the Jamaica Fire Brigade should be used in calculating subsequent Vacation Leave. Subject to **Paragraph 2 Sub Section (2) of the Holiday with Pay Order, 1973 and the Ministry of Labour and Social Security. Ref# CA32/S32 Vol.iii dated 11/12/07.**

### **6.11.3 Recalled Leave:**

Employees who are recalled to duty before the expiration of their vacation leave will have the unused portion of that leave deferred and this portion will be treated separately from the subsequent leave entitlement.

## **6.12 DEPARTMENTAL LEAVE:**

### **6.12.1 Definition**

**Departmental Leave is a provision whereby employees may be granted short periods of absence to attend a personal or family matters.**

**Departmental Leave is not intended to be used for vacation purposes or in lieu of vacation leave.**

- (i) Departmental Leave must be applied for by the employee and approved by the appropriate authority prior to the leave being utilized. Employees may be granted Departmental Leave as shown at the table at paragraph (v) below.
- (ii) Departmental Leave will not normally be granted to run consecutively with Vacation Leave, except when such leave is granted on medical grounds or for urgent private affairs.
- (iii) Departmental Leave is intended to allow employees time to take care of personal matters or emergencies which may occur and can be utilized for medical purposes which must be supported by a Medical Certificate.
- (iv) At the end of a calendar year permanent employees who have unutilized Departmental Leave can carry-forward such leave to a maximum of two (02) years entitlement but can only be used as sick leave which must be supported by a Medical Certificate.
- (v) Vacation, Departmental and Sick Leave rates for the various categories of staff are as follows: (see schedule)

## SCHEDULE A

### (OLD RATES)

#### Annual Rate of Vacation, Sick and Department Leave

1. Employees in the service prior to January 1, 2002 and who were earning leave at the rates below should continue to earn as follows....

<u>Category</u>	<u>Vacation</u> (Working days)	<u>Departmental</u> (Working days)	<u>Sick</u> (Calendar days)
a. Administrative Staff Accumulative to 105 days	35	14	14
b. Ancillary Staff Accumulative to 63 days	21	10	14
c. Ancillary Staff LMO TS1-TS2 Accumulative to 42 days	14	10	14

2. Daily-Paid Employees

- a. Employees who work for 250 days or more in each year of service

<u>Vacation</u>	<u>Departmental</u>	<u>Sick</u>
14	7	14

Accumulative to 42 days

- b. Employees who work for 221 to 249 days a year

<u>Vacation</u>	<u>Departmental</u>	<u>Sick</u>
14	4	14

Accumulative to 42 days

- c. Employees who work for 220 days or less (but less than 110 days) a year

<u>Vacation</u>	<u>Sick</u>
At the end of each year of service (1) day for each 22 days worked. <i>Any fraction of a day shall be counted as one day.</i>	A maximum of 10 days earned at one the rate of one (1) day for every 22 days worked.

Ancillary Staff (Part-time) Employees who work for not less than 220 days a year

<u>Vacation</u>	<u>Casual</u>
Seven (7) working days at the end of each working year	Seven (7) days private affairs and illness

**SCHEDULE B**

**(NEW RATES)**

**Annual Rate of Vacation, Sick and Department Leave**

1. **Employees who join the service on or after January 1, 2002 shall earn leave per annum at the rates below.**

No. of Years Service	<u>Vacation</u> (working days)	<u>Department</u> (working days)	<u>Sick</u> (working days)
a. Under 15 years Accumulative to 42 days	14	10	10
b. 15-25 years Accumulative to 63 days	21	10	10
c. Over 25 years Accumulative to 75 days	25	10	10

2. **Daily-Paid Employees**

- a. **Employees who work for 221 to 250 days a year**

<u>Vacation</u> (Working days)	<u>Departmental</u> (Working days)	<u>Sick</u> (Working days)
10 per annum Accumulative to 30 days	5	10

- b. **Employees who work for 220 days or less (but less than 110days) a year**

<u>Vacation</u> (Working days)	<u>Casual</u> (Working days)
At the end of each year of service one (1) day for each 31 days worked Any fraction of a day shall be counted as one day.	A maximum of 7 days earned at the rate of one (1) day for every 31 days worked.

- c. **Part-time employees who work for not less than 220 days a year**

<u>Vacation</u>	<u>Casual</u>
Five (5) working days at the end of each working year	Five (5) days for private affairs and illness

3. **All temporary employees should be granted sick, departmental and casual leave on a pro-rata basis during the first year of service.**

## **6.13 MATERNITY LEAVE:**

- (i) All female employees are entitled to maternity leave after completing fifty two (52) weeks of continuous service. Part-time female employees qualify after completing a minimum of fifty-two (52) weeks within a five (05) year period.
- (ii) Full-time employees are entitled to fifty-six (56) days maternity leave with full pay, while part-time employees are entitled to twelve (12) weeks, eight (08) weeks with full pay
- (iii) This leave is inclusive of weekends and public holidays. Any vacation leave that the employee has to her credit can be utilized immediately after maternity leave. If further leave is required the employee may be granted no-pay leave for a period not exceeding ninety (90) days.
- (iv) Female employees who require maternity leave shall submit applications along with a Medical Certificate to Brigade Headquarters (Personal Department) through the Divisional/Departmental Head. Applications for Maternity Leave shall be submitted in good time – this is will no less than two week's notice.
- (v) Pregnant employees may apply for Vacation Leave which may run consecutively with Maternity Leave. Employees shall not earn Vacation Leave during periods of leave for maternity purpose.
- (vi) Sick Leave may be granted to run consecutively with leave granted for maternity purposes, on production of satisfactory medical evidence that the illness had not resulted directly or indirectly from pregnancy.

## **6.14 SICK LEAVE:**

### **6.14.1 Definition**

**Sick Leave is any period of absence from duty on the ground of ill health.**

- i) The following conditions will apply to the granting of Sick Leave on full pay per calendar year:
  - a) Employees will be granted a maximum period of fourteen (14) days' Sick Leave on full pay per calendar year.
  - b) For a period of absence of more than three (03) consecutive days on any one occasion, application for sick leave should be accompanied by a Medical Certificate signed by a registered medical practitioner.

c) If, owing to illness, employees are unable to report for duties they are required to contact the Divisional/Departmental Head on the morning of the first working day to report such illness.

(ii) The Brigade reserves the right to request an employee to subject himself/herself to a medical examination conducted by a panel of medical practitioners, if in the opinion of the Brigade such employee has been on protracted sick leave or has been absent frequently due to ill health. In such cases the Brigade will defray the cost of medical examination.

The Panel to be comprised of three (3) practitioners, one selected by the Brigade, one by the employee and the other agreed on by both parties.

**THE DECISION BY THE PANEL IS FINAL**

(iii) If sick leave at credit is sufficient to cover the period of illness then Departmental Leave and half of any vacation leave at credit will be used. If Departmental and Vacation Leave is insufficient then the sick leave has to apply.

(iv) Permanent employees who have unutilized sick leave at the end of a calendar year, such sick leave can be carried forward to the following year. This must be utilized for medical purposes which are verified by a certificate from a medical practitioner.

(v) The sick and/or Departmental Leave can be accumulated for a period of two (02) years, that is to a maximum of not more than twenty-eight (28) days in respect of each type of leave.

**6.15 SPECIAL SICK LEAVE:**

(i) Should the illness of an employee necessitate a continuous absence such as that all accumulated sick leave and departmental leave plus 50% of vacation leave have been exhausted, the Commissioner or Head of Department may grant the employee special sick leave on the advice of the appropriate medical authority.

(ii) The Commissioner or Head of Department may require an employee to forward to the Chief Medical Employees, under Confidential, a further medical certificate stating the nature of his/her illness.

(iii) The Chief Medical Employees will examine the certificate and make a recommendation to the Commissioner or Head of Department without disclosing the nature of the illness.

## **6.16 SPECIAL LEAVE:**

- (i) Employees may be granted special leave at the discretion of the Board up to a maximum of eight (08) weeks on any one occasion. Special leave may be granted for the purpose of representing Jamaica at Regional and International events. Leave required over the above the maximum will be treated as Vacation Leave, if employees has to credit, otherwise, as leave without pay.
- (ii) Permanent employees, i.e. employees who have satisfactorily completed their probation/temporary service will be eligible for a maximum of five (05) working days special leave per year of service. This will be granted to employees to allow them to attend to urgent personal matters and may be allowed to otherwise at the discretion of management. It may be taken all at once or on different occasions. It is not cumulative and therefore cannot be brought forward from one service year to the next. It will not be allowed to run consecutively with vacation leave except in very special circumstances which will require special approval by the Commissioner.

## **6.17 STUDY LEAVE:**

### **6.17.1 Definition**

**Study Leave is a period of absence granted to public employees to pursue courses of study which may fall into any of the following categories:**

- (i) Employees who have at least three (03) years of continuous permanent service who wish to pursue studies related to the interests of the Brigade may be granted all vacation leave at credit up to a maximum of two (02) years, with additional full pay for leave not exceeding twenty-four (24) months. Any further leave required would be without pay.

## **6.18 SUPPORTS FOR STUDY LEAVE:**

- (i) Employees who are granted leave may be eligible for financial support depending on the category within which the course of study falls.
- (ii) Employees who are selected to pursue Government mandated courses of study (Category 1) would qualify for full financial support from public funds with no forfeiture of any accumulated vacation leave.
- (iii) Employees who are selected to pursue job-related or future advancement courses of study (Category 2 or 3) may receive the equivalent of up to two

(02) years fully-paid leave. The employee would be required to forfeit leave or salary equivalent to his/her maximum leave accumulation. Any additional leave required to complete the course of study shall be without pay.

- (iv) Employees who are granted study leave to pursue courses of study under (Category 4) may be granted vacation leave followed by leave without pay, at the discretion of the Commissioner or Head of Department.

#### **6.19 RECREATIONAL LEAVE:**

- (i) On completion of a course of study the Commissioner has the authority to grant an employee a period of full pay leave to be utilized for the purpose of recreation. This leave should not exceed thirty-five (35) days of the vacation leave which was utilized for study. This leave can be taken immediately following the course or at a mutually agreeable time.

#### **6.20 TIME-OFF:**

- (i) Employees may be granted time-off from work to attend personal business during the normal working hours. Application for this facility must be made by the employee to his/her supervisor who can approve the application subject to a determination of:

- a. **The amount of time-off needed.**
- b. **Whether in the interest of the job the request can be granted.**

- (ii) Applications for time-off for 'Day Release' to attend part-time course must be made in writing by the employees to his/her supervisor who, on considering the application, should submit recommendations to the Director, Human Resource Management & Development, who will, in consultation with the Commissioner, decide on the matter. Communication of the decision taken will be sent to the applicant and the supervisor concerned

#### **6.21 BONDING:**

Employees who are granted study leave and receive support from public funds may be required to execute a loan agreement as outlined in the bond agreement.

#### **6.22 NO-PAY LEAVE:**

- (i) No-pay leave may be granted to permanent employees in cases of emergency or other extraordinary circumstances on the recommendation of their Divisional/Departmental Heads.

## **6.23 STAFF TRAINING:**

- (i) The Brigade is firmly committed to the continuing development of its personnel, whether on their own initiative or through programme arranged by the Brigade or at the Management Institute for National Development (MIND). It is the responsibility of supervisors to be constantly vigilant in determining the need for staffing training and development of employees. This need may be identified through mediocre or poor performance assessed on an ongoing basis as part of the supervisory function, and during the evaluation exercise. Any need so identified should be fully explained to the employees concerned to make them fully aware of the benefits to the organization and themselves through further training and development.
- ii) New job requirements necessitated by the development of new technology and the need for new skills are making increased demands on employees at the workplace. It is through training and development that upward mobility can take place. Every employee is encouraged to take the responsibility for his/her own development. It is important for staff members to ensure that they have the minimum qualification of four (04) 'O' Levels, CXC or its equivalent.

## **6.24 PAYMENT FOR LEAVE**

### **6.24.1 Salary In-Lieu of Leave**

- (1) A permanent employee, who has been allowed to accumulate additional vacation leave beyond the normal maximum accumulable for his/her grade, in accordance with sub- paragraph (6.2.2) (a) of this Chapter and has attained the maximum additional leave accumulable, applies for vacation leave and is denied any leave whatsoever, such Employees may be given the option to accept salary in lieu of the additional leave, or any portion thereof earned beyond the maximum accumulable for his/her grade, subject to the approval of the Commissioner or his designate.
- (ii) Where an employee has been paid salary in lieu of vacation leave earned beyond the maximum accumulable for his/her grade, in accordance with paragraph 6.23.1 (i) of this manual, that employee may, on application, receive permission to commence to earn leave again from the date on which he/she would have resumed duty, had he/she been granted the additional leave for which he/she was paid. Such further leave should be for a period not exceeding two years.

## **6.25. TRADE UNION AND STAFF ASSOCIATION**

### **6.25.1 Time-Off For Union Business**

- (i) The Commissioner and Heads of Divisions should make every effort, subject only to exigencies of the service to grant employees time-off with full pay to attend union meetings or to participate in other activities organized by the union, except activities involving industrial action.
- (ii) The request for time-off must be in writing and accompanied by documentation to certify the nature of the meeting/activity.

### **6.25.2 Leave to attend courses**

- i) Employees who are selected by their staff association or trade union to attend courses related to union affairs may be granted vacation leave for which they are entitled, plus additional leave on full salary equivalent to the vacation leave taken.
- (ii) An additional period of leave without pay may also be granted.

## **CHAPTER 7**

### **7. GRIEVANCE PROCEDURES**

#### **7.1 Certain Steps to be Followed**

There are certain steps to be followed by employees/Divisional/Departmental Heads in the event of a grievance. These are as follows:

**a First Step:**

A written complaint shall first be made to the complaint's immediate supervisor, who shall attempt to resolve the complaint. At this first stage the grievance shall be disposed of within ten (10) working days of being presented to the supervisor and failing, disposal thereof the complaint may present his grievance at the second stage within the following five (05) working days.

**Note: The Head of the Personnel Department and the Union Representative shall be a member of the resolution team from the second step through to the fourth Step.**

**b Second Step:**

- (i) If the matter is not disposed of by the supervisor to the satisfaction of the complaint, the complaint may present the case (which must be put in writing) to his immediate supervisor's supervisor (Area Employees/Divisional Head, whichever is applicable). At this stage, the grievance shall be disposed of within ten (10) working days and failing disposal thereof the complaint may represent his grievance at the third stage within the following five (05) working days.
- (ii) A written report should be made by the supervisor to the Head of the Personnel Department who will bring it to the attention of the Union Representative and meet with all concerned within the following five (05) working days.

**c Third Step:**

If no solution has been reached at the Divisional level the complainant may present the case (which must be put in writing) to the Head of the Personnel Department. At this stage the grievance shall be disposed of within ten (10) working days.

d **Fourth Step.**

If no solution has been reached at the third stage, the written grievance shall be referred by either party to the Commissioner, and shall be disposed of within ten (10) working days. At this stage all concerned shall use their best behaviour to arrive at a mutually satisfactory solution.

e **Fifth Step:**

If no solution has been reached at the fourth step, the complainant may present the case, in writing, through the Commissioner, to be tabled at the next board meeting.

f **Sixth Step:**

If no solution has been reached at the Fifth step, the agree party will present the matter in writing to the Ministry of Labour.

## 7.2 PROCEDURES

7.2.1 In dealing with the foregoing procedure the following additional rules shall apply:

- a. Any grievance which is not presented and/or carried forward by the complainant to the next step of this grievance procedure within the specified time limit shall be considered as abandoned.
- b. If an employee is dismissed for disciplinary reasons and feels aggrieved he/she may present the grievance directly at the FOURTH step of the grievance procedure provided that such grievance is presented in writing within ten (10) working days of dismissal.

**On investigation it may be necessary to take disciplinary action in relation to employee misconduct or misdemeanor which does not warrant immediate termination of service. The following steps should be taken:**

- a. A verbal warning should be issued to the employee for first offence.
- b. A written warning should be issued to the employee for second offence.
- c. Suspension should follow third offence.
- d. Fourth offence discharge/dismissal.

7.3 The offences need not be similar in each case and do not preclude the taking of disciplinary action contrary to the above order depending on the magnitude and gravity of the offence.

7.3.1 A disciplinary committee shall be appointed (to advise) the Commissioner and shall include:

Deputy Commissioners – Administration /Operations (as detailed)

Relevant Senior Director

Head of the Human Resource Department

Employee's Representative(s)

A committee comprise of the Brigade's Management/Union

7.3.2 This group shall, maintain and review the Code and shall be responsible for advising the Commissioner on it application.

7.3.3 A complaint or report from an employee or group of employees must be made within ten (10) working days of the occurrence of the cause of the complaint (or of knowledge of it existence). A complaint must either be directly affected by or concerned with the subject matter of the complaint.

**Note: The term complainant may refer to one or more than one employee.**

## CHAPTER 8

### 8. GENERAL INFORMATION

- 8.1.1 A Safety and Security (Advisory) Committee involving management and staff representative will be established to ensure that adequate Safety and Asset Protection procedures and practices are established and maintained. All safety and security incidents and accidents will be subject to review and investigation in order to ensure that relevant procedures, occupational health and safety standards are adhered to.
- 8.1.2 Employees are required to observe the security procedures and guidelines as established from time to time.
- 8.1.3 The Brigade reserves the right to search employees and their belongings in the event that it becomes necessary for security reasons. Procedures for conducting such searches will be detailed in the Safety and Security Regulations.

### 8.2 COMMUNICATION WITH THE MEDIA/OTHER EXTERNAL ORGANIZATIONS:

- 8.2.1 External communication issued by the Brigade must be signed only by the Board or the Commissioner or designated authorized persons in cases where such communication deals with:
- Controversial topics.
  - Development or changes in the Brigade's Policy.
  - The explanation or interpretation of Government policies.
  - Negotiations with other agencies, government or private enterprise.
- 8.2.2 Internal communication dealing with general administration of the Brigade will be issued by Area Employees of the Divisional/Departmental Head.
- 8.2.3 In issuing such internal communication to their staff regarding administration in their area of responsibility, Area Employees, Divisional/Departmental Heads must ensure that such correspondence is not in conflict with general instructions issued by the Board or the Commissioner.
- 8.2.4 The Brigade Procedure for Information Management shall guide the conduct of Employees approached by members of the media for information.

Statements relating to policy can only be made by the designated authorized spokesperson.

8.2.5 All communications with the media should be directed through the Head of the Public Education & Information Unit or the authorized persons designated by the Commissioner from time to time.

**8.2.6 Bankruptcy:**

In the event of an employee filing a petition in Bankruptcy or having bankruptcy proceedings taken against him/her or entering negotiations with his/her creditors under the Bankruptcy Act, such employee shall notify the Brigade immediately.

## CHAPTER 9

### 9 EMPLOYEE GRIEVANCE POLICY AND PROCEDURE

#### 9.1 Introduction

- (i) The Jamaica Fire Brigade recognizes the need for a consistent process for the resolution of employees concerns and the need to create a positive environment where good working relationships will be maintained between all employees.
- (ii) There may be occasions when an employee feels aggrieved and wishes to seek redress; as such the Employee Grievance Policy and Procedure is established to provide all employees with a structured, fair and timely process for the resolution of disputes that may arise in the work place. It is intended to be an open and fair way for employees to make known their problems and enables a grievance or complaint to be resolved as close as possible to the point of origin.
- (iii) Therefore, this procedure shall only be used when there are grievances or complaints arising out of an employee's employment, managerial decisions or dissatisfaction with the application of terms and conditions of service to an employee.

#### 9.2 GRIEVANCE

- (i) A Grievance is a written or oral complaint by an individual employee, group of employees that his/her rights under the terms and conditions of employment have been violated.

#### 9.3. POLICY STATEMENT

- (i) Grievances can arise from a wide variety of sources, so it is desirable in the first instance, notwithstanding the individual's rights to representation, an employee discuss the grievance with the supervisor, or with the other relevant party, in an attempt to resolve the matter informally.
- (ii) It is the policy of **the Brigade** to maintain a high standard of human resource management, which assures prompt, fair and equitable treatment of all employees' grievances complaints. The use of this procedure is a right, and every eligible employee may file a grievance as defined in this policy without fear of discrimination or reprisal within the organization. Discrimination resulting from the use of this procedure is unacceptable and will not be tolerated.
- (iii) Employees are encouraged to make reasonable attempts to identify the issues/contentions involved and seek to resolve disputes prior to evoking the normal process. The effort to resolve disputes must be handled in a manner that will give the aggrieved employee adequate time to meet deadlines established by this document and procedure for the filing of a grievance/complaint.
- (iv) Any employee who attempts to harass, intimidate, or retaliate against another employee because of the filing of a grievance, or the provision of testimony or other evidence regarding a grievance may be subject to disciplinary action.

## **9.4. RESPONSIBILITY**

- (i) The **Commissioner** shall be responsible for the enforcement of this policy and is required to take appropriate action or correct improper conditions or to discipline offenders.
- (ii) The Director, Human Resource Management and Development shall be responsible for:
  - a) Ensuring that supervisors understand their own role and responsibilities in the grievance procedure.
  - b) Maintaining all records of grievances/complaints filed and all related information analyzed by division and nature of issues on an annual basis.
  - c) Ensuring that the Department's policies and procedures are administered fairly and consistently and follow good employee relations practices.
  - d) Reviewing the policy annually to ensure that it is in compliance with current policies, laws and rules.
  - e) Reporting all grievance cases dealt with to the relevant authority.

## **9.5. PRINCIPLES**

- (i) Underpinning the Grievance procedures are a number of key principles:
  - a) Staff must have access to a fair and timely method through which to raise grievances
  - b) All grievances will be investigated thoroughly and fairly by the person to whom the grievance is addressed
  - c) The grievant will be kept informed of the progress of the investigation
  - d) The parties will be informed in writing of the outcome of the grievance hearing
  - e) Record of the grievance and the investigation will remain confidential
  - f) No staff-member will be penalized for raising a grievance
  - g) The procedure sets the time limits on each stage. However, should it not be possible to comply with any time limit set, the time limit shall be extended by mutual agreement
  - h) There will be no dispute, industrial action or other changes in terms and conditions of employment relating to the grievance whilst the formal procedure is continuing

- i) An employee has the right to withdraw a grievance at all stages in the procedure and resolve *the* matter through agreed alternative informal methods
- j) No disciplinary action will be taken against an employee as a resolution of a grievance complaint. Where it becomes apparent that there is a disciplinary case to be answered the issue will be referred to the Disciplinary Committee for processing
- k) The policy and procedure will be reviewed by the Disciplinary Committee as and when required and the Human Resource Management and Development will consider any amendments

## **9.6. STANDARD PROCEDURE**

- (i) The **Brigade's** aim is for grievances as far as is possible, to be settled informally.
- (ii) Therefore, employees are encouraged to first follow the informal procedure.

## **9.7 INFORMAL PROCEDURE**

- (i) Employees are encouraged to resolve issues informally before resorting to the formal procedure. Both employees and supervisors are encouraged to communicate openly and on a regular basis. It is best to bring problem(s) to the attention of those involved within a short time of occurrence. Timeliness is very important in order to maintain a reasonable perspective and prevent unnecessary ill feelings from building
- (ii) Supervisors are required to attempt facilitation of an amicable resolution to a grievance through conciliation or mediation. It is expected that such attempts will be conducted fairly, speedily with impartiality and with undue pressure being directed at either party to the grievance. Employees may contact the Director, Human Resource Management and Development or Director of Personnel or the Industrial Relations Officer for guidance and assistance in resolving grievances informally.
- (iii) Employees are encouraged to talk directly to the other party involved, but if that is difficult, then employees may want to discuss the grievances with his/her supervisor.
- (iv) The supervisor should investigate the issue and explore options for resolution in an attempt to resolve the matter. If the problem is not satisfactorily resolved the employee must raise the issue to the next level of supervisor (s). Both manager and employee should keep notes of any informal discussion.

- (v) In the event that a grievance relates to the employee's immediate supervisor, the employee is encouraged to raise the grievance with his/her supervisor. If this is difficult or the problem is not satisfactorily resolved the employee should raise the issue with the supervisor's manager or with the Human Resources Division.
- (vi) The supervisor and/ or Human Resources will keep the aggrieved employee informed of the progress in resolving the grievance.
- (vii) If efforts to resolve the grievance prove unsuccessful in whole or in part at the informal Level, the employee should file a formal grievance.

**Heads of Sections should ensure that all employees within their respective departments are aware of this policy.**

### **9.8 GRIEVABLE ISSUES INCLUDE BUT ARE NOT LIMITED TO:**

- (i) Allegations of discrimination because of race, colour, sex, sexual orientation/ religion, age, disability HIV / AIDS status, political opinions or affiliations,
- (ii) Allegations of sexual or other forms of harassment.
- (III) Erroneous, arbitrary or capricious interpretation or application of human resource management policies and procedures
- (iv)Unsafe or unhealthy working conditions.
- (v).Retaliation for using this procedure

### **9.9 AIM**

- (i) The aim of this policy is to provide a means of communication between managers/ supervisors and employees and establish principles of administration to ensure a prompt, structured and fair response to an employee's grievance or complaint.

### **9.10. SCOPE**

- (i) The scope of this policy extends to all employees of the Brigade include permanent, temporary and fixed term contract, with the principle of ensuring fair treatment for all.

### **9.11. DEFINITION**

**“Grievance”** means a work related problem that the employee believes to be unfair, or inequitable, and in which the employee feels his/her rights under established rules or practices have been violated.

**“Director”** means the Director, Human Resource Management and Development unless otherwise specified.

**“File”** means the act of an employee in submitting a grievance form to the (DHRMD)

**“Receipt”** means the date at which a document is received by the addressee by facsimile or personal delivery.

**“Workday”** means on Monday to Friday 8:30 a.m. to 4:30 p.m. and is exclusive of public holidays.

## **9.12 FORMAL PROCEDURE**

Where the grievance cannot be resolved informally it will be dealt with under the formal procedure. The employee must file his/her grievance in writing to the Director, Human Resource Management and Development through his/her supervisor, specifying the name(s) of the person(s) involved, the date(s) of the incident(s) in question, and a description of the offending conduct. In the event that the grievance is against his/her immediate supervisor the letter should be addressed to the Director, Human Resource Management and Development through that Employee’s supervisor. This formal complaint must be filed within ten (10) working days of the conclusion of the informal process.

It is important that every effort be made to complete the gathering of facts within ten (10) working days of the initiation of the investigation into a grievance, but in any event, must be carried out as quickly as possible in the circumstances. The period may be extended by mutual agreement.

The Director Human Resource Management and Development will initiate an investigation of the facts and circumstances of the alleged incident within five (5) working days of the receipt of a formal complaint

The Human Resource Management and Development will conduct a preliminary investigation and decide whether to proceed directly to the Disciplinary Committee. The Committee's decision will be communicated to all parties, within five (5) working days of the conclusion of the investigation.

### **9.13.GRIEVANCE HEARING**

A hearing will normally be convened within ten (10) working days of the completion of the preliminary investigation.

The Director Human Resource Management and Development shall configure a Disciplinary Committee, which shall be comprised of no fewer than three (3) members. The Chair of the committee should be a member of the legal profession with the appropriate expertise.

The Director, Human Resource Management and Development and the Industrial Relations Officer will be present at this hearing as will all the other parties concerned.

The role of the DHRM&D and the IRO is to provide professional advice and guidance to the panel. The role of the other members of the Hearing Committee is to consider the information presented by both parties to the grievance, consult the relevant policies/Department practice (if appropriate) and make a recommendation.

The grievant, accused and witness (es) shall receive written notice of the hearing date at least five (5) working days in advance.

Within ten (10) working days after the conclusion of the formal hearing the Chairperson of the Committee shall submit a written report to the Director, Human Resource Management and Development indicating its findings of the facts stating any recommendations for presentation to the Commissioner and the OIC Administration.

The Director, Human Resource Management shall notify the grievant and the accused of the decision of the Commissioner or the OIC Administration within five (5) working days of the decision made.

## 9.14 RIGHT OF REPRESENTATION

- (i) Employees have a right to be accompanied by a representative of their choice at a grievance hearing. The representative may be:
  - (a) A fellow employee
  - (b) A staff association! trade union of which the employee is a member
  - (c) An attorney at Law
- (ii) The representative has the right to address the hearing and may ask questions and participate as fully as possible, but he/she may not answer questions on the employee's behalf. The representative should also be allowed a reasonable amount of time to confer with the employee during the hearing, and in private if they so wish.

## 9.15. RESPONSIBILITY OF THE EMPLOYEE

- (i) It is the responsibility of the employee to contact his/her representative and to ensure that the representative is willing and available to represent him/her.
- (ii) Employees must inform the Director, Human Resource Management who his/ her representative will be within two working (2) days of being informed of the date of the hearing.
- (iii) Employees may offer an alternative date for the hearing if their representative is unavailable on the original date or for some other reason deemed acceptable by the Director, HRM&D and provided that such alternative date is within five (5) working days,

## 9.16. APPEAL PROCESS

- (i) Both parties have the right to appeal against the decision of the committee. The appeal must be made in writing to the DHRM&D) within fifteen (15) working days of receipt of the decision.
- (ii) The grounds for appeal should be detailed and should come under one or more of the following headings:
  - a) **Procedural error;**
  - b) **New evidence which was not available at the original meeting;**
  - c) **Unfair or perverse decision by the Grievance Panel/Human Resource Management Committee.**
- (iii) The purpose of the appeal hearing is to focus on the specific grounds for appeal; it will not be a detailed re-hearing of the original grievance.
- (iv) The Appeal Hearing will be convened within ten (10) working days of the receipt of the statement of appeal.
- (v) The panel will consider the information provided by the parties to the grievance, consult the relevant policy/Department practice (if appropriate) and make a final recommendation.
- (vi) The Chairman of the Appeal Hearing Committee will confirm the outcome of the meeting within five (5) working days to the DHRM&D for submission to the HRM Committee.
- (vii) Within five (5) working days after the decision of the HRM Committee the Director Human Resource Management and Development shall notify the

complainant and/or the accused of the Committee decision

## **9.17. CONCILIATION**

- (i) Should the grievance remain unresolved following all the stages of conciliation, each party shall have the unilateral rights to refer to the Ministry of Labour and Social Security.

## **Appendix 1**

### **9.18. GUIDELINES FOR MANAGERS/SUPERVISORS RESOLVING WORKPLACE GRIEVANCES**

#### **1. Listen to the Grievance**

- a) Hear the grievance as soon as possible
- b) Talk to the staff member privately
- c) Establish facts: what, where who, how, and why
- d) Document the discussion and facts
- e) Clarify your understanding of the situation and read back to the staff member
- f) Empathize with how the staff member feels about the issue
- g) Investigate all allegations
- h) Seek a resolution at the lowest possible level
- i) Offer assistance within limitations
- j) Propose to sit with both parties on discussions
- k) Document the discussion and outcomes

#### **2. Awareness**

- a) Explain the grievance procedure and give a copy to the employee.
- b) Discuss confidentially
- c) Explain consequences if claim is substantiated or not

#### **3. Documentation**

- a) Ensure that all discussions are documented and any evidence retained
- b) Seek witnesses

#### **4. Communication**

- a) Maintain open communication and confidentiality with all parties at all times of progress

#### **5. Agreement**

- (a) If a solution has been achieved, document and ensure that all parties clearly understand the terms of agreement by affixing their signatures

#### **6. Follow Up**

- (a) Check that all parties involved have implemented the agreed solutions

**APPENDIX 2**  
**EMPLOYEE GRIEVANCE / COMPLAINT FORM**

**This form should be completed in full when an employee wishes to raise a formal grievance or complaint. The completed form should be sent to the Director, Human Resource Management & Development through the employee's supervisor/manager.**

1. Name: (first, middle, last) -----

2. ----- Division: Work Unit-----

3. Nature of grievance or complaint-----

4. Provide a brief statement of the issues/facts on which the grievance or complaint is based.  
**(Please attach an additional sheet if necessary):**

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5. Attempt at informal resolution:.....

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6. Proposed resolution (please attach an additional sheet if necessary):-----

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**7 Grievant signature: -----Date: \_\_\_\_\_**

**For official use only**

**8. Manager/Supervisor signature -----Date: -----**

# APPENDIX 3

## EMPLOYEE GRIEVANCE/COMPLAINT APPEAL FORM

This form should be completed in full when an employee wishes to lodge an appeal against the decision of a formal Grievance Hearing Committee. The completed form should be sent to the Director, Human Resource Management & Development

1. Name: (first, middle, last) -----

2.----- Division: Work Unit -----

3. Grounds for appeal:

(Must be one or more of the following: Procedural error, new evidence which was not made available for the original Hearing, and unfair or perverse recommendation/ decision by the Grievance Hearing Committee/Human Resource Management Executive Committee)

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4. Proposed resolution (please attach an additional sheet if necessary):

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5 Grievant signature: \_\_\_\_\_ Date:-----

### For official use only

6. Director, HumanResourceManagement&Development-  
signature: \_\_\_\_\_  
Date received:.....

## CHAPTER 10

### 10. EMPLOYEE DISCIPLINARY POLICY AND PROCEDURE

#### 10.1. *Introduction*

- (i) In order to maintain the highest quality of service and provide for a harmonious work environment an organization requires a number of systems and procedures.
- (ii) The disciplinary procedure is designed to help and encourage all employees to achieve and maintain the highest standards of conduct and performance, and is intended to be used only in situations where employees' work or conduct is unsatisfactory.
- (iii) The disciplinary procedure provides a clear and transparent framework to deal with difficulties which may arise as part of working relationships from either the employee's or employer's perspective.
- (iv) The procedure is meant to ensure that equitable treatment is extended to all and actions are compliant with current regulations and policies.

#### 10.2. POLICY

- (i) The Jamaica Fire Brigade Philosophy of discipline is one of constructive action administered fairly and consistently.
- (ii) The objective for disciplinary action is to correct violations, improve performance, avoid recurrence and protect the interests of the Brigade.
- (iii) Under these procedures employees will be given an opportunity to improve their performance and/or conduct before sanctions are imposed.
- (iv) Normally disciplinary action will be progressive, however, sanctions may be instituted at any step in the process, depending on the performance problem, the type of conduct, or the nature of the offense involved.
- (v) Every manager has a responsibility to maintain discipline by encouraging and ensuring that all employees perform responsibly and effectively at work.
- (vi) This policy is in line with the Staff Order (2004), Fire Brigade Regulations (1993) and Amendments and the Labour Relations Code (1976)

### **10.3. AIM**

- (i) While it is necessary for managers/supervisors to provide support and guidance to employees, it is also important for the Brigade to have a clear formal procedure to enable disciplinary action to be taken against an employee when necessary.

#### **10.3.1. The aims of the policy are to:**

- i. Ensure that all infractions will be dealt with in a consistent, fair, and timely manner
- ii. Provide clear guidelines/procedures for addressing any deviations from standard conduct/performance
- iii. Promote harmonious relations generally among employees, management, trade unions and staff associations
- iv. Make clear the rights and responsibilities of the employer and employees and clearly establish the disciplinary process
- v. Ensure that individuals are given reasons for any disciplinary action taken
- vi. Protect employees against biases and unfair employment practices whilst enabling management to carry out its responsibility to manage the services provided
- vii. Guarantee that an employee will not be penalized for reporting any infraction

### **10.4. SCOPE**

- i. The scope of this policy extends to all employees of the Brigade to include permanent, temporary and fixed term contract, with the principle of ensuring fair treatment for all.
- ii. This policy applies to all disciplinary matters that may arise during the course of business activities/events including but not limited to work environment.

### **10.5. RESPONSIBILITY**

- i. The Commissioner shall be responsible for the enforcement of this policy and the taking of appropriate action to correct improper conditions or to discipline offenders. S (he) shall ensure that staffs have access to this policy, and that managers understand their own role and responsibilities in the disciplinary procedure.
- ii. Managers are responsible for ensuring that employees understand their rights.

## **10.6. INFORMAL PROCEDURE**

- i. When a disciplinary matter arises, the supervisor or manager should first establish the facts promptly and take into account the statements of any available witnesses.
- ii After establishing the facts, the supervisor or manager may consider that there is no need to resort to the formal procedure and that it is sufficient to discuss the matter informally with the employee.
- iii. Addressing the matter at an early stage before the formal disciplinary procedure is used can lead to an improved standard of performance or behaviour.

**At this stage the supervisor, manager could check that:**

- a. The standards of performance or behaviour expected of the employee have been thoroughly explained and understood
- b. The employee had adequate orientation/ training for the particular job.
- c. There is no domestic or personal problem affecting performance or behaviour

## **10.7. FORMAL PROCEDURE**

- i. In order to conduct the disciplinary proceedings fairly, thorough investigation will be carried out to establish the facts as follows:
- ii. An employee shall file a formal complaint in writing to the Director, Human Resource Management and Development within fourteen (14) working days of the offence.
- iii. The Director of Personnel shall obtain formal statements and any other relevant documentation, from witnesses, if any, and concerned parties, within fifteen (15) working days of formal notification, barring any extenuating circumstances.
- iv. Within five (5) working days of receiving the statements and relevant documentation, the Director of Personnel shall prepare a submission to the Human Resource Executive Management Sub- committee to determine whether the matter warrants instituting disciplinary proceedings.
- v. Should the matter require further investigation the Director of Personnel in consultation with the Director, Human Resource Management and Development shall conduct further investigation and report back to the Sub-committee.

- vi. Should the Sub-committee decide to proceed with the matter, within five (5) working days of receiving the decision, the Director of Personnel shall write to the employee informing him/her of the decision and clearly state the nature of the charges proffered against him/her.
- vii. The formal hearing should be held expeditiously in any event not more than ten (10) working days of informing the employee of the charges laid against him/her.
- viii. The employee and witnesses shall receive notice of the hearing date at least five(5) working days in advance or at the earliest possible time.
- ix. In the event that the employee fails to attend the disciplinary hearing without a valid reason the hearing will take place in his/ her absence.
- x. The reason must be communicated to the Director of Personnel prior to the hearing.
- xi. The Committee Members and the (parties) defendant shall receive all documentation regarding the case, under confidential cover two (2) clear working days prior to the hearing.
- xii. The Director of Personnel must notify all parties that the documents are to be used for the sole purpose of the disciplinary proceedings and any breach of confidentiality will result in further action.
- xiii. Records will be kept detailing the nature of the case raised, the Ministry's response, any action taken and the reason (s) for this action. The records will be kept confidential.
- xiv. It is the responsibility of the Committee to recommend the appropriate penalty. The options for disciplinary action are outlined in the misdemeanors and Applicable Sanctions. In deciding the appropriate action to take, the Committee shall consider among other things, the following:
  - a. The gravity of the offence
  - b. The penalty applied in similar cases in the past
  - c. The individual's disciplinary record
  - d. Any mitigating circumstances
  - e. Whether the proposed penalty is reasonable.

- xv. Whereas the Committee is required to vote on decisions, the Chairman shall have a casting vote where there is a tie.
- xvi. Within five (5) working days after the decision of the Disciplinary Committee has taken, the Chairman of the Committee shall submit a written report under confidential cover to the Director, Human Resource Management and Development indicating its finding of the facts and recommendation(s).
- xvii. The Director, Human Resource Management and Development shall submit the report to the Human Resource Management Executive Committee for consideration.
- xviii. Within three (3) working days after the decision of the Human Resource Management Committee, the Director of Personnel shall notify the employee of the decision.

#### **10.8. RIGHT OF REPRESENTATION**

- i. Employees, complainant and respondents} have a right to be accompanied by a representative of their choice at a disciplinary hearing. The representative may be:
  - a. A fellow employee
  - b. A staff association/trade union representative of which the Employees is a member
  - c. An attorney at law
- ii. The representative has the right to address the hearing and may ask questions and participate as fully as possible, but he/she may not answer questions on the employee's behalf.
- iii. The representative should also be allowed a reasonable amount of time to confer with the employee during the hearing, in private if they so wish.

#### **10.9. RESPONSIBILITY OF THE EMPLOYEE**

- i. It is the responsibility of the employee to contact his/her representative and to ensure that the representative is willing and available to represent him/her.
- ii. Employees must inform the Director of Personnel who his/her representative will be within two (2) days of being informed of the date of the hearing.
- iii. Employees may offer an alternative date for the hearing provided it is

reasonable and falls within five (5) working days, if their representative is unavailable on the original date.

#### **10.10. RIGHT OF APPEAL**

- i. Employee may appeal a disciplinary action which has been instituted against them if they believe that they have been treated unfairly.
- ii. This must be communicated to the Director, Human Resource Management and Development in writing within fifteen (15) working days of the date of the notification letter.
- iii. The reason (s) for the appeal should be clearly stated. The Director, Human Resource Management and Development will engage a review of the record with an Appeal Committee within ten (10) working days of receipt of the Appeal.
- iv. The decision shall be made in writing to the employee within five (5) working days of the completion of the review. The Appeal Committee will be comprised of three (3) persons nominated by the Commissioner.
- v. In the event the outcome of the appeal is unsatisfactory the employee may within fourteen (14) days after the receipt of the decision, file a written notice of appeal to the Commissioner.

#### **10.11. PROGRESSIVE DISCIPLINARY STEPS**

- i. Normally, the procedure should be followed in order of the stages set out below, however, offences of a serious/major nature may warrant immediate sanctions, including dismissal.
- ii. For example there may be circumstances when misconduct is considered not to be serious to justify dismissal, but serious enough to warrant only one written warning which will be the first and final warning.

#### **10.12. ORAL WARNING**

- i. The Primary purpose of this step is to alleviate any misunderstandings and to clarify the direction for necessary and successful correction of the problem.
- ii. **An oral warning must:**
  - a. Clearly indicate the nature of the problem, cite the work standard, rule or policy governing the situation, and explain precisely what corrective action is expected

- b. Point out that future behaviour of a similar type may result in more serious disciplinary action.
- c. Document employee commitment to improve within a specific time frame.

### **10.13. FORMAL WARNING**

- i. Where an employee's conduct or work performance requires a hearing under the disciplinary procedure and the decision is for a formal warning to be issued, the Director Human Resource Management and Development /Director of Personnel will within three (3) working days confirm this in writing.
- ii. **The warning may include:**
  - a. The allegation
  - b. A summary of the investigatory findings
  - c. Improvement required
  - d. The timescales within which any improvements must be achieved
  - e. The duration of the warning
  - f. The consequences should the next stage of disciplinary action be invoked
  - g. Any special circumstances or conditions that may be applied (e.g. training requirements)
  - h. The right of appeal and the steps the employee should undertake if he/she wishes to appeal.

### **10.14. COUNSELING:**

- i. An opportunity for the employee and the supervisor to informally discuss work related problems and concerns.
- ii. **The counseling session is designed to help the employees to:**
  - a. Recognize/acknowledge the mistake or deficiency
  - b. Accept the standard that is required
  - c. Clarify expectations and standards
  - d. Explain any extenuating circumstances that may have caused or contributed to the problem being addressed
  - e. Understand the consequences of failing to meet the standard

- iii. The counseling session should be documented.
- iv. The Counseling or verbal warnings must be taken seriously. These are the first steps in the process and give an employee the opportunity to correct any deficiency before it is addressed more formally.

#### **10.15. FINAL WARNING**

- i. A final written warning may be issued to an employee who fails to respond positively to previous counseling, oral and written warnings.
- ii. The purpose of the final written warning is to make certain the employee understands the seriousness of the misconduct and that further misconduct will result in disciplinary action being instituted with or not with a view to dismissal.
- iii. The letter should clearly define the problem and work expectations, set up a schedule of progress meeting between employee and supervisor, state what is satisfactory completion of schedule for improvement and implications.
- iv. A copy of the warning should be sent to the Director, Human Resource Management and Development the employee advised that it will be placed in his/her personnel file.

#### **10.16. REPRIMAND**

- i. This is utilized when prior counseling and/or oral warning have not resulted in satisfactory changes of behaviour/performance.
- ii. A reprimand mayor may not be preceded by an oral warning depending on the type of violation.
- iii. **When issuing a reprimand:**
  - a. Include a review of prior disciplinary action taken
  - b. Notify the employee of the specific work rule or standard being violated
  - c. Give the employee notice that corrective action must be taken
  - d. The reprimand must be based on facts and information of record as opposed to hearsay and speculative conclusions

#### **10.17. FINE**

- i. A fine is used in cases where the infraction involves damage of the Brigade's property including motor vehicles through negligence.

### **10.18. SUSPENSION**

- i. May be used when the employee has not responded to counseling, oral warning or reprimands or commits a more serious violation that warrants suspension for a first offense.
- ii. Suspension is without pay for a maximum period not exceeding three (3) months.

### **10.19. SUSPENSION DEFERMENT OR WITHHOLDING OF INCREMENT**

- i. Suspension, deferment and withholding are normally instituted against an Employee in cases of:
  - a. lack of efficiency
  - b. unsatisfactory service or conduct; or
  - c. failure to pass a requisite examination conditional to the grant of the Employee's increment
- ii. **"Suspension** is to be applied when for any reason it is thought desirable to "reserve judgment" and allow for reformation or otherwise".
- iii. **"Deferment** is a substantial fine and may be deferred for a period not exceeding six months including any period for which it has been suspended."
- iv. **"Withholding** is a very serious penalty which deprives the Employees of the amount of that increment during each subsequent year of the service until the Employees reach the maximum of the scale." Revised (**Public Service Regulations June 1, 1991**)

### **10.20. INTERDICTION**

- i. Interdiction from duty is used where an infraction is considered to be serious or major, and pending the outcome of disciplinary proceedings.
- ii. Interdiction may be on half, quarter or no salary depending on the severity and type of the offence.

### **10.21. DEMOTION**

- i. Demotion refers to the removal of an employee from his present position.

## 10.22. TERMINATION

- i. If all previous steps of the disciplinary process have been unsuccessful, the employee's service may be terminated.
- ii. Certain violations may result in immediate termination (**the revised Public Service Regulations (1991) # 11 Second Schedule and paragraph 19 of the 2nd schedule refers**).
- iii. Because of the severity in the loss of one's job and the probability that such an action will result in grievance, appeal or possibly legal action, it is important that an employee's dismissal is not done in haste and only after a thorough investigation.
- iv. **At a minimum the investigation should provide assurances that:**
  - a. The employee did, in fact, commit the act
  - b. Substantial evidence of guilt is available
  - c. The employee was aware, or should have been aware of the consequences of the act
  - d. The same rules are applied uniformly to all employees
  - e. The credible witnesses provide essentially the same story
  - f. The penalty of dismissal is reasonably related to the seriousness of the offense
  - g. Follow due process

## ***Appendix A***

It is impossible to provide an exhaustive list that identifies every type of conduct or performance problem that may result in some form of discipline. However, to offer employees some guidance, appendixes A&B provide examples of conduct that may result in the application of disciplinary action:

- ❖ Failure to meet conditions governing hours of duty
- ❖ Failing to perform duties at an acceptable standard
- ❖ Refusal to carry out a reasonable work instruction
- ❖ Being persistently absent without leave or reasonable excuse
- ❖ Refusal to work normally with colleagues because of their actual or assumed problems relating to a medical condition
- ❖ Entertaining visitors in the office
- ❖ Misuse of telephone or other organizational resources
- ❖ The use of indecent language on the premises
- ❖ Reporting for work under the influence, or possession of alcohol or dangerous drugs.
- ❖ Disorderly and unruly behaviour in the office or while on official business
- ❖ Sleeping on the job

## **Appendix B**

Examples of those breaches of discipline which could lead to dismissal or which warrant suspension, interdiction, reduction in rank are as follows:

- ❖ Misleading the authorities and anything else that can be proven, mounts to, or leads to fraud.
- ❖ Sexual immorality and/or general indecent behaviour
- ❖ Unauthorized use of Ministry vehicles/equipment/document
- ❖ Falsification or tampering with documents, withholding of information
- ❖ Threatening ,fighting or assaulting another employee, client or member of the public
- ❖ Harassment of any colleague, member of the public or client which causes the individual to feel threatened, humiliated, patronized or which interferes with their job performance; undermines job security or creates a threatening or intimidating work environment
- ❖ Unauthorized possession of Ministry's property or other employees' property
- ❖ Causing damage to Ministry's property willfully or through negligence
- ❖ Stealing from the organization, or a client while on the premises or engaged elsewhere on business
- ❖ Committing a criminal offense
- ❖ Malicious mischief resulting in danger to fellow employees or other persons
- ❖ Repeated acts of misconduct as outlined in Appendix A

**Terms and Conditions Committee- (Non-Uniform Staff)**

<b>Mr. Neil Findlay</b>	<b>Deputy Commissioner, OIC/Administration</b>
<b>Mr. Denham Whilby</b>	<b>Industrial Relations Officer/Chairman</b>
<b>Miss. Valerie Cookhorne</b>	<b>Human Resource Management &amp; Development</b>
<b>Mrs. Helene Davis- Whyte</b>	<b>General Secretary, (JALGO)</b>
<b>Mr. Osmond Campbell</b>	<b>Negotiating Officer (UAWU)</b>
<b>Mrs. Henrietta Davis –Wray</b>	<b>Staff Representative</b>
<b>Miss. Siva DaCosta</b>	<b>Staff Representative</b>