

CASE NOTE

Ministry of Public Administration

Personnel Department

The Complainant was employed as a *Temporary Branch Library Assistant* with effect from 1989 at the Central Library Services, ***Ministry of Human Development, Youth and Culture***.

In June 1998, she became ill and proceeded on several extended periods of sick leave. The Chief Personnel Officer classified the period June to August 1998 as leave without pay. Thereafter by Act No.18 of 1998 the National Library Services became a separate entity known as the ***National Library and Information System Authority*** (NALIS), with the jurisdictional responsibility to determine terms and conditions for persons within its employ. Subsequent requests for sick leave by the Complainant were classified by the Executive Director, NALIS, who deemed the period September 1998 to June 2000 as leave without pay.

In June 2000, the Complainant was referred for examination by a Medical Board which recommended that she was unfit for further service. This information was submitted to the Director of Personnel Administration on ***August 7, 2000*** and thereafter, the Service Commissions Department informed the Complainant of the termination of her temporary appointment as Branch Library Assistant, on grounds of ill health with effect from ***16th August 2000***.

The Complainant made representations to NALIS to have the six (6) month period immediately preceding the date on which she was notified of her unfitness for further duty reclassified as leave with full pay.

In 2006, at a meeting with the Ombudsman, officials from the Personnel Department, Ministry of Public Administration agreed to review the Complainant's case in accordance with Regulation 86 of the Civil Service Regulations Chapter 23:01 and the Personnel Department's Guidelines for the Administration of Devolved Functions, Extension of Sick Leave, G.11 which states as follows:

- *Where an officer is found unfit, the Permanent Secretary or Head of Department/Statutory Authority may reclassify as an extension of sick leave with full pay, such period, not exceeding six (6) months, which immediately precedes the date on which the officer is notified of his unfitness for further duty, and which had earlier been classified as an extension of sick leave without pay or on partial pay*

To date the Chief Personnel Officer still has not taken the promised action and the matter remains unresolved.