



8TH CONFERENCE OF PUBLIC SERVICE CHIEF EXECUTIVES, CHIEF DIRECTORS AND CHAIRMEN OF GOVERNING BOARDS/COUNCILS

**CAPITAL VIEW HOTEL, KOFORIDUA
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**“SOME KEY RECURRENT HRM CONCEPTS
OFTEN MISAPPLIED IN THE PUBLIC SERVICES”**

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OUTLINE

- 1. ACTING APPOINTMENTS**
 - a) ACTING ASSIGNMENT**
 - b) FORMAL ACTING APPOINTMENT**
- 2. SECONDMENT**
- 3. INTERDICTION**
- 4. POSTINGS AND TRANSFERS**
- 5. PROBATION**
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1. ACTING ASSIGNMENT

(a) Definition

A temporary administrative arrangement that ensures that the duties and responsibilities attached to a position continues to be performed, when the substantive holder of the position is not immediately available to perform those duties and responsibilities.



1. ACTING ASSIGNMENT...

b) Circumstances

- It is usually resorted to when, for example, the substantive holder of the position is:-
 - Interdicted;
 - Dismissed;
 - Terminated or Removed from office;
 - On leave;
 - Indisposed;
 - On a short residential course in Ghana or abroad;
 - On a short-term attachment to another organization; or
 - Dies



1. ACTING ASSIGNMENT...

(C) Authorization

It is to be approved by the Head of Organization (CEO) or the Governing Board/Council, depending on the status/category of position involved.



1. ACTING ASSIGNMENT...

(C) Duration

- It is not expected to last more than six (6) months.
 - Where the substantive member is not likely or expected to resume duty, (e.g. dismissal, removal, death), the vacancy should be substantively filled within three (3) months and, in any case, not later than six (6) months.
 - Where the substantive holder of the position may resume work (e.g. interdiction, leave, indisposition, training, temporary assignment elsewhere), the acting assignment of six (6) months may be extended, but not beyond one year.



1. ACTING ASSIGNMENT...

(C) Eligibility

- The most senior and available subordinate officer encumbering a position one step below that of the position to be acted in, unless the efficiency and effectiveness of the officer are in serious doubt.
- In the absence of such an officer, another officer occupying a position two steps below the acting position, may be requested to act.



1. ACTING ASSIGNMENT...

d) Other Conditions

- It is not subject to confirmation;
- It is not expected to confer advantage for purposes of promotion;
- Compensation shall be paid in the form of allowance, equivalent to the difference between the minimum salary point of the salary scale attached to the acting position and the acting officer's own salary;
- Where the salary of the acting officer is higher than the minimum salary point attached to the position, the acting officer shall be paid 10% of the minimum salary point attached to the position, as an allowance.



2. FORMAL ACTING APPOINTMENT

(a) Circumstances

- Where a vacancy occurs at a time when adequate succession plan/ arrangement has not been drawn/made for a qualified and competent person to assume the position;
- Where the next officer in line cannot be immediately appointed, on grounds of proven unreliability, incompetence and/or doubtful integrity and accountability and;
- Where the position is not to be filled through promotion, a suitable person may be appointed from outside the Service in acting capacity;
- Where the sensitivity of the post demands that the person being considered for the appointment to the substantive position should be observed further for purposes of confirmation.



2. FORMAL ACTING APPOINTMENT...

(b) Authorization

- In accordance with Article 195 of the Constitution, all acting appointments are to be authorized by the President;
- For categories “A” and “B” positions, therefore, formal acting appointments are to be made by the President, on the advice of the governing boards/councils concerned, given in consultation with the PSC;
- For other categories of post, acting appointments shall be made by the governing boards/councils, or any authorized person(s).



2. FORMAL ACTING APPOINTMENT...

(c) Duration

- Not exceeding one year;
- Unless the work and conduct of the acting officer are proven to be unsatisfactory, the necessary steps should be taken to confirm him/her in the position;
- For an officer holding a substantive position two steps below the acting position's, the appointing authority should, within one year, take the necessary steps to appoint a substantive officer for the position, in accordance with the stipulated recruitment procedure.



2. FORMAL ACTING APPOINTMENT...

(d) Eligibility

- The most senior and available subordinate officer encumbering a position of step below that of the position to be acted in, unless the efficiency and effectiveness of the officer are in serious doubt.
- In the absence of such an officer, another officer occupying a position two steps below the action position, may be requested to act.
- Where the appointment is not promotional, the appointing authority may appoint a qualified person from outside the Service to act in the position



2. FORMAL ACTING APPOINTMENT...

(e) Compensation

- **Compensation shall be paid with effect from the date on which the officer assumes duty.**
- **For persons coming from outside the organization, they shall enjoy the full salary and fringe benefits attached to the post;**
- **Where the acting appointee is a serving officer within the organization, he/she shall be paid the difference between the minimum salary point of the salary scale attached to the acting position and his/her own salary;**
- **Where the salary of the acting appointee is higher than the minimum salary point attached to the acting position, the acting officer shall be paid 10% of the minimum salary point attached to the position, as allowance, in addition to all other fringe benefits attached to the position.**



2. FORMAL ACTING APPOINTMENT...

(f) Other Conditions

- Acting appointments are not to confer advantage for purposes of promotion;
- Where a person is assigned from outside the organization to act in a category “A” or “B” position, he/she may be considered subsequently for confirmation or otherwise by the appointing authority, using the prescribed procedure.



1. ACTING ASSIGNMENT...

Issues

- Non-adherence to procedure;
- The requirement for formal approval, particularly in the case of formal acting appointments;
- Too many officer “acting” without approval;
- Non-adherence to procedure for confirmation, especially with respect to appraisal.

3. SECONDMENT...

(a) What is it?

- It is an arrangement by which an organization (“foster” or “receiving” organisation) which is in dire need of certain skilled personnel to enable it function to the optimum, formally requests another organization (“parent”) with such skilled personnel to spare, to loan the personnel to it on a temporary basis.
- Secondment can also take place upon Government directive.



3. SECONDMENT...

(b) Conditions

- The seconded officer does not sever his/her relationship with the parent organization;
- He/she retains the Service rights and privileges, as if he/she were still in the substantive position;
- He/she is expected to carry out the instructions of the superior officer/ authority in the organization to which he/she is seconded;
- He/she is to be subject to the disciplinary code/procedures in the “foster” organization;



3. SECONDMENT...

(b) Conditions (Cont.)

- However, where disciplinary action may lead to the imposition of a major penalty, the action shall be taken in consultation with the head of the officer's parent organization;
- The parent organization shall continue to pay the salary and allowances of the officer. The officer shall however, be entitled to any allowances enjoyed by officers in the foster organization, provided they do not duplicate what he/she is receiving from the parent organization;
- The officer shall not seek promotion within the foster organization. His/her promotion prospects remain intact in his/her parent organization;



3. SECONDMENT...

(b) Conditions (Cont.)

- **Secondment shall not exceed two years. However, the receiving organization may request for an extension of one more year, in consultation with the parent organization and the seconded officer;**
- **Three (3) months to the expiration of the secondment period, the officer shall be reminded to make necessary arrangements to return to his/her parent organization;**
- **If he/she wishes to remain with the “foster” organization, steps shall be taken to have the officer transferred formally to the foster organization;**



3. SECONDMENT...

(b) Conditions (Cont.)

- **Three (3) months after the expiration of the secondment period, if the officer does not return to the parent organization, the parent organization shall serve notice of over-stay of secondment period on the officer and the foster organization.**
- **Where the office fails to report within ten (10) days of such notice, the officer shall be deemed to have been permanently transferred to the foster organization, and the parent organization shall accordingly take necessary steps to stop the payment of salaries and other entitlements to him/her.**



3. SECONDMENT...



- **Secondment letters do not specify clearly and fully, conditions for the secondment;**
- **Secondment periods are generally over-stayed;**
- **Heads of organization tend not to monitor the performance of their officers on secondment;**
- **Some receiving organizations flout the conditions of the secondment (e.g. promoting the officers, or dismissing them without recourse to the officers' parent organizations).**

4. INTERDICTION

(a) What is it?

- It is an administrative measure taken by a Disciplinary Authority which is meant to get a public servant under investigation/disciplinary enquiry to cease forthwith from exercising the powers and functions of his/her office.
- It is resorted to either before the enquiry commences or during the course of the enquiry/disciplinary proceedings.



4. INTERDICTION...

(b) Procedure/Conditions

- A written notice of interdiction shall be issued to the officer;
- The notice shall state the date of commencement of the interdiction and the reasons and conditions for the interdiction;
- Interdiction shall not last for more than three (3) months. However, where there is the need for the interdiction period to be extended, the disciplinary committee shall inform the Disciplinary Authority, who shall seek approval from the PSC. (This is to ensure that the Disciplinary Authority does not unduly delay the disciplinary process to cause undue hardship to the accused officer);



4. INTERDICTION...

(b) Procedure/Conditions (Cont.)

- The interdicted officer shall hand over all properties belonging to the organization, including value books, but excluding accommodation and official vehicles, in his/her possession, to an officer designated by the Disciplinary Authority/Head of organization;
- The officer shall not be permitted to resign until the case is determined;
- The interdicted officer is entitled to the payment of 50% of his/her salary. If the outcome of the enquiry does not result in his/her dismissal, the remaining 50% withheld shall be restore to him/her, when the final decision is made;



4. INTERDICTION...

(b) Procedure/Conditions (Cont.)

- The officer shall not visit the premises of the organization, except with the express permission of the Disciplinary Authority;
- The officer shall not travel outside Ghana without the express permission of the Disciplinary Authority;
- An officer who attains the compulsory/voluntary retirement age whilst on interdiction shall continue to make himself/herself available until the final resolution of the disciplinary matter.



4. INTERDICTION...



- **Misconception of interdiction as a penalty/sanction;**
- **Failure by Disciplinary Authorities to specify, in writing, the terms and conditions of interdiction of officers under investigation;**
- **Inability to complete disciplinary proceedings early, thus compelling accused officers to remain an interdiction for long periods of time;**
- **Failure of some Disciplinary Authority to reinstate accused officers who are cleared, even by the courts.**
- **“Proceed on Leave”.**

5. POSTINGS AND TRANSFERS

(a) Posting

- **Definition**
- **The movement of an officer from one geographical area or location to another, within the same organization or Service, to perform duties relating to the Class of Posts that he/she belongs;**
- **It may or may not imply increased responsibilities.**



5. POSTINGS AND TRANSFERS...

(b) Conditions

- It should not be used as a punitive measure.
- Reasonable notice, consistent with the exigencies of the service, should be given to the officer before, he/she moves to a new station;
- As much as possible, officers should be rotated at least once every five (5) years;
- Postings should be effected, as much as possible, to coincide with the academic calendar, to enable officers to place their wards in schools at the new locations;



5. POSTINGS AND TRANSFERS...

(b) Conditions (Cont.)

- Every assistance possible should be given to ensure that the officer is properly relocated and settled in his/her new station;
- Where the exigencies of the service allow it, a married public servant, upon request, may be posted to or close to the same geographical area as his/her spouse;
- an officer on an approved course of study shall not be posted out of his/her station before the end of the study.



5. POSTINGS AND TRANSFERS...

(C) Transfer

Definition

- It is the movement of an officer from one of the Services within the Public Services of Ghana to another, or from one Class of Posts within the same, or a different Service;
- This may involve a change of designation and duties;



5. POSTINGS AND TRANSFERS...

(d) Conditions

- Availability of vacancy in the position into which the officer is seeking transfer;
- An agreement between the parent organization and the receiving organization;
- Compliance with all the requirements and procedures for recruitment;
- The officer severs relationship with his/her parent organization;
- The officer's Appointing Authority and terms and conditions of employment will change.



5. POSTINGS AND TRANSFERS...

Issues

- **“Confusion” in the usage of “posting” and “transfer” leading, at times, to unintended consequences;**
- **The use of posting as a punitive measure rather than as an administrative measure for the effective and efficient utilization of the human resource within the organization;**
- **Non-adherence to the guidelines/considerations on posting;**
- **Authorization/purported authorization of posting and transfer by persons/bodies who are not mandated to do so.**

6. PROBATION

(a) Definition

- A period of review and appraisal of the work and conduct of a newly-employed officer to determine whether or not he/she is capable of performing the duties and responsibilities attached to the position to which he/she has been appointed.



6. PROBATION...

(b) Duration

- Six (6) months for junior officers and nine (9) months for senior officers;
- However, in both cases, the organisation's Management may extend the probation period for three (3) months for stated reasons, upon performance appraisal.



6. PROBATION...

(c) Requirements

- The officer shall be given job description, orientation, appropriate training, instructions, guidance, appropriate resources and counselling, where necessary, to enable him/her execute the duties assigned;
- the officer shall be subject to evaluation;
- The officer shall be given clear and written indication on what and how he/she will be assessed for purposes of confirmation in his/her appointment;
- The appraisal must be based on pre-determined targets set and agreed between the officer and his/her superior officer;



6. PROBATION...

(c) Requirements (Cont.)

- The result of the appraisal, and the decision to confirm or not to confirm him/her, shall be communicated to the officer in writing;
- Unless the head of organization informs the officer in writing to the contrary, one (1) month after the expiry of the probationary period, it shall be deemed that the officer has been confirmed in his/her post;
- A head of organization who fails to assess an officer on probation for purposes of confirmation within the specified period, is liable for appropriate sanction.



6. PROBATION...

Issues

- Officers on probation are not being given targets upon which they will be appraised for purposes of confirmation;
- The requirement for confirmation in appointments is generally not being followed in the Service. Majority of public servants have, over the years, accordingly, earned their confirmation by default:

6. PROBATION...



- In a number of cases that have come to the attention of the PSC, officers on probation have had their appointments terminated without any written appraisal;
- The probability that an aggrieved officer will contest his/her dismissal through the structure of the organization/service, or by resorting to the courts, is high.

CONCLUSION



THANK YOU

