

PSC CIRCULAR

Public Service Commission, Berkley Crescent, P. O. Box 2211
Government Buildings, Suva. Telephone 3-314-588

PSC CIRCULAR NO. 37/2009

To : All Permanent Secretaries and
Heads of Departments

File: 29/426

Subject: CONTRACTUAL APPOINTMENT OF NEW
PROMOTEES – EMPLOYEES ON CONTINUOUS
ACTING APPOINTMENT

Date: 09th July 2009

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- 1.0 Further to PSC Circular 33/2009 of 25th June, 2009, the Commission has received requests from Ministries and Departments for clarification on promotions of employees to positions in which these employees have been acting prior to the 10th of April, and have continued to act in these higher positions.
 - 2.0 Under section 16 of the State Services Decree 2009, the appointment of new recruits and the promotion of existing employees are to be made on fixed term contractual basis, and a directive to this effect has been conveyed to all Ministries/Departments by PSC Circular 33/2009.
 - 3.0 The Commission has noted that the Circular did not adequately address those employees who had been acting in higher positions even prior to 10th April 2009.
 - 4.0 In order to give the proper prospective effect to section 16 of the State Services Decree 2009, the Commission has decided that any employee who:
 - (a) was acting in a higher position prior to 10th April 2009; and
 - (b) has continued to act since then in that higher position (without any break in the acting appointment); and
 - (c) has applied or applies for that higher position upon advertisement of the vacancy of that higher position (whether the advertisement was before or after 10th April 2009); and
 - (d) has been successfully selected as a promotee, after a competitive selection process including interviews and proper assessment by the respective staff board,shall be appointed/confirmed by the respective appointing authority (under section 12(2) and (3) of the State Services Decree 2009) on a permanent basis and not on a contractual basis; and shall be back-dated in accordance with General Order No. 404.
 - 5.0 Paragraph 4.0 above will only be applicable to those employees who were acting in the advertised position before 10th April 2009, and who have continued to act in that position since this date. Any serving employee, who was not in continuous acting appointment as per paragraph 4.0(a) and (b) above and who is selected for promotion, will still be required to be

appointed on a contractual basis under the contract template attached to the PSC Circular 33/2009 of 25th June, 2009. Paragraph 4.0 will not apply to any temporary relieving appointments.

- 6.0 Any subsequent promotion of any employee to whom paragraph 4.0 applies, will be on a contractual basis under the contract template attached to the PSC Circular 33/2009 of 25th June, 2009 (regardless of whether that employee is appointed to act in that higher position which is the subject of subsequent promotion).
- 7.0 PSC Circular 33/2009 of 25th June, 2009 is amended accordingly by this Circular.
- 8.0 Please bring this circular to the attention of all relevant officers in your Ministries/Departments.
- 9.0 For any queries or clarifications relating to the above, please contact Jimaima Vilisoni on telephone 3314588 ext 227 or email address jvilisoni@psc.gov.fj.



Parmesh Chand
Permanent Secretary for the Public Service