

STATUTORY INSTRUMENTS

2006, No. 13

The Public Servants (Voluntary Separation) Regulations, 2006,  
made by the Minister under section 10 of the Public Servants  
(Voluntary Separation) Act, 2006.

1. These Regulations may be cited as the Public Servants (Voluntary Separation) Regulations, 2006. Short title.
2. In these regulations “the principal Act” means the Public Servants (Voluntary Separation) Act, 2006. Interpretation.
3. An application for an offer of voluntary early retirement or voluntary severance made under section 3(1) of the principal Act—  
  - (a) shall be in such form as may be specified by the Minister;
  - (b) shall be made within 14 days of the coming into force of these regulations; and
  - (c) shall be sent to the Minister.Application.
4. (1) To assist him in deciding whether to accept or refuse an application made under section 3(1) of the principal Act and in deciding the date from which any voluntary severance or voluntary early retirement should operate, the Minister shall in the case of each application appoint a review advisory committee consisting of—  
  - (a) the minister or such other minister as may be nominated by the Minister;
  - (b) the permanent secretary of the ministry in which the employee is employed or which is responsible for the service in which the employee is employed;
  - (c) the head of the department in which the employee is employed; andReview advisory committee.

(d) such other public officers as may be specified by the Minister,

(2) The review advisory committee shall consider the application having regard to the matters specified in Section 4(2) of the principal Act, and shall, in writing, recommend the Minister to accept or refuse the application, and the date from which any voluntary severance or voluntary early retirement should operate, setting out the reasons for the recommendation.

Offer.

5. (1) Subject to subregulation (2) an offer of voluntary early retirement or voluntary severance made under section 4(1) of the principal Act—

- (a) shall be expressed to take effect either immediately on its acceptance, or from a date to be specified in the offer in accordance with that section;
- (b) shall be in such form as may be specified by the Minister;
- (c) shall contain a date on which the employee's employment will cease if the offer is accepted;
- (d) shall contain an endorsement for completion by the employee signifying either acceptance or refusal of the offer; and
- (e) shall be sent to the employee in duplicate.

(2) An offer of voluntary early retirement may not be made to an employee whose 59th birthday falls on or before the 31 December, 2005.

Failure to make offer

6. A failure to make an offer within 28 days of the receipt of the application by the Minister or the coming into force of these Regulations, whichever is the later, shall be deemed to be a refusal of the application.

Refusal of application

7. A refusal of an application for an offer for voluntary early retirement or voluntary severance, other than a deemed refusal under regulation 6, shall be in such form as may be specified by the Minister and shall contain a statement setting out in full the reasons for the refusal.

8. (1) An acceptance of an offer for voluntary early retirement or voluntary severance shall be made by the employee by returning one copy of the offer document by the date specified in the document to the Minister at the address stated on the document with the acceptance endorsement signed and dated.

Acceptance.

(2) Where an employee is out of the country when an offer document is sent to him, the date specified in the offer document by which acceptance is required shall be taken to be either seven days after the employee returns to Antigua and Barbuda, or the date specified in the offer document, whichever is the later.

9. A refusal of an offer for voluntary early retirement or voluntary severance may be made by the employee by returning one copy of the offer document to the Minister at the address stated on the document with a covering letter indicating that the offer is refused.

Refusal of offer.

10. A failure to accept an offer for voluntary early retirement or voluntary severance by the date specified in the offer document shall be taken to be a refusal of the offer.

Deemed refusal.

11. (1) The severance package under section 6(2) of the principal Act to be given to an employee who is offered and has accepted voluntary severance shall consist of—

Severance package.

- (a) a single payment consisting of the amount of the annual emoluments of the employee at the date of severance multiplied by the figure in column 2 of the Schedule which appears opposite the employee's severance benefit period in column 1, and taking into account Note 1 in that Schedule;
- (b) an entitlement to financial assistance in accordance with subregulation (2) in respect of fees for courses of education and training provided by an institution recognised by the Board of Education; and
- (c) an entitlement to a recommendation by the Government to the Antigua and Barbuda Development Bank for immediate consideration of an application by the employee to the Bank for a business loan under the "Empowerment for Ownership" programme.

(2) The amount of financial assistance to which an employee is entitled under subregulation (1)(b) shall be limited to the amount of three months' gross basic pay at the rate to which the employee was entitled at the date of severance, and shall be paid by the Government directly to the education or training provider.

Enhancement of pension.

12. (1) An employee who is offered voluntary early retirement shall, in addition to a pension calculated in accordance with section 6(1) of the principal Act, be entitled to—

- (a) a gratuity of the amount of one year's basic salary at the rate payable at the date of retirement;
- (b) an entitlement to financial assistance in accordance with subregulation (2) in respect of fees for courses of education and training provided by an institution recognised by the Board of Education; and
- (c) an entitlement to a recommendation by the Government to the Antigua and Barbuda Development Bank for immediate consideration of an application by the employee to the Bank for a business loan under the "Empowerment for Ownership" programme.

(2) The amount of financial assistance to which an employee is entitled under subregulation (1)(b) shall be limited to the amount of three months' gross basic pay at the rate to which the employee was entitled at the date of severance, and shall be paid by the Government directly to the education or training provider.

Cessation of employment.

13. (1) The employment of an employee who accepts an offer of voluntary early retirement or voluntary severance shall cease on the date specified in the offer made under 4(1) of the principal Act.

(2) Gratuity and severance payments and the first monthly payment of a full or reduced pension due under the principal Act shall be paid on or before the last day of the month following the month in which the employment ceased.

(3) An amount due and unpaid in accordance with subregulation (2) may be recovered by the employee as a debt and until paid shall attract interest at 10% per annum which shall be similarly due and recoverable.

14. (1) Where a person receives a pension following voluntary early retirement under the principal Act and is subsequently employed by the Government in any capacity under a contract of employment, the pension shall be suspended during the period of that employment.

Re-employment  
by the  
Government  
restricted.

(2) Where a person has received a severance payment following voluntary severance under the principal Act he shall not be eligible for employment by the Government in any capacity under a contract of employment until he has repaid to the Government the amount of the severance payment that he has received.

15. Where an employee who has accepted an offer of voluntary severance dies before he receives the payment referred to in regulation 11(1), that payment shall be paid to his personal representative at the time when it would have been due to be paid to the employee, and regulation 13(2) and (3) shall apply to such payment.

Death of  
employee.

### **SCHEDULE**

### **Regulation 11**

#### **VOLUNTARY SEVERANCE-WEIGHTING OF EMOLUMENTS**

| <u>YEARS OF SERVICE</u> | <u>WEIGHT</u> |
|-------------------------|---------------|
| 01                      | 0.17          |
| 02                      | 0.33          |
| 03                      | 0.50          |
| 04                      | 0.67          |
| 05                      | 0.83          |
| 06                      | 1.00          |
| 07                      | 1.17          |
| 08                      | 1.33          |
| 09                      | 1.50          |
| 10                      | 1.67          |
| 11                      | 1.83          |
| 12                      | 2.00          |
| 13                      | 2.25          |
| 14                      | 2.25          |
| 15                      | 2.25          |
| 16                      | 2.25          |
| 17                      | 2.25          |
| 18                      | 2.25          |
| 19                      | 2.50          |



**YEARS OF SERVICE**

**WEIGHT**

|    |      |
|----|------|
| 20 | 2.50 |
| 21 | 2.50 |
| 22 | 2.50 |
| 23 | 2.50 |
| 24 | 2.50 |
| 25 | 2.75 |
| 26 | 2.75 |
| 27 | 2.75 |
| 28 | 2.75 |
| 29 | 2.75 |
| 30 | 2.75 |
| 31 | 2.75 |
| 32 | 2.75 |

**Note:** In calculating the number of years of service, periods of service of less than one year shall, if greater than 182 days, be rounded up to a whole year, and if 182 days or less shall be divided into periods of 31 days, each such full period and any remaining part period of 16 days or longer being taken for the purpose of the calculation as being one-twelfth of one year.

Made this 18th day of August, 2006.

**J. Quinn-Leandro**

*Minister of Labour,*

*Public Administration and Empowerment.*

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