



Record of members present and business transacted at meeting held on 30 December 2014 at 10:00am in the Commissions Secretariat Conference Room, Corporate Centre.

Members Present

Mr. Donnie Ebanks	-	Chairman
Mr. Lemuel Hurlston	-	Member
Ms. Andrea Bryan	-	Member
Ms. Deanna Look Loy	-	Member
Mrs. Stacey van Develde	-	Member

Apologies

Mrs. Dorothy Crumbley	-	Member
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Others Present

Ms. Deborah Boddin	-	Manager, Commissions Secretariat
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Confirmation of Previous Minutes

The minutes of 8 December 2014 were confirmed.

Outstanding Appeals

- Appeal 010/2014

As agreed at the last meeting the Secretariat, on behalf of the CSAC, afforded the appellant an opportunity to provide, within seven (7) calendar days, any additional information or any further documentation which would support his appeal. The appellant availed himself of this opportunity and as such the CSAC considered the Appeals Form and all supporting documentation, inclusive of the material submitted on 28 November and 16 December 2014. After carefully considering these documents members agreed that there was no evidence to suggest that the Chief Officer acted in an unfair or biased manner, the processes and procedures specified in the Law or Regulations for a dismissal were not followed, or the substantive requirements of the Public Service Management Law or Regulations were not complied with.

Any Other Business

- Appeal 005/2014

The Manager of the Commissions Secretariat attended the Court Hearing on 10 December in a watching capacity. Neither the appellant's attorney nor the judge were aware of the correspondence communicating the CSAC's legal position in the matter as the appellant's attorney had been off island and had not accessed his e-mail. Members were provided with a

briefing of the judge's orders which provided for the appellant and the legal representative of the 1st defendant (Chief Officer, Ministry of Home Affairs) to submit any final documentation which either party wishes the judge to consider before making a decision regarding the application for leave for judicial review. It was noted that the parties agreed the 3rd defendant (the Honourable Attorney General) should be struck off of the matter. No further Hearing dates were set and the CSAC has no further role at this time.

- Appeal 008/2014

The Chairman and the Manager agreed to liaise regarding the communication to the Courts requesting legal documentation in the matter.

- 2011 Judicial Review

Members were informed that whilst the CSAC had been informed in December 2013 that the Legal Department would be withdrawing the judicial review it had filed on behalf of a Chief Officer following a CSAC decision taken in 2011, there had been no response to communications during 2014 enquiring as to whether this had formally been completed. The Chairman communicated with the Solicitor General who indicated that the Order would be filed with the Courts in the near future. Subsequently the CSAC were provided with copies of an Order which the Legal Department requested a representative of the CSAC sign signifying agreement to the content. The CSAC is unsure of why it is required to sign such a document as the CSAC had no role in filing for the judicial review nor did it participate in any proceedings, if any occurred. It is understood that the appellant in the matter has still not been compensated as per the CSAC's 2011 decision and the CSAC is unsure under what authority the Cayman Islands Government can ignore a CSAC decision. The Chairman will follow-up with the Solicitor General regarding the necessity of the CSAC signing the Order regarding the withdrawal of the judicial review.

Actions

- Draft final correspondence to the appellant in Appeal 010/2014 (Secretariat);
- The Chairman and the Manager to liaise regarding the communication to the Courts requesting legal documentation in respect of Appeal 008/2014;
- Follow up with the Solicitor General regarding the Order in the 2011 Judicial Review (Chairman); and
- Follow up with the Chief Officer of the Portfolio of the Civil Service regarding the timeline for amendments being made to the PSML (Secretariat).



Donovan Ebanks
CHAIRMAN
CIVIL SERVICE APPEALS COMMISSION

Addendum re: Appeal 008/2014

It is noted that following the meeting the Chairman directed that the Secretariat should instead follow up with the appellant's Cayman Islands Civil Service Association (CICSA) representative regarding the requested documentation prior to contacting the Courts. Upon doing so, the

representative informed the Secretariat that the Chief Officer reversed his decision in retrospect and indicated therefore that the appeal is withdrawn.