

WHEN DO I FILE A CSAC APPEAL?

In accordance with the PSML, appeals to the CSAC must be lodged within **30 calendar days** of the Appellant being notified of the decision made by the Head of the Civil Service, Official Member, or Chief Officer.

Where a potential Appellant is engaged in discussion (generally of a without prejudice nature) with the potential Respondent, an extension to submit appeal materials may be allowed if the Appellant communicates with the CSAC during that legal timeframe indicating that such discussions are ongoing and requests an extension. Details on requesting such an extension must be read in the CSAC Guidance Notes found on our website.

CAN AN APPELLANT WITHDRAW AN APPEAL?

Appellants may withdraw an appeal at any time before the Commission issues its decision i.e. either after it is lodged and before it is considered by the Commission; or after and before the Commission decision is issued. Appeals may be withdrawn by advising the Commission Secretariat in writing.

Appeals do not need to be withdrawn merely because an Appellant is leaving the Cayman Islands.

GRIEVANCES VS APPEALS

The PSML and Personnel Regulations draw a distinction between appeals and grievances.

Grievances are defined in Personnel Regulation 51(2) as concerns of a staff member relating to workplace conditions or safety, the behaviour of another staff member in the workplace, or compliance of other staff members with the Public Servant's Code of Conduct. **That Regulation also makes it clear that a grievance is not a matter which is the subject of the appeal process.**

In other words the grounds for a grievance are different from the grounds for an appeal. Grievances, and a Chief Officer's response to a grievance, cannot be appealed to Commission and fall outside the Commission's jurisdiction.

ONUS OF PROOF

It is important to remember that in all cases the PSML places the onus of proof on the Appellant by requiring evidence to support the appeal.

WHERE CAN I GET MORE GUIDANCE?

The CSAC has created comprehensive guidance notes which explain whose decisions can be appealed as well as how an appeal can be lodged. These guidance notes are available on our website or at our office.

HELPFUL PARTNER AGENCIES

Other agencies which may be useful to a civil servant considering filing an appeal include:

- Complaints Commissioner's Office,
- Commission for Standards in Public Life,
- Information Commissioner's Office,
- Portfolio of the Civil Service,
- Cayman Islands Civil Service Association, and
- Employee Assistance Programme.

HOW CAN I CONTACT THE CSAC?

- Website: www.civilserviceappealscommission.ky
- E-mail: info@civilserviceappealscommission.ky
- Telephone: 244-3685
- Fax: 945-8649
- Mailing address: P.O. Box 391 Grand Cayman, KY1-1106
- Physical address: 2nd Floor, Artemis House, 67 Fort St.

DISCLAIMER

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I AM A CHIEF OFFICER...

How do I handle appeals?

and

How do I file an appeal for myself?

WHAT IS THE CIVIL SERVICE APPEALS COMMISSION?

The Civil Service Appeals Commission (the CSAC) consists of a Chairman and not less than four or more than six other members, appointed by the Governor acting in his or her discretion. No person shall be qualified to be appointed as a member of the CSAC if they are a civil servant or if they are or have been within the preceding three years - an elected member of the Legislative Assembly, or the holder of any office in any political party.

The CSAC is therefore an appellants body established under Part VIII of the Public Service Management Law (PSML). For more information, see the CSAC's general information pamphlet.

PART I—HANDLING AN APPEAL AS A CHIEF OFFICER

LODGING AN APPEAL

In accordance with s.53 of the PSML an appeal may be lodged with a Chief Officer in the following circumstances:

1. by a civil servant about any appointment decision made under Part VII of the PSML by a Head of Department or other manager in the civil service entity; or
2. by a staff member about any decision of a Head of Department or other manager in the civil service entity.

Persons appointed by Chief Officers, such as a Head of Department or staff within a Ministry or Portfolio, must appeal any decision made by you as an Appointing Officer directly to the CSAC.

GROUNDINGS OF APPEAL

Where an appeal is lodged, evidence must be submitted to the Chief Officer to show that the Head of Department or other manager:

- acted in an unfair or biased manner; or
- acted in a manner inconsistent with the requirements of the PSML, or the substantive requirements of the Law or Regulations.

APPEAL GUIDELINES

An appeal of this nature is an internal process and is the responsibility of the Chief Officer and not a matter that involves the CSAC.

However, the PSML requires that:

- Specific arrangements for appealing to a Chief Officer be established by the civil service entity concerned. The CSAC recommends that the process be documented in the entity's Human Resources policies and procedures manual.
- An appeal must be lodged by a civil servant within 30 calendar days of being notified that he was not appointed.
- An appeal must be lodged by a staff member within 30 calendar days of being notified in writing of the decision.
- As a Chief Officer you have 30 calendar days to render a decision.
- Your decision must be based on the information provided by the appellant together with information provided by the Head of Department or other manager whose decision is being appealed; and any other information that you consider relevant.

The CSAC considers it best practice for Chief Officers to notify appellants that they have 30 calendar days from the date of being notified, to file an appeal of the decision with the CSAC.

PART II—FILING AN APPEAL AS A CHIEF OFFICER

LODGING AN APPEAL

A Chief Officer of a Ministry or a Portfolio may appeal against a personnel related decision made in accordance with s.28, s.29, s.31 or s.32 by the Head of the Civil Service or an Official Member, as the case may be. Such decisions include:

- Remuneration decisions;
- Dismissal decisions;
- Early retirement on medical grounds decisions;
- Retirement to improve the organisation decisions;
- Performance assessment ratings and comments; and
- Performance remuneration decisions (when applicable).

Chief Officers appointed by the Governor (i.e. the Auditor General, the Cabinet Secretary, etc.) are **not eligible** to appeal his/her decisions to the Commission.

GROUNDINGS OF APPEAL

In lodging such an appeal the Chief Officer shall provide evidence to show that the Head of the Civil Service or the Official Member, as the case may be, has acted in:

- an unfair or biased manner; or
- a manner inconsistent with the requirements of s.28, s.29, s.31 or s.32 of the PSML.

IMPORTANT GUIDELINES

Under s.34 the PSML requires that:

- An appeal must be lodged **within 30 calendar days** of being notified of the decision; and
- The Commission does not have final determination authority in relation to these appeals; but instead makes a recommendation to the Governor who is then responsible for making the final decision as he/she sees fit.