

HOW DO I FILE AN APPEAL?

An appeal must be in writing and be signed by the appellant. It must contain:

- the appellant's basic contact information;
- the decision that is being appealed;
- the grounds for appeal including the provisions of the PSML or Regulations that the appellant considers/claims were not complied with;
- evidence to support your case; and
- the action the appellant would like the CSAC to take if his/her appeal is successful.

WHEN DO I FILE AN 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.

CAN I FILE A GRIEVANCE WITH THE CSAC?

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 the CSAC and fall outside its jurisdiction.

CAN I GET HELP FILING AN APPEAL?

The responsibility for preparing and submitting an Appeal rests with the appellant. However, an appellant may seek assistance from a family member, friend, lawyer, CICSA representative or other person when preparing the Appeal submission. In order to maintain their neutrality and independence, the Commission members and staff of the Commissions Secretariat are not to assist an appellant in preparing appeal documents.

WHEN WILL I FIND OUT THE CSAC'S DECISION?

Decisions will be rendered in writing, or recommendations provided to the Governor (as applicable), within 30 calendar days of either the consideration of all submissions or of the Hearing, whichever is applicable.

WHERE CAN I GET MORE GUIDANCE?

The CSAC has created comprehensive guidance notes for lodging an appeal which includes a flow chart of the appeals process. These guidance notes are available on our website or at our office.

HOW CAN I CONTACT THE CSAC?

- Website: www.civilserviceappealscommission.ky
- E-mail: info@civilserviceappealscommission.ky
- Telephone: +1 (345) 244-3685
- Mailing address: P.O. Box 391, KY1-1106
- Physical Address: 2nd Floor, Artemis House, 67 Fort Street, George Town, Grand Cayman

DISCLAIMER

These materials are for informational purposes only and do not constitute legal advice. These materials are intended, but not promised or guaranteed to be current or complete and should in no way be taken as an indication of future results. Visit our website or office for more detailed information.



CSAC

WHAT IS THE CSAC?

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 her discretion. No person shall be qualified to be appointed as a member of the CSAC if he/she is a civil servant or if he/she is or has been within the preceding three years -

- a) an elected member of Parliament; or
- b) the holder of any office in any political party.

WHAT IS THE CSAC'S PURPOSE

The sole purpose of the CSAC is to consider, and decide upon, appeals from civil servants about personnel-related decisions of the Head of the Civil Service, Official Members and Chief Officers of civil service entities (in accordance with sections 33, 34 and 54 of the Public Service Management Law). As such the CSAC is purely an appellate body.

WHAT ARE THE CSAC'S POWERS?

The CSAC has all the powers of the Grand Court. In the performance of its functions under the PSML, the CSAC is not subject to the direction or control of any other person or authority. It has no authority to be involved in civil service matters other than in relation to hearing appeals. Similarly it has no advisory role or authority to make public comments. The CSAC may only undertake investigations or inquiries in relation to appeals.

WHAT IS AN APPEAL?

An appeal is a request to the CSAC to review a personnel-related decision in which the Appointing Officer acted in an unfair or biased manner; or the processes and procedures specified in the Law or Regulations for that type of decision were not followed; or the substantive requirements of the Law or Regulations were not complied with. Before accepting an appeal, the CSAC will satisfy itself that the appeal falls within its jurisdiction and that it provides clear and sufficient evidence to satisfy the requirements of the PSML.

WHO MAY MAKE AN APPEAL?

Under the PSML, only civil servants (i.e. existing employees of government) can lodge an appeal with the CSAC. This means that the following are not eligible to lodge an appeal to the CSAC:

- persons who are not civil servants, and who have unsuccessfully applied for a position as a civil servant;
- employees of statutory authorities and government companies as they are not civil servants (and are therefore not covered by the CSAC appeals process);
- Royal Cayman Islands Police Service Officers as their employment conditions are otherwise governed within the remit of the Police Act; and
- Her Majesty's Cayman Islands Prison Officers relating to any disciplinary matter as this employment condition is governed within the remit of the Prisons Act and the Prison (Discipline) Regulations.

APPEALS RELATING TO STAFF

Under s.54 of the PSML, appeals to the CSAC by civil servants must be about personnel related decisions of the Chief Officer.

- If the Chief Officer was the Appointing Officer, then the appeal must be about the substantive personnel decision made by the Chief Officer.
- If the Chief Officer was deciding on an appeal about the decision of an Appointing Officer to whom he had delegated authority, then the appeal must be about the Chief Officer's appeal decision.

This also means that civil servants cannot appeal directly to CSAC about decisions of Heads of Departments, Sections or Units who are Appointing Officers. They can only appeal to the Chief Officer about those decisions.

APPEALS RELATING TO CHIEF OFFICERS / APPLICANTS

Appeals may be made by any civil servant who applied for the position of Chief Officer (under s.33); or by any Chief Officer about personnel related decision of the Head of the Civil Service or the Official Member (under s.34).

It is important to note that 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 CSAC. The CSAC 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.