



CSAC Appeal 001/2021 – Record of Decision

Appeal 001/2021 was received on 22 April 2021, from the Appellant’s Legal Representative against the Respondent’s decision of 26 March 2021 not to convert the Appellant’s most recent two year fixed contract of employment (dated 4 April 2019) into an open term employment agreement.

Following receipt of submissions from both parties an Interim Order Hearing was set for 12 May 2021 to determine whether CSAC had jurisdiction to hear the appeal. There was no examination or cross-examination of any witness during the hearing. CSAC subsequently considered the written submissions/evidence of both parties along with the relevant sections of the Public Service Management Act (2018 Revision) (“PSMA”). It is noted that Chairman Huw Moses along with members Shomari Scott and Olivaire Watler participated in the Interim Order Hearing.

Jurisdiction

CSAC found that it had no jurisdiction to hear this appeal given that it is accepted by both parties that the Respondent, when making the Decision on 26 March 2021, was not yet effectively appointed as a Chief Officer and that accordingly the appeal lays not to CSAC under s.54 of the PSMA but rather to the Appellant’s Chief Officer under s.53 of the PSMA.

Orders

1. That the Appeal be dismissed with no orders as to costs.
2. Leave to the Appellant to issue a new appeal in the event that the Chief Officer either declines jurisdiction to hear the s.53 appeal or in the event that the appointment of the Respondent as a Chief Officer is perfected before the s.53 appeal is made to the Chief Officer of the Ministry.
3. That the Appellant may accept the termination payment made by the Respondent which was not offered on the basis of full and final settlement of all of her claims without such acceptance prejudicing any claims she may wish to bring now or in the future either to her Chief Officer, CSAC or the Grand Court.

Huw St. J. Moses, OBE
CHAIRMAN
CIVIL SERVICE APPEALS COMMISSION