



## ANGUILLA PUBLIC SERVICE

# EMPLOYEE SEPARATION POLICY



*Department of Public Administration Ref:  
Date: 2013*

## **EMPLOYEE SEPARATION**

Any action, voluntary or involuntary which results in the discontinuation of an employee's service is an act of separation. Separation occurs when an employee retires, resigns, is terminated/dismissed, is transferred to a Government Agency, ends a temporary assignment, dies etc. The authority for all acts of separation is vested in the Governor acting on the advice of the Public Service Commission. The terms and conditions under which an employee may leave or be made to leave the public service are governed by General Orders, the Public Service Regulations and the applicable Pensions Act.

### **PURPOSE**

The Public Service must recognize that separation is a traumatic experience and that whether it takes the form of:-

- (a) The retirement of an older employee
- (b) The end of a temporary assignment of a qualified younger employee or
- (c) The termination of the employee who does not meet the organisation's expectation

it is an important event for the employee, his representative organization and the organisation's management. Care must be taken to put mechanisms in place to prepare for employee separation, to ensure that he/she receives his/her separation benefits promptly and that programmes for separation follow-up become an established aspect of the organisation's separation procedure.

This separation policy applies to all employees of the Anguilla Public Service and seeks to ensure the following:

- Timely and accurate communication between the Anguilla Public Service (APS) and the employees who are terminating employment with the APS
- Standardisation of procedures in the administration of processing employee separations
- Proper review of reasons for separation and evaluation of trends
- Recommendation and /or implementation of programmes to address trends.

## **SEPARATION EVENTS/CATEGORIES OF SEPARATION AND THEIR DEFINITIONS**

### **Retirements**

This policy is meant to explain retirements as simply and accurately as possible. Your retirement benefits are based on the law in effect at the time of your termination from employment: **If there is any discrepancy between this policy and the law, the provisions of the law will prevail.**

- **Normal Retirement Age**

Officers are expected to retire from the public service upon reaching the normal age of 60 years for officers in the public service before 1 January 2004 and 65 years for officers appointed to the public service after 1 January 2004. Pre-retirement arrangements should commence at least one (1) year in advance of the normal retirement age.

In accordance with General Orders 2.41 Heads of Department are required to notify the Governor through the Permanent Secretary, Public Administration of all officers in their Departments who are within one year of their normal retiring age.

In accordance with General Orders 2.48 officers who wish to receive a Pension or Gratuity and Reduced Pension on retirement must exercise this option, subject to the provisions of the Pensions Legislation, by notice in writing to the Public Service Pension Board at least one month immediately preceding the officers' retirement from the Service.

- **Early Retirement**

In special cases with the approval of the Governor an officer may retire with the award of Pension and/or Gratuity at any time within 5 years before attaining the normal retirement age. (PSC Regulations section 27)

- **Retirement on Medical Grounds**

An employee may be retired on the ground of ill health on the basis of medical evidence to the satisfaction of the Governor that he/she is incapable by reason of any infirmity of mind or body of discharging the duties of his/her office and that such infirmity is likely to be permanent. Provision is made in the pension legislation for retirement with the award of Pension and/or Gratuity. (Pensions Act section 6)

- **Compulsory Retirement**

Provision is made in the pension legislation for retirement with the award of Pension and/or Gratuity on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he/she belongs, by which greater efficiency or economy may be affected. (Pensions Act section 6)

- **Abolition of Office**

In accordance with General Orders 2.46 the termination of appointment on abolition of office shall be in the discretion of the Governor, save where a number of like posts exist when the Public Service Commission in accordance with Section 28 shall recommend

which substantive holders of such posts ought to have their appointment terminated. Provision is made in the pension legislation for retirement with the award of Pension and/or Gratuity on the abolition of his/her office. (Pensions Act section 6)

- **Termination of employment in the public interest**

In the case of termination in the public interest the matter shall be referred to the Public Service Commission in accordance with its Regulations, Section 29 subsections 1 and 2. Provision is made in the pension legislation for retirement with the award of Pension and/or Gratuity on termination of employment in the public interest. (Pensions Act section 6)

## **Resignations**

Officers may decide to leave the public service on a voluntary basis and tender their resignation. In such cases, notice should be given in keeping with the terms of appointment

- **Giving appropriate notice of resignation**

Officers on probation may resign after giving not less than one month's notice in writing to the Permanent Secretary, Public Administration via their Department Head and Permanent Secretary. Officers who have been confirmed to the permanent establishment should, if they intend to resign, give not less than three months' notice of their intention, in order that arrangements may be made for filling their posts. (GOs 2.31)

- **Voluntary resignation without notice**

In such cases officers may, instead of giving due notice resign their appointment at any time but will be required to pay to the Government one month's salary in lieu of notice. (GOs 2.31)

**An employee who voluntarily resigns his/her position is expected to provide appropriate notice, assist management in the transition of work and complete the exit interview process.**

## **Benefits on resignation**

**(Section 9 subsections (1) and (2) Pensions Act)**

(1) Where any officer, who, having held a pensionable office under the Government of

Anguilla for 10 years or more and, having been confirmed in the pensionable office, resigns from service at any time after 1 January 2004, notwithstanding anything to the contrary in section 6, such officer shall, on the day he attains the age of 60 years, be deemed to have retired from the public service and be paid a pension in respect of his service in accordance with Part 2 and Part 3 of the Pensions Act.

(2) Every officer who becomes entitled to a pension under subsection (1) may, at his option exercisable as provided in subsection (3), be paid in lieu of such pension a pension at the rate of 3/4ths of such pension together with a gratuity equal to 12 ½ times the amount of the reduction so made in the pension. The lump-sum gratuity shall be paid immediately upon his resignation and the reduced pension on his normal date of retirement, in which case the gratuity shall be discounted at the rate of interest to be decided by the Board; but in no case shall the discounted gratuity be less than the amount equal to his total contributions in the Fund together with interest thereon.

## **Involuntary termination/dismissal**

Due process must be followed in all cases of involuntary termination/dismissal. The PSC may make recommendation to the Honourable Deputy Governor under procedures as set out in General Orders (GOs)/PSC Regulations.

- **Absence without permission**

An officer who is absent from duty without leave for a continuous period of 5 working days, unless declared otherwise by the Governor, shall be deemed to have resigned his office and thereupon the office becomes vacant and the officer ceases to be an officer. (PSC Regulations section 25)

- **Disciplinary proceedings**

Dismissal is one penalty that may be imposed on an officer against whom a disciplinary charge of gross misconduct/negligence or inadequate/unsatisfactory performance has been established.

- **Conviction for Criminal Offence**

An officer who has been convicted of a criminal offence may have his/her services terminated. (PSC Regulations section 38)

- **Termination of employment in the public interest**

In the case of termination in the public interest the matter shall be referred to the Commission in accordance with its Regulations (section 29). Provision is

made in the pension legislation (Section 6) for retirement with the award of Pension and/or Gratuity on termination of employment in the public interest.

- **Where the officer is on contract**

The services of officers serving on contract may only be terminated in accordance with the terms of the contract. (GOs 2.35)

## **Termination of Temporary Appointment**

An employee who is serving in a temporary capacity may have his/her temporary appointment terminated at any time, in accordance with the terms and conditions of the temporary appointment.

## **Termination on Probation**

The probationary appointment of an officer may be terminated at any time by the Governor acting on the recommendation of the Public Service Commission on the grounds of unsuitability or inefficiency. In such circumstances the officer may be given one calendar month notice or be paid one month's salary in lieu of notice. There will be no recourse to normal disciplinary procedure. (GOs 2.16)

## **Deceased**

The death of an employee in active employment.

## **Transferred**

In accordance with the Pensions Act section 61 subsections (1) and (2) the Governor in Council may by regulation transfer, on an appointed day, specified public officers employed by the Government to the service of a government agency at a remuneration and terms and conditions of service that are not less favourable than the remuneration and terms and conditions of service that were enjoyed by the public officer immediately before the appointed date.

## **SEPARATING FROM THE ANGUILLA PUBLIC SERVICE**

If an officer terminates his/her employment with the Anguilla Public Service he/she may be entitled to:

- Refund of Contributions
- or
- Retirement Benefit

## **Refund of Contributions**

Where a contributor ceases to be employed in the public service and is not entitled to a pension under Part 2 or Part 3 of the Pensions Act; or dies before becoming entitled to a pension under Part 2 or Part 3 of the Pensions Act, an amount equal to the total of his contributions to the Fund (not the employer's contributions) with interest thereon shall be paid to him or to his legal personal representative, as the case may be.

### **Process for obtaining a refund of contributions:**

- Submit letter of resignation from the Anguilla Public Service
- Contact the Public Service Pension Fund and request an application for a refund
- Return the completed application form to the Pension Fund
- Payment of the refund will be made no sooner than 30 days after the official date of resignation.

## **Retirement Eligibility**

All pensionable officers must have regard to the pension legislation governing the award of pensions and gratuities. An officer's retirement benefits are based on the law in effect at the time of his/her termination from employment: **If there is any discrepancy between this policy and the law, the provisions of the law will prevail.**

### **(Section 35 of the Pensions Act )**

Notwithstanding the provisions of section 5 of the Act and subject to section 39, every contributor who, on or after 1 January 2004, has satisfied the requirements of this Act relating to the qualifications for the payment of a pension shall be entitled as of right to a pension under this Part and Part 3 and, in calculating his pensionable service, any service rendering him eligible for a pension under the Act, shall be counted as pensionable service.

### **(Section 36 subsections (1) and (2) Pensions Act)**

(1) Subject to this Act every officer in the public service who has contributed continuously to the Fund for 10 years or more shall be entitled to a pension upon his retirement from the public service in the circumstances described in section 6(a) to (g).

(2) If after 1 January 2004 a contributor whose pensionable service commenced prior to that day ceases to be employed in the public service having satisfied any of the circumstances specified in section 6(a) to (g) but has contributed to the Fund for less than 10 years, he shall, notwithstanding that he has less than 10 years contributory service, be entitled to a pension under this Part and Part 3, but this subsection shall apply only where the total pensionable service of the contributor is not less than 10 years.

### **Options available on retirement:-**

The option you choose at retirement will determine the payments you will receive for the remainder of your life time.

Available options:-

- Full Pension
- Gratuity Reduced Pension

### **Options available on resignation after 10 years of service:-**

- Full pension or Gratuity Reduced Pension at age 60/65
- Discounted Gratuity Reduced Pension

#### **(Section 9 subsections (1) and (2) Pensions Act)**

(1) Where any officer, who, having held a pensionable office under the Government of Anguilla for 10 years or more and, having been confirmed in the pensionable office, resigns from service at any time after 1 January 2004, notwithstanding anything to the contrary in section 6, such officer shall, on the day he attains the age of 60 years, be deemed to have retired from the public service and be paid a pension in respect of his service in accordance with Part 2 and Part 3 of the Pensions Act 2004.

(2) Every officer who becomes entitled to a pension under subsection (1) may, at his option exercisable as provided in subsection (3), be paid in lieu of such pension a pension at the rate of 3/4ths of such pension together with a gratuity equal to 12 ½ times the amount of the reduction so made in the pension. The lump-sum gratuity shall be paid immediately upon his resignation and the reduced pension on his normal date of retirement, in which case the gratuity shall be discounted at the rate of interest to be decided by the Board; but in no case shall the discounted gratuity be less than the amount equal to his total contributions in the Fund together with interest thereon.

### **Process for obtaining a Pension or Gratuity and Reduced Pension or Discounted Gratuity Reduced Pension**

In accordance with General Orders 2.48 officers who wish to receive a Pension or a Gratuity and Reduced Pension on retirement or Discounted Gratuity Reduced Pension on resignation must exercise this option, subject to the provisions of the Pensions Legislation, by notice in writing to the Public Service Pension Board at least one month immediately preceding the officers' retirement or resignation from the Service.



## **Maximum pension**

A pension payable to a contributor under Part 2 or Part 3 of the Pensions Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service under the Government of Anguilla. (Section 12 Pensions Act)

## **RESPONSIBILITIES OF THE HEAD OF DEPARTMENT/ PERMANENT SECRETARY**

The Head of Department/Permanent Secretary should:

1. Assess the impact the departure will have on the department/ministry and discuss with staff as appropriate:
  - Will the position be filled or will the responsibilities be absorbed by other staff/areas?
  - If the position is filled, when will recruitment and selection begin?
  - Who will assume the responsibilities of the departing staff member until the position is filled or redirected?
  
2. Ensure that:
  - Computer and data access is revoked
  - Electronic Keycards and keys are returned
  - Uniforms (if applicable) are returned
  - All other Government property assigned to employee is returned including ID Card
  - There is a smooth transition of duties to a new worker
  - Employee Exit Form is completed with employee and forwarded to Public Administration
  - The Exit Interview is scheduled with Public Administration at least two days prior to employee's separation date.

# EMPLOYEE EXIT CHECKLIST

**(to be completed by Department Head/Supervisor)**

All Department Heads/Supervisors should verify that each employee has been cleared of the following items before reporting to their Exit Interview. Please return the completed form to Public Administration to be retained with the employee's personnel file. Failure to return this form will result in the delay of the final payments.

**EMPLOYEE'S NAME:-** \_\_\_\_\_

**Last day Expected to Work:** \_\_\_\_\_

**Exit Interview date and Time:** \_\_\_\_\_

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**Department Head/Supervisor:** Please check the box when the item is returned/collected.

- Entrance keys to buildings, office spaces, storage rooms, secured cabinets
- Employee ID
- Keys to Departmental Vehicle, report any damage to vehicle
- Uniforms (if applicable)
- Procurement Card (if applicable)
- Any other item (please state) \_\_\_\_\_

**Cell phone (if applicable)**  Departmental cell phone inactivated

**Technology Access**  Computer password cleared  
(Contact DITES)  Email account deactivated

Employee: ----- Employee signature: -----

Completed by: ----- Signature: -----

Position: -----

Date: -----

*Completed checklists are required to be returned to Public Administration before final payments are made.  
Checklists will be retained in employee's closed personnel file.*

## **EXIT INTERVIEW PROCESS**

Separated employees, voluntary or involuntary, should be referred to the Human Resource Department, Public Administration, for an exit interview with the Director of Human Resource Management or a designated representative on or before their last day of work. The purpose of the Exit Interview is to determine and document the reasons employees leave the Anguilla Public Service, to provide an opportunity for the airing of unresolved grievances and to solicit constructive feedback to improve the service.



# Department of Public Administration

## EXIT INTERVIEW QUESTIONNAIRE

We are interested in identifying opportunities to improve the work environment of the Anguilla Public Service. Please respond to each of the following questions with honesty and candor. Your feedback is greatly appreciated.

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### GENERAL INFORMATION

1. Name (Optional)

2. Contact Information (Optional)

Home number

Work number

Cell number

Email

3. Current Post

4. Department

5. Date of Separation

6. Length of service with the Anguilla Public Service: Years  Months

7. Gender: Male  Female

8. Which factors attracted you to the Anguilla Public Service (APS) (check all that apply)

Interesting Position

Opportunities for training, advancement, career growth

Secure environment

Pay

9. What did you enjoy most about your job in the APS (check all that apply)

- Pay
- Communications
- Benefits
- Meaningful work
- Quality of supervision
- Training/Development opportunities
- Opportunities for advancement
- Recognition of work
- Work environment
- Other

10. What did you enjoy least about your job in the APS (check all that apply)

- Pay
- Communications
- Benefits
- Meaningful work
- Quality of supervision
- Training/Development opportunities
- Opportunities for advancement
- Recognition of work
- Work environment
- Other

11. Was separation from the APS voluntary?    Yes                         No  

12. What one factor was most important in your decision to leave?

13. Other significant reasons for leaving the APS (check all that apply)

- Change in career
- Health issues
- Lack of recognition for work
- Lack of advancement opportunities
- Non-renewal of contractual position
- Family or personal needs
- Relocation
- Work environment
- To further education
- Benefits dissatisfaction
- Retirement
- Pay dissatisfaction
- Quality of supervision
- Workload or work hours
- Other

## DEPARTMENTAL INFORMATION

14. Were you given adequate training or orientation to do your specific job responsibilities? Yes  No

15. How well were you kept informed of relevant Acts, Regulations, policies, rules, instructions, procedures and information?

Very well  Adequately  Not very well

16. How challenging is your job?

Very Challenging  Somewhat challenging  Not very challenging

17. How valued did you feel your ideas and opinions were in your department?

Highly valued  Somewhat valued  Not valued

18. If you had suggestions or complaints, did you feel free to discuss them with your supervisor?

Almost always  Sometimes  Almost never

19. How much support did you feel you received from your colleagues and co-workers in your position?

A great deal  Some  Very little

20. How satisfied were you with your overall working conditions in your department/ministry?

Very satisfied  Somewhat satisfied  Not very satisfied

**ANGUILLA PUBLIC SERVICE – WIDE INFORMATION**

21. What most helped you achieve your goals at the APS

22. What was least helpful to you?

23. How would you rate the APS as a place to work?

Excellent     satisfactory     Fair     Poor

24. What constructive suggestions do you have for improving employment in the APS?

25. Would you consider working again at the APS?    Yes     No

26. Would you recommend employment in your department or the Anguilla Public Service to a friend or colleague? Please explain.



27. Future Employer:

Private employment

Self employment

Other

28. What makes your future employer/position more attractive than your current position?

29. Any further comments you would like to add...

**Thank you for your time and cooperation!**

## **TRAINING SESSIONS**

### **FROM WORK TO RETIREMENT**

‘Retirement is not an ending: It’s the beginning of an entirely new phase of life, one that requires new activities, renewed relationships, and, most important, a way to find value and worth without going to work every day’. (Richard G. Wendell **Retire with a Mission**)

In keeping with the perspective that some informed thought and planning are a real help to successful retirement Public Administration will organize training for officers who are ‘officially’ retiring in the next few months/within one year and everyone in general.

#### **Designed for:**

All officers who are officially retiring in the next few months/within one year.

#### **Aim:**

To provide information on a range of topics to support staff as they approach retirement.

#### **Content:**

- Pensions and benefits
- Estate planning/management and wills
- Staying healthy and happy – fitness, wellness and diet
- Enhancing family life
- Travel
- Budgeting and investing
- Volunteering/mentoring
- Using ICT to stay in touch

#### **Duration:**

Two half day sessions

**Designed for:**

Everyone.

**Aim:**

To provide a guide to retirement/investing planning. To live well in retirement will depend on how skillfully you plan or invest.

**Content:**

- Written Financial Plan – Pre-Retirement and Post-Retirement
- Mapping the route to your destination – set realistic goals
- Risk planning
- Accumulation -Hierarchy of investment savings – save as much as you can as early as you can
- Bucket approach
- Monitor and review progress

**Duration:**

Two half day sessions

We welcome your feedback, comments and suggestions.

**Contact us at:**

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**.....We are listening!**

