

LEGAL NOTICE NO. OF 2008

PUBLIC SERVICE REGULATIONS, 2008

Pursuant to section 29 of the Public Service Act 2005¹, I,

SEMANO HENRY SEKATLE

Minister responsible for public service, make the following regulations –

CHAPTER I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Public Service Regulations 2008 and shall come into operation on the date of publication in the Gazette.

Interpretation

2. (1) In these Regulations, unless the context otherwise requires-

“**Act**” means the Public Service Act of 2005.

“**adopted child**” means a child who is adopted in accordance with the Adoption of Children Proclamation 1952² and Sesotho custom;

“**calendar month**” means a period extending from the first day to the last day, of any month of the 12 months of a year;

“**casual officer**” means an officer appointed to perform a specific duty, the completion of which terminates his or her employment;

“**child**” means a child born in or out of marriage of a public officer, including a step- child and legally adopted child, who is dependent on the officer, is not married and has not passed his or her eighteenth birthday;

“Code” means a code of practice issued by the Minister in accordance with section 15 of the Act;

“competency assessment” means a test used to measure a combination of an individual’s abilities to perform specific job with specific requirements;

“contract officer” means an officer who has entered into a written contract of employment with the Government in terms of regulation 19;

“dependant” means a member of a public officer’s immediate family or such other relative who depends upon the officer for maintenance as the Minister may determine for the purpose of these Regulations;

“development assessment” means a test used to measure an individual’s development needs and potential;

“family” means a public officer’s legal spouse and children as defined in this regulation;

“Government Secretary” means an officer appointed pursuant to sections 139(1) of the Constitution and 11 of the Act;

“Head of Department” means the Principal Secretary and a Chief Accounting Officer in a ministry, department or agency;

“Head of Section” means a public officer who is in charge of a section in a ministry, department or agency;

“Medical Board” means the Board established by the Minister responsible for Health under regulation 36;

“medical practitioner” means a person authorized to practice medicine under the Lesotho Medical and Dental Order 1970, or other doctors recognized by laws of Lesotho

“pensionable officer” means an officer who is serving on pensionable terms and is confirmed in his or her appointment;

"Principal Secretary" for the purpose of these regulations means the Principal Secretary responsible for the Ministry of Public Service;

"policy" means a policy formulated and adopted by the ministry, department or government agency;

"salary" except where a regulation requires, means the basic monetary reward to which the officer is contractually entitled to for the performance of the regular duties of a position or office, exclusive of allowances, special remuneration, overtime, compensation or gratuities;

"temporary officer" means an officer who is serving in a temporary capacity for a period not exceeding 6 months.

(2) A circular, policy, instruction or the like made under the authority of the repealed Act or Regulations, shall remain in force in so far as they are consistent with these Regulations until such time as it shall have expired or have been revoked, replaced or cancelled by a provision of these Regulations.

(3) These Regulations shall be read as one with the Act and words and expressions used have the same meaning as in the Act.

Conditions of service under other laws

3. The provisions of any law relating to conditions of service that are not covered by these Regulations, apply to the extent provided in that law.

Modification of regulations

4. If circumstances develop which justify deviation from a provision of and measure in a particular regulation which prejudices a public officer, the Minister may, make a determination or issue a directive that an alternative provision and measures be applied.

Power to delegate

5. If a regulation imposes a duty or confers a power on an officer, the officer may, in writing, delegate that power or that duty to a specified officer, and anything done or omitted by that specified officer under that delegation shall have effect as if done or omitted by the officer upon whom the power or duty was conferred by that regulation.

Public service forms

6. The Minister shall determine forms to be applicable for the management of the public service which shall be published in the Gazette.

CHAPTER II

APPOINTMENTS, STAFF MOBILITY AND TERMINATION OF APPOINTMENT

PART A - APPOINTMENTS

Division 1 – Recruitment

Recruitment and selection policy

7. A recruitment and selection policy made pursuant to section 10(2) (b) of the Act shall be adhered to by all public officers involved in the recruitment and selection process.

Employment process

8. The process of employment shall be fair, equitable and aligned to the Act and regulations and government policies.

Recruitment against established of positions

9. Recruitment shall be against an established position and in accordance with the job description and requirements of the specified job.

Advertisement of positions and screening of applications

10. The Human Resources Department in every ministry, department or agency shall –

- (a) cause all vacant positions within the relevant ministry, department or agency to be advertised as efficiently and effectively, and widely as possible through circulars and available media, so as to reach the entire pool of potential applicants except positions of political appointees and statutory positions;
- (b) Screen all applications in line with the relevant job requirements and conduct preliminary interviews for candidates who meet the job requirements for all positions on Grade G and below.

Division II - Selection

Competency assessment

11. (1) An applicant for a position at Grade H and above who meets the job requirements of a specified job shall undergo a competency assessment.

(2) The competency assessment shall be the responsibility of the Human Resources Department of each ministry, department or agency and shall only be performed by professional and certified assessors.

(3) All competency assessment decisions shall be recorded, filed and stored for 5 years after which they shall be destroyed.

Short-listing of candidates

12. (1) A shortlist of applicants, based on a preliminary interview and/or assessment results, shall be prepared by the Human Resources Department, in consultation with the Line Manager and approved by the Head of Department and the Minister responsible.

(2) The approved shortlist shall be submitted to the Commission for determination.

Selection of best candidate

13. The Commission shall make the final selection of the best candidate and advise the relevant ministry, department or agency.

Expenses incurred for purposes of interview on first appointment

14. A candidate for first appointment, who is required to appear for interview, shall be reimbursed the costs incurred by him or her with respect to the interview. The cost shall include transport to and from the place of interview, food while at the place of interview, and lodging if he or she is compelled to spend the night at the place of interview.

Offer of appointment

15. An offer of appointment shall be made to the successful candidate in such form as the Minister may determine.

Assumption of duty

16. The successful candidate shall report for duty within a period of 30 days from the date the offer of appointment was made. Where the candidate cannot report for duty within the specified time he or she shall contact the Human Resource Department in the relevant ministry, department or agency concerned to make alternative arrangements.

Development assessment

17. (1) A candidate entering Grade F and G, if it is an entry level, shall undergo a development assessment to determine the candidate's potential, competency profile and suitability to perform in a certain career or job.

(2) The development assessment shall only be used for proper placement, establishment of training needs and future career development.

Division III – Appointment into the public service

Delegation of power to appoint public officers

18. The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under section 6 of the Act to any one or more members of the Commission or, with the consent of the Prime Minister, to any public officer to engage officers on temporary, casual, contract and permanent and pensionable terms.

Permanent and pensionable terms

19. (1) An appointment on permanent and pensionable terms shall be made by the Commission or any other person so authorized by the Commission.

(2) An officer appointed on permanent and pensionable terms shall serve a probationary period of 12 months, except an officer who has, immediately prior to the appointment, served on contract terms and has, to the satisfaction of the Head of Department, competently performed his or her duties under the contract.

(3) The officer shall sign a letter, which shall be in such form as the Minister may determine, offering appointment, subject to a medical examination by a medical practitioner, in quintuplicate, retain the original and return the 4 copies to the Head of Department.

(4) A Head of Department of a probationer shall ensure that-

- (a) At the commencement of the 12 months probationary period, the probationer knows the performance and other requirements for obtaining confirmation in appointment; and
- (b) The probationer, on quarterly basis, is appraised and receives written feedback on his or her performance and compliance with other requirements.

(5) The Human Resources Department shall ensure that the probationer is oriented and receives formal induction in accordance with the Training and Development Policy.

(6) The Head of Department shall, at least, 3 months before the expiry of the officer's probationary period, recommend the probationer for confirmation in appointment to the Commission if he or she has competently performed his or her duties and obligations during the period of probation.

(7) If the Head of Department considers the probationer not fit in terms of performance, he or she may for reasons of poor performance, make a recommendation to the Commission for termination of the probationer's appointment after a fair hearing.

(8) The officer, may at any time during the probation period terminate the appointment giving 1 calendar month notice or pay a month's salary in lieu of notice.

(9) At the end of the probation period, the officer shall be confirmed to the permanent and pensionable appointment if he or she has competently performed his or her duties.

(10) If at the end of the probation period the confirmation has not been processed, the probationer shall be deemed to have been confirmed.

(11) Failure on the part of the supervisor to process confirmation of the probationer shall be an offence liable to disciplinary action under the Disciplinary Code;

(12) The terms of all serving officers appointed in the public service on temporary and non-pensionable terms before the coming into operation of the Act shall be varied to permanent and pensionable.

Contract terms

20. (1) A contract appointment shall be for a period not exceeding 3 years and shall only be made if the position has unique occupational terms and conditions or the position is associated with projects that have a specific ending date.

(2) Notwithstanding sub-regulation (1), where the Minister considers it necessary to award a contract of more than 3 years term, the Minister shall make a proposal to the Commission.

(3) An application for a contract appointment shall be made to the Minister by the relevant ministry, department or agency or other relevant appointing authority.

(4) The duration of a contract appointment for the Government Secretary and a Principal Secretary shall be in accordance with section 11 of the Act.

(5) An offer of appointment on contract shall be classified into local or expatriate, and shall be made on the appropriate form.

(6) The Principal Secretary shall prepare a written contract in a prescribed form which shall specify the terms and conditions of service.

(7) An officer appointed on contract terms shall sign the contract in sextuple and retain the original as acceptance of terms and conditions set out in that contract.

(8) Other matters relating to conditions of service for a contract officer shall be as prescribed in the letter of appointment as part of the contract.

Temporary terms

21. (1) Where the Commission has delegated its powers to engage an officer on temporary terms under regulation 18, the Human Resources Department shall follow the recruitment procedure outlined in Part A and recommend to the Head of Department who shall approve the appointment.

(2) A temporary appointment shall be for a specific function or activity and shall be for a period not exceeding 6 months.

(3) An officer appointed on temporary terms shall be paid wages in arrears.

Casual terms

22. (1) A casual officer may be appointed if there is a need to employ a person to perform some specific work, the completion of which shall terminate the contract.

(2) An officer on casual appointment may be paid on an hourly rate and the wages shall be proportionate to hours of work.

Medical examination

23. (1) An offer of appointment shall not be made to an officer unless the officer submits to the Head of Department, a certificate of medical fitness obtained from a registered medical practitioner or hospital.

(2) The officer shall not be required to disclose his or her HIV status.

Oath of office and secrecy

24. (1) A public officer shall, before assumption of duty, take an oath of office and secrecy which shall be in such a form as may be determined by the Minister.

(2) A public officer shall be responsible for the protection and confidentiality of classified and/or secret information.

(3) A public officer who discloses information which is in his or her protection and confidentiality commits an offence which shall be dealt with under the Disciplinary Code.

Posting on first appointment

25. Subject to the provisions of the Act and these Regulations an officer may be posted to any public office in or outside Lesotho by the Minister or within the Ministry, Department or Agency by the Head of Department with the relevant and responsible Minister's concurrence as may be necessary for operational requirements of the job.

Next of kin and beneficiary

26. An officer on first appointment shall notify, on a relevant form, his or her Head of Department of the name and address of his or her next-of-kin and beneficiary and any subsequent changes, which shall be recorded in the officer's personal file.

Secondment Appointment

27. (1) The Head of Department may, with the concurrence of the relevant minister, nominate a public officer in his or her ministry, department or agency to be seconded to an organization outside the public service for a period not exceeding 3 years, if the secondment has direct benefits to the ministry, department or agency and such secondment shall be made with the consent of the officer.

(2) Notwithstanding sub-regulation (1), a public officer who wishes to be seconded may make an application to his or her Head of Department who shall seek the concurrence of the relevant Minister.

(3) The Head of Department shall after receiving concurrence in terms of sub-regulation (1) and (2) above, process the nomination or application with the Commission or any other relevant appointing authority.

(4) Where the Commission or other relevant appointing authority has authorized the secondment, that secondment shall run for a period of one tour (3 years), and thereafter the seconded officer shall return to his or her substantive post, or similarly graded position in the public service.

(5) Notwithstanding sub-section (4) above, a second consecutive tour, which shall also serve as a last, may be approved upon recommendation by the relevant and responsible Minister.

(6) The seconded officer shall ensure that he or she contributes to his or her pension in accordance with the pension law during the period of the secondment.

(7) The terms and conditions of secondment shall be clearly spelt out in the letter of secondment or on a relevant form.

Acting appointment

28. (1) An officer may be appointed to act for a period not exceeding 3 months, in a post that is in his or her direct line of promotion in the event that the holder of the post is granted leave of absence or to perform those duties in the event that the position is substantively vacant while recruitment is underway.

(2) Where a vacant position is to be filled in an acting capacity, the Head of Department shall report the matter to the Commission in accordance with the procedure set out in the Commission Rules.

(3) Posts that qualify for acting appointment are those from Grade F and above provided the substantive holder of the post is in charge of a section.

(4) Officers who are entitled to act in senior offices are those who serve from Grade E and above.

Special assignment

29. (1) A public officer may be temporarily assigned duties of a different or similarly graded position within the public service for a period not exceeding 3 years and thereafter the officer shall return to his or her substantive post or similarly graded position.

(2) Notwithstanding sub-regulation (1) a public officer may be assigned to a non political position (including that of a secretary or a chauffeur) in the office of a government minister the duration of which shall be upon the minister's tenure of office.

(3) Terms and conditions relating to employment of an officer on special assignment shall be as set out in the officer's letter of appointment.

Ministerial appointment

30. (1) A public officer who wishes to be appointed to a political position (including that of a private secretary or personal aide) in the office of a government minister shall vacate his or her position by resignation or

retirement before assuming responsibilities of the government minister's personal staff position.

(2) The appointment of an officer to any government minister's personal staff is upon the minister's tenure of office and the officer's engagement shall be terminated along with that of a minister.

(3) Terms and conditions relating to employment of an officer under this regulation shall be as set out in the officer's letter of appointment.

(4) Upon termination of an appointment of a public officer appointed to a political position the officer may be considered for appointment, upon application, to a non - political position in the public service if he or she meets the requirements of the job.

PART B - STAFF MOBILITY

Promotions

31. (1) Promotions within the public service shall be based on merit and, among other things, appropriate and relevant experience, consistent, good performance and good conduct and availability of vacant positions.

(2) Notwithstanding sub regulation (1) above, promotions shall be made through preliminary interviews or competency assessment where appropriate.

(3) An officer who is not confirmed in appointment shall not be eligible for promotion.

Transfer of public officers

32. (1) The Principal Secretary may transfer officers within the public service with the concurrence of the Minister and in consultation with the Head of Department of the receiving Ministry/Department/Agency.

(2) The Head of Department may transfer a public officer within the Ministry, department or agency.

(3) In instances where the transfer is to another ministry, department or agency the Head of Department shall consult with the Head of Department of the receiving ministry, who shall also seek the concurrence of the relevant Minister, and such transfer shall be authorized by the Principal Secretary.

(4) An officer is liable to be transferred to work anywhere in the public service of Lesotho.

(5) The Head of Department shall, before transferring a Public Officer to a new duty station which is a distance of 40km and above from his or her old duty station, notify the officer of the transfer, at least 3 months before the date of transfer.

(6) Notwithstanding sub-regulation (1), an officer is liable to immediate transfer if it is necessary for operational requirements.

(7) An officer shall be obliged to comply with the requirements of the transfer.

(8) An officer may be transferred temporarily for a period not exceeding 3 months, but if the exigencies of the work so require the transfer may be extended for another 3 months.

(9) An officer who fails to comply with the instructions to be transferred is liable for a disciplinary action in accordance with the Disciplinary Code.

(10) An officer on transfer is entitled to transport for himself or herself and his or her family and effects, if the officer's new duty station is a distance of 40km and above from that officer's old duty station.

Settlement allowance and accommodation on transfer

33. (1) An officer who is transferred within Lesotho is entitled to settlement allowance at the rate to be determined by the Minister, in consultation with the Minister responsible for Finance, if the officer's new duty station is a distance of 40km and above from his or her old duty station.

(2) An officer on transfer shall, on arrival at his or her new duty station stay at a hotel at the expense of the government for a period not exceeding 1 month, but if it is a temporary transfer, he or she shall stay at the hotel for a period not exceeding 3 months provided he or she is unable to find accommodation.

Compensation for damages on transfer

34. Where an officer incurs loss of or damage to property in the course of the transfer, the Head of Department in the Ministry of Finance may compensate the officer for the loss or damage, if satisfied that –

- (a) The damage did not occur as a result of negligence or carelessness on the part of the officer in the removal, delivery or acceptance of the effects;
- (b) the packers or carriers cannot be held liable for the damage or loss;
- (c) the damage has been assessed by some impartial and qualified person, whose assessment is furnished with the claim; and
- (d) The probable cause of damage or loss is as set out in a full statement furnished with the claim by the officer.

Redeployment

35. (1) A public officer may be redeployed within the public service to a different position which is similarly graded and in line with his or her qualification for reasons including the following -

- (a) Ill health;
- (b) Abolition of a department or the position is redundant;
and
- (c) The officer is found to be misplaced in his or her current position or is underutilized.

(2) Redeployment shall be authorized by the Commission or any other relevant appointing authority.

PART C – TERMINATION OF APPOINTMENT

Voluntary and compulsory retirement

36. (1) A public officer shall retire from the public service on attaining the age of 60 years.

(2) A public officer may, by written notice to his or her Head of Department, voluntarily retire from the public service on attaining the age of 50 years.

(3) Notwithstanding sub-regulations (1) and (2) a public officer who was already employed in the public service before the 01 April 2005, who intends to retire at the age of 45 or 55 pursuant to section 26 of the Act shall notify the Minister, in writing, before the 31 August 2008, but the officer is entitled to withdraw the notice only once.

(4) Notwithstanding sub-regulation (3), the appointment may be terminated in accordance with the officer's letter of appointment.

Retirement on medical grounds

37. (1) The Minister responsible for Health shall, for the purpose of this regulation, appoint a Medical Board.

(2) If the Head of Department is of the opinion that an officer is incapable of performing his or her duties by reason of infirmity of body or mind, the Head of Department shall submit a report to the Medical Board, which shall be in such a form as the Minister of Health may determine, and shall spell out the extent of incapacity in relation to the job.

(3) The Medical Board shall enquire into the officer's physical or mental condition and submit its findings and recommendations to the Commission for consideration and final determination.

(4) An officer may be required to present himself or herself to the Medical Board for assessment and to afford the officer an opportunity to make representations to the Medical Board.

(5) If an officer does not comply with sub-regulation (3), the fact shall be reported to the Commission which shall make a decision.

Resignation

38. (1) An officer serving on pensionable terms may resign his or her appointment by giving 1 calendar month's notice or paying an amount in cash in lieu of notice, which shall be equivalent to his or her gross salary.

(2) Notwithstanding sub-regulation(1), an officer on Grade I and above shall give 3 months' notice or pay an amount in cash in lieu of notice, which shall be equivalent to his or her gross salary.

(3) An officer serving on contract may resign his or her appointment in accordance with the relevant provision in his or her letter of appointment, and where no provision is made; the officer shall give at least 1 month's notice or make payment of an amount, in cash, equivalent to 1 month's gross salary.

(4) An officer serving on temporary or casual terms may resign his or her appointment by giving 24 hours notice or making payment of an amount equivalent to 24 hours of work.

(5) Notice under this regulation shall be given to the Head of Department who shall submit it to the Commission or other relevant appointing authority.

(6) Where an officer who has been charged with a breach of discipline resigns from the public service before the charge has been dealt with to finality in accordance with the provisions of the Disciplinary Code, the disciplinary proceedings on the charge of breach of discipline shall continue against him or her notwithstanding the officer's resignation.

Dismissal

39. A public officer's appointment may be terminated by way of dismissal for misconduct, after a fair hearing by the Head of Department.

Terminal benefits

40. (1) An officer who is dismissed or resigns from the public service forfeits his or her gratuity and pension.

(2) Notwithstanding sub-regulation (1), where an officer has contributed to a Contributory Pension Scheme, the officer shall be entitled to only his or her contributions together with the compound interest at the ruling rate.

Death of an officer

41. A public officer's appointment shall be terminated upon the officer's death.

Certificate of service

42. A certificate of service shall be issued to an officer, on request, when the officer leaves the public service and shall be in such form as the Minister may determine.

CHAPTER III

REMUNERATION, BENEFITS AND ALLOWANCES

PART A – REMUNERATION

Remuneration policy

43. (1) A remuneration policy made pursuant to section 10(2) (c) of the Act shall provide guidelines for job analysis, job descriptions and job profiling and shall be adhered to by all ministries, departments and agencies.

Job evaluation and grading system

44. (1) The Ministry responsible for the public service may, after consultation with such persons who or bodies which indicate interest and are representative of a substantial group of public officers, determine methods and systems for job evaluation and grading in the public service to determine the value and appropriate remuneration for all jobs in the public service.

(2) All jobs shall be subject to evaluation and grading by the Ministry responsible for the public service.

Salary entitlement and payment

45. A public officer shall be entitled to a salary for services rendered as shall be determined by the Minister after consultation with the Minister of Finance which shall be as set out in the establishment list in respect of the office and shall be paid in accordance with the Finance Regulations.

Incremental credit on first appointment

46. The Principal Secretary shall in consultation with the Minister, award incremental credit on first appointment for previous relevant experience or recognized additional qualifications in order to aid recruitment through flexible remuneration packages.

Salary on promotion

47. (1) An officer promoted to a vacant office shall receive a salary of the new office from the date on which the officer takes up duty in the office.

(2) If on promotion the officer's old salary is equal to or above the minimum of his or her new salary scale, the officer shall enter that scale at the next point above the salary of his or her old scale.

Salary during absence without permission

48. (1) If an officer absents himself or herself from duty without permission, the principle of no work no pay shall apply without prejudice to

any disciplinary action which may be undertaken under the Disciplinary Code.

(2) If an officer is aggrieved by action under sub regulation (1), the officer may institute an action in accordance with the grievance procedure set out in the Grievance Code.

PART B - BENEFITS

Determination on types of benefits

49. (1) The Minister in consultation with the Minister responsible for Finance and such persons who or bodies which indicate interest and are representative of a substantial group of public officers, may determine benefits for public officers.

(2) Notwithstanding sub-section (1) above, in the absence of such persons or bodies, the Minister in consultation with the Minister responsible for Finance shall determine benefits for public officers.

Car loan scheme

50. (1) An officer who has been confirmed in permanent and pensionable appointment or serving on contract terms who requires a motor vehicle for private and official use, is eligible for a loan for the purpose of purchasing a motor vehicle in accordance with the relevant Remuneration and Benefits policy.

(2) For the purpose of this regulation, an officer appointed on secondment shall be regarded as holding such an office substantively for the purpose of qualifying for a loan.

Housing loan guarantee scheme

51. (1) An officer who wishes to purchase a house, complete an ongoing house construction, build a new house or renovate a house is eligible for a mortgage loan in accordance with the relevant Remuneration and Benefits policy.

(2) An officer eligible for consideration for a housing loan by the banks operating under the Scheme shall be an officer who -

- (a) is appointed on permanent and pensionable terms and has been confirmed in appointment;
- (b) is serving on contract terms, and is eligible for gratuity to secure the amount guaranteed by the Government;
- (c) has a satisfactory disciplinary record and does not have a pending disciplinary case;
- (d) does not have another existing mortgage loan with a financial institution.

(3) The Minister shall determine the maximum entitlements for housing loans.

Medical aid scheme

52. An officer serving on pensionable or contract terms of service shall be eligible to join a Medical Aid Scheme, where such scheme exists, within the public service to which both the government and public officers shall contribute a percentage to be determined by the Minister in consultation with the Minister for Finance provided he/she is not excluded by the rules and regulations.

Public officers defined contribution pension fund

53. (1) An officer serving on permanent and pensionable terms, who is 40 years and below shall be eligible to a pension fund to which both the employer and the officer shall contribute a percentage, in accordance with the Public Officers' Defined Contribution Fund Act.

(2) Notwithstanding sub-regulation (1), an officer serving on permanent and pensionable terms who is above the age of 40 years may opt to become a member of the fund in a manner to be set out by the Minister of Finance.

Government housing

54. (1) A public officer who is on Grade F and above and is appointed on permanent and pensionable or contract terms may, in accordance with the Policy on allocation and utilization of Government owned houses apply to the Housing Technical Committee for a Government house.

(2) A public officer who is allocated a Government house shall be obliged to sign a tenancy agreement before occupation of a house.

Government vehicle

55. (1) Public officers in categories of posts to be determined by the Principal Secretary in consultation with the Minister from time to time shall be eligible to Government vehicles for the performance of their duties.

(2) The Principal Secretary shall publish a list of posts whose holders qualify for a Government vehicle.

Utilization of government vehicles

56. (1) A Head of Department shall ensure that after normal working hours, over weekends and during holidays all vehicles are parked.

(2) Notwithstanding sub-regulation(1), the Head of Department may issue a special permit authorizing utilization of vehicles for official purposes after normal working hours, over weekends and during holidays with the concurrence of the relevant Minister.

(3) Any Government vehicle traveling without a permit shall be confiscated by a police officer-in-charge and a disciplinary action shall be taken against a public officer who is found to have misused a Government vehicle and the officer's Head of Department for negligence.

Management of benefits

57. The Minister shall develop policies and procedures for the management of the benefits in the public service.

PART C - ALLOWANCES

Determination of allowances

58. (1) The Minister, with the advice of the Minister responsible for Finance and after consultation with such persons who or bodies which indicate interest and are representative of a substantial group of public officers, may determine allowances for the public officers.

(2) Notwithstanding sub-section (1) above, in the absence of such persons or bodies, the Minister with the advice of the Minister responsible for Finance shall determine allowances for the public officers.

(3) An allowance shall not be regarded as salary and shall not form part of the calculations when determining pension and gratuity.

Acting allowance

59. Acting allowance is payable to an officer who is appointed to act in a senior office in the absence of its substantive holder of that office in accordance with Regulation 28.

Local subsistence allowance

60. (1) Local subsistence allowance is payable to an officer who spends a night away from his or her duty station.

(2) When periods of absence on duty do not include a night away from the officer's duty station, reasonable out-of-pocket expenses incurred during such periods shall be reimbursed, if the claim is supported by receipted bills.

Entertainment allowance

61. (1) The Principal Secretary with the concurrence of the Minister and in consultation with the Minister for Finance shall, at the beginning of every financial year, issue a list of posts eligible for entertainment allowance.

Hardship allowance

62. (1) Hardship allowance shall be payable to officers stationed in the areas determined by the Minister as hardship areas.

(2) The Principal Secretary shall issue the list of hardship areas.

International subsistence allowance

63. (1) International subsistence allowance shall be paid to an officer who has to travel outside Lesotho on official duty.

(2) If the officer attends a meeting or conference that is fully sponsored by the host country or organization, the Government of Lesotho shall pay such officer 25 % of the country's per diem to take care of incidental out-of-pocket expenses.

(3) Where the meeting or conference is not sponsored by the host country or organization, the Government of Lesotho shall pay such officer the full rate of the country's per diem to take care of incidental out-of-pocket expenses.

Training allowance

64. (1) Training allowance shall be paid to an officer who is proceeding on a training programme outside the country in order to take care of the officer's incidental out of pocket expenses during the period of training.

(2) If the officer attends a course that is fully sponsored by the host country or an organization, the Government of Lesotho shall pay such officer 10% of the country's per diem to take care of incidental out-of-pocket expenses.

(3) Where the course is not sponsored by the host country or organization, the Government of Lesotho shall pay such officer the full rate of the country's per diem to take care of incidental out-of-pocket expenses

(4) If the officer is sponsored by the Government of Lesotho, payment shall be made in accordance with the guidelines as determined by the Minister.

Dependant's allowance

65. An officer who is on study leave is entitled to full salary for the first 6 months and thereafter dependants allowance at half the salary for the remainder of the training period.

Baggage allowance

66. An officer selected for a long term training abroad shall, when returning to Lesotho, be entitled to an allowance of excess baggage if -

- (a) the allowance shall not exceed the cost of transporting 50 kilograms of excess baggage accompanying the officer by air (whether the baggage accompanies the officer on his or her journey or not); and
- (b) an additional allowance shall be payable to the officer in respect of surface transport of excess baggage not exceeding 120 kilograms in weight on return journey only.

Sitting allowance

67. An officer selected to be a member of a board, tribunal or other ad hoc or an administrative body created by law is entitled to a sitting allowance provided he or she is not an ex-officio member.

Motor mileage allowance

68. Motor mileage allowance is payable to an officer who is authorized to use his or her motor vehicle for duty purposes, only to the extent of the authority given by the Head of Department with the concurrence of the Minister.

Equine allowance

69. Equine allowance is payable to an officer who is authorized to use his or her horse for the performance of his or her duties, only to the extent of authority given by the head of department with the concurrence of the Minister.

Hospitality allowance

70. Where an officer accommodates another officer (host) overnight, the host shall be paid hospitality allowance by the accommodated officer.

Retention allowance

71. The allowance is payable to officers with scarce skills for retention purposes and shall cease to be paid once the skill is declared not a scarce skill any more.

Other allowances

72. All allowances that constitute the compensable factors of each job shall cease to be paid on coming into operation of these regulations.

73. On coming into force of these regulations, all other allowances, may be determined by the Minister in consultation with the Minister responsible for Finance and such persons who or bodies which indicate interest and are representative of a substantial group of public officers, and no allowances shall be paid without the written approval of the Minister.

Claims for allowances

74. The Principal Secretary shall provide for adequate procedures for claiming allowances.

CHAPTER IV

LEAVE OF ABSENCE

Annual leave

75. (1) The Minister may, after consultation with persons or bodies which indicate interest and are representative of a substantial group of public officers, determine the number of leave days an officer is entitled to per annum.

(2) A Head of Department shall ensure that leave rosters for his or her Department are kept, maintained and submitted to the Principal Secretary.

(3) An officer shall agree with his or her Sectional Head at least 3 days prior to proceeding on leave and the Head of Department shall ensure that the interests of the public service are not prejudiced by granting of leave in individual cases.

Leave year

76. The leave year shall run concurrently with the financial year of the Government.

Non accumulation of leave

77. (1) Annual leave shall be taken during the current leave year.

(2) Leave not taken during the current leave year shall not be carried forward to the next year, except in special cases on the authority of the Principal Secretary.

(3) Leave authorized to be carried forward shall not be allowed to accumulate beyond a quarter of the entitlement and shall be utilized in the next leave year failing which it shall be forfeited.

Payment in-lieu of leave

78. No payment in lieu of leave shall be made except in the case of the officer's death.

Days of rest for officer on long-term training

79. An officer on long term training shall not be entitled to leave but upon return from the training may be granted 10 working days leave before resuming his or her duties.

Compassionate leave

80. The Minister may, after consultation with persons who or bodies which indicate interest and are representative of a substantial group of public officers, determine the number of days to be granted to an officer on compassionate grounds.

Sick leave

81. The Minister may, after consultation with persons who or bodies which indicate interest and are representative of a substantial group of public officers, determine the number of days to be granted to an officer who is absent from work on medical grounds.

Maternity leave

82. The Minister may, after consultation with persons who or bodies which indicate interest and are representative of a substantial group of officers, determine the number of days to be granted to an expectant female officer for maternity purposes.

Unpaid leave

83. The Minister may, after consultation with persons who or which indicate interest and are representative of a substantial group of public officers, determine the number of a days to be granted to an officer who requested unpaid leave for reasons that need his or her attentions if the officer has expended all his or her annual leave.

CHAPTER V

PERFORMANCE MANAGEMENT

Performance management system

84. (1) The Principal Secretary shall establish a Performance Management System in the public service whose main purpose shall be to enhance public officers' performance and productivity.

(2) Heads of Departments and Agencies shall be responsible and accountable for the effective application of the Performance Management System in their respective jurisdictions in accordance with the guidelines set out by the Principal Secretary.

Performance contracts

85. Officers on grade H and above shall enter into performance contracts with their immediate supervisors.

Operational plans

86. (1) Ministries, departments and agencies shall prepare annual operational plans which among others, shall set out the objectives and activities of that ministry, department or agency in accordance with the objectives stipulated in the national development plan as prepared by the Ministry of Finance and Development Planning.

(2) At the beginning of the financial year, ministries, departments and agencies shall align their budgetary planning with their operational plans.

Individual work plan

87. Every public officer shall, with his or her immediate supervisor prepare an individual work plan for each financial year based on the job description and individual assignments of the officer linked to the operational plan of the ministry, department or agency.

Performance appraisal

88. (1) Performance Review shall be carried out at least twice a year.

(2) All officers on grade H and above shall cause to be evaluated by their subordinates once a year.

Performance rewards

89. (1) The Minister in consultation with the Minister responsible for Finance shall determine performance related pay to be awarded to public officers each year.

(2) Automatic annual increment shall cease to exist and shall be replaced by performance related pay upon coming into effect of these Regulations.

CHAPTER VI

ORGANISATIONAL DEVELOPMENT

Communication

90. (1) Ministries, departments and agencies shall develop internal and external communication systems.

(2) Ministries, departments and agencies shall hold management meetings at least once every month.

(3) An officer shall not directly or indirectly reveal or use for private purposes any information otherwise than in the proper discharge of the officer's duties.

Reporting

91. Ministries, departments and agencies shall report progress against objectives through quarterly and annual reports.

Monitoring and evaluation

92. (1) Ministries, departments and agencies shall, at least twice a year (October and March) submit progress reports to the Ministry of Public Service to enable the Principal Secretary to monitor and evaluate performance delivery in the public service.

(2) The Principal Secretary, with the advice of the Government Secretary, shall collate the reports with emphasis on achievements and constraints.

CHAPTER VII

TRAINING AND DEVELOPMENT

Training and development policy

93. Pursuant to section 10(2) (b) of the Act, there may be a Training and Development Policy developed by the Ministry responsible for the public service after consultation with such persons who or bodies which indicate interest and are representative of a substantial group of public officers, whose main objective shall be to provide and maintain clear guidelines, that promote consistent decisions in the management of training and development.

Training and development plans

94. (1) Training and development within the public service shall be in line with the national goals and priorities.

(2) All ministries, departments and agencies shall undertake Training Needs Assessment to determine their priorities and prepare their training and development plans, which shall, at the beginning of every year, be submitted to Ministry of the Public Service.

(3) No training or development programme other than that appears in the ministry's annual training plan shall be allowed or funded except with a written approval of the Head of Department and the concurrence of the relevant Minister.

Types of training

95. (1) Training and development may be carried out in the following forms -

- (a) Short-term;
- (b) Long-term;
- (c) on-the-job-training involving rotation, in-house training, attachment, part time, induction, exchange programmes and study tours which shall be of limited duration,

and shall be defined in the Training and Development Policy.

(2) Without limiting the generality of sub-regulation (1), the Minister may determine other forms of training.

Eligibility for training and development

96. (1) Every public officer is entitled to training and development.

(2) Notwithstanding sub-regulation(1), where a decision is made on the type of training and development an officer shall undertake, the needs of both the officer and the organization shall be taken into account, but the organizational needs shall take precedence.

Study leave for training and development

97. (1) A public officer may apply for study leave for a long-term training if the officer has satisfactorily completed his or her 12 months probationary period and is confirmed in appointment.

(2) Long-term training shall be in line with the officer's career development and the needs of the Ministry, department or agency he or she is working for.

(3) The application for long-term training shall first have the concurrence of the Minister responsible for the relevant Ministry before its submission to the Minister for approval.

(4) A public officer who is aged 50 years and above is eligible for study leave if the officer shall be able to serve his or her bonding agreement.

(5) A contract officer is only eligible for short term and part-time training on approval by the Minister.

(6) A public officer who proceeds on study leave before his or her study leave is approved by the Minister shall be deemed to have deserted the public service and is therefore liable for disciplinary action.

(7) An officer on study leave is not entitled to a full salary on vacation and if such an officer renders services during this period he or she shall continue to draw dependants allowance until training has been completed.

(8) Notwithstanding sub-regulation (7), an officer may be paid allowance for services rendered and such payment shall be determined by the Minister in consultation with the Minister responsible for finance.

Bonding agreement

98. (1) A public officer shall, prior to proceeding on study leave, enter into a bonding agreement with the Government to the effect that the officer shall serve the public service as stipulated in the bonding agreement. –

(2) The agreement shall duly be signed by the officer and his or her guarantor.

(3) If an officer terminates his or her appointment for any reason before the bonding period expires, he or she shall pay, forthwith, the outstanding amount of the loan, which shall be the officer's gross salary multiplied by the bonding period not served plus interest at the rate to be determined by the Minister with the advice of the Minister responsible for finance, less the amount paid while on study leave.

(4) Ministries, departments or agencies shall ensure that the emoluments are paid into appropriate accounts.

(5) If the public officer deserts the public service and cannot be traced, the guarantor shall be liable to pay the money owed to the Government or forfeit the guarantee.

(6) The provisions of this regulation shall not apply to an officer who is attending a short-term (less than 6 months) in-service-training programme.

(7) Death of the officer terminates the bonding agreement and the balance owed shall be written off.

(8) Legal action shall be instituted against an officer and or a guarantor who fails to comply with this regulation.

Sponsored programmes

99. (1) An officer shall not accept a scholarship award or an invitation to attend a seminar or training course outside Lesotho or at a non-governmental institution within Lesotho without the approval of the Head of Department of the relevant ministry, department or agency and concurrence of the relevant Minister.

(2) Except where an officer is selected and nominated by the Government for a scholarship or invitation under sub-regulation (1), an officer who wishes to apply for a scholarship or attend a training course shall make an application which shall be approved by the Minister responsible for his or her Ministry.

(3) Application shall be considered if the scholarship or training course is relevant to the duties of the post the officer concerned is occupying or is reasonably likely to occupy and will enable him or her to perform those duties.

CHAPTER VIII

FOREIGN SERVICE

Part A – Interpretation

Interpretation

100. In this Chapter unless the context otherwise requires-

“Head of Mission” means Ambassador or High Commissioner or Consul General or any other principal representative of Lesotho in another country;

“Ministry” means the Ministry of Foreign Affairs and International Relations;

“Principal Secretary” means the Principal Secretary responsible for the Ministry of Foreign Affairs and International Relations.

Part B – Application

Application of this Chapter

101. This chapter applies only to Public officers serving in the Foreign Service.

Application of other Chapters

102. Public officers in the foreign service whether in the Ministry of Foreign Affairs in Lesotho or serving in diplomatic missions or consular posts abroad are public officers in accordance with section 154 of the Constitution¹ and are subject to the provision of the other Chapters of these regulations except where a provision of those regulations conflicts with a provision of this chapter, which shall, in that case, apply to the extent of that conflict.

¹

Service abroad

103. (1) All public officers serving in diplomatic missions or consular posts abroad deployed in the Ministry of Foreign Affairs in Lesotho are fully interchangeable between posts abroad and posts in the Ministry of Foreign Affairs in Lesotho without distinction.

(2) A public officer transferred to diplomatic or consular posts abroad shall on conclusion of his or her tour of duty return to his or her substantive post or similarly graded post in the public service.

(3) A member of the foreign service who was not a public officer before joining the foreign service shall on conclusion of his or her tour of duty cease to be a public officer, but may apply for any vacant post in the public service.

(4) While serving in posts abroad such public officers are posted temporarily to the foreign service but are not necessarily committed to serving always in such posts and may be posted to the Ministry of Foreign Affairs in Lesotho as may be required by the exigencies of the service as a whole.

Posts in diplomatic missions

104. The posts in diplomatic missions shall be as follows:

- a) High Commissioner or Ambassador or Permanent Representative;
- b) Deputy High Commissioner/Deputy Ambassador/s
- c) Minister Counsellor;
- d) Counsellor;
- e) First Secretary;
- f) Third Secretary;
- g) Other Attaches;

- h) Administrative Attache II/I;
- i) Clerk/Typist/Receptionist/Document Officer;
- j) Driver

Positions in Consular Posts

105. A member of a consular post shall hold office within one of the following positions:

- a) Consul General;
- b) Assistant Consul General;
- c) Consul;
- d) Assistant Consul;
- e) Vice Consul;
- f) Assistant Vice Consul;
- g) Consular Agent.
- h) Assistant Consular Agent

Acting Appointments

106. (1) When a Head of Mission leaves the country to which he or she is accredited, the next senior officer handling political work shall automatically assume charge of the mission as *Charge d’Affairs ad interim*.

(2) Where the post of Head of Mission is vacant, or if the Head of Mission is unable to perform his or her functions, a *Charge d’Affaires* shall act provisionally as Head of Mission.

(3) The *Charge d’Affairs ad interim* shall have full responsibility of all activities of the mission, its staff, accommodation, transport etc, and on the return of the Head of Mission to the country, the *Charge d’Affairs ad interim* shall automatically relinquish these responsibilities to the Head of Mission.

Part D - Taxation

107. Basic salaries of public officers serving in a diplomatic mission or consular post shall be taxable in Lesotho in accordance with any law relating to taxation and all foreign service allowance shall be exempt from taxation.

Part E - Service Allowances

Determination of Allowances

108. The Minister responsible for the Public Service, on the advice of the Minister responsible for Foreign Affairs and International Relations and in consultation with the Minister responsible for Finance, shall determine allowances applicable to the foreign service.

Non-accountable Foreign Service Allowance

109. (1) A public officer serving in a diplomatic mission or consular post is eligible to receive an appropriate non-accountable foreign service allowance at the rate as prescribed.

(2) Foreign service allowance is paid to enable a public officer generally to maintain himself or herself and his or her family in a condition and standard in which the officer will most usefully and conveniently be able to carry out his or her duties as a representative of Lesotho in a foreign country.

(3) The allowance, when added to the public officer's salary, is designed to enable that officer to meet from his or her combined emoluments, his or her overall living expenses at his or her post including: food and beverages, clothing, private transport, entertainment and recreation.

(4) A public officer shall be entitled to an appropriate foreign service allowance from the day on which he resumes duty at the post abroad, until the day he or she vacates that post.

(5) A public officer who draws subsistence allowance on arrival at or departure from his or her post shall not draw foreign service allowance.

(6) A public officer on vacation leave in Lesotho shall be entitled to foreign service allowance.

(7) The rates for non-accountable foreign service allowance shall be categorized into single and married rate taking into consideration the grade in which the officer is serving.

(8) An unmarried public officer shall receive a single rate and a married officer a married rate in the grade within which the officer is serving.

(9) A single public officer who marries or gets married shall receive the difference between the single and married rates in the grades in which he or she is serving upon marriage.

(10) A married public officer who for any reason is not accompanied by his or her spouse at the post shall be paid a single rate during the period when the spouse is away.

(11) Where a married public officer for any reason, through no fault of his or her own, cannot be accompanied by his or her spouse but is accompanied by his or her children, the public officer shall receive the single rate plus dependants' allowance at the prescribed rate for the period during which that officer's spouse is not with him or her.

Acting Allowance

110. (1) The *Charge d'Affairs ad interim* shall be entitled to draw an acting allowance in terms of the Public Service Regulations and the difference between his or her Foreign Service allowance and that of the Head of Mission.

(2) No acting allowance is payable where an officer is temporarily in charge of a mission under the control of a non resident Head of Mission.

(3) The post for which an acting allowance is payable when the holder of the post is for any reason absent and the conditions under which acting allowances are payable are as follows:

- a) posts which qualify for acting allowance shall be the post of First Secretary and above;
- b) the rates of acting allowances that are payable are subject to the following conditions:
 - i) for the posts that are on fixed salaries, the rate shall be the difference, if any, between the public officer's substantive salary and that of the post in which he or she is appointed to act;
 - ii) for posts that are not on fixed salaries scale, the rates shall be the difference, if any, between the officer's substantive salary and the minimum salary scale of the post in which he or she is appointed to act.
- c) Where a decision has been taken to downgrade or close a mission abroad, no acting allowance shall be drawn by the officer in charge of the mission.

Education allowance

111. (1) The Government shall pay full education expenses for the children of and residing with a member of staff of the mission, from when they are at the age of three (3) and are at pre-school up to high school. Such expenses shall include school fees and tuition.

(2) The children shall be enrolled in schools approved by the Head of Mission after consultation with the Principal Secretary.

Accountable entertainment allowance

112. (1) An accountable entertainment allowance shall be drawn from the funds allocated to the mission, by members of the diplomatic staff who shall be public officers from the rank of Third Secretary and above when so authorized to do so by the Head of Mission in accordance with the prescribed rates.

(2) A Head of Mission having responsibility for more than one mission shall be paid the representation allowance of the mission at which

he or she is normally resident, and where the Head of Mission incurs expenses on entertainment at the mission at which he or she is non-resident, he or she shall be reimbursed in the form of an accountable entertainment allowance.

Children's allowance at post and separate domicile allowance

113. (1) Where a public officer's children have accompanied the officer to his or her post abroad, the officer shall receive children's allowance in respect of each child who is below the age of 18 years.

(2) Children's separate domicile allowance shall be payable for each dependant child not above the age of eighteen when the parent is serving at a post abroad and the child or children are in Lesotho or at any other place approved by the Principal Secretary.

(3) The total number of children in respect of whom the parent receives children's allowance shall not exceed four.

(4) The rates for children's allowances shall be prescribed by the Minister responsible for Public Service on the advice of the Minister responsible for Foreign Affairs in consultation with the Minister responsible for Finance.

Travel and subsistence allowance

114. (1) Where a public officer, with prior approval of the Head of Mission, travels on duty, he or she shall claim subsistence allowance at applicable rates.

(2) The allowance shall be payable with effect from the date of departure from the country where the public officer is stationed and shall cease on the date of return to that country.

(3) A public officer who, in the course of a tour is recalled to Lesotho on duty shall draw subsistence allowance at the rates applicable to Lesotho.

(4) Where periods of absence on duty do not include a night away from an officer's station, reasonable out-of-pocket expenses incurred shall

be reimbursed if the expenditure incurred is certified to be work-related by the Head of Mission and is supported by receipts bills.

Allowance for spouse or child

115. Where a spouse or child of a public officer is eligible for subsistence allowance, the subsistence allowance applicable to the public officer shall also apply to the spouse or child, except that half the normal rate shall be paid in respect of a child under the age of four.

Allowance for servants

116. Subsistence allowance shall be payable at full rate in respect of a domestic servant of the Head of Mission on the way from and to Lesotho and on transfer to another mission.

Clothing allowance

117. (1) On appointment to a post abroad a public officer, spouse and children shall receive clothing allowance at applicable rates.

(2) The Minister responsible for the Public Service may, on the advice of the Minister responsible for Foreign Affairs in consultation with the Minister responsible for Finance, determine for climatic reasons that an additional and special clothing allowance shall be paid to a public officer and family.

(3) Additional and special clothing allowance shall also be paid to a Head of Mission, who is required to have special formal dress by the countries of accreditation.

Hardship Areas

118. The Minister responsible for Foreign Affairs may designate certain areas to which public officers are posted as hardship areas. In such cases the Principal Secretary may direct that special arrangements be made to enable officers to access basic amenities even beyond their country of accreditation.

Setting-up allowance

119. (1) A setting-up allowance shall be paid to all officers on appointment to a post abroad.

(2) The rates of the allowance shall be equivalent to 50% of an officer's monthly foreign service allowance he or she is entitled to upon arrival at the post.

(3) For the purpose of setting-up, public officers being posted abroad shall be provided with 4 sets of sheets with pillow cases and one set of bath towels. 2 sets of sheets with pillow cases and one set of bath towels shall be provided for each dependent child.

(4) Items provided under sub-regulation (3) shall be considered as personal effects of the officers and shall not be included in the inventory list of Government property.

Disturbance allowance

120. When an officer is transferred from one mission to another or recalled to Lesotho from a post abroad, he or she shall be entitled to a disturbance allowance, at the rate of 50% of the officer's monthly foreign service allowance.

Baggage Allowance

121. (1) A public officer on recall is entitled to baggage allowance to cover the cost of transporting his or her baggage and its insurance to Lesotho. Baggage will include household effects and motor vehicles, which shall be imported into Lesotho duty free on the following conditions:

(a) if traveling by sea

(i) a public officer, married or single, shall be entitled to a 60 foot containerized baggage which shall include household effects and not more than 2 motor vehicles;

(b) if traveling by road

- i) a public officer, married or single, shall be entitled to a 60 foot containerized baggage which shall include household effects and not more than 2 motor vehicles;
- (c) if traveling by rail
- i) a public officer, married or single, shall be entitled to 250 kg of baggage by passenger train plus 2500kg of containerized baggage by goods train.

(2) In addition to the conditions under sub section (1) public officers, shall be entitled to send by air unaccompanied baggage, of up to 100kg for the officer and spouse each, and up to 50kg for all the children.

Part F - Benefits

122. The Minister responsible for Public Service on the advice of the Minister responsible for Foreign Affairs in consultation with the Minister responsible for Finance shall determine benefits for public officers in the foreign service.

Housing

123. (1) A public officer serving abroad shall be provided with and required to occupy, furnished accommodation, which may be rented, leased or owned by the Lesotho Government.

(2) The Government shall be responsible for expenses in respect of electricity, gas, heating oil, water, sewerage, garbage removal, as well as the maintenance of gardens and any other utilities or benefits as the Minister may determine.

(3) In the case of the Head of Mission, the quarters shall be fully furnished with, among other things, cutlery, crockery, dish washer, microwave oven, washing machine and drier, refrigerator, deep freezer, soft furnishings, a television set with a DVD recorder, music system and any other such items as the Minister may determine.

(4) In the case of public officers of the other ranks, quarters shall be provided with hard furnishings, curtains, dishwasher, washing machine

and drier, refrigerator, deep freezer and microwave and any such other items as the Minister may determine.

(5) When negotiating a lease the mission shall obtain a diplomatic clause which shall enable it to terminate the lease at short notice in the event of a transfer before its expiry and in the case of a tenancy agreement, the mission shall secure the inclusion of a similar provision.

(6) Staff of the mission is entitled to 25% of the cost of telephone calls made at their residences.

(7) A Head of Mission is entitled to free telephone service at his or her residence.

Hotel accommodation

124. (1) A public officer may stay at a hotel at public expense for a period not exceeding 7 days prior to departure to a post abroad.

(2) A public officer may stay at a hotel, at the public expense for a period not exceeding 7 days if he or she is unable to move into suitable accommodation on arrival at his or her post abroad and during this period the officer shall not draw foreign service allowance.

(3) A public officer on recall may, on arrival in Lesotho, stay at a hotel for a period not exceeding 7 days.

(4) In the case where a public officer is obliged to live in a hotel or recognized boarding house longer than as stipulated in sub-regulations (1), (2) and (3) the officer shall seek the authority to do so from the Principal Secretary.

Travel and transport

125. (1) When a public officer makes an official journey by an approved route the fares shall be paid from public funds.

(2) The approved route means the shortest route, by a mode of transport, class of travel approved for a particular journey between two places.

(3) In exceptional circumstances an officer may travel by a route other than the approved route and, subject to the approval of the Head of Mission or Principal Secretary, may claim expenses incurred, as though he used the approved route.

(4) An official journey shall include:

- (a) a journey on a special mission, tour or visit undertaken with the general or special authority of the Principal Secretary;
- (b) a journey made by a public officer his or her spouse or his children to his or her post from Lesotho on appointment to a mission abroad, or to another mission on transfer;
- (c) a journey from a mission to Lesotho on duty;
- (d) return journey after completion of an approved tour;
- (e) final termination of service, resignation or dismissal.

(5) The mode of travel shall be by air or by any other means approved by the Principal Secretary, if:

- (a) it is at no extra cost to the Government; and
- (b) traveling time is in excess of the normal air travel time, it shall be counted against the officer's leave entitlement.

(6) A Head of Mission shall be entitled to business class air travel when traveling on official duty. All other public officers shall be required to travel in the determined class of travel as in the public service.

(7) A public officer's spouse and children shall be entitled to the same class of travel as the officer himself or herself except that the children of any public officer traveling unaccompanied shall invariably be required to travel economy class irrespective of the class of travel to which the officer himself or herself is entitled.

(8) A public officer's spouse or children may, with the approval of the Principal Secretary, follow or precede the officer in arriving at or departing from the country in which that officer is serving.

(9) A public officer traveling on official business other than an officer traveling for purposes of appointment, transfer or retirement shall not be entitled to be accompanied, at public expense, by his or her spouse except as follows:

(a) Where duty demands, a Head of Mission may be accompanied by his or her spouse on journeys within the area of accreditation once in a period of 12 months. Approval of the Principal Secretary shall be sought if the Head of Mission wishes to travel with his or her spouse to any area more than once in any period of twelve months.

(b) If it is in the interest of representational efficiency, the Head of Mission may authorize an officer to be accompanied by his or her spouse on an official journey within the area of accreditation.

Medical treatment

126. (1) The staff of the mission, their spouses, children and the domestic servant of the Head of Mission shall be covered by medical insurance paid out of the public funds. Where such medical insurance is not available the cost of such medical treatment shall be paid from public funds where:

(a) the treatment was given by a qualified medical practitioner;

(b) the Head of Mission has satisfied himself that the treatment given was essential.

(2) Children who are over the age of 18 and residing with the public officer and are dependant on the public officer for their livelihood shall be covered by the medical insurance.

(3) Medical treatment includes consultation with a medical practitioner, hospital treatment, dental operations, normal denture, basic spectacles, medicine, drugs, prescribed medicine and prescribed medical appliances.

(4) Members of the staff of the mission shall also be reimbursed for the cost of actual travel expenses, but not subsistence, for journeys made in connection with the medical treatment.

Part G - Tour of Duty

Tour of duty

127. (1) A tour of duty in the foreign service shall normally be of 3 years duration and may be extended for a further period not exceeding 3 years.

(2) An officer may be transferred or recalled before the expiry of his or her tour of duty.

(3) Notwithstanding sub regulation (1), a tour may be extended as the exigencies of service demand.

(4) A tour shall commence from the date an officer arrives at his or her mission and shall end 3 years later or as stipulated in his or her letter of recall to Lesotho.

Report to host country on recall or transfer

128. (1) At the end of tour or on transfer of a public officer, the mission or consular post shall report the departure of the public officer to the host country and request for the cancellation of diplomatic visas or residence permits of the public officer involved and of his or her family and domestic workers.

(2) If the public officer decides not to return to Lesotho, the mission or consular post shall:

(a) Announce the recall of such public officer and request cancellation of diplomatic visas and residence permits of the public officer and his or her family and domestic workers; and

(b) obtain and send back to Lesotho, the diplomatic passports issued to the officer and members of his or her family and domestic workers.

(3) Once in Lesotho, the public officer shall ensure that his or her diplomatic passport and those of members of his or her family, are handed over to the Consular division of the Ministry of Foreign Affairs unless such officer continues to qualify for diplomatic passport in accordance with the law of Lesotho.

(4) Where a spouse or domestic worker remains behind for personal reasons, the mission or consular post shall follow the procedure stated in sub-regulations (1) to (3).

Part H – Leave

Foreign Service leave

129. (1) A public officer serving abroad is entitled to leave at the rate of 4 days per month of residential service abroad.

(2) A public officer may apply, in writing, for Foreign Service leave, and such application shall be addressed to the Head of Mission.

(3) No fare or traveling allowance shall be payable to an officer for the purpose of travel during Foreign Service leave.

(4) No public officer may visit or spend Foreign Service leave outside the country where he or she is serving without prior permission from the Principal Secretary.

(5) A public officer serving abroad may take his or her leave with his or her family once during the tour of duty in Lesotho, at Government expense.

(6) Leave not utilized in the current leave year shall not be carried forward to the next year, except with authority by the Principal Secretary.

(7) Leave authorized to be carried forward shall not be in excess of a quarter of the officer's entitlement and shall be utilized in the next leave year, failing which it shall be forfeited.

Sick Leave

130. (1) A public officer is entitled to sick leave for up to 12 days a year on medical grounds and on production of a medical certificate issued by a registered medical practitioner.

(2) A Head of Mission shall accept sick leave for a public officer on written recommendation of a qualified medical practitioner.

(3) Where the sick leave exceeds 12 days, the Principal Secretary shall be informed.

(4) Entitlement of sick leave shall not be carried forward from one year to another.

Passages and leave on compassionate grounds

131. A Head of Mission and his or her spouse are entitled to a free return passage in business class by air and all other officers and their spouses are entitled to a return free passage in economy class where:

(a) For purposes of a burial -

(i) married officers and their spouses and children may be granted a return passage in case of a death of a spouse, own child, step-child, legally adopted child, parent, grand parent, brother, sister or other recognized next-of-kin;

(ii) single officers and their children may be granted a return passage in case of a death of own child step-child, legally adopted child, parent, grand parent, brother, sister or other recognized next-of-kin ;

b) In cases of life-threatening illness.

(i) For married officers -

A return passage may be granted to one person subject to the approval of the Principal Secretary in the event of a life-threatening or serious illness of the spouse, own child, step-child, adopted child, or other recognized next-of-kin of an officer, and a parent of either spouse;

(ii) For single officers -

A return passage may be granted to the officer and one child subject to the approval of the Principal Secretary in the event of life threatening or serious illness of the parent, own child, step-child, legally adopted child, or other recognized next-of-kin.

c) Subject to the provisions of paragraph (a) and (b) an officer may be granted leave on compassionate grounds for a period not exceeding fourteen days.

Passage and leave for domestic workers

132. (1) A Head of Mission shall be granted a free economy class passage by the shortest and most direct route for a domestic worker in each direction between Lesotho and the post once in each tour of service and on transfer from one post to another in the course of a tour.

(2) A Head of Mission's domestic worker shall be entitled to free passage to and from Lesotho in the case of death of his or her parent, spouse, or child.

(3) A Head of Mission's domestic worker is entitled to free passage to and from Lesotho on home leave at the same time as and when the Head of Mission takes such a leave or at a time convenient to the Head of Mission.

Part I - Other Terms and Conditions

Discipline

133. (1) The provisions of the Public Service Act and regulations relating to the public service and any such law and regulations in force with regard to the reporting and investigation of breaches of discipline apply to the Foreign Service.

(2) The powers of suspension and the power to order an investigation of an alleged breach of discipline by a member of the Foreign Service shall be exercised in accordance with the provisions of the principal law relating to the public service.

(3) No officer may, at any time, engage in any activity which would in any way impair his/her effectiveness as a member of the Foreign Service or bring the Service into disrepute.

(4) A public officer commits a breach of discipline if he or she or a member of his or her family accepts a gift or presentation whether in the form of money or otherwise from any person in recognition or anticipation of services rendered or to be rendered by virtue of his or her official position.

(5) Sub-regulation (4) does not apply to small personal gifts which may be exchanged between colleagues and friends.

(6) This regulation is in addition to, and not in derogation from, the provisions of the principal law in respect of the public service prohibiting public officers from giving or receiving valuable presents.

Insolvency

134. (1) A member of the Foreign Service who becomes bankrupt or insolvent or whose financial affairs are seriously embarrassing shall report that fact to the Principal Secretary for Foreign Affairs.

(2) If the officer is serving abroad, the report shall be made through the Head of Mission at which he or she is serving.

(3) Failure to report the matter shall be regarded as a breach of discipline.

Marriage and divorce

135. (1) A public officer who proposes to marry a person of a nationality or citizenship other than his or her own shall notify the Principal Secretary of his or her intention to do so at least 3 months in advance.

(2) A public officer who proposes to marry a Mosotho shall also notify the Principal Secretary of his or her intention to do so and subsequently, of the date of his or her marriage at least 3 months in advance.

(3) A public officer who proposes to marry a foreign national may be recalled or authorized to resign if to do so will be in the interest of “national security.”

(4) An officer who becomes involved in a matrimonial suit which may, in the opinion of the Minister responsible for Foreign Affairs, bring discredit upon him or her or the Service may be called upon to resign, or, be recalled to Lesotho.

(5) An officer who becomes involved in such a suit shall notify the Principal Secretary of the facts of the case at the commencement of such a suit.

Dress and foreign decorations

136. (1) On formal occasions, officers and their spouses shall wear either the appropriate formal clothes worn in the country where they are serving or the traditional dress of Lesotho.

(2) On occasions where officers accompany a Head of Mission, the Head of Mission may decide the type of dress to be worn by all concerned.

(3) Officers and their spouses may not, without a special and prior permission of the Minister responsible for Foreign Affairs, accept or wear foreign medals or decorations.

CHAPTER IX

MISCELLANEOUS

Legal proceedings against officers

137. (1) In civil and criminal cases, if an officer knows or is informed that legal proceedings are to be taken against him or her, he or she is to inform the Head of Department forthwith.

(2) If it appears to the Head of Department that the proceedings relate to an act or omission of the officer in the course of his or her duty, the Head of Department shall seek the advice of the Attorney General on that question and on the question of the State’s responsibility on the matter.

(3) The State is not responsible for the fees of a legal practitioner retained privately by an officer.

Health and safety

138. (1) The Head of Department shall establish and maintain a safe and healthy work environment for public officers in his or her ministry, department or agency and the public officer shall not engage in an activity that threatens the safety of other public officers.

(2) The Head of Department shall provide a first aid kit which shall be accessible to all public officers at all time during working hours.

Compensation for occupational injuries

139. (1) The public officer shall be compensated in respect of personal injury sustained while on duty, or occupational diseases contracted in the course of his or her employment or death resulting from such injuries or diseases if it is established that it is not negligence on the officer's part, and the submission has to be made to the Medical Board which shall determine the extent of the injury.

(2) Compensation shall be awarded in accordance with the provisions of the Public Officer's Defined Contribution Pension Fund Act or any other relevant legislation.

Safe custody of government property

140. A public officer shall not improperly use property or stores that are for the time being in his or her official custody or control and shall ensure safe custody of such property or stores.

Private employment and private interests

141. (1) Except with the approval of the Minister, a public officer shall not undertake remunerative or unpaid work outside his or her official duties or use office equipment for such work.

(2) Nothing in this regulation shall be construed as preventing a public officer from becoming a member or shareholder only, of a company or society of persons registered under any law.

Disclosure of interests by public officers

142. (1) For the purposes of this regulation the following kinds of financial interests are registerable interests –

- (a) shares and other financial interests in private or public companies and other corporate entities recognized by law;
- (b) directorships and partnerships;
- (c) remunerative work outside the public service;
- (d) consultancies and retainerships;
- (e) sponsorships;
- (f) gifts and hospitality from a source other than a family member; and
- (g) ownership and other interests in land and property, whether inside or outside Lesotho.

(2) All public officers shall, not later than 30 April of each year, disclose to the Head of Department, on such form as the Minister may determine, particulars of all his or her registerable interests in respect of the period from 1 April of the previous year to 31 March of the year in question.

(3) An officer who assumes duty after 1 April in a year shall make such disclosure within 30 days after assumption of duty.

(4) The Head of Department shall submit, to the Directorate of Corruption and Economic Offences, a copy of the form not later than 31 May of the year in question or not later than 30 days after it has been submitted.

(5) An officer who fails to disclose an interest in terms of this regulation or willfully provides incorrect or misleading information commits

a misconduct, and if found guilty is liable to disciplinary action or a criminal charge or both.

Discipline in the public service

143. (1) For the purposes of sub-regulation (2) and sections 8(5) and 9 of the Disciplinary Code-

- (a) a verbal warning may be issued for a first minor offence and shall be preceded by counseling and constructive action taken to correct the conduct or behaviour of the officer;
- (b) a written warning may be issued if the supervisor is still not satisfied with the officer's behaviour or conduct after a verbal warning has been issued, or if the officer commits another misconduct;
- (c) a final written warning may be issued if previous warnings have had no effect or if the misconduct is of a serious nature;
- (e) a dismissal may be considered appropriate under the following circumstances, among others;
 - (i) where other forms of discipline have been applied to the officer, but the officer does not correct his or her behaviour;
 - (ii) where the officer has already received a final warning and then commits a similar offence and no other disciplinary sanction appears to be appropriate;
 - (iii) where the misconduct is of a serious nature.

(2) Where the Head of Department is a complainant, in a disciplinary inquiry or respondent in a grievance hearing, the Government Secretary shall chair the proceedings. If the Government Secretary is unable to chair the proceedings due to the exigencies of his or her work, he or she

shall arrange for a Head of Department from another ministry, department or agency to chair the inquiry or hearing.

Active participation in politics

144. (1) A public officer shall not be an active member of a political party nor speak in public on any political party or matter, or take an active part in the support of any candidate in an election, and do anything by word or deed which is calculated to further political interest of any political party.

(2) The following acts, in relation to a public officer are, among others, acts which constitute active participation in politics.

- (a) canvassing any person in support of or otherwise actively assisting an organization or movement of a political character;
- (b) displaying or wearing symbols, rosettes, posters, placards or like articles having a political significance;
- (c) chanting or singing at a political rally or meeting;
- (d) publishing views of a political character or causing them to be in speeches, broadcasts, letters to the press, articles, leaflets, posters, placards, books or otherwise; and
- (e) any other act or conduct whatsoever of a public officer of which the public may reasonably be induced to associate or identify the officer with an organization or movement of a political character.

(3) A public officer who wishes to stand for general elections for the National Assembly or Local Government as a candidate shall resign or retire from the public service by giving a written notice at least a month prior to the nomination day for general elections in accordance with the National Assembly General Elections Act 1992³.

(4) A public officer who resigns in terms of sub-regulation (3) may be considered for re-appointment in the public service, upon making an

application to the relevant appointing authority in accordance with the Act and these regulations.

CHAPTER X

REPEALS

Repeal

145. The Public Service Regulations 1969⁴ are repealed.

DATED:

SEMANO HENRY SEKATLE
MINISTER OF PUBLIC SERVICE

NOTE

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- ¹. Act No.1 of 2005 as amended by Act No. of 2007
². Proclamation No 62 of 1952
³. Act No. 10 of 1992
⁴. L.N. 16 of 1969