

## Statutory Instrument 117 of 2006.

### Health Service Regulations, 2006

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**IT is hereby notified that the Health Service Board has, in terms of section 26 of the Health Service Act [Chapter 15:16], made the following regulations with the concurrence of the Minister of Health and Child Welfare:—**

## **PART I**

### PRELIMINARY

#### **1. Title**

These regulations may be cited as the Health Service Regulations, 2006.

#### **2. Interpretation**

In these regulations:—

“appointing authority”, in relation to any appointment to the Health Service, means the Board or Hospital Management Board or the head of Ministry or department to whom it has delegated the power of appointment to any specified post;

“confirmed member” means a member who is confirmed in his or her appointment after a period of probation;

“delegated authority” means any authority to which the Board or Hospital Management Board has, in terms of these regulations, delegated any of its functions;

“department” means any division of the Ministry for which a head of department has been designated by the Board;

“disciplinary authority” means a disciplinary authority referred to in section 42;

“disciplinary committee” means a disciplinary committee appointed in terms of section 43;

“establishment officer” means the member who is designated by the Board as the establishment officer in a department;

“grade” means the position or grade which has been allocated to a post;

“junior grade” means any grade designated to be junior grade by the Board in terms of section 19;

“head of department” means the person designated to be head of department by the Board for purposes of these regulations;

“head of office” means the person designated to be the head of office by the Board for purposes of these regulations;

“head of ministry” means the permanent secretary of the Ministry of Health and Child Welfare;

“legal practitioner” means a person registered as such in terms of the Legal practitioners Act [Chapter 27:07];

“medical practitioner” means a person registered as such in terms of the Health Professions Act (Chapter 27:19)

“middle grade” means any grade designated to be middle grade by the Board in terms of section 19;

“misconduct” means any act or omission by a member which constitutes an act of misconduct specified in the First Schedule;

“pensionable emoluments” shall have the meaning assigned to that term by the pensions regulations;

“pensions regulations” means any regulations in force governing the terminal benefits of members of the Health Service;

“performance award” means any award or additional remuneration in cash or kind to a member, including any bonus or increment, made in accordance with the Board’s determination of the level of performance attained by that member;

“principal administrative officer” means a member designated as such by the Board;

“principal establishment officer” means a member designated as such by the Board;

“probation” means the period of employment before a member is confirmed in his or her appointment;

“senior grade” means any grade designated to be a senior grade by the Board in terms of section 19;

“staff advisory committee” means a committee appointed in terms of section 4(1);

## PART II

### APPOINTMENT, PERFORMANCE APPRAISAL AND CAREER MOBILITY

#### **3. General principles applicable to recruitment, advancement, promotion and grading of members**

(1) In order to promote efficiency and effectiveness in the provision of health services to the public, the appointing authority shall, subject to subsection (2), recruit, advance, promote or grade those members who, in relation to the post in question, are the most suitable as regards—

- (a) knowledge about the task to be performed and ability to perform it;
- (b) relevant experience;
- (c) the requisite qualifications and qualities; and
- (d) where applicable, potential for training and development.

(2) The recruitment, advancement, promotion or grading of members shall be on the basis of merit as well as professional and moral standing.

#### **4. Staff advisory committees**

(1) The head of Ministry or Hospital Management Board and head of department shall appoint a staff advisory committee to advise the head on all matters affecting appointment, transfer, promotion and training in the department concerned.

(2) The Board or Hospital Management board may, from time to time, issue notices or circulars governing the composition and procedure of staff advisory committees.

#### **5. Entrance examinations**

(1) The Board or Hospital Management Board may, with a view to ensuring that persons recruited as members meet the requirements of their posts, set Health Service entrance examinations for any administrative, professional, clerical or technical post.

(2) The Board or Hospital Management Board may set pre-confirmation promotion examinations for any administrative, professional, clerical or technical post or grade:

Provided that success in a pre-confirmation or promotion examination shall not on its own entitle a member to confirmation or promotion, as the case may be.

(3) The Board or Hospital Management Board may issue notices or circulars governing the content and conduct of entrance examinations.

#### **6. Appointment and promotions**

(1) Appointment as a member may be on—

- (a) indefinite and pensionable conditions of service;
- (b) temporary terms to fill a casual vacancy or supernumerary post;
- (c) contract for a specified period of service.

(2) The Board or Hospital Management Board may, from time to time, issue notices or circulars governing appointments to any post or grade, including notices or circulars specifying qualifications with respect to knowledge, ability, professional attainment, aptitude and potential.

(3) Every appointment shall be made by the Board or Hospital Management Board except to the extent that the Board has, in respect of specified posts, delegated its power of appointment to the Head of Ministry, Hospital Management Board or Head of Department which ever the case may be.

(4) The procedure governing appointments to the Health Service shall be guided by the following principles—

- (a) candidates shall be timeously informed of any vacancy and the conditions of service attaching to it, and be given a reasonable time within which to apply;
- (b) eligible candidates shall be considered equally on merit by fair competition under procedures which safeguard against individual bias; and
- (c) the selection criteria and techniques to be applied shall be reliable, valid and relevant to the post concerned.

(5) Before making an offer of appointment the appointing authority shall complete to its satisfaction all the checks necessary to confirm that the candidate is eligible for appointment.

(6) No appointment shall be made, whether temporary or otherwise, for which no provision has been made in the Estimates of Expenditure for the current financial year.

(7) Every notice or advertisement inviting applications for appointment to a vacancy in the Health Service shall set out as clearly and concisely as possible the job description and job specification applicable to the vacancy.

- (8) A candidate shall not be appointed to the Health Service—
- (a) unless he or she has been examined by a medical practitioner and certified, to the satisfaction of the Secretary for Health, to be free from any mental or physical deficiency likely to interfere with the performance of his duties or render necessary his retirement before pensionable age:
 

Provided that, a candidate having a mental or physical deficiency or infirmity which is not likely to interfere with the efficient performance of his or her duties but which may render necessary his or her retirement before reaching pensionable age, may be appointed or promoted to such posts in the Health Service and subject to such conditions as the Board or Hospital Management Board may determine;
  - (b) unless he or she has attained the age of eighteen years:
 

Provided that a candidate below that age may be appointed as a trainee, apprentice or cadet;
  - (c) unless he or she has completed, in a form provided by the Board or Hospital Management Board, a declaration prohibiting the unauthorised disclosure of information connected with his or her official duties;
  - (d) who—
    - (i) has benefited from a voluntary retirement scheme implemented by the Board;
    - (ii) has been dismissed or called upon to resign from the Health Service, within a period of two years preceding the proposed appointment; or
    - (iii) has been convicted of a criminal offence for which he or she has been sentenced to and served a term of imprisonment;
    - (iv) has resigned from the Health Service for personal reasons within a period of one year preceding the proposed appointment;

unless the Board or Hospital Management Board expressly approves such appointment in writing.

(9) Upon appointment of a member on pensionable conditions of service or, subject to subsection (10)(b)(i), on contract for a specified period of service, the appointing authority shall issue to the member the appropriate letter of appointment.

- (10) Members appointed on—
- (a) pensionable conditions of service shall—
    - (i) place the whole of their time at the disposal of the State;
    - (ii) accept liability to be transferred to any part of the country at any time; and
    - (iii) comply with all the conditions applicable to such service, as fixed from time to time by the Board or Hospital Management Board :

Provided that the Board or Hospital Management Board may grant a member authority to use part of that time for private practice under such terms and conditions as the Board or Hospital Management Board may stipulate;
  - (b) contract for a specified period of service shall—
    - (i) not be appointed before the contract relating to them has been signed by them and by the appointing authority;
    - (ii) be governed as to their conditions of service by the terms of their contract;
  - (c) temporary terms shall-
    - (i) be so advised in writing and shall indicate their acceptance in writing; and
    - (ii) except as otherwise stated in the letter of appointment, be bound by all the conditions applicable to service on pensionable terms.

### ***7. Probationary period***

(1) A member appointed on pensionable conditions of service shall serve a probationary period of not less than six months:

Provided that if the member was in the employment of the State immediately before the appointment, the period or any part of the period of such continuous previous service with the State shall, if the appointing authority so determines, be included in the period of probation.

(2) The appointment of a person as a member shall, subject to subsections (3) and (4), be confirmed at the end of the probationary period.

(3) If at any time during the probationary period the appointing authority considers that a member does not meet the required standard of performance, the appointing authority may, if such appraisal has not already been made, call for a performance appraisal in terms of section 8, and if such appraisal indicates that the member fails to meet the required standard of performance the appointing authority may—

- (a) discharge the member; or

(b) extend the probationary period by not more than one year, at the end of which period the member shall be discharged if he fails to meet the required standard of performance.

(4) Notwithstanding the issue of a medical certificate under section 6(8)(a) upon the appointment of a member before confirmation, if the appointing authority considers that a member does not meet the required standard of health, or if a member, has taken sick leave aggregating to ninety days or more during the probationary period, it shall require the member to undergo a further medical examination by a medical practitioner approved by the Secretary for Health.

### **8. Performance appraisal**

(1) In order to keep under review and improve the provision of services to the public, the performance, potential and development needs of all members shall be assessed continually and final reports thereon shall be compiled and submitted at least once a year.

(2) Every performance appraisal shall—

(a) be conducted by way of regular interviews with the member concerned by a supervisor identified by the Board or Hospital Management Board, head of Ministry or department for the purpose;

(b) be reported in the form specified by the Board or Hospital Management Board, which shall be signed by the member and supervisor and countersigned by the head of Ministry or department;

(c) in respect of a member of a grade specified by the Board or Hospital Management Board, be submitted through the head of ministry or department to the Board or Hospital Management Board and, in respect of any other member, be kept in the personal file of the member in the Ministry or department in which such a member is employed;

(d) in the case of a performance appraisal to be submitted to the Board or Hospital Management Board, be made known to the member concerned before it is submitted;

(3) At the conclusion of every performance appraisal, the Board or Hospital Management Board or the head of Ministry or department, as the case may be, shall decide on what action, if any, is to be taken on the basis of the appraisal, including—

(a) advancement or promotion;

(b) transfer to a post more in keeping with the competence of the member concerned;

(c) participation in a skills development course to enhance the efficiency and effectiveness of the member concerned;

(d) the granting or withholding of any performance award;

(e) demotion or discharge subject to and in accordance with the disciplinary procedures provided in Part VIII.

(4) The Board may issue circulars or notices governing the content and conduct of performance appraisals.

### **9. Regrading**

(1) A member is regraded when he or she moves from one category or group of functions to another laterally, whether within the same or another department.

(2) Upon regrading the member shall—

(a) if the member's performance is appraised to be satisfactory, subject to subsection (3), be deemed confirmed in that grade; or

(b) if the members performance is appraised to be un-satisfactory, the Board or Hospital Management Board may take such action as it deems fit.

(3) A member referred to in subsection (2)(a) shall not be confirmed in a grade unless previously confirmed as a member under section 7.

### **10. Advancement**

(1) A member is advanced when, having satisfied the conditions laid down in the relevant advancement procedures and subject to satisfactory performance appraisal, he or she is advanced within the grade or from one grade to another.

(2) A member who is not advanced when first eligible may be considered for such advancement, in retrospect, at a later date in terms of the relevant advancements procedures.

(3) The Board may issue circulars or notices governing advancement procedures.

### **11. Promotion**

(1) A member is promoted when, having undergone a competitive selection procedure, he or she is appointed to a vacant post to which is attached a greater responsibility and a higher salary or higher salary scale than that attached to the post to which he or she was last substantively appointed.

(2) Selection of candidates for promotion shall be undertaken-

(a) by the appropriate staff advisory committee; or

(b) by the Board or Hospital Management Board;

subject to satisfactory performance appraisal and in accordance with the relevant promotion procedures.

(3) A member may be promoted without his or her consent at any time from the post which he or she occupies to any other post in the Health Service :

Provided that the member concerned shall be afforded a reasonable opportunity to make representations on the matter in writing to the Board or Hospital Management Board, which shall consider such representations before deciding on whether or not to uphold the promotion in terms of this subsection.

(4) Section 12 shall apply to the promotion of a member referred to in subsection (2)(a).

(5) No member shall be entitled as of right to promotion.

### ***12. Promotion procedures***

(1) In this section, "eligible member" means any member—

(a) who meets the requirements of the post as specified in any notice, circular or advertisement and whose name has been submitted for consideration.

(b) whom the Board or Hospital Management Board, in its discretion, regard as eligible for promotion to such vacant post.

(2) The staff advisory committee of the Ministry or department shall make recommendations to the head of Ministry or Hospital Management Board or head of department on promotions to such posts within the Ministry or department as the Board may specify.

(3) Whenever a recommendation from a staff advisory committee is required, the staff advisory committee shall investigate the suitability of persons it considers eligible for promotion for which purpose it shall furnish a list of such persons for endorsements by the head of Ministry or department.

(4) When making a recommendation as to the persons to be promoted, the staff advisory committee shall submit to the head of the Ministry, head of Department or Hospital Management Board—

(a) minutes of all its meetings and any other relevant documents relating to the recommendation; and

(b) a summary of its findings; and

(c) the grounds upon which its recommendation is based.

(5) The head of Ministry or Hospital Management Board or head of Department shall consider the recommendation of the staff advisory committee, and

(a) where the authority to promote members to the post in question is the Hospital Management Board, head of Ministry or department, the authority shall, subject to subsection (6), take such action in the light of the recommendation as it thinks fit;

(b) in any other case, submit to the Board or Hospital Management Board—

(i) all the relevant papers referred to in subsection (4), together with his or her recommendation as to the person to be promoted; and

(ii) the grounds upon which his or her recommendation is based.

(6) If the head of Ministry or Hospital Management Board or department disagrees with the recommendations of the staff advisory committee, he or her shall give the head of Ministry or the Board, whichever the case maybe, full reasons for his decision.

(7) In determining which member should be promoted, the head of department, the head of Ministry or Hospital Management Board or the Board shall comply with the principles set out in Part 1 of the Second Schedule.

(8) The Board or Hospital Management Board may attach such terms and conditions as it thinks fit to the promotion of any member and, without derogation from the generality of the foregoing, may require a member, as a precondition to his promotion, to agree to any of the conditions specified in Part 11 of the Second Schedule.

(9) Whenever it is necessary to determine the seniority of a member, such determination shall be made by the Board or Hospital Management Board.

### ***13. Transfer***

(1) A member may at any time without his or her consent be transferred by the Board or a delegated authority from the post which he or she occupies to any other post in the Health Service :

Provided that—

(a) the member shall not suffer a reduction in his or her pensionable emoluments without his or her consent;

(b) a member who has been transferred to or is employed in a post which is of higher or lower grade than his or her own grade without a change in pensionable emoluments shall be transferred to a post to which his

or her pensionable emoluments are appropriate as soon as a vacancy occurs for which he or she is considered suitable;

(c) a member who has been transferred to or is employed in a post which is of a higher grade than his or her own grade or which is regarded or converted to a post of a higher grade than his or her own grade shall not, by reason only of such transfer or employment, be entitled to the higher pensionable emoluments applicable to the post.

(2) A member may be transferred either permanently or for such period as the Board may determine.

(3) Every transfer shall—

(a) be planned to minimise discomfort on the part of the member concerned and his or her family; and

(b) be notified timeously to the member concerned, who shall be provided with all necessary information relating to the transfer, and an opportunity to make representations.

(4) No transfer shall be used as a punitive measure except pursuant to the disciplinary procedures provided in Part VIII.

(5) Failure of a member to obey a lawful instruction regarding transfer shall be treated as an act of misconduct for the purposes of Part VIII.

#### ***14. Secondment***

(1) A member may at any time, without his or her consent, be seconded by the Board for a period determined by it to a post in an approved service.

(2) The terms and conditions of service of a member while on secondment shall, subject to any policy directive issued by the Board, be governed by contract between the member and the approved service concerned.

(3) A member who, having been seconded from the Health Service to an approved service—

(a) resigns or retires therefrom; or

(b) is discharged on account of misconduct or on the grounds that he or she is unfit or incapable of performing efficiently the duties of his or her post;

shall be deemed to have resigned, retired or been discharged from the Health Service in similar circumstances with effect from the date that he or she resigned retired or was discharged from the approved service unless the Board reinstates that person in the Health Service with effect from the day following the said date.

### **PART III**

#### **RESIGNATION, TERMINATION OF EMPLOYMENT AND RETIREMENT**

#### ***15. Resignation***

(1) A member appointed on pensionable conditions of service or unless the contract provides otherwise, under contract, may resign from the Health Service upon giving the appropriate notice in writing to the delegated authority in accordance with this section.

(2) Unless the Board or delegated authority waives all or part of such notice, the period of notice for a member who—

(a) is on probation shall be two weeks;

(b) is a confirmed member shall be three months.

(3) The Board or delegated authority may, during the period of notice, permit a member to withdraw his or her notice of resignation.

(4) During a period of notice given in terms of this section a member shall not be permitted to take any amount of accrued vacation leave or reserved vacation leave standing to the credit of the member in terms of section 36.

(5) A member who leaves the Health Service without having given the appropriate period of notice in terms of this section shall, in respect of his failure to do so, pay to the State a sum, equivalent to the period of notice not yet served.

(6) If, after the initiation of disciplinary proceedings against a member, the member resigns, such member shall unless the Board or delegated authority is satisfied to the contrary, be deemed for the purpose of the pensions regulations to have been dismissed.

#### ***16. Termination of contract or temporary employment***

(1) Where it appears to the Board or delegated authority that the employment of any member appointed on temporary terms should be terminated, it shall inform the member concerned in writing of the decision and terminate his or her employment in accordance with the letter of appointment.

(2) Where a member is appointed under a contract which provides for the termination of the contract before the expiry of the period of service stipulated therein, the Board or delegated authority shall, if it is of the opinion that the contract should be terminated, inform the member in writing of its decision to terminate the contract in terms of the conditions laid down in the contract.

#### ***17. Pensionable age and retirement***

(1) Subject to section 18, a member appointed on pensionable terms of service, shall have a pensionable age of sixty-five years.

(2) The Paymaster shall, on the 1st June each year, provide the head of Ministry or department with a list of members who will reach the age of sixty-five years during the ensuing year.

(3) The Board may, when it is in the interest of the Health Service to do so, permit a member whose pensionable age is sixty or sixty-five, as the case may be, to continue to serve beyond the age of sixty or sixty-five for periods determined by it.

#### ***18. Retirement before reaching pensionable age***

(1) A member may, on giving three months' notice of retirement be permitted by the Board to retire before pensionable age at any time after attaining the age of fifty-five.

(2) The Board may, on giving the equivalent appropriate period of notice prescribed under of section 15(2) for the resignation of a member, require a member to retire on or after the date on which such member attains the age of fifty-five.

(3) The Board may require a member to retire if, after having undergone a medical examination by a medical board appointed by the Secretary for Health, such member is found permanently unfit to carry out the duties of his or her post.

(4) Subject to these regulations, the Board may require a confirmed member to retire—

- (a) if he or she becomes inefficient or incapable, for a reason other than mental or physical deficiency or infirmity, of efficiently performing his or her duties; or
- (b) if he or she is not suitable for the post he or she occupies or any other post to which the member could be promoted or transferred without his or her consent; or
- (c) if his or her removal will facilitate improvements in the Ministry or other division of the Health Service in which the member is serving whereby greater efficiency or economy can be effected; or
- (d) if he or she has been employed for a continuous period of not less than twelve months in a post of a lower grade than his or her own grade and the Board is satisfied that it is unable to transfer the member in accordance with the provisions of section 13(1)(ii) within a reasonable period; or
- (e) owing to—
  - (i) the abolition of his or her post; or
  - (ii) the reduction in or adjustment of the organization of the Ministry or other division of the Health Service

or

- (f) if, at the termination of a period of secondment in terms of section 14(1)(a) he has not been transferred to the approved service or appointed to a post in the Health Service; or
- (g) if, in the opinion of the Board, his or her retirement is in the interests of the Health Service.

(5) A member whom it is intended to retire in terms of subsection (2), (3) or (4) shall—

- (i) be given notice of such intention by the head of Ministry or Hospital Management Board or department; and
- (ii) be afforded an opportunity to make representations in writing concerning such intention to the Board, which shall consider such representations before deciding on whether or not to retire the member.

### **PART IV**

#### **GRADING AND SALARIES**

#### ***19. Grading Structure***

The Board may, as and when necessary, grade all posts within the Health Service into such categories or groups of functions, as it deems fit.

#### ***20. Salaries***

(1) The Board shall, in consultation with the Minister, fix the salaries, salary scales and entry points thereto for all posts and grades in the Health Service with the concurrence of the Minister responsible for finance.

(2) The commencing salary of a member may be fixed by the Board or appointing authority by reference to any one or more of the following-

- (a) academic, professional or technical qualifications;
- (b) training or relevant experience;
- (c) the competencies necessary for the efficient and effective execution of the tasks attached to the post.

(3) Nothing in these regulations shall be construed as authorizing a reduction in the fixed salary or scale applicable to any member except where the member has consented to such reduction or where he or she has been found guilty of misconduct.

## **PART V**

### ALLOWANCES

#### ***21. Travel expenses***

(1) The State shall meet travel expenses for the following types of official travel-

- (a) travel on duty;
- (b) travel on transfer in the interest of the Health Service.

(2) Travel shall be by the most efficient and economic means. The mode and frequency of travel shall be as determined by the delegated authority from time to time.

(3) Travel within Zimbabwe may be by Government vehicles, public transport, transport on hire or the member's own vehicle.

#### ***22. Official travel***

(1) Where a member is authorised by the head of Ministry or department to use his or her own vehicle on official duty, he or she shall claim distance rates approved, from time to time by the Board with the concurrence of the Minister responsible for finance.

(2) Where a member is authorised by the head of Ministry or department to hire a vehicle or travel by air for the purposes outlined in section 21(1) he or she shall be issued with a requisition or requisite document, for payment only to the operator of the transport service concerned.

(3) The class of travel by air on official assignment shall be as determined by the Board in consultation with the head of Ministry.

#### ***23. Transportation of dependants, personal goods or both***

(1) Government shall not be responsible for costs incurred when spouses, children or dependants are traveling with the member on official duty.

(2) A member authorised to use a Government vehicle for official duty shall not, except with the express permission of the head of Ministry or department, carry unauthorised passengers, including members of his or her family, and, where such permission is given, Government shall not be liable in the case of a road traffic accident leading to the death or injury of any passenger.

(3) The Government shall pay the expenses of conveying the immediate family and all household goods of a member traveling on transfer.

#### ***24. Subsistence allowance***

(1) A subsistence allowance shall cover the cost of meals and accommodation when a member is away from home station.

(2) A member may, on application, be paid a subsistence allowance in advance for a period not exceeding one month or such longer period in advance as the head of Ministry or department may authorise.

(3) Where a subsistence allowance is paid in advance in terms of subsection (2)—

- (a) it may be for the full amount of the allowance or such lesser amount as the member requires;
- (b) it shall be used for the purpose for which it has been made and be adjusted as soon as possible after the date on which the member returns to home station.

(4) No new advance shall be made before the existing one is cleared, unless otherwise authorised by the accounting officer.

#### ***25. Proved and unproved expenses***

(1) Expenses requiring documentary proof shall be the cost of accommodation where Government accommodation is not provided, which proof shall be provided by receipts for accommodation in the hotel or other rented housing in which the member was accommodated.

(2) The amounts reimbursable under subsection (1) shall not exceed the rates prescribed by the Board with Treasury concurrence.

(3) The cost of breakfast, lunch and dinner when a member is out of station on official duty shall not require submission of documentary proof but be reimbursed on daily rates determined by the head of Ministry.

#### **26. Transfer expenses**

The following expenses shall be reimbursed to a member who is required to transfer in the interest of the Health Service—

- (a) where accommodation is not provided on transfer and the member, his or her family or both are required to live in a hotel or any rented accommodation temporarily, proved meals and accommodation shall be at the full rate for the first thirty days, at half rate for the next thirty days, and thereafter at the member's expense unless otherwise directed by the Board with the concurrence of the Minister responsible for finance;
- (b) where accommodation is not provided on transfer and the member, his or her family or both make private arrangements in this regard, the cost of meals shall be at unproved rates;
- (c) where the member is obliged to move with his or her household effects there shall be paid in accordance with such rules governing such movement as are approved by the Board, and at different rates depending on the marital status of the member—
  - (i) the cost of moving such effects; and
  - (ii) a disturbance allowance; and
  - (iii) the cost of storage of the member's belongings for periods of up to thirty days before and thirty days after the transfer.

#### **27. Acting allowance**

(1) In this section—

“act” means act for a member in a higher grade or vacant post;

“acting allowance” means the additional remuneration payable to a member appointed to act for another member or in a vacant post.

(2) Notwithstanding anything contained in this section, no member who acts shall be entitled as of right to claim an acting allowance.

(3) Subject to this section the Board may grant to any member who acts an acting allowance of such amount as the Board may fix:

Provided that the aggregate of any acting allowance payable in terms of this section and the salary of the member who acts shall not exceed the salary to which such member would be entitled were he or she to be promoted to the post in which the member acts.

(4) No acting allowance shall be paid to a member who acts for a continuous period of less than thirty days.

(5) An acting allowance shall be payable with effect from the date on which a member who is appointed to act officially assumes the duties of the post until the day prior to the date on which such member officially ceases to fulfil such duties.

(6) Except in special circumstances and on the authority of the Board, not more than one acting allowance shall be paid in respect of the absence of any one member from duty or in respect of any one vacant post.

(7) If a member who is being paid an acting allowance is absent from duty on leave or for any other reason for a continuous period of thirty days or more, such allowance shall not be paid to him or her for the period during which he or she is absent from duty.

#### **28. Responsibility allowance**

(1) Subject to subsection (2), a member who is required to undertake work involving special responsibility may be paid such responsibility allowance as the Board may fix after considering the degree of responsibility attaching to the work undertaken by that member.

(2) If a member who is being paid a responsibility allowance is absent from duty on leave or for any other reason for a continuous period of thirty days or more, such allowance shall not be paid to him or her for the period during which he or she is absent from duty.

#### **29. Provision for performance awards and other allowances**

The Board may by notice or circular fix the conditions applicable to the payment of performance awards and such other allowances as the Board, with the concurrence of the Minister responsible for finance, may fix, and may in a like manner modify or withdraw the payment of such performance awards and allowances.

## PART VI

### INDEMNIFICATION OF DRIVERS

#### **30. Interpretation in Part VI**

In this Part—

“authorised passenger” means any person—

- (a) whom a member in charge of a vehicle is required to carry in or upon such vehicle in the normal course of the member’s official duties; or
- (b) whom a member in charge of a vehicle is authorised by his or her head of office, head of department or head of Ministry to carry in or upon such vehicle in the course of the member’s official duties; or
- (c) involved in an accident or other emergency whom a member in charge of a vehicle may carry in or upon such vehicle for the purpose of obtaining medical or other assistance for such person;

“third party” means any person or association of persons, but does not include the Government;

“traffic accident” means any event or occurrence—

- (a) caused by or arising out of the use of a vehicle; and
- (b) which renders a member liable to pay any sum in relation to any of the matters referred to in paragraph (a) or (b) of subsection (1) of section 31;

“vehicle” means any vehicle which is propelled by mechanical or electrical power and intended or adapted for use capable of being used on the roads, and-

- (a) includes any vehicle incorporating water-boring machinery or construction machinery such as a tracked tractor, crane, grader, shovel, scraper, pipelayer or similar vehicle;
- (b) does not include a vehicle sold by Government to a member under an agreement by virtue of which ownership of the vehicle does not pass from the Government to the member until the total purchase price due under the agreement has been paid; or

#### **31. Indemnification of drivers**

(1) Subject to this Part, where a member is involved in a traffic accident while driving a vehicle which he or she has been authorised by his or her head of office, head of department or head of Ministry to use for the purposes of Government, the Government shall indemnify such member in respect of all sums which he or she may become legally liable to pay arising out of or in connection with the use of such vehicle for the purposes of Government in relation to—

- (a) the death of or bodily injury to any person, other than the member himself, including any authorised passenger who was being carried in or upon such vehicle or was entering or getting onto or alighting from such vehicle at the time of the traffic accident; or
- (b) any destruction of or damage to property, excluding property belonging to Government or to the member.

(2) The Government shall indemnify a member in terms of subsection (1) notwithstanding that no contract of indemnity has been entered into between the member and the Government.

#### **32. Costs of legal representation**

(1) Subject to this Part, the Government shall, at the discretion of the Attorney-General, pay any costs which in his or her opinion have been reasonably incurred by a member who is indemnified in terms of section 31 in respect of—

- (a) legal representation at an inquest in respect of any death; or
- (b) defending in any court any civil proceedings in respect of any accident;

which is the subject of such indemnity.

(2) The Government shall not pay any costs in terms of subsection (1) unless the member concerned—

- (a) permits the Government to have the whole conduct of the case, including the power to settle or compromise any claim or action; and
- (b) allows the Government to nominate a person to represent him or her:

Provided that if the member concerned refuses the services of a person nominated by the Government, the Government shall pay such portion of the costs of legal representation of the member as may be determined by the Board in consultation with the Minister responsible for finance.

(3) Where a member institutes proceedings for the recovery of damages caused by or arising out of any occurrence or event involving a vehicle used by him or her for the purposes of the Government, the Attorney-General

may, subject to such terms and conditions as he or she may impose, authorise the payment by the Government of the whole or any part of the costs incurred by such member in conducting the proceedings.

(4) If a member whose costs the Government pays in terms of subsection (1) or paragraph (b) of subsection (2) succeeds in recovering part or all of his or her costs from another party to the proceedings concerned, the member shall reimburse the Government to the extent of the costs paid by the Government.

### **33. Limitations of indemnification**

(1) The Government shall not indemnify a member in terms of section 31 or pay any costs in terms of section 32—

- (a) in respect of any liability or proceedings arising from the death of or bodily injury to or damage to the property of any person who at the time of the accident was being carried in or upon the vehicle concerned and was not an authorised passenger; or
- (b) if at the time of the traffic accident from which the member's liability arises the member did not hold a valid driver's licence for the class of vehicle being driven; or
- (c) if the member knew or had reason to know that the vehicle was not in a roadworthy condition or was overloaded; or
- (d) if the member was not complying with any instruction given to him or her by the member's head of office, head of department or head of Ministry concerning the route he or she was to follow; or
- (e) if the member was driving the vehicle while under the influence of intoxicating liquor or drugs.

(2) If a member incurs any liability or costs arising out of the use by him or her of a vehicle for the purposes of the Government and there is in existence a valid policy of insurance covering the use of that vehicle by the member for purposes of the Government, the Government shall not pay any sums to or on behalf of such member in respect of any liability or costs which are covered by such policy of insurance.

(3) No payments in terms of this Part shall be made by the Government to or on behalf of any member in respect of any fine or other penalty of a criminal nature imposed upon the member by any court.

(4) If a member fails to give notice to his or her head of office, head of department or head of Ministry immediately after—

- (a) the occurrence of any traffic accident; or
- (b) the receipt by him or her of any letter, claim, summons, writ or process relating to any accident; or
- (c) he or she receives knowledge of any pending prosecution, inquest or other proceedings arising out of any accident; or
- (d) he or she is convicted of any offence mentioned in paragraph (c);

the Attorney-General may direct that no payment in terms of this Part shall be made by the Government to or on behalf of such member in respect of such accident.

(5) If any member, without the written consent of the Attorney-General, makes any admission, offer, promise or payment to any person in respect of any traffic accident in which a third party is involved, the Attorney-General may direct that no payment in terms of this Part shall be made by the Government to or on behalf of such member in respect of such accident.

### **34. Right to recover**

This Part shall not in any way compromise the rights the Government may have under any other law to recover from any member—

- (a) the amount of any payment made by the Government in respect of any death, injury or damage in pursuance of any order of court made against the Government or such member or pursuant to any settlement effect with any third party; and
- (b) the amount of any legal costs incurred by the Government in any proceedings relating to any claims by a third party against the Government or such member;

when such damages, payments or costs are not legally claimable by Government from any third party and have been sustained or incurred as a result of the negligence or conduct of the member.

## **PART VII**

### **LEAVE**

### **35. Interpretation in Part VII**

In this Part—

“qualifying service”, in relation to vacation leave, means the period of service of a member in any year less any period—

- (a) exceeding a period of ninety days' sick leave;
- (b) in the case of manpower development leave granted to attend a course of training or study of more than one year's duration, from the first anniversary of the date on which such manpower development leave first commenced until the date prior to that on which the member finally resumes duty, having completed or abandoned the course of training or study;
- (c) of vacation leave without pay for a period of thirty days or more;
- (d) during which his salary is suspended in terms of section 49(1) (b);

"reserved vacation leave" means, in respect of a member serving on 31 July 1988, who was an Officer as defined in the Public Service (General) Regulations, 1992 and who, at that date had accrued more than 60 days of vacation leave, such number of days of vacation leave by which his or her accrued leave exceeded 60 days".

### **36. Vacation leave**

(1) The main purpose of vacation leave is that members shall be afforded the opportunity to take one long period of rest on a regular basis.

(2) The Board, Hospital Management Board or head of department shall actively see to it that vacation leave is planned and granted at regular intervals.

(3) Vacation leave with full pay may be granted by the Board, Hospital Management Board or head of department to a member at any time after the member has completed one year's service.

(4) All Saturdays, Sundays and gazetted public holidays falling within a period of vacation leave shall be counted as part of vacation leave.

(5) Subject to this section, vacation leave shall accrue to a member at the rate of one twelfth of his or her qualifying service in each year :

Provided that the Board may, by notice or circular, provide that a lesser or greater rate of vacation leave shall accrue to members performing duties of a specified class or description;

(6) No member may accumulate vacation leave in excess of ninety days :

Provided that, if a member is granted only a portion of the total vacation leave which may have accrued to him or her, he or she may be granted the remaining portion at a later date, without any further forfeiting of any such accrued leave.

(7) The Board may, by notice or circular, provide for the payment, at the election of a member made with the approval of the Board of a specified portion of the cash equivalent of any vacation leave that has accrued to the member, subject to the terms and conditions specified in the notice or circular.

(8) A member who falls sick during a period of a vacation leave may cancel that part of his or her vacation leave and apply for sick leave.

(9) Where a member has no vacation leave accrued, he or she may be granted vacation leave without pay.

(10) The cash equivalent of any vacation leave accrued to a member or reserved vacation leave standing to his or her credit shall be payable to the member or his or her estate in the event of the member's death or his or her retirement, resignation, or discharge from the Health Service:

Provided that the cash equivalent of any accrued vacation leave or reserved vacation leave standing to a member's credit for the purpose of this subsection shall not exceed ninety days

### **37. Annual leave**

(1) Annual leave may be granted by the Board, Hospital Management Board or head of department during the calendar year in which it is accrued to enable member to take short breaks from work to attend to personal matters.

(2) The amount of annual leave which may be granted each year to a member shall be twelve days:

Provided that the Board may, by notice or circular, provide that a member performing duties of a specified class or description be granted more or less than twelve days of annual leave each year.

(3) Annual leave may be granted at the discretion of the Board, Hospital Management Board or head of department or head of office in conjunction with any other type of leave.

(4) All Saturdays, Sundays and gazetted public holidays falling within a period of annual leave shall not count as part of such leave.

### **38. Sick leave**

(1) Sick leave may be granted to a member who is prevented from attending his or her duties because he or she is ill, injured or undergoes medical treatment which was not occasioned by the member's failure to take reasonable precautions.

(2) During any one year period of service a member may be granted a maximum of ninety days' sick leave on full pay and ninety days' sick leave on half pay.

(3) A head of department or head of office may grant sick leave not exceeding three days.

(4) A head of department may grant sick leave with pay for a continuous period not exceeding ninety days on production of a certificate in the prescribed form signed by a registered medical practitioner or clinical officer :

Provided that if, in the opinion of the head of department, the illness is likely to exceed ninety days, he shall report the matter to the head of Ministry twenty-one days before the expiry of the leave in order to facilitate the convening of a medical board.

(5) Sick leave on half pay which extends beyond the period of sick leave on full pay may only be granted by the head of department if recommended by a medical board appointed by the Secretary for Health if, in the opinion of the medical board, it is probable that the member concerned will be able to resume duty after such further period of sick leave.

(6) If a medical board has established that a member will be unable to resume duty because of illness or injury, the head of department shall take steps to have the member retired on the grounds of ill health.

(7) If, when a medical board has been convened to examine a member who has been notified accordingly, such member fails without adequate excuse to attend that medical board, the Board or the delegated authority may proceed to charge the member with misconduct.

(8) The head of Ministry may grant a member who is not eligible for sick leave on full pay or half pay or sick leave without pay for a period not exceeding forty-five days.

(9) The head of department may grant an additional period of sick leave to a member to cover the period between the hearing of a medical board which recommends the member's retirement on ill health and the effective date of such retirement.

(10) A member who so wishes may be granted accrued vacation leave or annual leave instead of sick leave on half pay or without pay.

(11) A member who is injured on duty shall not be granted sick leave but may be granted compensatory sick leave in terms of the State Service (Disability Benefits) Act [ *Chapter 16:05*].

### ***39. Maternity leave***

(1) Maternity leave may be granted for a period of ninety-eight days on full pay to a woman who has served for at least one year.

(2) On production of a medical certificate from a medical officer certifying that she is pregnant, a woman member may proceed on maternity leave not earlier than the forty-fifth day and not later than the twenty-first day prior to the expected date of delivery.

(3) A woman member shall be entitled to be granted a maximum of three periods of maternity leave during which she shall be paid her full salary:

Provided that paid maternity leave shall be granted only once during any period of twenty-four months calculated from the first day of any maternity leave last granted to the woman member.

(4) A woman member who has served for less than one year and who requires leave for maternity purposes, shall apply for ninety-eight days' vacation leave without pay.

Provided that if, during such leave, she completes one years service, she shall be paid her full salary for so much of such leave as taken during her second year of service, and the period for which she is so paid shall count as one of the periods of paid maternity leave referred to in subsection (3).

(5) Any maternity leave requested in excess of the limits prescribed in this section may only be granted as unpaid maternity leave.

(6) Unless the head of Ministry grants sick leave for medical reasons other than maternity, sick leave shall not be granted once paid maternity leave has begun or during a period of unpaid maternity leave.

(7) On resumption of duty, a woman member shall retain the grade, salary and conditions of service applicable to her prior to her proceeding on paid maternity leave or leave without pay for maternity purposes, and her eligibility for advancement and promotion shall not be affected by her absence on such leave.

### ***40. Manpower development leave***

(1) In this section, "manpower development leave" means leave granted to a member to engage in study or training through the medium of any of the following—

- (a) work exchange programmes;
- (b) work attachments;
- (c) short courses;

- (d) professional training;
- (e) academic courses and examinations above the secondary level of education;
- (f) training and development seminars, workshops and conferences.

for the purposes of enhancing the efficiency, effectiveness and motivation of such member.

(2) For the purposes of this section, the Hospital Management Board or the head of department shall submit for approval to the Board each year by the 31st October a plan identifying its human resource development needs for the following year.

(3) Subject to subsection (4), manpower development leave may be granted by the Board or a delegated authority—

- (a) in accordance with the criteria for eligibility for such leave set out in the Third Schedule; and
- (b) to any member who—
  - (i) is identified and recommended for such leave in a plan approved by the Board in terms of subsection (2):
 

Provided that a member not so identified or recommended may apply for such leave to the Board or delegated authority empowered to grant it; and
  - (ii) if required to be bonded in terms of subsection (8), agrees to be so bonded and signs the bonding agreement before going on such leave.

(4) Manpower development leave shall be granted—

- (a) by the Board in respect of—
  - (i) courses at doctorate level;
  - (ii) courses at masters degree level undertaken outside Zimbabwe;
  - (iii) courses of study or training of more than three months' duration undertaken outside Zimbabwe;
- (b) by the head of Ministry or head of department in other cases.

(5) Subject to subsection (6), the salary and allowances of a member on manpower development leave shall, be paid in full.

(6) A member who, due to inadequate performance, does not successfully complete a course of study or training undertaken in connection with manpower development leave, may be granted a further period of manpower development leave without pay:

Provided that the Board may grant a further manpower development leave on full pay if the further period has been necessitated by the member's ill-health or some other reasonable grounds the Board may determine.

(7) The Board reserves the right to request a member to payback the costs if the failure to complete training during manpower development leave was as a result of the member's wrongdoing.

(8) Any member who goes on manpower development leave, whether continuously or on a part-time basis, for a period—

- (a) of three months or less, shall not be bonded unless the Board considers this essential in the circumstances;
- (b) exceeding three months shall be bonded for a period equal to the period of manpower development leave.

(9) The Board may grant a waiver of a bonding agreement in favour of a member who is appointed to a statutory body, statutory fund or local authority and is employed in such body, fund or authority for the remaining bonding period:

Provided that such body, fund or authority shall, before engaging the member, request a transfer on behalf of the member concerned and undertakes to notify the Board in the event that the member completes or fails to complete the bonding period during the member's period of employment with it.

(10) A member may not accrue vacation leave during any period of manpower development leave.

(11) A member on manpower development leave for a period in excess of three months shall not be considered for promotion during the period of such leave.

(12) A member who applies unsuccessfully to the head of Ministry for manpower development leave pursuant to the provision of subsection (3)(b)(i) may appeal against the decision of the head of Ministry to the Board.

#### **41. Special leave**

Special leave on full pay not exceeding twelve days in a calendar year may be granted by a head of department to a member—

- (a) to prepare for and sit for an examination required for his advancement in the service or which his head of department considers will increase his value to the department;

- (b) who is required to be absent from duty on the instructions of a medical practitioner because of contact with an infectious disease;
- (c) who is subpoenaed to attend any court in Zimbabwe as a witness;
- (d) who is required to attend as a delegate or office bearer at a conference of a recognised association representing members;
- (e) who is detained for questioning by the police;
- (f) on the death of a spouse, parent, child or legal dependant;
- (g) on any justifiable compassionate grounds.

## **PART VIII**

### DISCIPLINARY PROCEDURE

#### **42. Disciplinary authorities**

The disciplinary authority for the purposes of sections 44, 46, 47 and 48 shall be—

- (a) in the case of a member in a senior grade, the Board;
- (b) in the case of a member who is in the middle grade, the head of Ministry or Hospital Management Board;
- (c) in the case of a member who is in the junior grade, the head of department :

Provided that the Board may determine that it shall be the disciplinary authority in any particular case.

#### **43. Disciplinary committees**

(1) The disciplinary authority shall appoint a disciplinary committee to hear allegations of misconduct against a member and make appropriate recommendations to the disciplinary authority.

(2) A disciplinary committee shall consist of a Chairman and two other members :

Provided that members of the Committee shall be of a grade that is equivalent to or higher than that of the member who is alleged to have committed an act of misconduct.

#### **44. Procedure before and immediately following allegation of misconduct**

(1) Where a member is suspected of having committed an act of misconduct, the disciplinary authority shall, conduct or cause to be conducted such investigations as may be necessary.

(2) If it is found that a charge of misconduct should be preferred against the member, disciplinary authority shall, within seven days after the completion of investigation—

- (a) prefer a charge of misconduct to the member detailing the nature of the allegation against him or her, and call upon the member to submit a written reply to the allegation within 14 working days;
- (b) where, possible furnish to the member copies of any material documentary evidence, if any, relating to the allegation of misconduct, or afford the member an opportunity of having sight of any such evidence.
- (3) The disciplinary authority shall, within seven days of receiving the member's reply or, if no such reply has been received within the period allowed for a reply in terms of subsection (2)(a), within seven days after the expiry of such period, determine whether the member has a case to answer, and if it so determines it shall, within that period—

(a) make a report in the form set out in the Fourth Schedule to—

- (i) the head of Ministry, in the case where the disciplinary authority is a head of department;
- (ii) the Board, in the case of the disciplinary authority is a head of Ministry;
- (iii) the head of department in the case where the disciplinary authority is the head of office

(b) subject to subsection (5), refer the matter to a disciplinary committee for hearing in accordance with section 45; and

(c) make available to the disciplinary committee a copy of the report referred to in paragraph (a) and any material documentary evidence relating to the allegation of misconduct.

(4) Subject to subsection (5), where the disciplinary authority is the Board, the Board shall within fourteen days of receiving a report from the head of Ministry and all material documents, refer the matter to a disciplinary committee for hearing in accordance with section 45.

(5) Where there is no material dispute of fact and the member so consents in writing, the disciplinary authority may proceed to determine the allegation without hearing in terms of section 45 :

Provided that such a member shall not be deemed to have waived his or her right to appeal against any determination so made.

#### **45. Hearing before a disciplinary committee**

(1) Within seven days of receiving the documents referred to in section 44(3)(d) the disciplinary committee shall give the member not less than seven days' notice to appear before it, to answer the allegation of misconduct levelled against him or her.

(2) The hearing shall be conducted without the need to observe the rules of procedure and evidence ordinarily applicable in criminal or civil proceedings, provided, however, that the member concerned is afforded the opportunity to respond to every allegation of misconduct and that substantial justice is done.

(3) At the hearing the member and the disciplinary committee may, if either so wishes, be advised and, in the case of the member, represented by a legal practitioner.

(4) The disciplinary committee may proceed to consider the allegation of misconduct in the absence of the member concerned if the member fails to attend the hearing without reasonable cause after having been duly notified.

(5) The chairperson of the disciplinary committee shall keep or cause to be kept an accurate record of the substance of the evidence led at the hearing.

(6) At the conclusion of the hearing or as soon thereafter as possible, the chairperson of the disciplinary committee shall submit to the disciplinary authority -

- (a) a notification in writing of its findings and recommendations thereon, including a recommendation as to the penalty to be imposed upon the member where it finds the member guilty of misconduct; and
- (b) the record of the evidence led at the hearing.

#### **46. Determination of allegation of misconduct**

(1) On receiving the documents referred to in section 45(6) the disciplinary authority may—

- (a) refer the matter back to the disciplinary committee for further hearing; or
- (b) proceed to determine whether or not the member concerned is guilty of misconduct as alleged.

(2) Where the disciplinary authority determines that the member is not guilty of misconduct, the disciplinary authority shall forthwith notify the member and—

- (a) the head of Ministry or Hospital Management Board, in the case where the disciplinary authority is a head of department; or
- (b) the Board, in the case where the disciplinary authority is the head of Ministry or Hospital Management Board.

(3) Where the disciplinary authority determines that a member is guilty of misconduct, the disciplinary authority shall—

- (a) proceed to determine the penalty to be imposed upon the member; and
- (b) notify the member and, where the disciplinary authority is not the Board –
  - (i) the head of Ministry or Hospital Management Board, in the case where the disciplinary authority is a head of department; or
  - (ii) the Board, in the case where the disciplinary authority is the head of Ministry or Hospital Management Board;

of its determination and the penalty imposed upon the member; and

- (c) take such consequential measures as may be necessary in the circumstances.

(4) It shall be competent for the disciplinary authority to find a member guilty of an act of misconduct other than the act of misconduct which the member was originally alleged to have committed, if the facts disclose such other act of misconduct:

Provided that, where the disciplinary committee has not made a finding that the member is guilty of such other act of misconduct, the disciplinary authority shall refer the matter back for further hearing by the disciplinary committee.

#### **47. Member convicted of a criminal offence**

Where a member is convicted of a criminal offence which may constitute an act of misconduct, the head of office or disciplinary authority shall endeavour to obtain a copy of the court record relating to the conviction of the member from the registrar or clerk of court concerned, and sections 44, 45 and 46 shall thereafter apply.

#### **48. Imposition of a suspension order**

(1) A disciplinary authority may at any time, by written notice, suspend from service a member who is suspected of having committed an act of misconduct or is subject to a criminal investigation or prosecution if his or her continued attendance at work or continued performance of his or her duties or service, as the case may be, would—

- (a) be conducive to unbecoming or indecorous behaviour or further instances of misconduct; or
- (b) seriously impair the proper administration or functioning of the Ministry or department concerned; or
- (c) occasion prejudice to any moneys or property likely to be handled by the member in the course of his or her work; or
- (d) enable the member to hinder or interfere with any investigation or evidence relating to any alleged misconduct; or
- (e) be undesirable in the public interest or likely to lead to a loss of public confidence in the Health Service.

(2) Where a suspension order is imposed upon a member—

- (a) the order shall specify the reasons for such order, the period of suspension and, where possible, the nature of the allegations against the member;
- (b) disciplinary procedures shall be instituted forthwith in terms of section 44 if they have not already been instituted.

(3) A copy of every suspension order issued a disciplinary authority other than the Board shall be sent to the Board as soon as possible after it is issued.

(4) A member who is under suspension may not leave Zimbabwe without the written permission of the disciplinary authority and shall inform him or her of any change of address.

#### ***49. Effect and cancellation of a suspension order***

(1) Where a member is suspended from service, he or she shall—

- (a) not attend at his or her place of work or carry out any duty unless directed to do so, in writing, by the disciplinary authority in which case he or she shall carry out such duties as directed;
- (b) not be entitled to his or her salary in respect of the period of suspension unless ordered to carry out other duties, in which case he or she shall continue to receive his or her salary;
- (c) be entitled, upon notifying the disciplinary authority, to take up other employment for the duration of his or her suspension from service unless ordered to carry out other duties, and shall furnish such further particulars as may be required from him or her of such employment and the remuneration received therefrom.

(2) Notwithstanding subsection (1)(b), where the nature of the allegation of misconduct does not involve financial prejudice to the State, and the member is not directed to carry out other duties, the member under suspension may, pending the determination of the allegation, be given an allowance equal to half his or her gross salary per month for up to three months:

Provided that the Board may in exceptional circumstances authorise the payment of an allowance—

- (a) where the allegation involves financial prejudice to the State; or
- (b) for a period in excess of three months where the allegation has not been determined; or
- (c) in excess of half the member's gross salary per month.

(3) A suspension order—

- (a) may be cancelled at any time by the disciplinary authority;
- (b) shall be deemed to be cancelled—
  - (i) where the member is found not guilty of misconduct; or
  - (ii) after three months from the date of its imposition, if the allegation has not been determined, unless the disciplinary authority, directs in writing that the order remain in force for such period as he or she shall specify by written notice to the member.

(4) Where a member—

- (a) is found guilty of misconduct and discharged, the Board, shall direct the recovery from the member of the whole or any part of the allowance paid to the member in terms of subsection (2);
- (b) is not found guilty of misconduct, the Board, shall direct that the whole of the salary withheld from the member, less any allowance paid in terms of subsection (2), be restored to the member.

#### ***50. Imposition of penalty by the disciplinary authority***

(1) Where a disciplinary authority determines that a member is guilty of misconduct the disciplinary authority may impose any one or more of the following penalties—

- (a) discharge the member from the Health Service;
- (b) call upon the member to resign with effect from a specified date, failing which the member shall be deemed to have been discharged as from that date;
- (c) reduce the salary or the grade or the salary and the grade of the member;
- (d) direct that the member not be considered for promotion for a specified period;

- (e) fine the member an amount not exceeding the equivalent of two months of his or her salary, which fine may be recovered by deductions from the salary of the member;
  - (f) direct that the member's performance award be withheld for a specified period;
  - (g) direct that the full amount of any remuneration paid to the member since the misconduct, or such part of that amount as the disciplinary authority, may determine, be recovered from him or her;
  - (h) direct that the full amount of any allowance paid to the member in terms of section 49(2), or such part of that amount as the disciplinary authority; may determine, be recovered from him or her;
  - (i) transfer the member to another department at such grade and on such salary as the disciplinary authority may determine;
  - (j) if the member was responsible for any deficiency in or improper payment from or loss or destruction of public moneys or the moneys of any statutory body, statutory fund or local authority, raise a surcharge against the member in respect of such deficiency, improper payment, loss or destruction, as the case may be—
    - (i) as may be fixed by the disciplinary authority; or
    - (ii) as may be fixed by the Minister responsible for finance or the Comptroller and Auditor-General.
  - (k) if the member was responsible for any deficiency in or destruction of or damage to State property or the property of any statutory body, statutory fund or local authority, raise an order against the member requiring him or her to pay an amount equal to the cost of replacement of or repairs to the property concerned, as the case may be, or such portion of that cost as the disciplinary authority considers to be equitable in the circumstances;
  - (l) reprimand the member.
- (2) Sections 10,11,13,21 and 48 of the Audit and Exchequer Act [*Chapter 22:03*] shall, *mutatis mutandis*, apply in relation to the powers conferred upon the disciplinary authority in terms of subsection (1)(j) or (k), and any reference in those provisions of that Act to the Comptroller and Auditor-General or the Minister responsible for finance, as the case may be, shall, for the purposes of these regulations, be read and construed as a reference to the appropriate disciplinary authority;

(3) Where a disciplinary authority determines that a member is guilty of misconduct and discharges a member from the Health Service, the disciplinary authority may direct that the payment of any terminal benefits to him or her shall be withheld until the extent of any deficiency, destruction, loss or damage referred to in of subsection (1)(j) or (k) as been determined in terms of the Audit and Exchequer Act [*Chapter 22:03*] or in accordance with these regulations.

### ***51. Appeals to Board***

- (1) A member who is aggrieved by—
- (a) a determination by the disciplinary authority other than the Board that he or she is guilty of misconduct in terms of section 46;
  - (b) any penalty imposed upon him or her in terms of section 50 by a disciplinary authority other than the Board;

may, within fourteen days from the date on which the disciplinary authority informs the member of the determination or penalty, appeal against the determination or penalty to the Board.

(2) The Board, may within fourteen days after receiving an appeal, confirm the determination or penalty or refer the matter back to the disciplinary authority for—

- (a) re-determination; or
- (b) further hearing or
- (c) further investigation.

(3) An appeal against a determination or a penalty, made in terms of this section shall have the effect of suspending the determination or penalty sought to be reviewed.

### ***52. Appeals to the Labour Court against decisions of the Board***

A member who is aggrieved by a determination, or penalty imposed by, or a decision of the Board in terms of section 51 may, within fourteen days of being notified of such decision, appeal against the decision to the Labour Court.

## PART IX

### GRIEVANCE PROCEDURE

#### **53. Interpretation in Part IX**

In this Part, “grievance” means any dissatisfaction or feeling of injustice on the part of a member, which is connected with the member’s work or the member’s contact with other persons in the work place.

#### **54. Grievance procedures for members of the Health Service**

(1) This section shall apply to all the members of the Health Service.

(2) A member who has a grievance in which he or she is directly concerned shall seek an interview with his or her immediate superior who shall grant the member an interview at the earliest available opportunity.

(3) At the interview the member shall clearly state the nature of his or her grievance, and the immediate superior shall respond to the grievance within five working days.

(4) If the response of the immediate superior concerned fails to satisfy the member, the superior concerned shall forthwith—

(a) if he or she is not the head of office, bring the grievance to the attention of the head of office, who shall, within ten working days—

(i) call a meeting with the immediate superior and the member to attempt to resolve the grievance; and

(ii) if the grievance remains unresolved, bring the grievance to the attention of the head of department :

Provided that if after the expiry of ten days the matter has not been resolved to the satisfaction of the member, the member may refer the matter directly to his or her head of office or head of department with a copy to his immediate superior.

(b) if he or she is the head of office, bring the grievance to the attention of the head of department.

(5) Within ten working days, after a grievance has come to his or her attention, the head of department shall call a meeting with the head of office, the immediate superior (if he is not the head of office), the member concerned and any other senior member in the department, at which the head of department shall—

(a) present the grievance and ask every person attending the meeting to give their views concerning it; and

(b) attempt to reach an agreement on what action is to be taken to resolve the grievance; and

(c) record the grievance and the action agreed for the purpose of resolving it or, if no such action is agreed, the reasons for failing to reach such agreement; and

(d) forward a copy of the record mentioned in paragraph (c) to the Head of Ministry or Hospital Management Board.

(6) In the case of disagreement at a meeting called in terms of subsection (5) the head of ministry or Hospital Management Board shall make a decision on the grievance and communicate the decision to all the parties concerned.

(7) If a member remains aggrieved he or she may request in writing through the head of Ministry or Hospital Management Board that his or her grievance be submitted to the Board.

(8) At any interview or meeting held in connection with a grievance to which this section applies, the member concerned may be accompanied by a representative of a recognised association or organization to which he or she belongs.

## PART X

### MAINTENANCE OF SERVICES

#### **55. Interpretation in part X**

(1) In this Part—

“designated member” means a member designated under section 56 for the purposes of this Part;

“working rule” means any rule, regulation, agreement or system, however enacted, made or fixed, which regulates the conduct of any member while he or she is on duty or at work or the manner in which the member performs his or her duties or work;

“work stoppage” means any one or more of the following acts or omissions on the part of a member—

(a) a refusal or failure to continue work, whether the discontinuance is complete or partial;

(b) a wilful retardation of the progress of work or a wilful obstruction of work, including a boycott, lock-out, sit-in or other such concerted act or series of acts;

- (c) a breach or unlawful termination of a member's conditions or contract of employment; which acts or omissions may reasonably be construed as being—
  - (i) in consequence of a dispute regarding conditions of employment or other matters, and in pursuance of any combination, agreement or understanding, whether expressed or not, entered into between the member concerned and any other person; and
  - (ii) intended to induce or compel the State or any other party to agree to or comply with any demand made by or on behalf of the member concerned or any other person in connection with conditions of employment or re-employment or in connection with any other matter whatsoever.
- (2) Where in this Part—
  - (a) the head of Ministry or Hospital Management Board or head of department is permitted to take any action in relation to a member, that action may be taken only in relation to a member who is employed in the department, as the case may be, of which the person taking the action is the head;
  - (b) a designated member is permitted to take any action in relation to any member, that action may be taken only in relation to a member who is employed in the Ministry as the designated member.

#### ***56. Appointment of designated member***

- (1) The Board may, by written notice, to the member concerned, designate any member as a designated member and may in like manner revoke any such designation.
- (2) The head of Ministry may, by written notice, to the member concerned, designate any member employed within his or her Ministry as a designated member and may in like manner revoke any such designation.
- (3) The Hospital Management Board may by written notice, to the member concerned designate any member employed in its hospital as a designated member and may in like manner revoke any such designation.
- (4) The head of Ministry or Hospital Management Board who has designated a member in terms of subsection (2) and (3) or who has revoked such designation shall notify the Board forthwith of such designation or revocation, but failure to do so shall not invalidate the designation or revocation, as the case may be.

#### ***57. Suspension or variation of working rules***

- (1) Notwithstanding any other regulations made under the Act, if at any time the Board considers it necessary to do so in order to prevent or bring to an end a work stoppage, the Board may do all or any of the following -
  - (a) by notice to the members concerned, suspend the operation of any working rule;
  - (b) direct any members or class of members to carry out or perform their duties or work in accordance with specified working rules or in a specified manner, whether or not such manner is contrary to any working rule;
  - (c) direct any member or class of members to carry out or perform duties or work before or after their normal hours of work.
- (2) If at any time the head of Ministry, Hospital Management Board, Head of department or designated member considers it necessary to do so in order to prevent or bring to an end a work stoppage, he or she may do all or any of the things specified in subsection (1)(a), (b) and (c):

Provided that—

- (i) as soon as possible after taking any such action, he or she shall notify the Board of what he or she has done and of the reasons therefor ;and
- (ii) he or she shall not give a notice or direction which is contrary to any regulations, or to any order or direction made or given by the Board.
- (3) A notice or direction given pursuant to subsection (1) or (2) may be written or verbal.
- (4) A failure promptly to notify the Board as required by proviso (i) to subsection (2) shall not invalidate the action required to be notified.

#### ***58. Suspension or discharge of members***

- (1) Notwithstanding any other regulations made under the Act but subject to this section, if the Board, Hospital Management Board or head of Ministry, head of department or designated member has reason to believe that a member—
  - (a) has refused or failed to carry out or perform any duty or work or has retarded or obstructed the progress of any work for the purpose of complying with any working rule which has been suspended in terms of section 57 (1) or (2); or
  - (b) has refused or failed to comply with a direction given in terms of section 57 (1)(b) or (c);

(c) has declared or taken part in, or has advised, encouraged, incited, commanded, aided or procured another person to declare or take part in a work stoppage or the continuation of a work stoppage.  
the Board, Hospital Management Board, head of Ministry, head of department, designated member, as the case may be, may—

- (i) suspend a member from duty for a period not exceeding three months; or
- (ii) in the case of the Board summarily dismiss the member from the Health Service.

(2) The Board or Hospital Management Board, the head of Ministry, head of department or designated member, as the case may be, may take action in terms of subsection (1)(i) or (ii) notwithstanding that the conduct giving rise to the action has already ceased.

(3) As soon as possible after taking any action in terms of subsection (1)(i), the Hospital Management Board, the head of Ministry, head of department or designated member shall notify the Board of the action taken and of the reasons therefore, but failure to do so shall not invalidate any action required to be notified.

(4) Where a member has been suspended in terms of subsection (1)(i)—

- (a) he or she shall not attend at his or her place of work or carry out any duties unless directed to do so by the Board or Hospital Management Board;
- (b) he shall not be entitled to any remuneration, other than such allowance as the Board, the Hospital Management Board, the Head of Ministry may determine, in respect of the period of his or her suspension;
- (c) upon notifying the Board, the Hospital Management Board, the head of Ministry and the head of department, he or she shall be entitled to take up other employment for the duration of his or her suspension.

#### ***59. Notification***

Where the Board, Hospital Management Board, the Head of Ministry, head of department or designated member has suspended or summarily discharged a member in terms of section 58, the Board, Hospital Management Board the Head of Ministry, head of department or designated member, as the case may be, shall cause the member or former member concerned to be notified of the suspension or summary discharge by whatever means seems best suited to bring it to his or her attention:

Provided that—

- (i) a failure promptly to notify a member or former member that he or she has been suspended or summarily discharged shall not invalidate the suspension or summary discharge, as the case may be;
- (ii) the suspension or summary discharge shall take effect from the time that the decision was taken to suspend or summarily discharge the member or former member concerned, regardless of when he or she was notified thereof.

#### ***60. Representations by members and former members concerning suspension or summary discharge***

(1) The fact that the Board, a Hospital Management Board, the head of Ministry, the head of department or designated member did not give a member an opportunity to make representations in the matter before suspending or summarily discharging him or her in terms of section 58 shall not invalidate the suspension or summary discharge.

(2) A member or former member who is aggrieved of having been suspended or summarily discharged in terms of section 58 may, within one month after being notified of the suspension or summary discharge, make written representation in the matter to the Board.

(3) The Board shall consider any representations made in terms of subsection (2) and, after causing such investigation to be made into the matter as it considers necessary or appropriate, may—

- (a) confirm, vary or set aside the suspension concerned; or
- (b) confirm the summary discharge or reinstate the former member concerned in the Health Service with effect from such date and subject to such conditions as the Board may determine; or
- (c) give such other order or direction in the matter as the Board thinks fit.

#### ***61. Charges of misconduct against suspended or reinstated members***

Nothing in this Part shall prevent proceedings for misconduct in terms of Part VIII being instituted against any member who has been suspended, or who has been reinstated in the Health Service following his or her summary discharge, pursuant to this Part.

## PART X

### GENERAL

#### **62. Discharge of members on the grounds of detention, restriction, deportation, imprisonment or abscondment**

The Board or the Hospital Management Board, the head of Ministry may discharge from the Health Service with effect from the date of detention, restriction or deportation or imprisonment, as the case may be, a member who—

- (a) has been subject, for a period of three months or more, to an order made of any enactment providing for the detention of persons in time of emergency or for the preventive detention of person; or
- (b) has been subject, for a period of three months or more, to an order made in terms of any enactment whereby he or she is required to remain within, or is prohibited from entering a specified area in Zimbabwe, or
- (c) is deported or extradited from Zimbabwe; or
- (d) has been imprisoned in pursuance of a conviction of an offence and a sentence of imprisonment for an effective term of three months or more,
- (e) has been absent from duty for a continuous period in excess of thirty days without having been granted leave of absence.

#### **63. Suspension of salary of member who is imprisoned detained, restricted or deported**

- (1) A member shall not be entitled to receive any salary in respect of any period during which he is—
  - (a) undergoing a sentence of imprisonment or detained pending trial, deportation or extradition; or
  - (b) detained in terms of any enactment providing for the detention of persons in time of emergency or for the preventive detention of persons; or
  - (c) unable to perform his or her duties because—
    - (i) he or she is subject to an order made in terms of any enactment whereby he is required to remain within or is prohibited from entering a specified area in Zimbabwe; or
    - (ii) he or she is absent from Zimbabwe following the execution of a deportation or extradition order.

(2) Notwithstanding subsection (1), the Board may direct that a member referred to in that subsection shall be paid such allowance, not exceeding the amount of his or her salary, as the Board may determine, during the period that the member is not entitled to receive his or she salary in terms of that subsection.

(3) Upon the release of a member from prison, the lifting or expiry of any detention or restriction order or the return of a member to Zimbabwe—

- (a) a member shall not be entitled to the salary which was withheld from him or her in terms of subsection (1) unless the Board determines otherwise;
- (b) the Board may direct that the full amount of any allowance paid to him or her in terms of subsection (2) or such part of that amount as the Board may determine be recovered from him or her.

#### **64. Departures from Parts VIII and IX in certain circumstances**

Notwithstanding anything to the contrary contained in Part VIII or IX, the Board may at any time—

- (a) depart from or authorise the departure from any provision of Part VIII or IX; or
- (b) condone any irregularity or departure from any provision of Part VIII or IX;

where the departure or irregularity has not resulted or will not result in a substantial miscarriage of justice.

#### **65. Savings**

(1) Any member who, immediately before the date of commencement of these regulations, was serving on secondment from the Health Service shall be deemed, with effect from that date, to be on secondment in terms of these regulations, and the provisions of these regulations, the State Service (Pensions) Act [Chapter 16:06] and the regulations made under that Act which apply to seconded members shall apply to him or her.

(2) Any member who—

- (a) before the date of commencement of these regulations entered into a contract of indemnity with the Government in connection with the use by him or her of any vehicle; and
- (b) receives any payment under Part VI or does any act or thing with the object of obtaining any payment under Part VI;

shall be deemed to have agreed to the cancellation of that contract of indemnity, and shall not receive any payment in terms of that contract.

(3) Nothing contained in these regulations shall be construed to extinguish or diminish any rights acquired in terms of the Public Service (General Leave) Regulations, 1978, to the payment of cash benefits in-lieu of vacation

leave accrued to a member or reserved vacation leave standing to his credit before the date of commencement of these regulations.

(4) In the case of a member against whom an allegation of misconduct is made and in respect of whom any action has been taken prior to the date of commencement of these regulations in terms of the Public Service Regulations 2000, any such action shall be continued in terms of these regulations.

## **FIRST SCHEDULE (Section 2)**

### ACTS OF MISCONDUCT

1. Absence from duty without good cause, including any abuse of sick leave.
2. Improper, negligent, inefficient or incompetent performance of duties.
3. Failure to perform any work or duty properly assigned, or failure to obey lawful instructions, including circulars, instructions or standing orders issued by the Board, the Treasury or the Accounting Officer.
4. Improper, threatening, insubordinate or discourteous behaviour, including sexual harassment, during the course of duty towards any member of the Health Service or any member of the public.
5. Hindering or obstructing any member of the Health Service in the discharge of his or her duty.
6. Unbecoming or indecorous behaviour during the course of duty, including the consumption of intoxicating liquor or dangerous or prohibited drugs.
7. Improper association with minors, at any time or place in any manner or circumstances likely to bring the Health Service into disrespect or disrepute.
8. Theft of, or failure to take reasonable care of, or to account for, or making improper or unauthorised use of public moneys, or the moneys of any statutory body, statutory fund or local authority.
9. Theft of, or failure to take reasonable care of, or making improper or unauthorised use of State property or the property of any statutory body, statutory fund or local authority, including motor vehicles, or the failure to take adequate steps to ensure that reasonable care is taken of any such property, or failure to report at the earliest opportunity any loss thereof or damage thereto.
10. Failure to repay, within the stipulated period of repayment, any moneys advanced by the State or by any statutory body, statutory fund or local authority.
11. Wilful damage to any State property or the property of any statutory body, statutory fund or local authority.
12. Unauthorised or improper disclosure or use of classified or confidential information
13. Corruption or dishonesty, including-
  - (a) any contravention of the Prevention of Corruption Act [*Chapter 9:16*];
  - (b) making a false report, accusation, or statement against any member;
  - (c) willfully giving false or incorrect evidence or information in relation to any inspection, examination, investigation or inquiry in terms of these or other regulations made in terms of the Act;
  - (d) falsifying or attempting to falsify any document with fraudulent intent or uttering a forged document;
  - (e) making any false claim or return, including any claim for travel or subsistence;
  - (f) failing to disclose material information, whether personal or otherwise, in any application for employment in the Health Service, or giving false information for the purpose of gaining employment in the Health Service.
14. Failure to report improper conduct on the part of any member of the Health Service.
15. Failure to disclose to a superior any conflict or interest or other personal information relevant to any matter connected with the discharge of the member's duties.
16. Except as a member, director or manager of any statutory body (not being a successor company to a statutory body) the control, direction or management, whether directly or indirectly, of any business or other income earning activity, including appointment as a company director without the written consent of the Board.
- 17.. Practicing nepotism or any other form of favoritism in making or recommending any appointment or promotion to any post or office.
18. Being an office-bearer in or addressing a meeting of any political party, organizing or movement.
19. Proceeding on any period of leave without having obtained the prior approval of the Board, the head of Ministry or the head of department, the head of office as the case may be.
20. Becoming insolvent or assigning one's estate for the benefit of or compromising with one's creditor generally, or being issued with a writ of civil imprisonment, unless the member shows that his or her financial difficulties have been caused by circumstances beyond his control.
21. Engaging in collective job action, including-
  - (a) incitement of members to engage in such action;

- (b) damaging Government property or forcibly disrupting
- (c) health services in furtherance of such action;
- calling meetings of members at the work place or during working hours in furtherance of such action.
- 22. Any act or omission which is inconsistent with or prejudicial to the discharge of official duties, including the abuse of authority.
- 23. Issuing any press statement or giving information to the media without the authority of the head of Ministry.

## **SECOND SCHEDULE (Section 12 (7) and (8))**

### **PROMOTION : PRINCIPLES AND CONDITIONS**

#### **PART I**

#### **PRINCIPLES RELATING TO PROMOTION**

1. When considering candidates for promotion, the Board or Hospital Management Board shall have regard to the principle that preference should be given to the person who, in its opinion, is the most efficient and suitable for appointment to the post or vacancy and, for the purpose of giving effect to such principle, the Board or Hospital Management Board shall have regard to the disparity in rank between the different members and in considering this factor, the Board or Hospital Management Board shall be guided by the principle that the greater the disparity the more exceptional must be the efficiency and suitability of any candidate having less seniority.
2. In cases where, subject to the consideration of the factors referred to in paragraph 1, two or more members are found to be equally efficient and suitable, the decision of the Board or Hospital Management Board shall be determined by reference to the seniority of the members concerned.

#### **PART II**

#### **CONDITIONS ATTACHING TO PROMOTION**

3. If, within one year immediately following the promotion of a member, the member concerned gives notice of—
  - (a) resignation from the Health Service; or
  - (b) retirement from the Health Service in terms of Pensions and other Benefits Act [*Chapter 16:01*], or without having been required to retire by the Board or Hospital Management Board, or in terms of any other conditions of service;
 his salary and allowances shall be reduced with effect from 30 days before the date on which he resigns or retires from the Health Service, to the level at which they would have been had he not been so promoted.
4. If the promotion is revoked in terms of paragraph 5, the Board or Hospital Management Board may reduce the member's salary and allowances to the level at which they would have been had he not been so promoted.
5. The twelve months immediately following the promotion of any member to any post or grade shall be probationary, and subject to this paragraph, the Board or Hospital Management Board may at any time during that period revoke the promotion of that member if the Board or Hospital Management Board considers that the member, whether for reasons beyond the member's control or otherwise—
  - (a) is unable to perform efficiently, or has not performed efficiently, the functions of the post or grade to which he or she has been promoted: or
  - (b) is for any other reason unsuited to the post or grade to which he or she has been promoted.
6. Before revoking any promotion in terms of paragraph 5, the Board shall—
  - (a) notify the member concerned, in writing, that it is considering the revocation of his or her promotion; and
  - (b) invite the member concerned to make written representations to the Board or Hospital Management Board within such reasonable period as the Board or Hospital Management Board shall specify; and
  - (c) consider any representations made to it in terms of subparagraph (b).
7. Whenever the Board or Hospital Management Board revokes the promotion of a member in terms of paragraph 5, it shall forthwith notify the member concerned, in writing.
8. A member whose promotion has been revoked in terms of paragraph 5 shall, subject to paragraph 9 and 10, be placed in such post or grade as the Board or Hospital Management Board may determine.

9. If the Board or Hospital Management Board has revoked the promotion of any member, the Board or Hospital Management Board may place the member on such lower step in the appropriate salary scale as it thinks fit.:  
 Provided that such a step shall not be lower than the step on which the person would have been had he or she not been so promoted.
10. If a member, within one year immediately following his or her promotion to any post or grade, gives notice of his or her resignation or retirement from the Health Service he or she shall with effect from 30 days before the date of resignation or retirement, revert to such lower step in the appropriate salary scale on which he or she would have been had he not been so promoted.
10. Before the expiry of the period of probation referred to in paragraph 5, the Board or Hospital Management Board, may, on written notice to the member concerned, extend the period of probation for a further period not exceeding six months and the member shall be informed of the reasons for such extension.

**THIRD SCHEDULE (Section 40(3)(a))**

**ELIGIBILITY FOR MANPOWER DEVELOPMENT LEAVE**

1. The programme or course in respect of which manpower development leave (“leave”) is sought shall be relevant to current duties or greater projected responsibilities within the Health Service.
2. Save in exceptional circumstances approved by the Board, only members who have been employed in the Health Service for more than two years are eligible for leave.
3. If the leave is of less than six months duration, members must have one years’ experience in the current field of work.
4. If the leave exceeds six months’ duration, members must have two year’s experience in the current field of work.
5. If the leave sought exceeds three months’ duration and the member concerned has attained the age of fifty, such member may not be granted the leave unless the member has two years’ experience in the current field of work and the leave does not exceed twelve months’ duration.
6. Members in a trainee grade (for example, trainee technicians, university cadets, student nurses or the like) can be sent on leave immediately upon appointment.
7. Save in exceptional circumstances permitted by the Board, members with existing bond commitments may not be granted leave.
8. Leave may not be granted unless sponsorship is guaranteed.
9. Members may not be granted leave if they leave their stations prior to approval of their leave.
10. Members on probation due to promotion are not eligible for leave

**FOURTH SCHEDULE (Sections 44(3)(a))**

**HEALTH SERVICE REGULATIONS, 2006**

**MISCONDUCT REPORT**

**1. PARTICULARS OF MEMBER**

Name: .....

Date of birth: .....

E.C. No: .....

Address: .....

.....

Telephone: Home: .....

Office: .....

**2. DETAILS OF ALLEGED MISCONDUCT**

.....

.....  
.....  
3. DETAILS OF ANY SUSPENSION

*(Include reference to relevant paragraph(s) of the First Schedule to the Health Service Regulations.)*

.....  
.....  
Date: .....

Signature: .....

4. COMMENTS, WHERE APPROPRIATE. OF HEAD OF OFFICE, HEAD OF DEPARTMENT OR HEAD OF MINISTRY

.....  
.....  
Date: .....

Signature: *(Head of Office)* .....

Date: .....

.....  
.....  
Signature: *(Head of Department)*

Date: .....

.....  
Signature: *(Head of Ministry or Hospital Management Board)*

5. MEMBER'S REPLY TO ALLEGATION

*(List and attach separately)*

Date received: .....

.....  
*Signature*

6. RELEVANT DOCUMENTS AND STATEMENTS

*(List and attach separately where necessary)*

Date received: .....

.....  
*Signature*