

Serial Number 1946/131



THE PUBLIC SERVICE AMENDING REGULATIONS 1946

PURSUANT to the Public Service Act, 1912, the Public Service Commissioner doth, subject to the approval of the Governor-General in Council, hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Public Service Amending Regulations 1946.

2. These regulations shall be read together with and form part of the regulations made under the Public Service Act, 1912, on the 31st day of March, 1913* (hereinafter called the principal regulations).

3. These regulations shall be deemed to have come into force on the 30th day of June, 1944.

4. Regulations 8, 8A, 8B, 8C, 8d, and 8E (and the headings thereto) of the principal regulations are revoked, and the following substituted :—

“ HOURS OF ATTENDANCE

“ 8. The daily hours of attendance to be observed by officers in each week shall be from 8 a.m. until noon, and from 1 p.m. until 4.35 p.m. from Monday to Friday inclusive. Where the nature of the work will not, in the public interest, admit of the general observance of this regulation, the Permanent Head shall recommend, and the Commissioner shall determine, the hours of attendance or duty.

“ ADDITIONAL HOURS OF DUTY

“ Overtime

“ 8A. Permanent Heads and Controlling Officers will ensure that overtime work is kept to a minimum, but where attendance of officers beyond the usual hours of duty is considered necessary, Permanent Heads shall immediately report the fact and circumstances in writing to the Commissioner, who, if satisfied as to the necessity for overtime, may sanction it. Such reports shall specify the officers or group of officers to be employed, the nature of the work, and the probable duration of overtime, and shall certify that such work as is intended to be performed in overtime cannot be carried out otherwise.

“ Every officer who is called upon to work overtime shall perform such additional hours of duty as at the discretion of the Controlling Officer he is instructed to perform, but only in special circumstances should an officer be required to perform more than three hours of overtime duty on any one day in addition to the usual hours of work.

“ Sunday overtime shall not be ordered except under very special circumstances.

* Gazette, 1st April, 1913, Vol. I, page 977.

“ Conditions of Payment

“ 8B. (1) No work shall be regarded as overtime work for which extra payment may be made unless—

“ (a) The Commissioner approves overtime payment for the work on the grounds that it is special in its character :

“ (b) The officer is definitely instructed by his Controlling Officer to work overtime :

“ (c) The work cannot be performed during regular hours of duty :

“ (d) The attendance, including overtime, of the officer is properly entered in the attendance records :

“ (e) The officer is under the direct supervision of a senior officer.

“ (2) No officer in receipt of a salary of £640 per annum or over shall be entitled to overtime payments.

“ (3) Subject to clause (4) of this regulation, no officer shall in any year ending on the 31st day of March receive, by way of overtime payments, sums exceeding in the aggregate the amount by which the sum of £640 exceeds the sum of his classified salary and any allowance paid to him in that year for performing higher duties and any sum payable to bring a salary to the prescribed minimum rate of remuneration for an officer of adult age or for a married officer.

“ (4) Provided such days are determined as holidays for the officer, payments for overtime performed on—

“ (a) Sundays :

“ (b) The holidays set out in Regulation 66 hereof ; and

“ (c) Such other occasions as may from time to time be decided on and notified by the Commissioner,—

shall not be taken into account for the purposes of clause (3) of this regulation.

“ Rate of Overtime Payment

“ 8C. (1) Payment to officers of the Professional and Clerical Divisions for overtime work for which overtime payment may be made pursuant to Regulation 8B hereof shall be at the following rates :—

“ (a) For work which is exclusive of work performed on Sundays and the holidays and occasions set out in clause (4) of Regulation 8B and which is in excess of forty hours a week ; at one and a half times the hourly rate of payment of the officer concerned, with a minimum rate of 2s. 3d. an hour, and a maximum rate of 6s. 9d. an hour :

“ (b) For work performed on Sundays and the holidays and occasions set out in clause (4) of Regulation 8B hereof, at double the hourly rate of payment of the officer concerned, with a minimum rate of 3s. an hour and a maximum rate of 6s. 9d. an hour.

“ (2) Payment to officers of the General Division for overtime work shall be made according to any special regulations applicable, and in other cases may be made at such rates, and under such conditions, as the Commissioner may from time to time approve.

“ (3) For the purpose of this regulation the hourly rate of pay of an officer receiving salary fixed at an annual rate shall be one two-thousand-and-eightieth part of the annual salary, and in the final calculation of the rate of overtime a fraction of less than a halfpenny is to be reckoned at the halfpenny above, and a fraction of more than a halfpenny at the penny above, and the annual salary shall be deemed to include any allowance payable for performance of higher duties, and also any sums payable to bring a salary to the prescribed minimum rate of remuneration for an officer of adult age or for a married officer.

“(4) Where an officer has been absent from duty on leave during a week when overtime is claimed a deduction at the rate of eight hours for each day’s absence shall be made from the weekly number of hours to be worked before overtime can be claimed.

“8d. In any special case the Commissioner may vary the conditions of overtime set out in Regulation 8B hereof, or may fix a lower or higher overtime rate than is provided in Regulation 8c hereof.

5. Regulation 10 of the principal regulations is revoked, and the following substituted :—

“10. Attendance-books shall be accessible for record and signature daily before 8 a.m. and 1 p.m. ; also daily after 11.55 a.m. and 4.35 p.m.

“Exact times of arrival and departure are to be recorded, and books are to be ruled off to indicate late arrivals or absentees as directed by the Commissioner.

“This regulation may be modified by the Commissioner to suit the special requirements of any Department.

“If at any time the hours of commencing and ceasing work are altered, the times herein mentioned shall also be altered in conformity therewith.”

6. Regulation 13 of the principal regulations is revoked, and the following substituted :—

“13. Any officer not subject to special regulations in that behalf, or not specially exempted, arriving at his office after 8.5 a.m. or 1.5 p.m. ; or five minutes after such other time as he is required by Regulation 8 hereof to be in attendance, shall report himself to the officer in charge or sub-charge, who shall record the time of his arrival in the attendance-book ; and if a satisfactory explanation be not forthcoming, his conduct shall be brought under the notice of the Permanent Head as a breach of the regulations.”

7. Regulation 67 of the principal regulations is revoked, and the following substituted :—

“67. As soon as possible after the 1st day of April, 1944, and thereafter at the same period in every third year, there shall be prepared by the Commissioner a list of officers in the Public Service on the preceding 31st day of March. Such list is to be termed the “electoral list” and shall be retained by the Secretary, and shall be open to inspection.”

8. Regulations 69, 70, 72, 75, and 76 of the principal regulations are revoked.

9. Regulation 71 of the principal regulations is amended by revoking the words “other than the Post and Telegraph Department”.

10. Regulation 77 of the principal regulations is amended by revoking the words “other than the Post and Telegraph Department”.

11. Regulation 79 is amended by revoking the form firstly set out therein headed “Ballot-paper for Election of Member of Appeal Board by the Officers of the Postal (or Telegraph) Branch under the Public Service Act, 1912,” and by revoking the words “other than the Post and Telegraph Department” in the heading to the form of ballot-paper secondly therein set out.

12. Regulations 98 and 99 of the principal regulations are revoked.

13. Regulation 100 of the principal regulations is revoked, and the following substituted :—

“100. In default of agreement under subsection (3) of section 13 of the Public Service Amendment Act, 1927, as to which of the persons

elected to the Board shall act as a member of the Board in any particular appeal, the person so to act shall be determined as follows :—

“ The Chairman of the Board shall prepare two similar cards, on one of which shall be written the name of one of the two members and on the other the name of the other member. Both cards shall be placed in some receptacle where they cannot be seen ; the Chairman shall then draw one of the cards, and the name appearing on that card shall be the member to act in the particular appeal.”

14. Regulation 109 of the principal regulations is revoked, and the following substituted :—

“ 109. All officers to whom this Part of these regulations applies may be paid travelling-allowances for personal expenses at the following rates :—

“ (a) Officers receiving a salary (excluding adult and married allowances in the nature of salary) not exceeding £200 per annum : Actual and reasonable expenses.

“ (b) Officers receiving a salary (excluding adult and married allowances in the nature of salary) exceeding £200 but not exceeding £340 per annum—

	Per Diem.	
	s.	d.
“ Not exceeding six days in one locality ..	17	6
“ Exceeding six days in one locality ..	15	0

“ Provided that if more than six days are spent in one locality, the minimum payment is to be £5 5s.

“ (c) Officers receiving a salary exceeding £340 but not exceeding £435 per annum 17 6

“ (d) Officers receiving a salary exceeding £435 but not exceeding £535 per annum 20 0

“ (e) Officers receiving a salary exceeding £535 per annum 22 6

“ Provided in respect of all the cases hereinbefore referred to—

“ (i) That while at sea, if the time occupied is more than twenty-four hours, the allowance shall be—

“ For the first day of absence from headquarters	10	0
“ For subsequent days	2	6

“ (ii) That whenever the Commissioner or the Permanent Head is satisfied that a lower travelling-allowance than the scale should suffice, he may direct accordingly.”

15. Clause (1) of Regulation 111B of the principal regulations is revoked, and the following substituted :—

“ 111B. (1) Officers called upon to perform purely relieving duty which necessitates their absence at night from home may be paid allowances on the basis of actual and reasonable additional expenses above normal costs, subject to approval by the Permanent Head or the Commissioner, and not exceeding the following rates unless otherwise approved by the Commissioner :—

	Per Diem.	
	s.	d.
“ (a) To officers receiving a salary not exceeding £340 per annum	Up to	12 6
“ (b) To officers receiving a salary exceeding £340 but not exceeding £535 per annum ..	Up to	15 0
“ (c) To officers receiving a salary exceeding £535 per annum	Up to	17 6

“ Provided that in any special case the Commissioner may authorize payment of an allowance at a higher rate.”

16. Regulation 117 of the principal regulations is revoked, and the following substituted :—

“ 117. In any case where an officer by direction—

“ (a) Commences duty at least two hours before his usual hour of commencing attendance ; or

“ (b) Remains on duty, or resumes duty, for at least two hours after the usual hours of attendance ; or

“ (c) Returns to duty on a Saturday beyond the usual attendance for the week, and remains on duty or resumes duty for at least two hours after the usual time for a meal, then—

“ (i) If the additional duty necessitates his taking a meal away from home which he would not otherwise have taken away from home, he shall be granted, in addition to any payment for overtime, a meal-allowance on the following scale :—

“ Officers receiving remuneration equivalent	Per Meal.
to a classified salary of not less than	s. d.
£485 a year	.. .. . 2 6

“ Officers receiving remuneration equivalent	
to a classified salary of less than £485	
a year 2 0

“ But on Sundays and Public Service holidays	2 6
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“ (ii) If the additional duty does not prevent his taking a meal at home and he regularly travels there by public conveyance, he may be paid the fares to and from his residence in lieu of meal-allowance.”

17. Regulation 201 of the principal regulations is revoked, and the following substituted :—

“ 201. No officer appointed to the Public Service after the 31st day of March, 1913, nor any officer in the Public Service whose salary was £200 per annum or less on that date shall be entitled to receive, while classified in the Professional or Clerical Division, a salary of more than the maximum of Class VI unless he has passed the Public Service Senior Examination or an examination which, in the opinion of the Commissioner, is equivalent thereto.”

18. Clause (3) of Regulation 209 of the principal regulations is revoked, and the following substituted :—

“ (3) An officer of the Sixth Class of the Clerical Division who is in receipt of a salary of not more than £180 per annum shall be deemed to be performing the duties of a position of a higher class or grade than that in which he is classified if he performs the duties ordinarily performed by an officer of the same class who is in receipt of a salary of not less than £290 per annum, and may be granted, on the approval of the Commissioner, and subject to the provisions of this regulation, payment in addition to salary at a rate of not more than £25 per annum :

“ Provided that no such payment shall be authorized unless the Commissioner is satisfied that the duties so performed have been actually taken over by the officer claiming from an officer in receipt of a salary of not less than £290 per annum, and are such as are ordinarily allotted only to officers of the Sixth Class in receipt of salaries of not less than £290 per annum, and that such duties have been performed in a proper and efficient manner by the officer claiming payment of an allowance in respect thereof.”

19. Regulations 213, 214, 214A, and 214B of the principal regulations are revoked, and the following substituted:—

“213. If for reasons of departmental convenience an officer, probationer, or person temporarily employed is stationed away from home the Commissioner may authorize the payment of a lodging-allowance at the appropriate rate set out in the following table:—

Annual Salary.		Rate of Lodging-allowance.	
“ Not exceeding—		Per annum.	
£		£	
“ 90	.. ..	.. 55	
“ 95	.. ..	.. 55	
“ 100	.. ..	.. 50	
“ 115	.. ..	.. 50	
“ 125	.. ..	.. 40	
“ 130	.. ..	.. 40	
“ 145	.. ..	.. 25	
“ 150	.. ..	.. 25	

“214. (1) If an officer, probationer, or person temporarily employed whose annual salary does not exceed £150 has no settled home, or is living with his widowed mother and his mother’s circumstances in the opinion of the Commissioner are not such as to enable her to give him adequate assistance, the Commissioner may authorize the payment of a lodging-allowance at such rate as the Commissioner thinks fit, not exceeding the rate of lodging-allowance prescribed in Regulation 213.

“(2) In cases not provided for in Regulation 213 and paragraph (1) of this regulation the Commissioner may authorize payment to an officer, probationer, or person temporarily employed whose annual salary does not exceed £150 of (a) lodging-allowance at such rate as he thinks fit, not exceeding the rate prescribed in Regulation 213, or (b) a refund from time to time of fares incurred by him in travelling to and from his place of duty.

“(3) An allowance under this regulation shall not be authorized for a period exceeding six months, but may from time to time be extended, but so that no such extension shall be for a period exceeding six months.

“(4) Any allowance granted under this regulation may, at any time during the period (including an extended period) for which it has been authorized, be terminated by the Commissioner at his discretion.”

“214A. When an officer, probationer, or person temporarily employed who is in receipt of a lodging-allowance or an allowance authorized under Regulation 214 is absent on leave, then—

“(a) If he is on annual leave, the allowance shall continue to be paid:

“(b) If he is on sick or special leave on full or reduced pay, the allowance shall continue to be paid so long only as he continues to live away from home, or continues to live in the circumstances referred to in Regulation 214:

“(c) If he is on leave without pay, the allowance may be continued up to seven days to meet boarding-expenses at headquarters:

“Provided that the Commissioner may vary the aforesaid conditions of payment to suit special circumstances.”

As witness my hand, this 26th day of July, 1946.

J. H. BOYES,
Public Service Commissioner.

In pursuance of the provisions of the Public Service Act, 1912, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, approves the foregoing regulations.

B. C. FREYBERG,
Governor-General.

Approved in Council, this 7th day of August, 1946.

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 8th day of August, 1946.

These regulations are administered in the office of the Public Service Commissioner.