

Public Administration HR Office  
Office of the Prime Minister  
Auberge de Castille  
Valletta VLT 2000

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To: Permanent Secretaries  
Directors General  
Directors  
Heads of Public Sector Organisations

**REQUESTS FOR POSTPONEMENT OF APPOINTMENT, REFUSALS OF APPOINTMENT AND  
SELECTED CANDIDATES WHO TAKE UP A NEW APPOINTMENT AND THEN RESIGN**

MPO Circular BI 7/1995 established the policy with regard to requests for the postponement of an appointment and the procedure to be followed in such cases.

In agreement with the Public Service Commission, the current policy has been revised with the aim of streamlining the process as well as for the sake of enhancing transparency and consistency in dealing with such instances. The new policy is outlined below.

Whenever a successful candidate is approved for appointment, the Director responsible for Corporate Services / HR / People Management is to communicate formally with the candidate concerned through registered post / electronic mail by means of a standard letter as per attachment, a specimen of which will be made available for download at the address <http://mpo.gov.mt/downloads.html>.

The candidate is to be asked to clearly indicate whether s/he will be accepting or refusing the appointment. If the candidate indicates that s/he will be accepting the appointment, s/he is asked to indicate when s/he will be in a position to take up the duties of the new post/position. If commencement of duties is not within one (1) week from the date of the letter, the candidate should give the reason, supported by the relevant documentary evidence, if applicable. S/he is to be informed that failure to reply within one (1) week from the date of the letter will be taken to mean that the appointment is being refused.

A **delay** in appointment up to twelve (12) weeks from the date of the Prime Minister's approval for a valid reason (e.g. contractual obligation to give a period of notice to the current employer or completion of a course of studies) may be allowed by the head of department according to exigencies.

When a selected candidate requests a delay, which is approved by the head of department, to honour a contractual obligation to give a notice period to the current employer, then the candidate should be additionally asked to:-

- (1) indicate the duration of such notice period, and
- (2) provide proof within a period of one (1) week that s/he has given notice of termination of employment with the said employer.

This measure is being introduced to ensure that no unnecessary delays occur between the time when the candidate is notified of appointment and the time when the candidate takes up the duties of the new appointment. Where no formal notice obligations apply, it is management prerogative to allow a “handing-over” period of reasonable duration.

When the head of department approves a request for the **delay** of an appointment to a substantive grade, the candidate’s order of merit in the respective selection exercise will be retained, the effective date of appointment will be the date of the Prime Minister’s approval of the appointment and the period of delay until the candidate takes up duties will be considered as leave without pay. In the case of approved requests for the **delay** of an appointment to a position on a definite contract, the effective date of the respective contract will, however, be the date when the appointee commences the duties.

**Postponement** of appointment in excess of twelve (12) weeks for justifiable reasons may be considered and may be approved provided a positive recommendation by the Public Service Commission is made. If the head of department is of the opinion that favourable consideration should be given to a request for the postponement of an appointment, s/he is to make appropriate submissions to the Commission, without reference to the Resourcing Directorate within Public Administration HR Office.

In cases when a positive recommendation is made by the Public Service Commission to the Prime Minister for the approval of a request for the **postponement** of an appointment, the appointment shall be effective from the new date approved by the Prime Minister with due loss of seniority.

If the head of department is not in a position, due to the exigencies of the Service, to allow a **delay** in appointment or a **postponement** of appointment, s/he may proceed by recommending to the Public Service Commission the appointment of the next candidate on the order of merit and in so doing, s/he is to inform the Public Service Commission of the reasons why the request for delay/postponement was not agreed to.

When requests for the **delay** or the **postponement** of an appointment are not approved, the candidate will retain his/her placing in the order of merit on the respective result and his/her eligibility will remain valid up to the validity period of the Selection Board’s Result. Every time that a vacancy subsequently occurs during the validity period, the head of department shall, in the first instance, offer the candidate whose request for a delay/postponement had been refused the opportunity to take up appointment. When offering appointment to candidates in terms of this provision, the head of department shall invariably act on the basis of the order of merit established in the respective result. In those cases where the offer is accepted, the head of department is still required to submit a recommendation to the Public Service Commission. Moreover, if on the principle that vacancies need to be filled, a fresh call for applications is issued before the expiry of the result of the previous call for the same post/position, then the provisions of paragraph 1.1.7.24 of the Public Service Management Code will be applicable - that is, any remaining candidates on the initial pass list not yet appointed will, during the validity period of the first call, take precedence over successful candidates from the second call.

The above provisions are without prejudice to the current practice that appointees who qualify for an appointment during maternity leave, parental leave, paid / unpaid leave on

grounds of public policy or any other form of paid leave will still be granted their appointment with effect from the date of the Prime Minister's approval.

A candidate who, when offered an appointment indicates that s/he is unable to take up that appointment, is to be informed about the possibility of seeking a delay or postponement. If, notwithstanding, the candidate opts to refuse the appointment, s/he shall have no right to an appointment under the same call for applications, even if s/he subsequently changes his/her mind.

A candidate who resigns the post/position after taking up the relative duties shall likewise have no right for re-appointment under the same call for applications.

The above provisions are subject to the overriding principle that, for the duration of validity period of the Selection Board result, a candidate's achieved order of merit is to be respected at all times under whatever circumstances.

The new policy outlined above comes into effect on the date of this Circular. Vacancies to be filled from results which are still valid as on this date are to be filled in accordance with the achieved order of merit as envisaged in the new policy - in essence, this means that any candidates who had been placed at the end of the order of merit by virtue of requesting an indefinite postponement of appointment will need to have their achieved order of merit restored within Selection Board results which are still valid.

Sections 1.1.15 and 1.1.16 of the Public Service Management Code will be amended in due course to reflect the above. Moreover, the policy guidelines outlined at Section 2 of MPO Circ BI No. 7/1995 are hereby being superseded.

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Attachment: Specimen letter to selected candidate