

LEGAL NOTICE No. 95

REPUBLIC OF TRINIDAD AND TOBAGO

THE VOLUNTARY TERMINATION OF EMPLOYMENT ACT, 1989

REGULATIONS

MADE BY THE MINISTER OF FINANCE UNDER SECTION 13 OF THE VOLUNTARY
TERMINATION OF EMPLOYMENT ACT, 1989

THE VOLUNTARY TERMINATION OF EMPLOYMENT
REGULATIONS, 1989

1. These Regulations may be cited as the Voluntary Termination of Citation
Employment Regulations, 1989.

2. In these Regulations:—

“administrative Head”, in relation to an applicant, means the person
immediately responsible to the Minister concerned for the general
management of the organization, department, ministry, cor-
poration or statutory board which, or in which, the applicant
serves;

“application” means an application under the Act;

“senior supervisor”, in relation to a person making or intending to
make an application, means a person who is the substantive
holder of an office the salary range of which is salary range 46
or a higher salary range and to whom the applicant or intending
applicant is directly or indirectly responsible;

“VTEP management committee” means the committee constituted
by regulation 8(3).

Interpre-
tation

3. (1) A person intending to make an application shall first submit to his
senior supervisor a form of certifications and declaration, in the form set out
in Form 1 of the Schedule, duly completed.

Prelimin-
aries to
lodging
application

(2) Each of the certifications on the form required by subregulation (1)
to be submitted shall have been given within the last three months before the
form is submitted, and the declaration thereon shall have been made after
the last of the certifications was given.

4. The prescribed form for making an application is the form set out in
Form 2 of the Schedule.

Form of
application

5. (1) The time specified in an application as the time from which the
termination of service is sought to be effective shall be—

Period of
notice

(a) in the case of a person in a salary range below salary range 46,
not less than two months after the day on which the application
is lodged in accordance with regulation 6; and

(b) in the case of a person in salary range 46 or a higher salary range,
not less than three months after the day on which the application
is lodged in accordance with regulation 6.

(2) The periods of two months and three months referred to in sub-regulation (1)(a) and (b), respectively, may include a period during which the applicant is on leave, but nothing in this regulation affects the requirement for an officer to give notice of his intention to take vacation leave.

**Lodging of
application**

6. (1) An application is made to the Minister by lodging it with a senior supervisor of the applicant.

(2) The person with whom an application is lodged under sub-regulation (1) shall, if he is not the applicant's administrative Head, submit the application, within five days of it being lodged with him, to the applicant's administrative Head together with a Divisional Recommendation Form in the form of Form 3 of the Schedule, duly completed.

**Documents
to be
forwarded to
VTEP office**

7. (1) Within fifteen days after an application is submitted to him in accordance with regulation 6(2), the administrative Head shall forward the application form and the accompanying Divisional Recommendation Form, if any, to the VTEP office of the Personnel Department, indicating on the application form whether or not he recommends that the application be approved and, if he does not recommend that the application be approved, setting out on the Organizational Advisory Form required by subregulation (2)(a) full reasons for his decision.

(2) When an application form is forwarded to the VTEP office as required by subregulation (1), it shall be accompanied by—

- (a) an Organizational Advisory Form in the form of Form 4 in the Schedule, duly completed;
- (b) a Pension and Leave Record in the form of Form 5 in the Schedule, duly completed; and
- (c) a Record of Acting, Temporary or Daily-paid Service in the form of Form 6 in the Schedule, duly completed.

**Management
committee
to advise
Minister**

8. (1) An application forwarded to the VTEP office in accordance with regulation 7 shall be brought before a meeting of the VTEP management committee which shall consider the application and advise the Minister. in writing, whether he should approve the application or decline to approve it.

(2) Where the advice of the management committee is that the Minister decline to approve an application it shall include reasons for giving that advice.

(3) For the purposes of this regulation, there shall be a committee to be known as the VTEP management committee, consisting of—

- (a) the Permanent Secretary to the Prime Minister and Head of the Public Service, who shall be the Chairman;
- (b) the Chief Personnel Officer, Personnel Department, who shall be the Vice-Chairman;
- (c) the Director of Personnel Administration, Service Commissions Department;
- (d) the Comptroller of Accounts, Ministry of Finance;
- (e) the Director of Budgets, Ministry of Finance;
- (f) the Director, Employment and Industrial Relations Research, Personnel Department;

- (g) the Director, Organization and Management Office of the Prime Minister; and
- (h) the Director, Pensions Administration, Ministry of Finance.

(4) At a meeting of the management committee five members, including the Chairman, the Vice-Chairman, or both of them, constitute a quorum and the Chairman or, in his absence the Vice-Chairman shall preside.

9. Within ten days after an application is received in the VTEP Office of the Personnel Department, the application, the Organizational Advisory Form, and the advice of the management committee shall be forwarded to the Minister or his delegate.

Documents
to be
forwarded
to Minister

10. (1) The Minister or his delegate shall, within twelve days after the documents referred to in regulation 9 are forwarded to him under that regulation, either approve the application or decline to approve it.

Determina-
tion of
application

(2) The Minister shall notify the applicant in writing of his decision under subregulation (1) and, where he declines to approve the application, he shall give the applicant reasons, in writing, for his decision.

11. (1) Where the Minister or his delegate declines to approve the application of a person and either at the time of notifying the person thereof or subsequently, proposes to that person another time for the termination of the service of that person under the Act, the person may, in writing, advise the Minister or his delegate whether he considers the alternative proposed to be acceptable.

Alternative
time of
termination

(2) Where, in accordance with subregulation (1), an applicant advises the Minister or his delegate that an alternative time proposed for the termination of his service is acceptable and the Minister or his delegate approves of the termination of the service of that person at the alternative time accepted, he shall notify the applicant, in writing, accordingly.

12. Where a person whose service terminates under the Act dies—

- (a) any gratuity to which the person becomes entitled by reason of the Act that was not paid before his death shall be paid to his legal personal representative and the payment shall be made at the same time as payment would have been made to the deceased if he had not died;
- (b) any pension to which the person became entitled by reason of the Act before his death that was not paid to him before his death shall be paid to his legal personal representative.

Payment to
legal
personal
representa-
tive

SCHEDULE

Form 1

[Regulation 3]

VOLUNTARY TERMINATION OF EMPLOYMENT ACT, 1989
***CERTIFICATIONS AND DECLARATION FOR PURPOSES OF**
MAKING AN APPLICATION UNDER VTEP

Complete one copy only

Name of Officer.....

(Please print Name of Officer)

DATE OF BIRTH

Year Month Day

B.L.R. NUMBER

N.I.S. NUMBER

.....
(Ministry/Department/Statutory Authority/Municipal Corporation/Tobago House of Assembly)
(Please give full name of your organization)

Present Position.....

(Do not include acting appointments)

CERTIFICATION BY HEAD OF AGENCY

Nature and extent of obligation	Remarks
	<p>CERTIFIED CORRECT</p> <p>.....</p> <p align="right"><i>Head of Agency</i></p>

CERTIFICATION BY BOARD OF INLAND REVENUE

Extent of indebtedness	Remarks
	<p>CERTIFIED CORRECT</p> <p>.....</p> <p align="right"><i>Board of Inland Revenue</i></p>

CERTIFICATION BY COMPTROLLER OF ACCOUNTS

Nature and extent of obligation	Remarks
	<p>CERTIFIED CORRECT</p> <p>.....</p> <p align="right"><i>Comptroller of Accounts</i></p>

I,
 hereby declare that the information above is true and correct. I have settled/undertaken to settle† all indebtedness to the Government of Trinidad and Tobago in the manner agreed on with the relevant agency/authority.

Date.....

.....
Signature of Officer

* This Declaration is to be completed and signed by the Officer only after he/she has read carefully the information overleaf.
 † Delete words that are not applicable.

Please read this information very carefully as it is important for the speedy processing of your VTEP application which is to follow

The certifications requested on this form are not peculiar to VTEP and are required of all persons who are eligible for benefits under existing pension laws. They have to be obtained before payment of benefits is made. The pension and Leave Record with the Birth Certificate and Marriage Certificate (where applicable) are to be attached to the application form, Form 2. These documents are to be forwarded by the employing organizations to the VTEP Office, Personnel Department, Level 3, Valpark Building, 76-78, St. Vincent Street, Port-of-Spain.

For purposes of VTEP, all applicants will fall in one or more of the following categories:

A. PERSONS 50 YEARS AND OVER:

10 years pensionable service or over.

- (i) Holders of permanent appointments;
- (ii) Holders of temporary appointments in vacant pensionable posts, satisfying all requirements of the job.

Under 10 years pensionable service

- (iii) Holders of appointments as at items (i) and (ii) above.

B. PERSONS UNDER 50 YEARS:

10 years pensionable service and over.

- (i) Holders of permanent appointments;
- (ii) Holders of temporary appointments in vacant pensionable posts, satisfying all requirements of the job.

Under 10 years pensionable service

- (iii) Holders of appointments as at items (i) and (ii) above.

C. PERSONS HOLDING OR WHO HAVE HELD NON-PENSIONABLE APPOINTMENTS:

- (i) Holders of appointments in temporary non-pensionable posts;
- (ii) Holders of temporary appointments in vacant pensionable posts not satisfying the requirements of the job;
- (iii) Holders of temporary appointments in pensionable non-vacant posts.

You will need to fill in your category.

You will note that your service may fall into more than one category. If so, please fill in each category on the application form which is to follow.

The period of notice which an applicant will be required to give is as follows:

Persons in Salary Range 46 and above ... at least three months' notice

Persons in Salary Ranges under Salary Range 46 ... at least two months' notice

Such notice can run concurrently with vacation leave entitlement, if any.

The effective date of termination will normally be the expiry date of the period of notice or of the vacation leave, whichever is later.

Form 2

[Regulation 4]

VOLUNTARY TERMINATION OF EMPLOYMENT ACT, 1989
APPLICATION FORM FOR TERMINAL BENEFITS

**Please read entire form carefully. Complete four/five copies (as applicable) in block letters*

- | | | | |
|----|--------------------------------|---|---|
| 1. | Name: | Surname | <div style="border: 1px solid black; width: 100px; height: 1.2em;"></div> |
| | First Name | <div style="border: 1px solid black; width: 100px; height: 1.2em;"></div> | |
| | Other Names | <div style="border: 1px solid black; width: 100px; height: 1.2em;"></div> | |
| | Maiden Name
(if applicable) | <div style="border: 1px solid black; width: 100px; height: 1.2em;"></div> | |

2.	Date of Birth	<div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div>	<div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div>	<div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div>	3. Male <input type="checkbox"/>	4. B.I.R. No.	<div style="border: 1px solid black; width: 100px; height: 1.2em;"></div>
		Year	Month	Day	Female <input type="checkbox"/> <small>(Tick appropriate box)</small>	5. N.I.S. No.	<div style="border: 1px solid black; width: 100px; height: 1.2em;"></div>

6. Home Address or Postal Address

7. Ministry/Department/Statutory Authority/Municipal Corporation/Tobago House of Assembly. *(Please give full name of your organization)*

8. Institution/School/Division/Section/Unit where you are now working _____

9. Officer's present position _____
(Do not state acting appointments)

10. Type of appointment (Tick appropriate box)

Permanent ☐
Temporary ☐

11. I, _____ hereby apply to terminate my employment with effect from _____

12. †I consider that my application falls in the category/categories as indicated below—

Category A <input type="checkbox"/>	Category B <input type="checkbox"/>	Category C <input type="checkbox"/>
10 years pensionable service and over:	10 years pensionable service and over <input type="checkbox"/>	
(a) Option A <input type="checkbox"/>	Less than 10 years pensionable service <input type="checkbox"/>	
(b) Option B <input type="checkbox"/>		
Less than 10 years pensionable service <input type="checkbox"/>		

13. I am making this application of my own free will and I am aware that it is subject to the approval of the Minister of Finance.

14. I recognize that this application cannot be withdrawn once it is approved.

15. I acknowledge that upon receipt of benefits in accordance with the VTEP Act, 1989, I am not eligible for any benefits under any other Pension Law for the same period.

Signature of Applicant _____ Date _____
 Year Month Day

Signed in the presence of

† Signature of Officer Witnessing and accepting the application

Prins Name _____

Post and Range

APPLICATION APPROVED ☐

APPLICATION NOT APPROVED ☐

Signature _____
Minister of Finance/Minister's Delegate

Date_____

Post _____

*Four copies only are required where no Service Commission has responsibility for appointments.

†See "Particulars of Categories and Options" overleaf.

‡ The Officer witnessing and accepting the application is to be the applicant's supervisor or Head of Division and substantively in Salary Range 46 or above.

PARTICULARS OF CATEGORIES AND OPTIONS

CATEGORY A

PERSONS 50 YEARS AND OVER HOLDING PENSIONABLE APPOINTMENTS

10 YEARS PENSIONABLE SERVICE AND OVER

Option A

Enhancement of service by adding 1 month for every 5 months.

Option B

Enhancement of gratuity by 10%

LESS THAN 10 YEARS PENSIONABLE SERVICE

Gratuity of 5 times unreduced pension enhanced by 10%

CATEGORY B

PERSONS UNDER 50 YEARS HOLDING PENSIONABLE APPOINTMENTS

10 YEARS PENSIONABLE SERVICE AND OVER

Immediate gratuity plus a deferred pension to be provided at age 55, benefits based on existing pension formulae.

LESS THAN 10 YEARS PENSIONABLE SERVICE

Lump-sum payment equivalent to three-quarter month's salary for each year of service or proportionately for each month of service.

CATEGORY C

PERSONS HOLDING OR WHO HAVE HELD NON-PENSIONABLE APPOINTMENTS

A lump-sum payment on the following basis:

1 completed year and less than 5 years of completed service.

½ month's pay for each such year of service.

5 completed years of service and more, (i.e. having completed 60 months service and more).

in addition to the entitlement above, 3/4 month's pay applies to the entire 5th year of service (i.e., from the 49th month) and each succeeding completed year of service.

Distribution of Form 2 by VTEP Office:

- 1 copy for the applicant;
- 1 copy for the appropriate Service Commission, where applicable;
- 1 copy for the employing organization;
- 1 copy for the Pensions Division, Ministry of Finance;
- 1 copy for the VTEP Office.

Form 3

[Regulation 6(2)]

VOLUNTARY TERMINATION OF EMPLOYMENT ACT, 1989

DIVISIONAL RECOMMENDATION FORM

For internal use only

COMMENTS AND RECOMMENDATIONS OF IMMEDIATE SUPERVISOR/HEAD OF SECTION

Application of _____
(Please Print Name of Officer)

who holds the present position of _____
(Do not include acting appointments)

in _____
(Ministry/Department/Statutory Authority/Municipal Corporation/Tobago House of Assembly)
(Please give full name of your organization)

Tick as appropriate

APPROVAL RECOMMENDED ☐ APPROVAL NOT RECOMMENDED ☐

Remarks

Where application is recommended, indicate arrangements for the performance of applicant's duties:

Where application is not recommended, state reasons:

Where deferral of the termination date should be proposed, suggest a date when the officer's application can be recommended:

PROPOSED TERMINATION DATE

Year		Month		Day	

Date _____ Signature _____

Post _____

Form 4

[Regulation 7(2)(a)]

VOLUNTARY TERMINATION OF EMPLOYMENT ACT, 1989

ORGANIZATIONAL ADVISORY FORM

For submission to the VTEP Office

COMMENTS AND RECOMMENDATIONS OF PERMANENT SECRETARY/
HEAD OF DEPARTMENT/HEAD OF STATUTORY AUTHORITY

Application of.....

(Please Print Name of Officer)

who holds the present position of.....

(Do not include acting appointments)

in.....

(Ministry / Department / Statutory Authority / Municipal Corporation / Tobago House of Assembly)

(Please give full name of your organization)

Tick as appropriate

APPROVAL RECOMMENDED ☐

APPROVAL NOT RECOMMENDED ☐

Remarks

Where approval is recommended, indicate arrangements for the performance of applicant's duties:

.....

.....

.....

.....

.....

Where approval is not recommended, state reasons:

.....

.....

.....

.....

.....

Where deferral of the termination date should be proposed, suggest a date when the officer's application can be recommended:

PROPOSED TERMINATION DATE

Year	Month	Day	

Date.....

Signature.....

Post.....

Form 5

[Regulation 7(2)(b)]

VOLUNTARY TERMINATION OF EMPLOYMENT ACT, 1989

CERTIFIED PENSION AND LEAVE RECORD

(See Instructions Overleaf)

SECTION A*

PERSONAL DETAILS

1. Name
(Surname) (First Name) (Other Name(s))
2. Present Post.....
3. Ministry/Department.....
4. Division/Branch.....
5. Date of First Permanent Appointment..... 6. Date of Birth.....
7. Date of Confirmation (i)..... 8. Date of Present Appointment.....

SECTION B*

DETAILS OF SERVICE, SALARY AND ALLOWANCES

[illegible]

† Information in respect of each calendar year showing separately any incremental changes or movements resulting from promotions etc. (inclusive of dates) must be inserted wherever these occur.

† Only continuous periods of acting which affect incremental dates are to be shown.

SECTION C*

DETAILS OF LEAVE

1. Half Pay or No Pay	Type of Leave	Year	Period of Absence		Days
			From	To	

*All information at Sections A, B and C must be furnished at all times. Where data does not apply to the employee the words not applicable (N/A) or Nil must be inserted.

SECTION D (ii)

CERTIFICATE

Prepared By Checked By Audited By

Post Post Post

Date Date Date

I hereby certify that the foregoing information is correct.

Date
.....*Permanent Secretary/Head of Department*

- (i) State whether the appropriate condition was fulfilled and provide supporting evidence.
 (ii) The particulars of service and salary must be completed, checked, audited and certified by appropriate authorized officers.

INSTRUCTIONS:

PLEASE READ CAREFULLY BEFORE COMPLETING FORM

- The purposes of this form are:
 - to record in date sequence the details of salary and pensionable allowances drawn by a salaried officer serving in different Ministries and Departments during his or her career in Government Service; and
 - to record all details of no pay or half pay leave which an officer has taken, so that pension could be computed and approved for payment as quickly as possible after termination of service.
- Entries on the form should as far as possible be typewritten or clearly and legibly handwritten. Block capitals should be used for the completion of lines 1—4 of Section "A".
- The details in Sections A, B and C MUST be verified by the Officer-in-Charge, Internal Audit and the Personnel Officer respectively of the Ministry or Department and the form then signed by the Permanent Secretary or Head of Department or the officer so authorized to sign these forms.
- This form should be prepared in duplicate by the Personnel Branch in consultation with the Accounts Branch of the Ministry or Department in which the officer is employed and should be seen by the officer.
- It is of the utmost importance that information relating to the officer's option to receive either: (a) an unreduced pension, or (b) a reduced pension and gratuity is enclosed with the final form for forwarding to the Comptroller of Accounts.

Form 8

[Regulation 7(2)(c)]

VOLUNTARY TERMINATION OF EMPLOYMENT ACT, 1989
RECORD OF ACTING, TEMPORARY OR DAILY PAID SERVICE

(See Instructions Overleaf)

Section A(i)

PERSONAL DETAILS

1. Name of Officer
 (Surname) *(First Name)* *(Other Name(s))*
2. Ministry/Department
3. Division
4. Branch
5. Date of Birth 6. Date of First Appointment
7. Place of Recruitment

Section B(i)

I. DETAILS OF ACTING OR TEMPORARY SERVICE BEFORE PERMANENT APPOINTMENT

[illegible]

*State whether service was in Vacant or Temporary post or as Leave Relief.

II. DAILY PAID SERVICE BEFORE PERMANENT APPOINTMENT

[illegible]

† Note—Please state the first working day in the first effective year of the officer's daily paid service.

Section C(i)

DETAILS OF LEAVE TAKEN (SPECIFY)

C(i)

From	To	Days	Nature of Leave

LEAVE ELIGIBILITY (SPECIFY)

C(ii)

Nature of Leave	Leave Due

Section D(ii)

CERTIFICATE

Prepared by Checked by Audited by

Post Post Post

Date Date Date

I hereby certify that the above information is correct.

Date
.....
Permanent Secretary/Head of Department

(i) All information at sections A, B and C must be furnished at all times. Where data does not apply to the employee, the words "not applicable" (N/A) or "nil" must be inserted.

(ii) The particulars must be completed, checked, audited and certified by appropriate, authorised officers.

Instructions

Please Read Carefully Before Completing Form

1. The purposes of this form are:

(i) to record in date sequence the details of all acting, temporary and daily-paid service before the appointment of an officer to a permanent monthly paid post.

(ii) to record all details of leave for which the officer at (i) above is eligible or has taken.

2. This form should be prepared in duplicate by the Personnel Branch in consultation with the Accounts Branch of the Ministry or Department in which the officer is employed and should be seen by the officer.

3. Entries on the form should as far as possible be typewritten or clearly and legibly handwritten. Capitals should be used for completing the form at lines 1-4 of Section "A".

4. The details in Sections A, B and C must be verified by the duly authorised and specified personnel of the Ministry or Department and then signed by the Permanent Secretary or Head of Department or the officer so authorised to sign these forms.

Made this 2nd day of June, 1989.

WINSTON DOOKERAN
for Minister of Finance