

KERAJAAN SERI PADUKA BAGINDA

MALAYSIA

PEKELILING PERKHIDMATAN BIL. 23/75

**DESIGNATED OFFICERS ON CONTRACT REVISION
OF SALARIES AND TERMS AND CONDITIONS OF
SERVICE**

The Government has adopted the Service Circular No. 9 of 1971 (subject to certain modifications as set out below) for application to contract designated officers (hereinafter referred to as "employees") under the Overseas Service (Malaysia) Agreements 1971 and 1972 serving in both Federal and State Departments in Sarawak with effect from 1st October, 1971. This Circular shall not however apply to:

- (a) Contract designated officers who are not in the service on the date of issue of this Circular; and
- (b) Designated officers on secondment terms.

2. The details of conversion are as provided in Service Circular No. 9 of 1971 (including all amendments made thereafter). The new terms and conditions of Service are also as provided in the said service Circular.

3. Passages

Serving employees who opt for the new clean wage salary are revised terms and conditions of service will continue to retain their passage eligibility as provided for in their current terms of engagement even though their eligibility for vacation leave will be governed by the provisions of paragraph 6 of this Circular.

4. Education Allowance

Employees who have been receiving Education Allowance and who opt for the clean wage salary and revised terms and conditions of service shall continue to be eligible for Education Allowances at such rates and under such conditions as may from time to time be prescribed.

5. Inducement Allowance

Subject to the agreement of the Government of the United Kingdom the existing rates of Inducement Allowance shall continue to apply to employees who opt for the clean wage salary and revised terms and conditions of service.

6. Leave

Employees who opt for the clean wage salary and revised terms and conditions of service shall be eligible for leave only as set out in this Circular. Accordingly, all leave provisions appearing in Service Circular No. 9 of 1971, the Sarawak General Orders and as provided for in their current terms of engagement shall not apply.

6.1 *Vacation Leave*

- (a) Employees who opt for the clean wage salary and revised terms and conditions of service shall be eligible for vacation leave in respect of a full year of qualifying service at the rate of 45 days per annum. This new provision takes effect from 1st January, 1975.
- (b) Public holidays and weekly holidays shall not be included in the calculation of vacation leave taken.
- (c) Vacation leave shall be taken in the year in which it accrues, and where owing to exigencies of service it has not been taken in the current year, it can be carried forward into the succeeding year. Subject to paragraph 3 above, no passages will be granted when an employee is granted vacation leave in the year in which the leave accrues.
- (d) Vacation leave for which an employee is eligible in respect of any three consecutive years may be accumulated for the purpose of overseas travel subject to the prior approval of the appropriate Federal Authority in respect of Federal employees and the State Secretary, Sarawak in respect of State employees.

6.2 *Leave on Medical Grounds and Maternity Leave*

The provisions of paragraphs 34 and 35 of the Service Circular No. 9 of 1971 in respect of leave on medical grounds and maternity leave respectively shall apply to employees who opt for the clean wage salary and revised terms and conditions of service.

7. Gratuity

- (a) If it is provided for in the contract for an employee to be paid gratuity on the satisfactory completion of The Officer's agreement if the agreement is extended for a further period, on the satisfactory completion of the extended term, the rate of gratuity shall be 15% of the final clean wage for each completed month of continuous residential service, including earned leave granted less Government contribution to the Employees Provident Fund (as established under the Employees Provident Fund Ordinance, 1951) and interest on it.
- (b) The above rate of gratuity will come into effect from 1st October, 1971 and will apply to all employees who opt for the new clean wage salary and revised terms and conditions of service and to all employees appointed on contract after the date of issue of this Circular.

- (c) For employees who opt to remain under their existing terms and conditions of service, the rate of gratuity payable to them will be at the rate as specified in their contracts. However, on renewal of contract the rate of gratuity payable will be revised to 15%.

8. **Housing**

Except where otherwise provided in contracts, quarters will be provided for employees when such quarters are available. Eligibility for quarters will be determined in accordance with paragraph 67 of Service Circular 9/71. From the first day of the month following the date on which an employee submits his completed option form, the employee will be required to pay rent in accordance with paragraph 72 of Service Circular No. 9 of 1971.

9. **Incremental Date**

- (a) In cases where the incremental date of an officer falls on 1st October, 1971, the incremental date shall be deemed to be 30th September, 1971 for the purpose of conversion to the clean wage.
- (a) The incremental date of an officer converting from one point in the present scale to a corresponding point in the new salary scale will not be changed. In cases where two or more salary points in the present scale as shown in the tables are grouped together and are converted to one point in the new salary scale, the incremental dates of the officers concerned will be adjusted according to the formula as set out in Service Circular No. 9 of 1971.

10. The following paragraphs of the Service Circular No. 9 of 1971 shall not apply:

Paragraphs 4-7, 13-19, 21-24, 26-33, 42-43, 51-52, 60-66, 71, 73, 77, 78-80, 82-90, 91-93, 95, 98, 100, 106.

11. **Other Revised Terms and Conditions of Service**

Unless otherwise amended or modified by this Circular all other revised terms and conditions of service as set out in the Service Circular No. 9 of 1971 (including all amendments made thereafter) shall apply to employees who opt for the new clean wage salary and revised terms and conditions of service.

12. **Withdrawal and Cancellation of General Orders**

- (a) The following provisions in the Government of Sarawak General Orders (Revised 1-5-65) shall no longer apply—
- G.O. 193 ... Local Leave.
 - G.O. 166 ... Earned Leave.
 - G.O. 192 ... Casual Leave.
 - G.O. 169 ... Travelling Time.
 - G.O. 197 ... Sick Leave.
 - G.O. 137 ... Child Allowance.
 - G.O. 195 ... Local Leave Allowance.

- (b) In addition to the above the relevant provisions of the Sarawak General Orders (Revised 1-5-65) as listed in Appendix "I" of Service Circular No. 9 of 1971 shall similarly be modified to the extent by that Service Circular.

13. Steps are being taken to repeal, cancel or amend the relevant laws, circulars, orders, regulations and instructions, as the case may be, to bring them into conformity with the terms of this Circular.

14. **Option**

14.1 All eligible serving employees appointed to the service on or before the date of issue of this Service Circular shall be given the option as per Appendix "A" by Heads of Department of either :

(a) Accepting the clean wage system and terms and conditions of service as set out in this Service Circular; or

(b) Accepting the personal-to-holder scale where applicable as provided in Appendix "A" to Service Circular No. 9 of 1971 and the Terms and Conditions of Service as set out in this Service Circular; or

(c) Remaining in the present salary scale and the existing terms and conditions of service.

14.2 Employees eligible to exercise an option shall be required to do so by completing and submitting four copies of the Option Form as set out in Appendix "B" to his Head of Department. The option so exercised by the employee is irrevocable. However should there be an error on the part of the government, resulting in a wrong offer being made such an offer will be null and void and fresh offer will be made by the Head of Department.

14.3 The option shall be exercised within a period of four months from the date of issue of this Circular. Employees who fail to exercise their option within the stipulated period shall be deemed to have not opted for the clean wage system and the revised terms and conditions of service.

15. **Effective Dates**

15.1 This Service Circular shall be deemed to have come into force with effect from 1st October, 1971.

15.2 For employees who opt for the clean wage system and the revised terms and conditions of service, the provisions of this Service Circular shall apply only to the unexpired period or periods of their respective contracts with effect from 1st October, 1971.

- 15.3 With the exception of the payment of Regional Allowance authorised under paragraph 54 of Service Circular No. 9 of 1971, the payment of any allowance as provided in this Service Circular and the cessation of payment of allowances which are abolished under this Service Circular shall only be effective from the first day of the month following the date on which an officer submits his completed option form.
16. Heads of Departments are responsible for the proper implementation of the terms of this Service Circular and should there be any doubt, clarification should be sought from the appropriate Federal Authority or the State Secretary, as the case may be.

DATUK ABDULLAH BIN MOHD. SALLEH,
*Ketua Pengarah Perkhidmatan Awam,
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CATATAN:

¹ Tarikh Pekeliling ini dikeluarkan ialah 1hb November, 1975, tambahan menurut Pekeliling Perkhidmatan Bil. 29/75.