FEDERAL REPUBLIC OF NIGERIA



PUBLIC SERVICE RULES

FOR

THE PUBLIC SERVICE OF THE FEDERATION

2021 EDITION

OFFICE OF THE HEAD OF THE CIVIL SERVICE
OF THE FEDERATION

Extraordinary



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PUBLIC SERVICE RULES
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FOREWORD

Public Service Rules (PSR) define the employment relationship between employees in the Public Service and the Government. The document serves as a guide to public servants who rely on its provisions in the implementation of national development agenda and conduct of Government business. As governance is dynamic and a reflection of current trends in the society, it becomes imperative to review the Rules and Regulations that guide government business from time to time. This Edition of the Public Service Rules is therefore a review of the 2008 Edition principally to bring them in line with the current trends in governance. This becomes more significant for the current administration that is poised to promote transparency, rule of law and fight corruption. It is to be noted that an effective and efficient Public Service cannot be realised without adherence to Rules and Regulations.

It is delightful to note that in the 2021 Edition of Public Service Rules (PSR), emerging issues such as Performance Management System, Talent Sourcing, Volunteerism, Virtual Meetings/Engagements which are products of our recent experience in the management of COVID-19 Pandemic and many others, are reflected. The long-term goal of this review therefore, is to achieve an efficient and effective Public Service that will contribute to sustainable national development.

The Public Service Rules (PSR) as a document is an indispensable tool in the hands of Public Servants who desire to succeed in their career. While all the Public Servants will find the updated Rules useful in their daily conduct of government business, new entrants into the Service as well as Chief Executive Officers (CEOs) of government parastatals and agencies, will require the Rules to succeed in their assignments.

As we are determined to ensure transparency and good governance in Public Service, I am confident that Public Servants have the potentials to deliver effective and efficient services to all Nigerians and other stakeholders in the Nigerian Project. One of the key strategies to achieve this is by strict adherence to Rules and Regulations embodied in the 2021 edition of the Public Service Rules.

I urge all Public Servants to acquaint themselves with these Rules and Regulations as well as other extant laws to enable them to become Efficient, Productive, Incorruptible and Citizen-Centered Public Servants.

Lastly, I commend the Head of the Civil Service of the Federation, all Public Officers and other stakeholders who had worked tirelessly to bring the 2021 Edition of PSR into fruition.

(*Sgd.*)
MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
State House, Abuja.

PREAMBLE

This 2021 edition of the Public Service Rules has been done to reflect the current realities of the Public Service to make it more responsive to the demands of service delivery with due emphasis on efficiency, effectiveness, and performance. Due cognizance was also given to the 'New Normal' as dictated by the COVID-19 pandemic in the new approach to the conduct of Government business through multimedia, working from home and virtual platforms.

Public Servants are therefore, implored to study and imbibe these Rules and their associated and complementary Instructions, Guidelines and extant Circulars, as well as all Laws and Procedures guiding the conduct of public administration and financial management in order to ensure due process and probity in the conduct of Government business.

The following should be taken into account while going through these Rules :

1. Method of Numbering

Each Rule has been given a number containing six digits. The first two indicate the Chapter; the next two, the Section; and the last two, the Rule Number.

2. Arrangement of Chapters, Sections and Rules

There are nineteen (19) Chapters arranged as listed in the Table of Contents. Under each Chapter is written the Sections and at the right-hand corner, the titles of the Rules are indicated. Except where otherwise indicated by the context, the Index contains the list of topics with their corresponding Rule numbers.

3. Amendments

Further amendments to these Rules become necessary when new policies are formulated. The accompanying Manuals and Guidelines for its implementation, in some instances, shall be made through Circulars, which will be issued from time to time.

4. Review of the Public Service Rules

The Public Service Rules (PSR) shall be reviewed every five years to update the provisions of the rules and to accommodate the provisions in Circulars issued between the period of previous review and the PSR.

The Public Service Rules should be widely circulated to all categories of Public Servants. Other Nigerian citizens are also encouraged to avail themselves of its contents

The 2021 edition of the Public Service Rules is copyrighted. Accordingly, no part of this publication shall be reproduced without express approval or authorization by the Office of the Head of the Civil Service of the Federation.

(*Sgd.*)
DR. FOLASADE YEMI-ESAN
Head of the Civil Service of the Federation
The Presidency
Abuja.

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CHAPTER 1

INTRODUCTION

010101.— The provisions of the Public Service Rules (PSR) shall be strictly enforced by all Ministries, Extra-Ministerial Offices and Agencies. These Public Service Rules apply to all officers in the Public Service, except where they conflict with specific terms approved by the Federal Government and written into the contract of employment or letters of appointment. In so far as the holders of the offices of : **Application.**

(*i*) The President ;

(*ii*) The Vice President ;

(*iii*) President of the Senate and Members ;

(*iv*) Speaker of the House of Representatives and Members ;

(*v*) Chief Justice of Nigeria ;

(*vi*) Secretary to the Government of the Federation ;

(*vii*) Members of the Federal Executive Council ;

(*viii*) Justices of the Supreme Court ;

(*ix*) President and Justices of the Court of Appeal ;

(*x*) Chief Judge and Judges of the High Court of the Federal Capital Territory ;

(*xi*) Grand Khadis and Khadis of the Sharia Court of Appeal of the Federal Capital Territory ;

(*xii*) President and Judges of the Customary Court of Appeal of the Federal Capital Territory ;

(*xiii*) The Chairmen and Members of the following Statutory Bodies ;

(*xiv*) The Auditor-General for the Federation ;

(*xv*) The Code of Conduct Bureau ;

(*xvi*) The Code of Conduct Tribunal ;

(*xvii*) The Federal Civil Service Commission ;

(*xviii*) The Federal Character Commission ;

(*xix*) The Independent National Electoral Commission ;

(*xx*) The National Population Commission ;

(*xxi*) The Police Service Commission ; and

(*xxii*) The Revenue Mobilization, Allocation and Fiscal Commission and any other similar organs that derive their appointments from the Constitution of the Federal Republic of Nigeria, are concerned.

Conformity With the Constitution.

010102.— These Rules apply only to the extent that they are not inconsistent with the provisions of the Constitution of the Federal Republic of Nigeria in so far as their Conditions of Service and any other law applicable to these officers are concerned.

Responsibility of Officers.

010103.— It shall be the duty of every Officer to acquaint himself with the Public Service Rules and other extant regulations and Circulars.

Special Definitions.

010104.— The special meanings with which various words and terms are used for the purpose of particular chapters and sections in these Public Service Rules are quoted at the beginning of such chapters or sections.

General Definition.

010105.— Except where otherwise indicated by the context or in special definitions for particular Chapters, the following words and terms are used with the following meanings wherever they occur in these Public Service Rules.

"*Accredited Representative of the Federal Republic of Nigeria*" means the Diplomatic or Consular Representative of the Federal Republic of Nigeria within the area.

"*Civil Service of the Federation*" means Service of the Federation in the civil capacity as a staff of the Office of the President, Vice President, a Ministry and Extra Ministerial Offices of the Government of the Federation assigned with the responsibility for any business of the Government of the Federation. It is a body or organ which enjoys continuity of existence.

"*Classified Correspondence*" means correspondence which has been graded Restricted, Confidential, Secret or Top Secret.

"*Cut-off Mark*" means examination score set by the Federal Civil Service Commission to determine eligible candidates for promotion among those who pass the examination as determined by declared vacancies.

"*Established Post*" means a post provided for under the Personnel Emoluments sub-head of the Estimates.

"*Expatriate Officer*" means a staff who ranks as such for the purpose of pension in accordance with the Pension Reform Act 2004 as amended.

"*Gazette*" means the Federal Republic of Nigeria Official Gazette.

"*Interdiction*" means the temporary removal of an officer from performing his normal duties when disciplinary proceedings for his dismissal are being undertaken or is about to be undertaken and shall be placed on half salary pending the determination of the case.

"*Junior Officer*" means a pensionable Officer on GL.06 and below and their equivalent.

"*Junior Posts*" are posts in Ministries/Extra-Ministerial Offices attracting emoluments on Grade Level 06 and below and their equivalent.

"*Monthly-Rated*" means employment on monthly rates of pay.

"*Nigerian Home Place*" means the place in Nigeria accepted in writing by Government as the place to which a staff would naturally wish to return when spending his leave in Nigeria.

"*Nigerian Officer*" means an Officer other than an expatriate.

"*Officer*" when used without qualification means staff in an established post, either on pensionable or contract term.

"*Pass Mark*" means the score below which a candidate is considered to have failed promotion examination which currently is 60 *per cent*.

"*Permanent Secretary*" means Officer in charge of day-to-day administration in the Ministry/Extra-Ministerial Offices. He/she also doubles as the Accounting Officer and Chief Policy Adviser to the Minister. They are appointed from among serving Directors in the Federal Civil Service.

"*Public Service of the Federation*" means the service of the Federation in any capacity in respect of the Government of the Federation as defined in part 4 Section 318 of 1999 Constitution (as amended).

"*Public Service Rules*" consist of policies and guidelines which define the employment relationship between Public Servants and the Government ; they also spell out the Conditions of Service and Human Resources Management procedures.

"*Schemes of Service*" is a reference document in the public service that specifies the duties of each post, method of entry, including qualification requirements and the prerequisites for advancement within and beyond cadres.

"*Senior Posts*" are posts attracting emoluments on Grade Level GL.07 and above and other posts attracting fixed emoluments of equivalent Grade Levels in Ministries/Extra-Ministerial Offices.

"*Spouse of an Officer*" means a wife/husband married under the Marriage Act, Customary Law or Islamic Law.

"*Staff*" means a person employed by the Federal Government.

"*Suspension*" means removal of an Officer from performing the duties of his office, where a prima facie case of a serious nature has been established against the Officer, during which period he shall earn no salary.

"*Trainee*" means a person appointed to a training post in any grade ; it includes "*pupil*".

010106 : The Federal Government may amend any of the provisions contained herein by issuing an appropriate Circular during the lifespan of a PSR. **Extant Circulars.**

Gender.

010107.— Notwithstanding that throughout the Public Service Rules the terms 'Officer' and 'Staff' are referred to in the masculine gender, the provisions of the Rules apply equally to both genders.

Inventory.

010108.— A copy of the Public Service Rules shall form part of the inventory of items in all offices of the Public Service.

CHAPTER 2

APPOINTMENTS AND LEAVING THE SERVICE

SECTION 1 : GENERAL
SECTION 2 : RECRUITMENT
SECTION 3 : RULES FOR APPOINTMENT ON PROBATION
SECTION 4 : RULES FOR APPOINTMENT ON SHORT TERM ENGAGEMENTS
SECTION 5 : TRANSFER AND SECONDMENT
SECTION 6 : POSTING OF OFFICERS
SECTION 7 : ACTING APPOINTMENT
SECTION 8 : PROMOTION
SECTION 9 : LEAVING THE SERVICE
SECTION 10 : MANDATORY CONTRIBUTION TO PENSION SCHEME
SECTION 11 : CERTIFICATE OF SERVICE
SECTION 12 : SCHEDULE FOR NON-PENSIONABLE APPOINTMENT

SECTION 1.— GENERAL

Authority for Appointment.

020101.— Appointments to offices in the Federal Civil Service are made on the authority of the Federal Civil Service Commission. These appointments are made either :

(*a*) by letter written under the direction of the Federal Civil Service Commission ; or

(*b*) by formal agreement between the Officer and the Federal Government or its appointed agents. Subject to Rules 020205, 020206 and 020207, Permanent Secretaries/Heads of Extra-Ministerial Offices are authorized to appoint eligible candidates to posts in respect of which the powers of appointment have been delegated to them.

Appointment by the FCSC.

020102.— (*i*) The Federal Civil Service Commission shall make appointments to posts graded GL.07-17. Such appointments shall be made as the need arises into the available vacancies after advertisement. Advertisement shall be in three national newspapers and the Commission's website. The deadline for submission of applications from interested candidates shall be six weeks from the date of placement of the advertisement ;

(*ii*) Subject to modalities to be prescribed by the Federal Civil Service Commission from time to time, each Ministry/Extra-Ministerial Office shall select from the pool of successful candidates at the Civil Service Examination prescribed in Rule 020102(iv) ;

(*iii*) This shall be handled by the appropriate Committees of each Ministry with the representatives of the Federal Civil Service Commission and Head of the Civil Service of the Federation at the meeting of the Committees ;

(*iv*) There shall be an annual competitive Public/Civil Service Entry Examination for posts graded GL. 07 – 10 for new entrants and serving Officers

wishing to transfer from other scheduled services. This examination shall be conducted by the Federal Civil Service Commission in conjunction with the Office of the Head of the Civil Service of the Federation, Administrative Staff College of Nigeria (ASCON) and Public Service Institute of Nigeria (PSIN) ; and

(*v*) To qualify for this examination, candidates must possess the qualification(s) in relevant disciplines as provided for in the approved Schemes of Service. Final recommendation shall be made by the line Ministries/Extra-Ministerial Offices in line with their requirements.

Appointments into Post GL.06 and Below.

020103.— (*a*) Each Ministry/Extra-Ministerial Office shall appoint Junior Staff on GL. 06 and below. This shall be handled by the Junior Staff Committee of each Ministry/Office ;

(*b*) Appointment in the Federal Ministries/Extra-Ministerial Offices located in the States/Zones shall be from the residents of those States/Zones who possess the qualification(s) prescribed in the approved Schemes of Service ;

(*c*) Each Ministry/Extra-Ministerial Office shall work out the actual establishment for each State Office as contained in the approved establishments of MDAs obtained from the Office of the Head of the Civil Service of the Federation (OHCSF). The Junior Staff Committee (Local) shall conduct the interview to appoint the Officers, subject to approval of the Permanent Secretary/Head of Extra-Ministerial Offices.

Incremental Date.

020104.— The incremental date of an Officer appointed, or promoted to a post in the Federal Public Service shall be 1st January of every year provided such Officer has spent at least six (6) months on the Grade with good performance before enjoying the increment.

Seniority.

020105.— Seniority in any Department shall be determined by the entry date/the date of assumption of duty certified by an authorized Officer and or date of present appointment as reflected in the appropriate register and career progression of the Officers.

Unpaid Staff Prohibited.

020106.— The employment of unpaid Staff is prohibited.

Personnel Records.

020107.— Permanent Secretaries/Head of Extra-Ministerial Offices shall keep an up-to-date record of every Officer under their control :

(*i*) Staff Record Form (Gen 60) shall be used and one copy must be sent to the National Record Centre in the Office of the Head of the Civil Service of the Federation, Office of the Accountant General of the Federation, Office of Auditor General for the Federation and National Pension Commission within one month of the appointment. Form Gen 60 shall be completed in ink ; and

(*ii*) Date of birth recorded on appointment by an Officer shall not be changed throughout the career of the Officer. Any contravention shall be regarded as an act of serious misconduct.

SECTION 2.— RECRUITMENT

020201.— "Recruitment" means the filling of vacancies by direct appointment of persons not already in any of the Public Service of the Federal Republic of Nigeria. It however excludes the transfer of Officers from other Public Service in the Federation to the Federal Public Service. **Definition.**

020202.— Appointment to the Federal Public Service may be in any of the following categories : **Types of Appointment.**

(*a*) as trainees or pupils ;

(*b*) on probation in a pensionable post ;

(*c*) on non-pensionable contract ;

(*d*) Acting appointment ; and

(*e*) Special appointment :

(*i*) Ministry/Extra-Ministerial Offices shall accept appointments made by Federal Civil Service Commission to the National Youth Service Corps Presidential Merit Award winners whose employment is automatic regardless of vacancy constraints ;

(*ii*) Five *percent* (5%) of all recruitments in the Service shall be reserved for persons with disability.

020203.— Where posts prove difficult to fill from within the Service, they shall normally be advertised. **Filling of Posts within the Service.**

020204.— (*a*) Where a candidate for employment requires additional professional experience before he can be regarded as fully qualified for appointment to a specific post, the candidate may be appointed as a trainee or pupil for a normal service of two years in the post. This period may however, be reduced in special circumstances. On completion of the "trainee period" the pupil may be appointed to the full grade on probation and will not be eligible for confirmation in the service until he has fulfilled the conditions laid down in Rule 020302 where applicable ; **Trainee/ Pupil.**

(*b*) A confirmed Officer who is advanced to the training grade for the purpose of acquiring the necessary experience to qualify him for substantive promotion to a senior post will be treated as if he had been seconded thereto and the period of such secondment will not normally exceed the period laid down for the training except with the special advice of the Office of the Head of the Civil Service of the Federation.

020205.— Except where the Federal Civil Service Commission decides otherwise, all first appointments to pensionable establishment in posts other **Probation.**

than trainee posts (see Rule 020202) will be on probation. An Officer confirmed in a lower pensionable post will not however be regarded as on probation in a higher post to which he is converted to.

Eligibility for Appointment.

020206.— To be eligible for appointment into the Federal Public Service, every applicant must :

(*a*) not be less than 18 years and not more than 50 years of age ;

(*b*) possess such minimum qualification as may be specified in the Schemes of Service including computer proficiency/literacy ;

(*c*) be certified by an authorized Healthcare Provider as medically fit for Public Service ;

(*d*) possess a testimonial of good conduct from last employer or if not previously employed, from the last school or college attended ;

(*e*) possess requisite qualifications as provided for in the Schemes of Service ; and

(*f*) no Officer shall be appointed into the Federal Public Service without authorized establishment and recruitment waiver from the Office of the Head of the Civil Service of the Federation.

Prior Approval in Certain Cases.

020207.— (a) No candidate shall be appointed to any post in the Federal Public Service without the prior specific approval of the Federal Civil Service Commission or Board/ Council in the case of Parastatals if :

(*i*) the candidate has been convicted of a criminal offence ; or

(*ii*) he has previously been employed in Public Service and dismissed or called upon to resign or retire therefrom. Such approval must always be obtained irrespective of any delegation of the Commission's powers.

(*b*) In view of Rule (*a*) above, every applicant for employment by Government must state :

(*i*) whether he has been convicted of a criminal offence ;

(*ii*) all employment he has engaged in ;

(*iii*) if he has left any employment, why he did so ; or

(*iv*) if he is still in any employment and whether he is under any obligation to remain in it ; and

(*v*) Whether he is free from financial embarrassment.

Procedure for Appointment.

020208.— (*a*) All applicants for senior posts shall complete Federal Civil Service Commission Application Form (FC. 2) to be submitted to the Federal Civil Service Commission. The Commission shall process these Forms and publish short listed names for the examination prescribed in Rule 020102.

(*b*) For appointment to pensionable establishment, Form No. Gen. 60 shall accompany the copy of Form No. Gen. 69 C sent to the Office of the

Head of the Civil Service of the Federation, Office of the Accountant General of the Federation, Office of the Auditor-General for the Federation and National Pension Commission.

Personal Particulars.

020209.— Immediately a newly appointed Officer assumes duty, he shall be required to enter his Personal Particulars on Form Gen. 60 (Staff Records Form) a copy of which shall be attached to the appropriate documents forwarded to the Pension Fund Administrator/National Pension Commission and other relevant Offices/Departments.

Oath of Secretary.

020210.— It is the duty of every Permanent Secretary/Head of Extra Ministerial Office to ensure that all newly employed Officers/Staff in his Ministry/Extra-Ministerial Office sign an Oath of Secrecy on Security (Form 1) and that the Oath so signed are carefully preserved. This is without prejudice to the provisions of the Freedom of Information Act.

Prohibition of Membership of Secret Society.

020211.— No public Officer shall be a member of any secret society. Any public Officer who before his appointment is a member of such society shall renounce his membership forthwith by making a statutory declaration to that effect.

Contravention.

020212.— Contravention of Rule 020211 shall be regarded as an act of serious misconduct and shall attract appropriate disciplinary action which may include dismissal from the service.

SECTION 3.— APPOINTMENT ON PROBATION

Period of Probation.

020301.— Officers on probation will be required to serve for two years before being confirmed in the Service. This period may however be reduced to not less than six months by deduction of any previous period of Public Service rendered satisfactorily in posts of cognate status involving similar duties. The period of probation shall not exceed two years unless an extension is approved by the Federal Civil Service Commission ; such extension may result in the incremental penalty referred to in Rule 040206, if the Commission so decides.

Compulsory Examination.

020302.— Within his probationary period an Officer is required to pass the prescribed examination appropriate to his appointment.

(*a*) For Officers holding senior posts, the prescribed examinations are those described in Chapter 3 and such other examinations as may be specified in individual offer of appointment.

(*b*) For clerical grade Officers, the prescribed examination is the Promotion/Confirmation Examination.

(*c*) The examinations for technical grades are those prescribed in the Schemes of Service applicable to the particular post.

Confirmation or Termination at the End of Probationary Period.

020303.— To be eligible for confirmation in Permanent Establishment, an Officer appointed on probation is required to pass the prescribed examination, if any, during his probationary period and to complete his probationary period to the satisfaction of the authority empowered to appoint him. At the end of the period of probation the Officer will, unless his probationary appointment is terminated or extended, be confirmed in his appointment.

Confirmation of Officers Holding Senior Posts.

020304.— Recommendations of Permanent Secretaries/Heads of Extra Ministerial Offices regarding the confirmation of all Officers holding senior post shall be made in the progress report prescribed in chapter 5 of the Rules.

Membership of JSC and SSC.

020305.— Membership of Junior Staff Committee (JSC) and Senior Staff Committee (SSC) in Parastatals shall include the representative of the Department of Human Resource Management of the supervising Ministry and an observer from Office of the Head of the Civil Service of the Federation (OHCSF).

COMPRO Exams.

020306.— Newly recruited Officer who has spent six months and above shall be allowed to sit for compulsory examinations for confirmation in the Service. This provision is without prejudice to Rule 020301.

Transfer within the Federal Public Service.

020307.— Transfer from one senior post to another or from one class to another within the Federal Public Service requires the prior approval of the Federal Civil Service Commission or appropriate board of relevant agency. An Officer must have served for a minimum period of six (6) months in his original Post before seeking transfer to another Post. An application for such transfer must be submitted to the Permanent Secretary/Head of Extra-Ministerial Office or Agency of the applicant and must state the applicant's reasons for desiring a transfer and his qualifications for the work to be undertaken. Such application should be forwarded to the Federal Civil Service Commission by the Permanent Secretary/Head of Extra-Ministerial Office together with a statement as to :

(*i*) how applicant has performed his duties ;

(*ii*) Whether the applicant is considered to be well qualified for the post desired ; and Recommendations as to the grant or refusal of the application.

SECTION 4.— SHORT TERM APPOINTMENTS

Definition.

020401.— There may be circumstances in which specialized skills or new/emerging skills which may or may not have been prescribed in the Schemes of Service are required in the Public Service. In order to fill the observed gaps and/or to shore up the capacities of existing Officers, appointments may be made for a prescribed period of time in the following categories : Contract Appointments, Sabbatical Appointment, Career Exchange

Programme, Talent Sourcing Strategy, Internship and Volunteerism in the Federal Service.

Contract Appointment.

020402.— A Contract Appointment is temporary appointment (which does not provide for the payment of pension) to a post of the level to which appointment is made by the Federal Civil Service Commission/ Governing Board in case of Parastatals and Agencies for a specific period as opposed to appointment on pensionable terms. A contract appointment must be recorded in a formal document of agreement.

Types of Contract Appointments.

020403.— Contract Appointment may be offered :

(*i*) If it is established that the Service no longer has Officers with specific skills, as provided in the approved Schemes of Service that can perform the related functions ;

(*ii*) based on the circumstances arising from emerging cadres, courses, skills and the creation of new ones as well as prevailing reality ;

(*iii*) Be tied to funded projects/programmes with specified life span ;

(*iv*) To expatriates only when suitable Nigerians are not available ;

(*v*) to Nigerians, if :

(*a*) they are pensioners ;

(*b*) they are 50 years of age or over at the time they are being appointed ;

(*c*) they specifically request to be employed on contract terms and it is deemed in the best interest of the Service ; and

(*d*) the candidate possesses specialized competencies or skills and provided such posts are duly advertised in at least three national newspapers.

Circumstances that may warrant offer of Contract Appointment.

020404.— (*i*) The conditions of service of an Officer on a short-term appointment are those provided for in his contract. The privileges, emoluments or allowances described in these Rules do not apply to him unless they are so stated in the contract itself. Any question of the interpretation of a contract affecting his conditions of service should be referred to the Office of the Head of the Civil Service of the Federation.

(*ii*) For non-Nigerians, the provisions of the Public Service Rules regarding contract appointments shall apply in all cases, except for those persons married to Nigerians (see appendix B)

(*iii*) Spouses married to Nigerians should remain on contract until granted Nigerian citizenship before being considered for permanent appointment (see appendix B)

Procedure.

020405.— PROCEDURE FOR PROCESSING CONTRACT APPOINTMENT

(*i*) Ministries, Extra-Ministerial Departments and Agencies (MDAs) through their SSC are to undertake identification of required skills and defend the skills at the OHCSF whose responsibility shall be to work out and approve waiver for the desired skills ;

(*ii*) The prospective applicant must apply for such position through the submission of a duly filled FCSC Form 2 as required, being a post of the level to which appointment is made by the Commission ;

(*iii*) FCSC shall ensure that contract appointment is based on approved waiver and skills identified. The Post to which contract appointment shall be made must not be below SGL. 12 ;

(*iv*) Contract appointment shall be based on merit through a fair, open and competitive selection process and shall not jeopardize the career prospects of serving Officers ;

(*v*) In case of contract appointment for non-Nigerians, Government shall undertake all immigration responsibilities (relevant working/residence permit) ;

(*vi*) All questions of interpretations of a contract appointment affecting the proposed employee's conditions of service should be referred to the OHCSF and ;

(*vii*) The duration of contract appointment should be one (1) or two (2) years and renewable but not more than four (4) years in all.

020406.— RULES GUIDING THE CONDUCT OF AN OFFICER ON CONTRACT APPOINTMENT

(*i*) The contract Officer must, as part of his duties, be responsible for mentoring serving Officers as a condition for the offer of the contract appointment ;

(*ii*) Contract Officer shall sign an undertaking to accept posting or transfer to any part of the country ;

(*iii*) Officers appointed on contract shall be subject to performance appraisal through confidential report as applicable in the Service and ;

(*iv*) Contract staff must sign the oath of secrecy in line with PSR 020210.

Termination of Contract Appointment.

020407.— (a) An appointment on contract may be terminated by the Government at any time in accordance with the terms specified in the contract itself. A recommendation to the Federal Civil Service Commission for the termination of the appointment of a contract Officer shall be accompanied by a full statement of the consideration which has prompted it. On receipt of the recommendation, the Federal Civil Service Commission shall decide whether the appointment should be terminated forthwith in accordance with the terms of the contract or whether the Officer should be offered an opportunity, to submit any formal representation if he so wishes before a final decision is taken.

(*b*) The termination of a contract appointment by the holder is subject to the terms of the contract and any question concerning the waiving of any of the penalty under a contract agreement shall be referred to the Office of the Head of the Civil Service of the Federation.

Re-Engagement (Responsibility of Contract Staff).

020408.— An Officer serving on contract who desires re-engagement, shall so inform the government in writing through the Permanent Secretary / Head of Extra-Ministerial Office not less than four months before his leave is due. In the absence of such notification, it may be assumed that an Officer serving on contract does not desire re-engagement.

Re-Engagement (Responsibility of Permanent Secretary).

020409.— On receipt of such notification expressing an Officer's wish to be re-engaged, the Permanent Secretary/Head of Extra-Ministerial Office shall obtain the consent of the Office of the Head of the Civil Service of the Federation for the re-engagement before forwarding recommendation to the Federal Civil Service Commission enclosing an up-to-date confidential report on the Officer (unless such report has been forwarded within the previous two months). In reply the Permanent Secretary/Head of Extra-Ministerial Office will receive any of the following :

Earlier Notification of Non-Re engagement.

(*a*) Authority to inform the Officer that arrangements will be made to offer him re-engagement during the course of his leave and the details of the terms proposed. The Permanent Secretary/Head of Extra-Ministerial Office shall inform the Officer accordingly without delay ;

(*b*) the original and duplicate of the re-engagement contract duly signed on behalf of government. In this case, the Permanent Secretary/Head of Extra-Ministerial Office shall obtain the Officer's witnessed signature to both copies, deliver the duplicate to the Officer, and return the original to the Office of the Head of the Civil Service of the Federation.

020410.— As soon as it is clear to the Permanent Secretary/Head of Extra-Ministerial Office that he will be unable, for whatever reasons, to recommend the re-engagement of an Officer serving on contract, he will seek the approval of the Federal Civil Service Commission to inform the Officer that he will not be re-engaged and, on receipt of such approval, will inform the Officer without delay.

020411.— Provided re-engagement is completed by the signing of a new contract before the end of vacation leave granted under an expiring contract, service under the new contract will be treated as continuous.

Continuity of Contract Service.

020412.— Where retired Officers from the Service are re-engaged into career posts, the appointment shall be on grade level immediately below that on which they retired and be eligible to maintain their last step at retirement. The remuneration of non-Public/Civil Servants shall be based on negotiable terms by the parties concerned.

Remuneration on contract Appointment.

SABBATICAL APPOINTMENT

Sabbatical Appointment.

020413.— Sabbatical Appointment as it applies to the Service is the appointment of an officer on GL 15 (or equivalent) and above, for the purpose of research and professional development of the Officer. The appointment shall be for a period of 12 calendar months.

Remuneration on Sabbatical Appointment.

020414.— Host MDA/Organization shall be responsible for the payment of the travel expenses, lodging, and sundries while the parent MDA/ Organization will continue to pay the salary of the Officer for the duration of the leave.

INTERNSHIP

Internship.

020415.— Internship connotes a structured experience that relates to a student's/graduate's discipline or career goal and which helps to enhance academic, career, professional and personal development. Internship period is to facilitate acquisition of practical skills, workplace experience and greater knowledge of that profession.

VOLUNTEERISM

Volunteerism.

020416.— Volunteerism denotes a practice of offering one's time or talents for charitable, educational, or other worthwhile activities, especially in one's community. Volunteers are driven by passion to leave a noble legacy of service to humanity. In a nutshell, it is the sacrifice of time, skills or resources with the aim of making a positive change either as an individual or group (formal or informal).

Procedures for Engagement of Interns and Volunteers into the Public Service

020417.— (*i*) Focal Office shall be established in the OHCSF to be responsible for identifying the fields/tasks available for volunteer programme and disseminate the information. MDAs in supportive role are required to establish Desks for the two programmes.

(*ii*) The Focal Office shall upload skills highlighting benefits and conditions of engagements, with requisite qualifications into the website of OHCSF.

(*iii*) Prospective volunteers with specialty in preferred specified fields/ disciplines to apply for engagement in response to the advertisement in the OHCSF Website.

(*iv*) Prospective Volunteers must be certified medically fit and suitable for the assignment by a recognized Healthcare Provider (HCP) and obtain security clearance from the Police before engagement.

(*v*) Interns to be engaged directly by MDAs shall submit reference letter from their respective institutions.

(*vi*) Stipends paid to interns shall be at the rates prescribed by relevant circulars issued from time to time.

(*vii*) Successful candidates shall be given letters of commendation at the end of the programmes.

Tenure for Internship and Volunteerism.

020418.— Interns shall be engaged for 3 to 6 months on part-time during an academic session and for a period of not more than12 months on full-time, while Volunteers shall be engaged for a maximum of 12 months at a time.

Remuneration for internship and volunteerism.

020419.— Stipends for Volunteers shall be in accordance with the rate contained in the National Volunteering Policy by the Office of Secretary to the Government of the Federation. Host MDAs shall be responsible for the payment of stipends to Volunteers during the period of their service.

Qualification for internship and volunteers.

020420.— Interns must be postgraduates, undergraduates, or students in other tertiary institutions while volunteers must possess a University Degree, Higher National Diploma (HND), National Certificate of Education (NCE), National Diploma (ND) and Senior Secondary School Certificate Examination (SSCE) or its equivalent.

Legal Frame Work For Processing Short Term Engagements.

020421.— (*a*) To ensure that due processes are followed in the negotiation, drafting and execution of contracts of engagement by the parties on all the short term appointments, the basic norm shall be that, the following Departments/Units must be represented at the discussions :

(*i*) The Human Resources Management ;

(*ii*) The Finance and Accounts Department ;

(*iii*) The User Department(s)/ Unit(s) ;

(*iv*) The Legal Unit ; and

(*v*) Representation shall be at the level of director.

(*b*) After negotiations, a letter of appointment shall be issued to the employee duly endorsed by Permanent Secretary or Chief Executive indicating the terms of the contract of engagement by the Parties.

The template of short-term engagement is in Appendix C.

SECTION 5.— TRANSFER AND SECONDMENT

Definition.

020501.— (*a*) Transfer is the permanent release of an Officer from one scheduled Service to another or from one class to another within the same Service.

(*b*) Secondment means the temporary release of an Officer to the service of another Government approved body or any recognized International Organization or body for a specified period.

Authority to Process Transfer/ Secondment.

020502.— The Authority to process inter-service transfer and secondment :

(*i*) Applications for Transfer/Secondment to posts graded G.L 06 and below shall be considered by the appropriate Committee of the benefitting

Ministry/Extra-Ministerial Office and approved by the Permanent Secretary/ Head of Extra-Ministerial Office ; and

(*ii*) Application for Transfer/Secondment to post graded GL. 07–10 in any Ministry/Extra-Ministerial Office shall be determined by the Federal Civil Service Commission. Officers seeking transfer from scheduled Establishments on Salary GL. 07–10 are required to sit for the Annual Competitive Civil Service Entry Examination.

Procedure for Transfer/ Secondment.

020503.— The following procedures shall apply in processing transfer and Secondment :

(*a*) Confidential reports covering the last three years (or whole service if less than three years) of the officer's service shall be furnished ;

(*b*) Officer on transfer from State to Federal Service shall be placed on a grade level lower than his current grade level ;

(*c*) Transfer to the Federal Service shall be limited to posts graded level 07 to 14 or its equivalent ;

(*d*) Officer on transfer/ secondment must have been confirmed and his qualifications, experience and career progression are in accordance with the Schemes of Service ;

(*e*) There must be evidence of concurrence to the transfer/ secondment of Officers by the releasing and accepting agencies ;

(*f*) Secondment of an Officer(s) to the Service of another Government, or approved body or recognized International Organization shall be for a maximum period of two years in the first instance after which the Officer may apply for extension, or return to his former post. All extensions must be approved by the appropriate Committees and the Federal Civil Service Commission / Board. The total period of such secondment must not exceed four (4) years ;

(*g*) If it is in the public interest to second an Officer to the Service of another Government, approved body or recognized international organization, the period of secondment shall not exceed six years ; and

(*h*) During the period of secondment the Officer shall continue to hold his substantive post and be entitled to increment and promotion and will be treated as having been posted on special duty.

Payment of Salary of Staff on Secondment.

020504.— During the period of such secondment, the benefiting organization shall be responsible for the Officer's emoluments. However, where an Officer is released on a secondment in public interest, and there is a differential in payments between the releasing and receiving MDAs, the MDA with the higher pay shall be responsible for the payment of the salary, notwithstanding, all non-salary allowances shall be paid by receiving MDAs

Salary on Transfer.

020505.— The emoluments and incremental date of an Officer on transfer is governed by Rule 040103.

020506.— No applicant shall be considered for transfer-on-promotion to any MDA except in response to an advertised post.

020507.— (i) An applicant shall be considered for transfer : **Conditions for transfer.**

(*a*) if the MDA is satisfied that there are vacancies not only in the relevant grade but also in the applicant's discipline or area of specialty ;

(*b*) provided the contemplated transfer would in no way jeopardize the promotion prospects of serving Officers ;

(*c*) if he has been confirmed in his previous service and his qualifications, experience and career progression are in accordance with the Schemes of Service of the grade/ post ; and

(*d*) if he has served in his current grade for the stipulated minimum number of years prescribed for promotion to an advertised post.

(*ii*) No Ministry shall transfer/second any senior Officer to any Parastatal under its supervision either as a take-off or at the request of the Agency without approval of the Federal Civil Service Commission/Board ;

(*iii*) No Ministry shall accept any staff seconded to it without the endorsement of the Federal Civil Service Commission/Board ; and

Officer on secondment shall be appraised by the MDA he is seconded to.

020508.— Junior Posts – Transfer from one junior post to another within the Federal Public Service may be arranged, with the consent of the Officers being considered for transfer, at the mutual discretion of their Permanent Secretaries/ Heads of Extra-Ministerial Offices. **Transfer on Junior Posts.**

020509.— MDAs shall make quarterly returns to the Federal Civil Service Commission and/or the Office of the Head of the Civil Service of the Federation on the number of staff on transfer/secondment to other Services. In the same vein the Federal Civil Service Commission shall furnish MDAs on quarterly basis the approved list of staff seconded/transferred to other services. **Quarterly Returns.**

SECTION 6.— POSTING OF OFFICERS

020601.— Posting is the initial assignment of an officer to position/job schedule in an MDA or reassignment to another position/job schedule within or outside his current MDA/Department. Posting helps employees acquaint themselves with the activities of various offices they are posted to and thereby gain wide experiences on the intricacies of government business. **Definition.**

020602.— The following rules will guide posting of officers : **Conditions for Posting.**

(*i*) All senior staff can be posted and/or redeployed to new post in accordance with the approved Employee Mobility Policy ;

(*ii*) Posting of Officers to posts outside their Professional Cadres is prohibited ;

(*iii*) Posting of pool Officers in the Service shall be mandatory after every four (4) years ; and

(*iv*) Failure of an Officer to proceed on posting shall be regarded as misconduct and Ministries or Extra Ministerial Departments/ Agencies who reject pool Officers deployed to them shall be made to face appropriate sanctions.

Procedure for Posting.

020603.— In implementing postings decision, fairness to all Officers shall be an underlying principle in order to ensure that the system is not used as a tool for coercion, punishment or cronyism. Consideration shall be given to the following :

(*i*) Posting does not result in the loss of institutional memory in any Department, Division or Unit nor impair its ability to continue to provide quality service to both internal and external stakeholders ; and

(*ii*) Posting does not result in the loss of an employee involved in any service-wide project designated as high priority during the lifespan of the project.

Guide to Posting.

020604.— To ensure every employee is given the opportunity to acquire as much of the "whole-service" work experience as possible and to guide the posting of pool staff, posting shall be done in line with the approved Employee Mobility Policy.

Duty of DHR on Posting.

020605.— The Director HR shall be expected to submit a Report on compliance to posting instructions to the relevant pool office within three weeks of the release of the instruction.

Posting Complaints.

020606.— Officers may seek for redress where he is of the opinion that his movement to another job/ location has not been done in line with the provision of extant rules. Any complaints /grievances with respect to posting instructions should be submitted through appropriate channel within three working days the posting is released.

Posting Entitlements.

020607.— The cost of entitlements due to the employee whose posting requires a change of duty station shall be borne by the posting MDA.

Provision for Posting to Spouses Location.

020608.— An Officer who desires to live and work in the location where his spouse lives shall be allowed to do so provided the Branch of his MDA can be found in the spouse's location and that there is relevant established post at the Branch. Government shall not be responsible for cost of relocating an Officer whose posting is at his request.

Responsibility Of Union Executives.

020609.— The primary responsibility of all employees of the Federal Government is to discharge the duties assigned by their employer to the Nigerian public in a timely and efficient manner. Therefore, notwithstanding

involvement in staff union activities, Officers are obligated to comply with the provisions of extant circulars, PSR, etc. and obey all legitimate directives issued by appropriate authorities.

020610.— Labour Union Executives shall not be posted out of their MDAs until the expiration of their tenure in office ; **Posting of Union Executives.**

020611.— No Union Executive member at the expiration of tenure in office shall decline redeployment, posting or reassignment of schedule of duties. **Redeployment of past Union Executives.**

020612.— Trade Unions/Staff Associations are mandated to introduce tenure limit of two (2) terms in their Constitutions. The duration for each tenure shall not be more than 2 years. No Officer shall serve more than a total of four (4) years in executive position during his Service life. **Tenure/ Duration of Union Executive.**

SECTION 7.— ACTING APPOINTMENT

020701.— Where it is necessary that a particular duty post (of status not lower than SGL 14 Chief X Officer) should continue to be filled at a time when no Officer of corresponding substantive rank is available for posting thereto, another Officer may, with the approval of the Federal Civil Service Commission/ Board, be formally appointed, by notice in the gazette, to act in the duty post and assume either fully or in part, the duties and responsibilities thereof. **When made.**

020702.— The mere fact that the substantive holder of a duty Post will be absent therefrom for a short period (e.g. on casual leave or sick leave) does not in itself justify an acting appointment ; there may however be circumstances (such as compliance with statutory provisions) which necessitate the making of an acting appointment for a relatively brief period. The decision whether an acting appointment is necessary or desirable in any particular case will rest with the Federal Civil Service Commission/Board. **Not made unless necessary.**

020703.— Acting appointment is not intended as a means of testing the suitability of Officers for promotion ; they will normally be made only in order to fill posts that are temporarily vacant and their duration should be limited accordingly. **Not a Form of Trial for Promotion.**

020704.— (*a*) Recommendations for acting appointment which shall not exceed a period of one year must be forwarded to the Federal Civil Service Commission on General Form 66 and must include thereon a certificate to the effect that the acting Officer will assume the full duties and responsibilities of the post in question. Approved acting appointment shall be gazetted by the Federal Civil Service Commission but it will on no account be back-dated to a period in excess of six months of the date of receipt of the recommendation by the Commission. **Procedure.**

(*b*) The period of acting appointment shall not exceed one year, but in exceptional circumstances may be extended for another one year.

Date of Commencement.

020705.— The date on which an acting appointment commences will be indicated in the gazette notice authorizing the appointment. Normally, the gazette date of commencement will be that on which the acting Officer takes over the duties and responsibilities of the post, except that if he takes over from the substantive holder the gazetted date of commencement will not be earlier than that on which the latter, after handing over :

(*a*) leaves the station or the post ;

(*b*) takes over substantively or himself acts in another post in the same station ; or

(*c*) commences vacation leave in the same station, whichever is applicable according to circumstances.

Date of Cessation.

020706.— The date on which an acting appointment ceases will be indicated in the gazette notice reverting the Officer's appointment. Normally, the gazette date of cessation will be that on which the acting Officer relinquishes the duties and responsibilities of the post, except that if he hands over to the substantive holder, the gazette date of cessation will not normally be later than the date on which the latter, before taking over :

(*a*) arrives the station ;

(*b*) ceases to hold substantively, or acts in another post in the same station ; and

(*c*) ceases vacation leave in the same station, whichever is applicable according to circumstances.

Notification of FCSC.

020707.— Ministries shall be required to notify the Federal Civil Service Commission when officers revert from acting appointment by completion of Form No. Gen. 15A which shall be forwarded not less than two weeks before cessation of the acting appointment.

Effect of casual or Special Leave.

020708.— (a) An acting Officer will not be regarded as relinquishing the duties and responsibilities of his acting appointment by proceeding on casual or special leave within the country, provided he spends such leave in Nigeria (or on a sea voyage between Nigeria ports) and provided it is not necessary during any such Leave to appoint another Officer to act in the duty post in question.

(*b*) Where the Head of a Department/Division/Unit/Branch is not available for a period spanning one month, as a result of annual leave or any other approved assignment, the most senior Officer in the Department or Organization shall be mandated to oversee the Office of the Head of Department.

SECTION 8.— PROMOTION

020801.— (*a*) Promotion to all posts in the Federal Civil Service other than those of Permanent Secretaries is vested in the Federal Civil Service Commission. **Promotion to all Posts.**

(*b*) Permanent Secretaries/Heads of Extra-Ministerial Offices are however, authorized to promote eligible candidates to posts in respect of which the powers of appointment have been delegated on SGL 06 or its equivalent and below, based on the recommendations of appropriate committee.

020802.— (*a*) Except where powers of appointment or promotion have been delegated, no promotion shall become effective until they have been approved by the Federal Civil Service Commission. **Eligibility.**

(*b*) All Officers who fall within the field of selection for any promotion exercise shall be considered except those who are under disciplinary action.

(*c*) The minimum number of years that an Officer must spend in a post before being considered eligible for promotion shall be as follows :

Grade Level of Officer		*Number of Years in Post*
06 and Below	-	Minimum of 2 years
07 – 14	-	Minimum of 3 years
15 – 17	-	Minimum of 4 years

(*d*) Promotion shall be made strictly on the basis of competitive merit from amongst all eligible candidates :

(*i*) In assessing the merit of Officers, a clear distinction shall be made between their records of performance or efficiency in lower grades and their potential for promotion, i.e. ability and competence to perform the duties and responsibilities of the higher post efficiently ;

(*ii*) Seniority and previous records of performance will be taken into account in choosing between candidates with equal potential for promotion ; and

(*iii*) In all cases, however, a generally satisfactory record of conduct shall also be considered.

(*e*) The responsibility for promotion of Officers into the following grades shall be :

(*i*) GL.06 or its equivalent and below – by the Ministry, Department and Agency ;

(*ii*) GL.07 to SGL 14 or its equivalent – by the Ministry/Extra Ministerial Office or the relevant staff pool with the approval of the Head of the Civil Service of the Federation, subject to confirmation by the Federal Civil Service Commission/Board ; and

(*iii*) GL. 15 - 17 – by the Federal Civil Service Commission on recommendation from Ministry/Extra-Ministerial Office or the relevant pool routed through the Office of the Head of the Civil Service of the Federation/ Board.

(*f*) All promotion is subject to satisfying minimum requirements declared by Federal Civil Service Commission or Board in the case of parastatals and availability of vacancies ;

(*g*) All Heads of MDAs shall submit their approved establishment for the year to the Office of the Head of the Civil Service of the Federation before enlisting the Officers for promotion examination to ensure that promotion falls in line with existing vacancies.

Procedure.

020803.— Before each promotion exercise, the appropriate Office shall compile a list of all eligible candidates to be considered. The list shall be prepared on the basis of the job requirements or set of criteria established for the post by the Office of the Head of the Civil Service of the Federation, e.g. qualification/experience, age, training, performance, etc., as contained in the Schemes of Service. Furthermore :

(*a*) There shall be structured and sustained training for career progression in the service including continuous professional training and development ; and

(*b*) Officers shall qualify for promotion to higher grade after acquiring the skill and competence as provided in the Schemes of Service for the particular cadre.

From junior to senior post.

020804.— The appropriate committee shall meet to interview and consider Officers holding junior appointments in the Ministry/Extra-Ministerial Office who may be recommended to the Federal Civil Service Commission which shall examine the suitability of Officers so recommended and offer them promotion to existing vacancies.

From One Junior Post to another.

020805.— Permanent Secretaries/Heads of Extra-Ministerial Offices shall fill vacancies on posts on GL.06 and below on the recommendation of the Junior Staff Committee.

Effective Date.

020806.— The effective date of all promotions shall be 1st January of the year for which the promotion exercise was conducted or as may be determined by the Federal Civil Service Commission.

Officers on Leave of Absence, Secondment, etc. to sit for Promotion Exam.

020807.— Officers on approved leave of absence, secondment, approved study leave, special assignment shall sit for promotion interviews/ examinations at designated centres nearest to them.

020808.— A newly recruited Officer who has spent six months and above shall be allowed to sit for compulsory examination for confirmation in the Service, pending completion of probationary period of two (2) years in the Service. **Compulsory Confirmation.**

020809.— No contract Officer shall be considered for promotion. He could, however, be considered for an enhanced appointment during the re-negotiation of his contract. **Promotion of a Contract Officer.**

020810.— Promotion of both junior and senior Officers in Federal Government Parastatals/Agencies shall be deemed invalid without the representatives of the Human Resource Management of the supervising Ministry and OHCSF. **Promotion of Junior and senior Officers.**

ELIGIBILITY CRITERIA FOR THE POST OF PERMANENT SECRETARIES

020811.— To be eligible to participate in the appointment process of Permanent Secretaries in the Federal Civil Service, the candidate must : **Eligibility Criteria for The post of Permanent Secretaries.**

(*a*) be a Director on Grade Level (GL) 17 and in the main stream of the Federal Civil Service ;

(*b*) have been verified on the IPPIS portal/ platform as having been confirmed as a staff of the Federal Government of Nigeria ;

(*c*) be at least two (2) years on the post of Director ;

(*d*) not be retiring on or before the 31st of December of the following year ;

(*e*) provide proof of indigeneship of the State where vacancy exists ;

(*f*) indigeneship of a State must not be by marriage in case of a female Civil Servant ; and

(*g*) not have a pending disciplinary action against him.

020812.— Selection shall be through competitive examination process including but not limited to written examination, test of ICT proficiency and oral interview. **Selection Process.**

020813.— Resource persons from the Civil/Public Service and Private institutions may be involved in the selection process. **Resource Persons.**

SECTION 9.— LEAVING THE SERVICE

020901.— If within his probationary period it is established to the satisfaction of the authority empowered to appoint an Officer that he is not qualified for efficient service, his appointment may be terminated by that authority at any time without any further compensation than free transport to the place from which he was engaged and such free transport will be granted only if his conduct has been good. Provided the termination is not due to **Termination of Appointment during Probationary Period.**

misconduct on the Officer's part, it will be effected by means of a months' notice and, subject to the same proviso, if the Officer is eligible for vacation leave in respect of his service to date, such leave may be granted together with (if the Officer so desires) normal vacation leave, transport grant in lieu of the free transport mentioned above. Such leave, if any, shall be so arranged as to take place within the period of notice and, if possible, to expire on the same day as the notice. The position regarding the refund of the cost of any training given the Officer is governed by the bond relating to such training.

Relinquishment of Appointment During Probation Period.

020902.— If an Officer relinquishes his appointment within the period of his probationary service, he may be required to refund any expenditure by Government in transporting his family, servant and baggage to and from the place at which he was employed and he will not be eligible for any facilities from Government towards transport from the station at which he was serving. The position regarding the refund of the cost of any training given the Officer is governed by the bond relating to such training.

Termination.

020903.— The appointment of an Officer on probation who fails to secure confirmation in the pensionable establishment at the expiration of his probationary period, including such extension thereof as prescribed under Rule 020301, may be terminated in the manner specified in Rule 020901.

Resignation.

020904.— (*a*) An Officer who resigns will be liable to :

(*i*) forfeit all claims to vacation leave and any vacation leave or passage privileges granted will be ex-gratia ; and

refund to the Government in full any sum of money which he may be owing to Government or which, under the provisions of other rules or agreements entered into with Government, is refundable to Government for not discharging the obligations set out in such agreement ; provided that any or all of such refunds may be waived at the discretion of the Government.

Leaving the Service During a Leave Year.

020905.— An Officer who leaves the Service other than by resignation or dismissal will be eligible for proportionate leave in accordance with Rule 120212. If he has enjoyed more leave during the leave year than he is eligible to receive under that rule, he will be required to refund salary at the rate at which it was paid for the number of working days' leave enjoyed in excess of what he was eligible to receive, the days in respect of which salary is refunded being treated as leave without pay for pension purposes. This provision will be waived in the case of an officer who dies in the service.

Leaving the Service on Grounds of Failing Promotion Examinations.

020906.— (*i*) Officers who fail promotion examinations after three consecutive attempts or who absent themselves from an examination on grounds considered not acceptable shall be deemed to have exited from the service after the failed third attempt or when he refused to write the examination the third time. To be acceptable, absence on the ground of ill-

health shall be supported by a medical report from recognized Healthcare Provider. Other reasons shall be based on the evaluation of the FCSC.

(*ii*) Officers that scored below the pass mark in a promotion examination shall be notified either in writing or by messages sent to their given e-mail address. The notification shall be given by the authority that conducted the examination.

020907.— An Officer whose service is no longer required in the event of abolition of office, re-organization of the office or redundancy shall be required to leave the Service.

Leaving the Service on Grounds of Abolition of Office or Re-organization.

020908.— (*i*) The mandatory retirement age for all grades in the Service shall be 60 years or 35 years of pensionable service whichever is earlier.

Mandatory Retirement.

(*ii*) No Officer shall be allowed to remain in Service after attaining the retirement age of 60 years or 35 years of pensionable Service whichever is earlier.

(*iii*) The provision of (*i*) and (*ii*) above is without prejudice to prevailing conditions of service for Judicial Officers, Academic Staff of Universities and other Officers whose retirement age is at variance with (*i*) and (*ii*) above.

020909.— A Director or its equivalent by whatever nomenclature it is described in MDAs shall compulsorily retire upon serving eight years on the post ; and a Permanent Secretary shall hold office for a term of four years and renewable for a further term of four years, subject to satisfactory performance and no more.

Tenure Policy.

SECTION 10.— MANDATORY CONTRIBUTION TO PENSION SCHEME

021001.— All pensionable Officers shall participate in the Contributory Pension Scheme as provided for in the Pension Reform Act, 2014.

Payment of Retirement Benefit.

021002.— In order to ensure that Officers receive their retirement benefits promptly, Departmental Pension Officers are required to forward to Pension Commission (PENCOM), up-to-date record of service of these Officers together with the under-listed documents :

Requirement For pension payment.

(*a*) Original and photocopy of Gazetted publication of Letter of First Appointment ;

(*b*) Original and photocopy of Transfer and Acceptance of Service (where applicable) ;

(*c*) Original and photocopy of Birth Certificate or sworn Declaration of Age ;

(*d*) Original and photocopy of last four Promotion Letters, where applicable ;

(*e*) Letter of Introduction from the Ministry, Department or Agency signifying retirement and first appointment dates, grade level and step as at the years of last four promotions as well as the current grade level and step ;

(*f*) Original and photocopy of staff identity card ;

(*g*) Authenticated past Record of Service ;

(*h*) Evidence of IPPIS registration and current pay slip ;

(*i*) Original and photocopy of Acceptance of Voluntary Retirement Letter (Voluntary Retirees only) ;

(*j*) Evidence of registration with Pension Fund Administrators indicating RSA Pension Identification Number (PIN) ;

(*k*) Evidence of National Identification Number (NIN) ;

(*l*) Evidence of Bank Verification Number (BVN) ;

(*m*) Pension Desk Officer's Attestation ;

(*n*) One recent colored passport ;

(*o*) Stamped Death Certificate (for deceased officers) ; and

(*p*) Certificate of Non-indebtedness to Federal Government Staff Housing Loans Board (FGSHLB) and to any MDA Staff Multipurpose Cooperative Society to be issued by OHCSF.

Processing of Retirement.

021003.— Forwarding of Departmental files and other documents not expressly mentioned in Rule 021002 shall no longer be a condition for processing of retirement benefits. Retirement benefits shall be paid to the Officer within one month of retirement.

Accessing Contribution to NHF.

021004.— Officers who exit the Service shall access their National Housing Funds (NHF) contributions within one month of retirement.

SECTION 11.— CERTIFICATE OF SERVICE

Application.

021101.— All Officers, including those of non-pensionable appointments, shall be issued, on leaving the Service, Certificate of Service. Official Identity card shall be retrieved and replaced with retiree Identity card issued by OHCSF.

Authority.

021102.— Certificate of Service to be issued to Officers holding senior posts on GL.07 and above, requires the countersignature of the Permanent Secretary of the retiring Officer and the Permanent Secretary, Federal Civil Service Commission. Those to be issued to Officers holding junior posts GL.06 and below, require the countersignature of the Permanent Secretary of the retiring Officer and the Permanent Secretary Career Management Office (CMO).

021103.— The main purpose of issuing a Certificate of Service is that, it may be used as a reference, covering the holder's Public Service when seeking other employment. **Objective.**

021104.— The Certificate of Service shall be rendered in triplicate on the approved Forms as follows : **Forms.**

For Officers on GL.07 and above	-	Form Gen. 58 ; and
For Officers on GL. 06 and below	-	Form Gen. 58A

021105.— Action to complete the issue of a Certificate of Service should be taken in time for the Certificate to be handed to the recipient before he proceeds on leave prior to leaving the Service. Adverse comment should not form a part of Certificate of Service. Any other issue other than the Certificate of Service ought to be treated differently and the Officer must have been punished before he leaves the Service, following due process. **Timing.**

SECTION 12.— SCHEDULE FOR NON PENSIONABLE APPOINTMENT

021201.— The term of the engagement of the person engaged is "X" years commencing from the date of assumption of duty. **Term of Engagement.**

021202.— The term of engagement shall be deemed to be completed on the date on which any leave granted to the person engaged in respect of such tour of service expires. **Completion of Term of Engagement.**

021203.— The duties of the person engaged shall include the usual duties of the Office to which he is appointed and any other duties which the Government may call upon him to perform. **Duties.**

021204.— The person engaged shall not, either directly or indirectly be engaged in or concerned with any other Service or business whatsoever or receive commission or profits of any kind, but will devote the whole of his time and attention to the Service of the Government. He shall conform to the Public Service Rules of the Government. **Conformity to PSR.**

021205.— The term "Emolument" where it appears in this schedule (except in rule 021206) shall be deemed to include contract addition where this is payable under the Agreement : **Emoluments.**

(*i*) Increments of emoluments, if any, shall be calculated as from the first day of the month in which the person engaged takes up his appointment ;

(*ii*) Increments of emoluments shall not be granted unless the efficiency, conduct and diligence of the person engaged have been satisfactory during the year preceding his engagement. An increment shall not be withheld except on the decision/recommendation to that effect by the Permanent Secretary/Head of Extra-Ministerial Office ; and

The salary of the person engaged may be liable to deduction under Rule 021210.

Traveling Allowances.

021206.— When traveling on duty away from duty post, the person engaged shall be subject to such regulations with regard to the provisions of transport and traveling allowances as the Government may decide.

Ill-Health.

021207.— If the person engaged is compelled by reasons of ill-health (not caused by his own negligence) to resign his appointment, or if at any time, it shall be certified by a duly qualified HealthCare Provider employed by the Government that he is incapable by reason of any infirmity of mind or body of rendering further efficient service, the Government shall pay such salary as may be due up to the date of such resignation or the date on which a certificate in that respect was issued.

Certificate of Medical Fitness.

021208.— A certificate of Medical Fitness duly signed by a qualified Health Care Provider employed by the Government, shall be conclusive evidence on the question of whether or not the person engaged was compelled to resign his appointment by reason of ill-health within the meaning of this rule.

Dismissal.

021209.— If the person engaged shall at any time neglect or refuse or for any cause (except ill-health not caused by his own negligence) is unable to perform any of his duties or to comply with any order, or shall disclose any information in respect of the affairs of Government to any unauthorized person, or shall in any manner engage in misconduct, the Government may dismiss him, and on such dismissal, all rights and privileges accrued to him by this agreement shall cease.

Termination of Engagement.

021210.— (*i*) The Government may at any time terminate the engagement of the person engaged by giving three months' notice in writing or by paying one month's salary in lieu of notice ; and

(*ii*) The person engaged may, at any time after expiration of three months of service terminate his engagement by giving to the Government three months' notice in writing, or by paying to the Government one month's salary in lieu of notice.

Liability to Make Good Damage.

021211.— In the event of any pecuniary damage arising from the person engaged disregarding or failing to comply with any order, standing order or departmental instruction or from any neglect of duty whatsoever on his part, he may be liable to a deduction from his salary to make good the damage or any part thereof, the amount of which shall be fixed by his Permanent Secretary/Head of Extra-Ministerial Office.

Further Employment.

021212.— Four months before the date of expiration of agreement, the person engaged shall give a written notice to Government stating desire to remain in its employment and Government shall thereupon decide whether it will offer him further employment. If Government decides in favour, his re-engagement shall be on such terms and for such a period as may be mutually agreed.

021213.— The person engaged will be eligible for a severance allowance on the satisfactory completion of a tour of service at the rate of 15% of his basic salary provided that his engagement is not terminated as under rule 021210 above and provided that he is not in receipt of, nor eligible for, any other retiring benefits. **Severance Allowance.**

021214.— While leave of absence is not a legal right included in the Contract, the person engaged, after a tour of service, or if declared invalid before completing the tour, or his engagement is terminated by reason of ill-health in accordance with the provisions of rule 021207 hereto, leave may be granted under the rules in force from time to time, applicable to Nigerian officers of a similar grade level so far as exigencies of the Public Service permit. **Leave.**

CHAPTER 3

PRESCRIBED EXAMINATION FOR CONFIRMATION

SECTION 1 : GENERAL
SECTION 2 : COMPULSORY CONFIRMATION/PROMOTION EXAMINATIONS
SECTION 3 : COMPULSORY EXAMINATIONS FOR JUNIOR OFFICERS
SECTION 4 : COMPULSORY EXAMINATIONS FOR POLICE AND PARA-MILITARY OFFICERS
SECTION 5 : OFFICERS REQUIRED TO PASS THE EXAMINATIONS
SECTION 6 : FEES FOR INVIGILATORS AND EXAMINERS

SECTION 1.— GENERAL

Compulsory Confirmation Examinations.

030101.— (*i*) All officers on joining the Service shall undergo an induction training course. In addition, they shall be expected to pass the prescribed confirmation examination as follows :

(*a*) Compulsory Confirmation Examination for Senior Officers ; and

(*b*) Compulsory Confirmation/Promotion Examination for Junior Officers.

Responsibility for Conduct and Supervision of Examinations.

030102.— It is the responsibility of the Career Management Office (CMO) in the Office of the Head of the Civil Service of the Federation to conduct and supervise the examination.

Examination Board.

030103.— There shall be established, an Examination Board which shall be responsible for the conduct and supervision of the examinations. The Board shall comprise the following :

(*i*) Permanent Secretary, CMO (OHCSF)	—	*Chairman*
(*ii*) Director, Organization Design and Development Department, (OHCSF)	—	*Member*
(*iii*) Director (Promotion) Federal Civil Service Commission	—	*Member*
(*iv*) Director (HRM) Federal Ministry of Education	—	*Member*
(*v*) Director (HRM) Federal Ministry of Justice	—	*Member*
(*vi*) Director (HRM) Federal Ministry of Communications and Digital Economy	—	*Member*
(*vii*) Director (HRM) Office of the Accountant General of the Federation	—	*Member*
(*viii*) Director, Learning and Development, Department (OHCSF)	—	*Secretary*
(*ix*) Any other line Ministry/Office a particular examination may relate to	—	*Member*

030104.— An Officer who fails the examination after three consecutive attempts shall by virtue of such failures be required to resign or withdraw from the service. The Permanent Secretary (CMO) Office of the Head of the Civil Service of the Federation shall ensure compliance. **Failure to Pass Confirmation Examination.**

030105.— An Officer who fails to take the confirmation examination after 3 years of first appointment shall be required to resign from the service. All officers must take the confirmation examination within two years from the date of taking up their appointments in the Ministry/Extra-Ministerial Office. **Failure to Take Confirmation Examination.**

030106.— Confirmation examination shall be held once a year. **Frequency of Examinations.**

030107.— During the confirmation examination an Officer is allowed to make reference to the Public Service reference books or any other related sources of information. However, textbooks and reference books are not allowed for the examinations in the General Paper, Office Procedure/Routine or Special Paper. **Use of Text Books at Confirmation Examination.**

030108.— The reference books for confirmation examination in the Ministry/Extra-Ministerial Office are ; **Reference Books allowed to be used in Confirmation Examination.**

(*a*) GL. 06 and below — Public Service Rules, Financial Regulations, Civil Service Handbook, Federal Establishment Circulars, Notes for Guidance Nos. 1, 2 and 3 ; and

(*b*) GL. 07 and above — Public Service Rules, Financial Regulations, Civil Service Handbook, Federal Establishment Circulars, Notes for Guidance Nos. 1, 2 and 5 etc.

030109.— An Administrative Officer/Professional who possesses law qualification obtained from a Nigerian University or has been called to the Nigerian Bar shall be exempted from taking Group A of the examination. **Exemption of Law Professionals.**

SECTION 2.— COMPULSORY CONFIRMATION EXAMINATIONS FOR SENIOR EXECUTIVE OFFICERS, ADMINISTRATIVE OFFICERS AND PROFESSIONALS (COMPRO I and III)

030201.— The following are the prescribed examinations for Senior Executive Officers, Administrative Officers/Professionals, except otherwise reviewed. **Officers who are Required to pass.**

Group A – Law Examination

030202.— The examination consists of two papers, on the following subjects : **Syllabus for the Examination.**

1. (*a*) Nigerian Legal System ;

(*b*) Ministerial Government Procedure based on ;

(*i*) Lagos (Administrative and Executive Functions) Act No. 1 of 1958 ;

(*ii*) Ministers' Statutory Powers and Duties (Miscellaneous Provisions) Act, Cap. 228, Laws of the Federation of Nigeria, 1990 ;

(*iii*) Federal Capital Territory Act of chapter 6- Laws of the Federation of Nigeria, 2004 ;

(*iv*) Legislative Houses (Powers and Privileges) Act Cap. 208, Laws of Federation of Nigeria, 1990 ;

(*v*) Transfer of Functions (Lagos) Order L. N. 257 of 1959 ;

(*vi*) Transfer of Functions (Federation) Order L. N. 258 of 1959 ; and

(*vii*) Chapter VI, part 1, Section A of the Constitution of the Federal Republic of Nigeria, 1999.

2. The main provisions of the following legislations :

(*a*) The Constitution of the Federal Republic of Nigeria, 1999 ;

(*b*) The following chapters of the Laws of the Federal Republic of Nigeria, 1990 and the subsidiary legislation made there under :

Chapter	*Title of Act*
447	Commission and Tribunals of Inquiry Act
513	Illiterates Protection Act
192	Interpretation Act
331	Notaries Public Act.
333	Oaths Act, 1963
335	Official Secrets Act, 1962
503	Federal Capital Territory Act
	C IV of the 1999 Constitution
	Fundamental Human Rights.
	D VIII Part I of 1999 Constitution.
	Federal Capital Territory.

GROUP B – EXAMINATION IN OFFICIAL PUBLICATIONS AND OTHER SUBJECT AREAS

The examination consists of the following subjects :

(*i*) Public Service Rules (PSR)

(*ii*) Financial Regulations

(*iii*) Computer Appreciation and Literacy

(*iv*) General Paper

(*v*) Criminal Law (Police and Para-Military Officers only) and Common Law (Civilians only)

Training Centers and conversion to the Executive Officer Cadre is then effected.

SECTION 4.— POLICE AND PARA-MILITARY SERVICES CONFIRMATION/PROMOTION EXAMINATIONS

Officers Required to Pass the Exam.

030401.— Officers required to pass the Examinations :

(*a*) Unconfirmed Senior Police Officers ; and

(*b*) Unconfirmed Para-Military Officers (Senior and Junior).

SECTION 5.— OFFICERS WHO ARE REQUIRED TO PASS THE COMPULSORY CONFIRMATION EXAMINATIONS

Officers Required to pass the Examination.

030501.— Unless exempted by the Government the following Senior Executive Officers/Administrative Officers/Professionals are required to pass the examinations within two years of taking up their appointments in the Federal Public Service :

(*a*) Senior Executive Officers, Administrative Officers/ Professionals appointed direct to the Federal Public Service on first appointment. Officers eligible for the examinations must have served for six (6) months after taking up their appointments ;

(*b*) Senior Executive Officers, Administrative Officers/ Professionals promoted from unconfirmed junior posts ;

(*c*) Senior Executive Officers, Administrative Officers/ Professionals transferred from other scheduled Service who at the date of transfer are under the age of forty years and have not satisfied conditions for confirmation ; and

(*d*) For further advancement beyond GL. 10 Officers shall attend Administrative Staff College of Nigeria (ASCON), Public Service Institute of Nigeria (PSIN), Centre for Management Development (CMD) or any other approved institutions and pass the prescribed examination.

Use of COMPRO Result.

030502.— Where Gazette of 1st Appointment and Confirmation of Appointment are not available within two years, COMPRO examination result should be used in their place.

SECTION 6.— FEES FOR INVIGILATORS AND EXAMINERS

Examination Fees.

030601.— Fees shall be paid to examiners and invigilators at rates determined from time to time by the Office of the Head of the Civil Service of the Federation.

(*vi*) Police Orders and Instructions (for Police Officers only)

(*vii*) Police Practical Duties (for Police Officers only)

(*viii*) Customs Orders and Instructions (for Customs Officers only)

(*ix*) Customs Practical Duties (for Customs Officers only)

(*x*) Correctional (Prisons) Orders and Instructions (for Correctional (Prisons) Officers only)

(*xi*) Correctional (Prisons) Practical Duties (for Correctional Officers only)

(*xii*) Immigration Orders and Instructions (for Immigration Officers only)

(*xiii*) Immigration Practical Duties (for Immigration Officers only)

(*xiv*) Civil Defence Orders and Instructions (for Civil Defence Officers only)

(*xv*) Civil Defence Practical Duties (for Civil Defence Officers only)

(*xvi*) Road Safety Orders and Instructions (for Road Safety Officers only)

(xvii) Road Safety Practical Duties (for Road Safety Officers only)

(xviii) Fire Service Orders and Instructions (for Fire Service Officers only)

(xix) Fire Service Practical Duties (for Fire Service Officers only)

GROUP C – EXAMINATION ON COMPUTER APPRECIATION AND LITERACY

SECTION 3.— COMPULSORY CONFIRMATION/PROMOTION EXAMINATIONS FOR JUNIOR OFFICERS (COMPRO II)

Subjects for Junior Officers.

030301.— The following are the prescribed subjects for junior Officers :

(*i*) Public Service Rules (PSR) ;

(*ii*) Financial Regulations ;

(*iii*) Computer Appreciation and Literacy ;

(*iv*) General Paper ;

(*v*) English Language ;

(*vi*) Office Routine/Special Paper ; and

(*vii*) Elementary Mathematics - For Clerical Assistants on GL. 03 only.

Pass at Accelerated Level.

030302.— Pass at Accelerated Level : Only Clerical Officers on GL. 04 whose performance in the examination are exceptional are considered to have passed at accelerated level. Such Officers are to be automatically advanced to GL. 06 only after the successful completion of a one (1) year training for the Certificate in Supervisory General Management (CSGM) in the Federal

Ground for Withholding or Deferring Increments.

040204.— The grant of an increment may be deferred or withheld in accordance with the provisions of Rule 040205 and 040206. In deciding which penalty to impose or recommend, a Permanent Secretary/Head of Extra-Ministerial Office will take into account the gravity of the shortcoming and the quality of the officer's previous service, bearing in mind that to withhold an increment is a more serious penalty than to defer it.

Deferred Increment.

040205.— An Officer's increment is deferred when the decision as to whether or not it shall be granted is postponed for a specific period. The period must be fixed at the time the increment is deferred and must not be less than three months nor more than six months. If less than six months in the first instance, it may, if necessary, be increased to six months by additional specific deferment. If a deferred increment is eventually granted it does not become effective until the day following the expiration of the specific period of deferment. However, the recipient retains his original incremental date for subsequent increments. If a deferred increment is not granted at or before the expiration of six months from the date it was originally due it must be withheld.

For example, if an Officer who is due to proceed from ₦147,968 to ₦152,950 per annum on 1/1/2005 had his increment deferred for three months his salary shall remain at ₦147,968 until 31/3/2005 when his Permanent Secretary/Head of Extra-Ministerial Office must decide whether or not to grant the deferred increment. If he grants it, the Officer draws monthly emolument at ₦152,950 for the period 1/4/2005 to 31/12/2005 (i.e. the remaining nine months) and retains his original incremental date of 1st January for consideration of his next increment to ₦157,932.

Withheld Increment.

040206.— An Officer's increment is withheld when it is decided not to grant it and that he shall cease to be eligible thereof until his next incremental date. The withholding of an increment thus results in the emolument of the Officer in question remaining for the rest of his incremental service years one increment behind what it would have been had the increment not been withheld (unless the Federal Civil Service Commission exercises the authority described in Rule 040209).

Example : An Officer due to proceed from N147,968 to N152,950 per annum on 1-1-2005 had his increment withheld. His emolument should remain at N147,968 throughout the period 1/1/2005 to 31/12/2005 and he cannot proceed to N152,950 until 1/1/2006, his next incremental date.

Increment not Restored in retrospect.

040207.— An increment deferred or withheld cannot be restored with retrospective effect in consequence of improved service during a later increment earning period.

Notice to Restore increment.

040208.— Immediately on deciding to restore an increment, which had earlier been withdrawn or deferred, the Permanent Secretary/Head of Extra-Ministerial Office should bring the decision to the notice of the Officer.

CHAPTER 4

EMOLUMENTS AND INCREMENTS

SECTION 1 : EMOLUMENTS
SECTION 2 : INCREMENT RULES

SECTION 1.— EMOLUMENTS

040101.— Financial Regulations contain guidance on the payment of emoluments and wages. **Payment of Emoluments.**

040102.— On first appointment, emolument shall, as a general rule be paid as from the date of assumption of duty. All Officers shall be placed on IPPIS platform within two months of assumption of duty. **Emoluments on Appointment.**

040103.— A staff on transfer shall be eligible for the emolument attached to his new office with effect from the date he assumes duty. **Emoluments on Transfer from Other Scheduled Services.**

040104.— Except in a case of a promotion from a non-pensionable to a pensionable office, the following rules shall apply where an Officer is promoted in the ordinary course within Federal Public Service to an Office carrying emolument on an incremental scale : **Emoluments on Promotion Within Incremental Scales.**

(*i*) If the Officer is promoted to a grade level that does not overlap his old grade level, he will be placed at the minimum point of his new salary grade level ;

(*ii*) If his emolument in the former post is higher than the minimum point of the new salary grade level, he will be placed on the next point, higher than his former emolument after taking into consideration the increment he would have earned if he had not been promoted ; and

(*iii*) Payment of promotion arrears shall be made within the year promotion is effected.

SECTION 2.— INCREMENT RULES

040201.— Increment is a predetermined amount added to the annual emolument of an Officer every calendar year. **Definition.**

040202.— An Officer on an incremental grade level shall normally be granted an increment unless he is on interdiction/suspension or has a disciplinary action pending against him or on account of poor performance. **Earned Increments.**

DEFERRING AND WITHHOLDING OF INCREMENTS

040203.— The incremental date of an Officer appointed or promoted to a post in the Federal Public Service shall be 1st January of the year following at least six months of Service or promotion. **Incremental Date.**

040209.— When an Officer's increment has been withheld under Rule 040206 the Federal Civil Service Commission may at a subsequent incremental date grant one or more special increments having the effects of raising the salary of the Officer to or towards the level it would have reached if the previous withholding has not occurred.

Special Increments to Mitigate lasting Effects of Withheld Increments.

040210.— All decisions on deferment or withholding of increment and stoppage of salaries shall be communicated to the Office of the Accountant General of the Federation, Office of the Auditor-General for the Federation and Office of the Head of the Civil Service of the Federation as well as to the Officer concerned within two weeks.

Communication of Deferred or Withheld Increments.

CHAPTER 5

PERFORMANCE MANAGEMENT SYSTEM

SECTION 1 : PROGRESS REPORT ON OFFICERS ON PROBATION
SECTION 2 : PERFORMANCE MANAGEMENT SYSTEM FOR SERVING OFFICERS
SECTION 3 : ANNUAL PERFORMANCE MANAGEMENT TIMELINE
SECTION 4 : PERFORMANCE MANAGEMENT CYCLE
SECTION 5 : APPRAISALS FOR EMPLOYEES ON APPROVED ABSENCE
SECTION 6 : PERFORMANCE APPRAISAL COMMITTEE
SECTION 7 : MONITORING AND EVALUATION

SECTION 1.— PROGRESS REPORTS ON OFFICERS ON PROBATION

Progress Report On officers on Probation.

050101.— Progress reports are meant to provide in respect of Officers on probation or initial contract, a full record of each Officer's work, conduct and capabilities on which to judge his suitability for confirmation or reengagement (whichever is appropriate) and to ensure that in cases where an Officer's suitability for continued employment is in doubt he is given timely warning of his faults and reasonable opportunity to correct them.

Rendering Progress Report.

050102.— Permanent Secretaries/Heads of Extra-Ministerial Offices are responsible for rendering Progress Reports at intervals of six months with effect from the date of first appointment. The final Progress Report shall be rendered not later than two months before an Officer's probationary period or second tour of the contract is due to expire.

Progress report On Officers before Leave.

050103.— If for any reason an Officer's probationary period is due to expire at a time when he will be on leave, the final Progress Report shall be rendered not later than two months before he proceeds on such leave, in order that a decision as to the confirmation, deferment of confirmation or termination of his appointment may be taken and communicated to him before his departure. In the case of an Officer on contract, if an adverse opinion of his suitability has been formed before progress report is rendered not later than two months before he so proceeds on such leave, it shall be communicated to him before he departs so that the Officer may have the opportunity of deciding before he departs, whether, in the light of the adverse opinion already formed, it is in his own interest to return.

Final Progress Report.

050104.— Permanent Secretaries/Heads of Extra-Ministerial Offices shall address progress reports to the Permanent Secretary, Federal Civil Service Commission or the Permanent Secretary Career Management Office as appropriate under personal and confidential cover. The final Progress Report rendered after 21 months' service shall include a definite recommendation as to whether the Officer's appointment should be confirmed or terminated or whether his contract should be renewed.

SECTION 2.— PERFORMANCE MANAGEMENT SYSTEM FOR SERVING OFFICERS

Accountability for PMS.

050201.— The Performance Management System (PMS) shall replace the Annual Performance Evaluation Report (APER) for the Federal Public Service. All Federal Ministries, Extra-Ministerial Departments and Agencies (MDAs) are expected to comply with the provisions of this Rule.

Definition.

050202.— (*a*) PMS shall be the tool by which goals and objectives shall be set for employees and individual performance is tracked, assessed and reported upon in the Federal Public Service.

(*b*) The Performance Management System (PMS) shall focus on the measurable output (performance objectives and targets) of employees, as well as specified competencies i.e. the knowledge, skills and personal attributes needed to deliver job tasks and meet agreed targets. Performance Management and training shall be result oriented.

Responsibility of Reporting Officer.

050203.— It is essential for the general efficiency of the Service that Annual Reports on Officers shall be detailed and candid. Reporting Officers must realize that their own capabilities are discernible from the reports they write on their subordinates, bearing in mind that they hold their Offices as much by virtue of their administrative as well as their professional abilities.

Who to Report.

050204.— A Reporting Officer must not only be at least one substantive grade above the Officer being reported on, but also be the immediate Superior Officer under whom the Officer being reported on directly works. Where an Officer has served in more than one Department before his report is rendered, the Reporting Officer shall be the immediate Superior Officer under whom he worked for the substantial part of the normal period a report shall cover. It is necessary that a countersigning Officer should assess every report judiciously before countersigning.

How to Report.

050205.— The substance of any adverse comment on an Officer's work or conduct included in a report shall be conveyed to him formally in sympathetic terms and with the objective of enabling and encouraging him to overcome his short-comings. The fact that this action has been taken shall be stated in the report itself. A copy of the letter addressed to the Officer as well as a copy of his acknowledgement should be attached to the Report.

Report During Secondment.

050206.— When an Officer is seconded to another Ministry/Extra Ministerial Office, the Permanent Secretary/Head of the Extra-Ministerial Office to which he is seconded is responsible for furnishing the reports on the Officer.

Report from corporation and status.

050207.— Arrangements shall be made with Corporations, States or State-owned Companies to which Officers are seconded to furnish the reports on the Officers so seconded as though such bodies were Government Departments. It shall be the responsibility of the Permanent Secretary/Head

of Extra-Ministerial Office from which an Officer has been seconded to request the Corporation, State or State-owned company concerned, two months before the due date, to furnish the required report, on appropriate annual Report Forms which shall be supplied to the establishment for this purpose.

SECTION 3.— ANNUAL PERFORMANCE MANAGEMENT TIMELINE

Timeline.

050301.— Performance Management Cycle shall run from January to December of every year, and shall commence immediately after the leadership of each MDA has finalized their annual institutional and departmental goals and targets.

The annual goal of each established post shall be set by the Department of Human Resource Management (HRM) in collaboration with Departments/ Units in the MDAs. In this regard, the following shall be strictly adhered to :

I. measurement of periodic performance, appraisal processes will be used to determine how a staff has performed within a calendar year ;

II. Key Performance Indicators (KPIs) shall be drawn and agreed upon by January of each year and final appraisal shall be done by December of the same year ; and

III. Employee's performance results shall be the primary basis for determining employee development options, rewards, sanctions and other associated actions.

SECTION 4.— PERFORMANCE MANAGEMENT CYCLE

Accountability for Performance Management Process and Results.

050401.— The Accounting Officer of every Federal Public Service Institution shall be responsible for ensuring the successful implementation of the PMS across all levels of Officers.

(*i*) The Accounting Officer shall be responsible for execution of annual PMS cycle processes.

(*ii*) Accounting Officer shall ensure that appropriate complaints handling processes related to the annual performance management cycle are in place.

(*iii*) The Director HRM shall prepare Annual Performance Management Reports for the Accounting Officer at the end of each cycle, and shall also coordinate efforts for determining reward and recognition, incentives, development and other associated recommendations for each individual based on demonstrated and rated performance.

Performance Planning.

050402.— PERFORMANCE PLANNING

I. Individual Performance Planning shall be done at the beginning of the Performance Management Cycle.

II. Job Descriptions (JDs) shall be available for each job, and used to capture detailed job contents including scope, responsibilities, reporting lines, etc. Performance expectations shall be based on the contents of JD.

III. Performance expectations shall be agreed between the Accounting Officers and each head of department, which shall be cascaded downwards until Annual Performance Goals and Targets have been set for all employees in each MDA.

IV. These agreements, which consist of challenging but achievable tasks and performance targets derived from each MDAs' strategic objectives and plans shall be documented in the Performance Planning Form, which shall be signed off by both the supervisor and his subordinate Officer.

V. The supervisor and the employee shall also agree on the work performance actions, i.e. the detailed actions required to achieve the targets and support requirements. The aim of this is to ensure that the employee understands the work that needs to be done and that the supervisor has clarity of the support he is meant to provide to each subordinate Officer to enable work performance.

050403.— PERFORMANCE REVIEW

Performance Review.

I. Agreed tasks and targets of employees will be subject to regular and critical performance reviews, via appraiser/ appraisee discussions to be held throughout the year in a process called Performance monitoring.

II. Performance Review shall be a continuous, interactive and transparent process. It shall serve as an honest, supportive and developmental exercise between an employee and his immediate supervisor.

III. Performance Review shall be the responsibility of the immediate supervisor with whom the employee has had sufficient contact. A second opinion and endorsement of employees' performance monitoring assessments shall be required from the next direct supervisor.

IV. Performance Review shall be done monthly and observations made captured in the Performance Review Form.

V. During the Performance Review Appraiser and Appraisee shall :

(*a*) discuss the appraisee's performance on the job ;

(*b*) identify training and development needs ;

(*c*) address any other work-related issues ;

(*d*) review individual's career aspirations ; and

(*e*) Identify further support needed by the Appraisee.

Performance Appraisals.

050404.— Performance Appraisals shall be done to evaluate progress with achievement of targets on a periodic basis. Performance Appraisals shall include self-appraisals and further appraisal by a Supervisor, or such individual saddled with this responsibility. The performance appraisal exercise shall be an interactive and transparent process, between the employee and his immediate supervisor.

I. Performance appraisals are ongoing activities throughout the year, culminating in an annual end-of-year formal meeting to review the overall progress of employees' performance against their set objectives and targets.

II. Outcomes from the appraisal process shall be documented in the End of Year Performance Appraisal Form.

III. Employees will receive appraisal training to support their roles either as an Appraisee, and/or as an Appraiser where applicable.

Performance Rewards.

050405.— PERFORMANCE REWARDS

I. There shall be a clear link between Performance Management outcomes/results and rewards. This shall be a key component of the PMS.

II. Employee performance shall largely be used in determining rewards and recognition prescribed in chapter six (6) of the PSR.

III. Performance incentives or bonuses shall be paid after the annual performance appraisal results have been fully signed off by the Accounting Officers of respective MDAs, and the Head of the Civil Service of the Federation.

IV. Outcomes from Performance Management processes shall serve as input for identifying performance gap-closure actions that include training and other forms of development.

V. Promotion decisions for deserving officers shall rely on demonstrated performance captured in performance appraisal results in addition to the requirements as specified in extant promotion policies and guidelines of the Federal Civil Service Commission.

VI. Performance appraisal results shall also, where applicable, feed into the implementation of Performance Improvement Plans or other consequences for under-performing individuals.

Under-performance.

050406.— UNDERPERFORMANCE

(*i*) Underperformance is defined as an appraisal outcome which is below average and/or not considered to be in line with expectation for respective job roles.

(*ii*) All underperformance shall be treated on a case-by-case basis.

(*iii*) Should an employee's performance become a matter of concern, Appraisers must take action promptly to gain an understanding of root causes via the periodic performance monitoring conversations during which they shall also proffer help.

(*iv*) Appraisers are required to do everything possible to ensure Appraisees feel well supported throughout the annual performance cycle, and in cases where performance issues are of a very serious nature. In addition, Performance Improvement Plan (PIP) process shall be adopted.

(*v*) Employees required to undergo performance improvement actions shall be notified in writing through a confidential process.

(*vi*) Gap closure interventions shall be jointly agreed by the Appraiser and Appraisee, and captured in the Performance Improvement Plan.

(*vii*) Implementation of the PIP actions shall be coordinated by the Director HRM in collaboration with the Appraisers.

(*viii*) During, and at the end of a Performance Improvement Plan/Process period, individuals shall be given formal feedback on the status of their performance – whether significant improvements have been noted in their performance, warranting substantive retention in their current jobs, or if other actions are warranted. Such actions or decisions shall be determined by the Performance Appraisal Committee and shared with the individual.

SECTION 5.— APPRAISALS FOR EMPLOYEES ON APPROVED ABSENCE

Appraisals for Employees on Approved Absence.

050501.— (*i*) Employees that have been away on approved absence for a part of the performance period shall have a review session with their Supervisor upon their return to work, during which they shall set/review their performance targets for the rest of the year.

(*ii*) The rest of the performance management process steps shall then be applied throughout the remainder of the performance period.

SECTION 6.— PERFORMANCE APPRAISAL BY JUNIOR STAFF COMMITTEE (JSC) AND SENIOR STAFF COMMITTEE (SSC)

Appraisal by JSC and SSC.

050601.— (i) The Senior Staff Committee and Junior Staff Committees of MDAs, shall in addition to its responsibility for appointment, promotion and discipline, review and manage outcomes of annual performance appraisals for members of staff. However, escalated cases would be referred to the Appraisal Committee of OHCSF/ FCSC for resolution.

(*ii*) The Committees shall ensure that appraisals are fair, objective and effectively capture demonstrated performance as measured against specified annual performance expectations or targets.

(*iii*) The detailed criteria and weighting for appraisal of officers shall be as specified in the Guidelines to the Performance Management Policy.

(*iv*) Appraisal of Officers shall be conducted in strict confidence and shall comply with Employee Personal Data Privacy Protection Rules and Guidelines.

The Committees shall meet from time to time to attend to Performance Appraisal related matters.

Chapter 5

SECTION 7.— MONITORING AND EVALUATION

Monitoring and Evaluation.

050701.— In order to ensure compliance, Performance Management practice at all levels in the Federal Public Service, shall be monitored regularly for feedback and improvement by the Central Coordinating body.

Co-ordinating Body.

050702.— The Central Coordinating Body responsible for monitoring effectiveness of the performance management process shall be domiciled in the OHCSF.

Record Management.

050703.— All records generated during any of the phases of the annual Performance Management cycle are, and shall remain the property of the Federal Government of Nigeria. All such records shall be administered in line with good administrative document and data management practices.

CHAPTER 6

REWARD AND RECOGNITION FOR OUTSTANDING WORK AND MERITORIOUS SERVICE

Definition.

060101.— Reward in this chapter refers to MDAs or Presidential award of gifts, certificates and/or letter of commendation to deserving Officers. Recognition on the other hand refers to certificate of merit and/or gifts given to Officers who have served meritoriously for a period of 15, 25 or 35 years.

Rationale.

060102.— The Reward and Recognition System (R and RS) is a motivational tool that is deployed to improve work ethic and performance in the Service. The R and RS describes the whole process leading to giving of awards and recognitions to deserving Officers with outstanding performance in the discharge of their duties or as a result of exemplary act or conduct.

Scope.

060103.— The implementation of the Reward and Recognition System would serve to encourage excellence, merit, and to ensure high levels of staff motivation in a sustainable way in all Ministries, Extra-Ministerial Departments and Agencies (MDAs). This would be achieved through the link of rewards and recognition to measurable performance as enabler for all other strands of effective people management in an integrated fashion.

Basis for Award.

060104.— The recipient of any of the awards must have been considered as the best on the basis of outstanding performance of duties and exemplary conduct as outlined in approved Rewards and Recognition Scheme (R and RS).

Categories of Award and Recognition.

060105.— Each MDA shall make recommendation to OHCSF for award to deserving Officers in the following categories :

(*i*) Presidential Distinguished Public Service Career Award ;

(*ii*) Presidential Public Service Merit Award ;

(*iii*) Head of the Service of the Federation Commendation Award ;

(*iv*) The Public Service Excellence Award ;

(*v*) Sports Achievement Award ; and

(*vi*) Recognition of Retired Permanent Secretaries.

060106.— Each MDA shall make such award to deserving Officers in the other and recognition schemes as outlined in the rewards and recognition system.

Frequency of Awards.

060107.— Each MDA shall make such Awards and Recognitions within the time frames prescribed in the R and RS.

Selection Criteria.

060108.— Specific criteria that would qualify an Officer for any of the categories of the Awards and Recognition shall be communicated through Circulars from time to time from the Office of the Head of the Civil Service of the Federation.

Form of Reward.

060109.— Rewards for each of the awards shall be in the form of certificates, letter of commendation, engraved plaques or trophies, medals, cash gifts, sponsorship for attendance of Masterclass and local training programmes. Other rewards shall include admittance of awardee into the MDAs Hall of Fame, a tour of International Administrative headquarters of one of the funding Agencies, and sponsorship to attend a relevant foreign short course.

Selection Committees.

0601010.— In order to ensure transparency and fairness in the process of selecting the award winners, selection guidelines handbook, outlining the criteria for specific awards and corresponding weightings are as provided by OHCSF. Selection Committees for each category of Awards are to be constituted in line with the Guidelines for Recognition and Reward System.

Awards Ceremony.

060111.— The Public Service Awards Ceremony shall be held annually to recognize and celebrate the various Service-Wide Awardees in the Scheme. Information regarding the R and RS, including names of the various Awardees of the Scheme shall be published in the monthly Service Welfare Newsletter.

CHAPTER 7

TRAINING AND STAFF DEVELOPMENT WITHIN AND OUTSIDE NIGERIA

SECTION 1 : GENERAL
SECTION 2 : COURSES OF INSTRUCTION OUTSIDE NIGERIA
SECTION 3 : EXTERNALLY ASSISTED COURSES

Definition of Staff Development.

070101.— Staff development is the policy of enhancing the knowledge, skills, attitude, effectiveness and efficiency of staff in order to meet their career goals and prepare them for higher duties and responsibilities.

Objectives.

070102.— It is designed to benefit the individual staff and the organization by positively impacting on the staff performance in particular and that of the organization in general.

Strategies for Capacity Development.

070103.— In order to enhance the performance of public servants and their abilities to discharge the duties of their offices, government shall put in place strategies to ensure continuous capacity development. The strategies will be encapsulated in the Public Service Training and Capacity Development Policy. Training opportunities shall be equitably distributed to all staff in MDAs.

Course of Instruction within Nigeria.

070104.— Course of instruction within Nigeria is a course which an Officer undertakes locally but outside his station at any Federal Training Centre, University or approved Public Service training institution.

Categories.

070105.— Officers may participate in courses of instruction under any of the following categories :

(*a*) *Category* A ; This is a long-term training which is expected to lead to acquisition of a post graduate degree in a course of study which must be very crucial and beneficial to the Officer and to the attainment of the MDA's mandate. The absence of an Officer on such course of study shall be governed by Rule 120227. The course shall attract full sponsorship by the MDA.

(*b*) *Category* B : This is also a long-term training which is expected to lead to acquisition of a post graduate degree in a course of study that may be beneficial to the Officer but not so crucial to the attainment of the MDA's mandate. The absence of the Officer on such course of study shall be governed by Rule 120227.

(*c*) *Category* C : This is for Officers who desire to acquire a degree or additional qualification in a field which might not be relevant to their current schedule of duties at the MDA. This is governed by Rule 120229.

(*d*) *Category* D : In-house Training is a customized cost-effective short-term training/programme designed for staff and delivered within or outside the office premises.

(*e*) *Category* E : Short term online courses : MDAs shall make adequate provisions that would ensure that Officers of various cadres and Grade Levels have the opportunity to participate in online courses that are relevant for skills development and capacity improvement.

(*f*) *Category* F : Online courses leading to the award of Degrees : Officers of various cadres and Grade Levels shall have the opportunity to participate in online courses leading to the award of degrees in accredited institutions.

SECTION 2.— COURSES OF INSTRUCTION OUTSIDE NIGERIA

Course of Instruction on Station.

070201.— Course of instruction on station is a course which an Officer undertakes locally within his station in accredited centers, approved locations, Management Development Institutions, or within the MDA's training hubs.

Oversea Course.

070202.— Overseas course of instruction is a course which an Officer undertakes outside the shores of Nigeria.

Joining Instructions.

070203.— An Officer required to undertake duties or a course of instruction outside Nigeria must be furnished with detailed instructions regarding such duties or course and be informed in advance and in writing of the allowances and traveling facilities for which he will be eligible for at Government expense ; by his Permanent Secretary/Head of Extra-Ministerial Office.

Course of Instruction during Leave.

070204.— The effect on the length of leave due to an Officer for attending a course of instruction during his vacation leave is specified in Rule 120103.

Conditions.

070205.— An Officer who is permitted to attend a course of instruction is eligible for the benefits set out in this Section provided that he has signed a Bond to refund to Government all expenses connected therewith if he does not comply with the following :

(*a*) obtain a certificate of satisfactory attendance at the course ;

(*b*) return to Nigeria ;

(*c*) undertake any other course of instruction without the specific approval of the Government ; and

(*d*) Resign from Service within a period of three years of his completing such a course.

Passage.

070206.— A senior Officer sent overseas on a course of instruction will be eligible for free air passage for himself only ; but where the duration of the course of instruction is not less than nine months, his spouse may accompany him at Government expense.

Courses With Rates.

070207.— Special rates of allowance, etc. are prescribed from time to time for certain courses of instruction, and they apply to all Officers attending the course.

070208.— Officers who with the prior approval of Government attend courses of instruction (other than one to which Rule 070205 applies) are entitled to be paid the difference between their normal estacode allowance and the allowance/facilities offered by the donor country where the latter is lower than the official estacode allowance. **Courses Sponsored by Donor Agencies/ Countries.**

070209.— An Officer undergoing a training course overseas who receives a salary from an employer in the overseas country will not be eligible for any emolument or allowance from the Federal Government except as may be specifically approved by the Permanent Secretary, Career Management Office, Office of the Head of the Civil Service of the Federation. **Overseas Employment During Training Course.**

070210.— A female Officer who is about to undertake a course of training of not more than six months duration shall be called upon to enter into an agreement to refund the whole or part of the cost of the course in the event of her course being interrupted on grounds of pregnancy. **Interruption of Training Courses.**

SECTION 3.— EXTERNALLY ASSISTED COURSES

070301.— Where training facilities under a foreign Government's technical assistance scheme is required, all application forms for the nominations of candidates will be forwarded to the National Planning Commission for processing. **Processing Externally Assisted Courses.**

070302.— Officers attending courses of instruction under a technical assistance scheme will continue to receive their emoluments while all other Conditions of Service will be decided in accordance with the existing arrangements between the donor government and the Federal Government. **Courses Under Technical Assistance.**

070303.— Where an Officer is permitted on the recommendation of his Permanent Secretary/Head of Extra-Ministerial Office to take a course of instruction at the Officer's own request, special conditions may be imposed. These conditions will be decided by the Office of the Head of the Civil Service of the Federation and may include the grant of leave without pay and the withdrawal of all or any of the allowances or other privileges prescribed in this Chapter. In such cases it is the responsibility of the Permanent Secretary/ Head of Extra-Ministerial Office to inform the officer in writing, before his departure, of the conditions which have been decided. **Certain Courses to be Granted as Leave without pay.**

070304.— For postgraduate courses, in exceptional cases and where the course of study is not offered by any Institution in Nigeria, Officers may be granted study leave with pay subject to a maximum of four years. However, Officers engaged in private studies for higher degrees shall not be hindered provided their studies do not interfere with official duties. **Post Graduate Courses.**

CHAPTER 8

FREE TRANSPORT FACILITIES ON OFFICIAL ASSIGNMENTS

SECTION 1 : DEFINITIONS AND GENERAL
SECTION 2 : FREE TRANSPORT FACILITIES AVAILABLE
SECTION 3 : MISCELLANEOUS RULES REGARDING FREE TRANSPORT FACILITIES.

SECTION 1.— DEFINITIONS AND GENERAL DEFINITIONS

Definitions.

080101.— In this Chapter the following terms are used with the meaning defined in this Rule.

1. END OF TOUR

The following terms are used with the following meanings :

Cheaper Point.

(*i*) *Cheaper Point* : The term "cheaper point" means a place which may be substituted for an Officer's Nigerian home place as the starting point or destination of a journey at Government expense. Such substitution in transport actually provided in respect of the journey should involve neither greater cash disbursement by Government nor more excessive use of Government transport services than would be involved by providing similar facilities from or to the Officer's Nigerian home place ; and

(*ii*) *Loads* : The baggage allowances set out in this Chapter are given in terms of carried "loads". In cases where freight rates are related to weight, the load allowances should be converted on the basis that one load weighs 25 kilograms. In cases where freight rates are related to cubic capacity, the load allowances should be converted on the basis that one load occupies 3/25 cubic meters.

GENERAL

ECONOMY IN USE OF TRANSPORT

Necessity for Journey.

080102.— The necessity for any journey at Government expense shall be fully established before the use of transport at Government expense is authorized.

Choice of route.

080103.— (*a*) The transport and route authorized for a journey at Government expense must be determined by the cost, exigency of duty and the Grade Level of the Officer involved.

(*b*) All Officers are entitled to airfare, depending on the exigencies of the assignment and with the approval of the Accounting Officer.

AUTHORITY FOR USE OF TRANSPORT

How given.

080104.— Authority for the use of transport at Government expense shall be given in writing by Permanent Secretaries/Heads of Extra-Ministerial Offices or their authorized representatives in accordance with the provisions of the Financial Regulations.

Must be Specific and not exceed approved scales.

080105.— The free transport authorized must not exceed that for which provision is made in these Public Service Rules. If an Officer wishes to avail himself of transport in excess of those provided by Public Service Rules, he must pay for such excesses by himself in advance. The Permanent Secretary/ Head of Extra-Ministerial Office should ensure that the free transport authorized do not exceed maximum allowed by these Rules, and also do not exceed those actually required for the journey in question. In particular, when the Officer's children are included, the age of each child concerned must be ascertained and specified.

Free Transport facility not transferable.

080106.— Any Officer who utilizes any part of the free transport provided for in this chapter for a purpose other than that for which it is authorized ; or who, having received a cash payment in advance to defray the cost of transport, fails to refund on demand any part thereof not used for the specific purpose for which he received it, or who claims payment in arrears in respect of free transport he has not utilized for the purpose claimed, is guilty of serious misconduct.

Transport of Orderlies or personal attendants.

080107.— No staff shall travel at Government expense in the capacity of Orderly or personal attendants to another Officer unless the employment of such person has been authorized by the Office of the Head of the Civil Service of the Federation.

SECTION 2.— FREE TRANSPORT FACILITIES AVAILABLE

General.

080201.— Subject to Rules 080102 and 080103, the free transport facilities for which Officers are eligible are in respect of all journeys in Nigeria. Such journeys may entail the following :

(*a*) the family passenger fare allowances are for one spouse and four children ;

(*b*) the baggage allowance includes and is not additional to the tariff baggage allowances of a passenger ticket holder ; and

(*c*) the baggage allowance for a spouse, child or servant only applies when the wife, child or servant actually travels.

TYPES OF JOURNEY

Duty Journeys.

080202.— For the purpose of the transport facilities specified in rule 080204 the following types of journeys will be regarded as being on duty :

(*a*) all journeys undertaken in the course of an Officer's duty on specific instructions from his Permanent Secretary/Head of Extra-Ministerial Office or his local representative ;

(*b*) journeys to obtain dental treatment ;

(*c*) journeys to consult a Medical Officer ; that is, journey to and from the approved Healthcare Provider where an Officer is stationed or on leave

at a place without medical facilities and his local superior officer certifies that in his opinion the Officer should consult a doctor ;

(*d*) journeys to obtain hospital treatment : that is journeys to and from hospital when an approved Healthcare Provider certifies that it is necessary for the Officer to leave his station and proceed to the hospital in question for medical treatment ;

(*e*) journeys undertaken by spouse and children of an Officer to obtain dental or hospital treatment and to consult a Healthcare Provider as in (*b*), (*c*) and (*d*) above ; and

(*f*) health trips ; that is, journeys by an Officer recommended by a Medical Board to leave his station for change of scene or climate.

Journeys to New Station.

080203.— For the purpose of these Rules, journeys to new stations will be deemed to include :

(*a*) journeys undertaken when assuming duty on first appointment (*i.e.* journeys to station from place of engagement or Nigerian home place) ; and

(*b*) journeys undertaken when proceeding on retirement (in circumstances which render the Officer eligible for retirement benefits) or for the purpose of repatriating the family and personal effects of deceased Officers ; that is, journeys from station to place of original engagement (if desired) or cheaper point (see definitions), Nigerian home place, Nigerian destination of final leave, whichever is appropriate, provided such concession is utilized within six months of the date of retirement or of the death of the officer.

Free Transport Facilities Available for Duty Journeys.

080204.— For journeys specified in Rule 080202, the following free transportation are available.

(*a*) For journeys by air : tickets for the Officer, one spouse and four children by the following class of travel :

(*i*) Business Class for Permanent Secretaries, Ministers and above ;

(*ii*) Economy Class for Officers on GL. 07 – 17 ; and

(*iii*) Economy class for spouse and four children when travelling with the Officer.

(*b*) For journeys by Road or River Transport : junior post on GL.06 and below ; either tickets or cash in lieu of tickets at rates laid down from time to time in the appropriate Federal Treasury Circulars.

Transport of Motor Vehicle and Motor Cycle for Repair.

080205.— An Officer, serving at a station where adequate motor repair facilities are not available, for whom a motor vehicle is necessary for the proper performance of the duties of his office, may be allowed, on the authority of his Permanent Secretary/Head of Extra-Ministerial Office, free transport for his motor vehicle or part thereof and from the nearest place where such

facilities exist, for the purpose of effecting necessary repairs. Normally, this Rule will not apply to motor vehicles requiring ordinary maintenance or servicing but an exception may be made at the discretion of the Permanent Secretary/Head of Extra-Ministerial Office in cases where it is necessary for a vehicle to receive essential large-scale servicing (for example, in the case of a new vehicle after the first 1000 kilometers).

Free transport of Motor Vehicle and Motor/Auto Cycle.

080206.— Subject to the principles laid down in Rule 080102, free transport by train or boat for an Officer's own motor vehicle may be granted by a Permanent Secretary/Head of Extra-Ministerial Office when an Officer is purchasing a new vehicle. When an Officer is assuming duty or is traveling on transfer, or on tour, or duty, free transport of his motor vehicle may be allowed by Government if, the Permanent Secretary/Head of Extra-Ministerial Office is satisfied that :

(*a*) the vehicle is necessary for the duty ; and

(*b*) the transport of the vehicle is connected with the most economical means of transporting the Officer while performing the duty (for example, when it costs Government less to transport the vehicle to those places in the Officer's itinerary where he can use it for his own transport than to hire a vehicle at such places for this purpose).

SECTION 3.— DUTY VISIT OUTSIDE NIGERIA

Entitlements on Duty Visits outside Nigeria.

080301.— An Officer on duty visit outside Nigeria shall be granted the following :

(*a*) Passages : Air passage for himself only, but where the duration of an Officer's duties is not less than 9 months, the spouse may accompany him at Government expense ;

(*b*) Transport : Reimbursement of actual expenditure or transport essential to the business of the visit ;

(*c*) Where, however, the cost of accommodation or hotel expenses of an Officer traveling abroad is met by the host Government or institution, such Officer shall be entitled to Estacode Supplementation allowance at the approved rates.

Discharging Duty during Vacation Leave away from Normal Place of Residence.

080302.— An Officer who, with prior approval of Government, discharges official duties during vacation leave outside Nigeria and who is obliged to take accommodation away from his normal place of residence or home, will be treated as proceeding to such a destination on duty visit and will be eligible for duty allowance abroad as indicated in Rule 080301 so long no accommodation is provided at Government expense at such a destination.

Refund of Daily Traveling Expenses Abroad.

080303.— An Officer for whom accommodation is provided and who with the prior approval of Government, discharges official duties during his vacation leave outside Nigeria is eligible for a refund of daily travelling

expenses necessarily incurred in the discharge of such duties plus a daily subsistence allowance at the appropriate rate.

SECTION 4.— MISCELLANEOUS RULES REGARDING FREE TRANSPORT FACILITIES

Extra Equipment.

080401.— When an Officer requires to take with him loads which are necessary for the efficient performance of his duties (e.g. office equipment, survey instruments, tents, etc.) he may do so at the discretion of his Permanent Secretary/Head of Extra-Ministerial Office.

Official Documents etc. by Air.

080402.— When it is necessary for the efficient performance of his duties, an Officer traveling on duty by air may take with him at Government expense official documents, papers and office necessities up to maximum of 10 kilograms in addition to the tariff baggage allowances included in his passenger's ticket.

Use of Government Transport from House to Airport, Motor Park, etc.

080403.— When proceeding on transfer, an Officer may be provided with free Government transport in his station between his house and airport, seaport or motor park and vice versa on his arrival at his new station. Where Government transport cannot be provided, the Officer may be reimbursed at rates approved by the appropriate authorities.

CHAPTER 9

VIRTUAL MEETINGS AND ENGAGEMENTS

SECTION 1 : DEFINITIONS AND GENERAL
SECTION 2 : PROTOCOLS FOR VIRTUAL ENGAGEMENTS

SECTION 1.— DEFINITIONS AND GENERAL DEFINITIONS

Definition.

090101.— Virtual meetings/engagements occur when Officers with or without other participants, irrespective of their physical location, are able to communicate effectively during pre-scheduled teleconferences, web conferences, or video conferences, with the ability to utilize video, text or audio features via the meeting medium, whilst in the same virtual space for a specific period.

Rationale.

090102.— The implementation of virtual meetings/engagements in the Public Service is to ensure that employees are able to respond to work demands remotely, such that MDAs continue to function adequately with minimal disruption in the face of any pandemic/emergencies.

Scope.

090103.— For the purpose of clarity, this Chapter shall affect the following meeting/engagement scenarios :

(*i*) High level Intra and Inter-Governmental Meetings ;

(*ii*) Meetings of Boards of Statutory Commissions ;

(*iii*) Meetings of Boards of all Federal Government Parastatals/Agencies ;

(*iv*) Meetings of the Head of the Civil Service of the Federation with Permanent Secretaries Service-wide ;

(*v*) Scheduled meetings of the Head of the Civil Service of the Federation with Heads of Federal Agencies ;

(*vi*) Meetings of Ad-hoc Committees set up by Government ;

(*vii*) Meetings in Ministries, Extra-Ministerial Offices and Agencies ;

(*viii*) Bilateral negotiations with other countries ;

(*ix*) Local and international conferences and Webinars ; and

(*x*) Any other engagements of MDAs with the public.

Security of Government Data.

090104.— Due to sensitive nature of information that may be disseminated and in order to ensure the security of Government data/ information, all high-level intra and inter-governmental meetings shall be conducted in line with the Guidelines prescribed from time to time by the Federal Ministry of Communications and Digital Economy. Furthermore, Officers shall take appropriate measures as outlined in the Guidelines to ensure the security of Government data/information.

Code of Conduct.

090105.— In hosting or joining virtual engagements, Officers shall follow the approved protocol and must be guided by standards for virtual engagements outlined in Section 2 of this chapter.

SECTION 2.— PROTOCOL FOR VIRTUAL ENGAGEMENTS

Meeting Agenda.

090201.— Meeting Agenda : There shall be a predefined agenda for every virtual meeting, approved by the Chairperson and shared with all participants ahead of the scheduled meeting via official emails.

Confirm Attendance.

090202.— The Secretary of the meeting must confirm availability of participants ahead of the meeting in order to keep track of meeting attendees and ensure that their identities are clearly established.

Circulation of Meeting Materials.

090203.— Materials and reference documents required for the meeting shall be approved by the Chairperson and circulated to participants at least 24 hours before the meeting. This is to ensure that participants are kept updated with relevant information regarding the meeting.

Ground Rules during Meetings.

090204.— The following ground rules are to be observed during virtual meetings :

(*i*) No sidebar conversations ;

(*ii*) No multi-tasking (e.g., running e-mail or treating files while participating in virtual meetings) ;

(*iii*) Participants shall facially identify themselves when they speak ;

(*iv*) Use of "mute" technology as per group agreement (non-active speaker phones be muted to minimize extraneous noise being fed back to other remote places where participants are located) ;

(*v*) Where meetings are expected to last beyond one hour, 10–15 minutes break shall be observed to allow participants refresh ; and

The policy on virtual engagements by Ministry of Communications and Digital Economy should guide all activities during virtual meetings.

Participating in Meetings from Home.

090205.— When participating in a Meeting from non-work environment, the following rules shall apply :

(*i*) Appearance : Participants must dress formally.

Residential Work Space : Participating in meetings from home shall be done in a most convenient and serene environment.

Ad-hoc Meetings.

090206.— In cases where ad-hoc meetings are to be conducted, the Secretary shall reach out to all attendees via phone calls, informing them of the meeting, after which the link to the meeting, agenda and relevant documents shall be circulated.

Use of Personal Devices.

090207.— Where Officers make use of personal devices to connect for virtual meetings/engagement, the device(s) shall be used in line with the guidelines on the use of personal devices for official engagement issued from time to time by the Federal Ministry of Communications and Digital Economy.

CHAPTER 10

DISCIPLINE

SECTION 1 : INTRODUCTION
SECTION 2 : GENERAL INEFFICIENCY
SECTION 3 : MISCONDUCT
SECTION 4 : SERIOUS MISCONDUCT
SECTION 5 : CONDUCT PREJUDICIAL TO SECURITY OF THE STATE
SECTION 6 : RETIREMENT IN PUBLIC INTEREST
SECTION 7 : DISCIPLINARY PROCEDURE FOR A PERMANENT SECRETARY
SECTION 8 : DISCIPLINARY MEASURES

SECTION 1.— INTRODUCTION

Knowledge of Disciplinary Rules.

100101.— It shall be the duty of every Officer to acquaint himself with the disciplinary rules and any other regulations in force. This Chapter shall be read in conjunction with "Guidelines for Appointments, Promotion and Discipline" issued by the Federal Civil Service Commission and the Office of the Head of the Civil Service of the Federation.

Authority to Discipline.

100102.— The power to dismiss and to exercise disciplinary control over Officers in the Federal Civil Service is vested in the Federal Civil Service Commission.

Delegated Powers.

100103.— The Federal Civil Service Commission has delegated full disciplinary powers to Permanent Secretaries and Heads of Extra-Ministerial Offices in respect of Officers on Salary G.L. 13 and below with the exception of the power of dismissal which has been delegated only from G.L. 06 and below.

Removal of Officer from office.

100104.— No Officer shall be removed from Service by a Director-General or Chief Executive Officer without the approval of the Board except Officers on GL 06 and below, based on the recommendation of JSC.

SECTION 2.— GENERAL INEFFICIENCY

Definition.

100201.— General inefficiency consists of a series of omissions or Incompetence, the cumulative effect of which shows that the Officer is not capable of discharging efficiently the duties of the office he holds.

Drawing Attention to Shortcoming.

100202.— It shall be the duty of every superior Officer, as soon as he observes any fault or shortcoming in the work of an Officer subordinate to him, to bring it to the Officer's notice and to record that such has been done. In order to improve the Officer's usefulness and efficiency, he may be redeployed to where his capacities are best suited or trained to enhance his capacity.

Removal for General Inefficiency.

100203.— Before the proceedings for the removal of an Officer for general Inefficiency may be commenced, he must have been warned on three occasions in writing.

Performance of Duties of a Pregnant Female Officer.

100204.— No female public servant shall be required to resign her appointment or retire by reason of pregnancy alone, but if her condition interferes with the efficient performance of her duties, she may at the discretion of Management be given lighter duties.

Removal of Temporary Staff for Inefficiency.

100205.— Permanent Secretaries/Heads of Extra-Ministerial Offices are authorized, subject to the provisions of the Labour Act (Cap. 198) and of individual letters of consideration for appointment (Form Gen. 69 and Gen. 69A), to terminate the employment of staff at their discretion provided that prior to the termination of any such staff, the Officer has been informed of the grounds on which it is proposed to terminate his appointment and has been given an opportunity to submit representations on why he should not be terminated. Similarly, prior to the termination of an Officer's service for inefficiency, such Officer shall be warned of his shortcomings and given opportunity to improve or to offer a satisfactory explanation of his failure to perform his duties efficiently.

Notice of Withholding or Deferment of Increment.

100206.— (*a*) Immediately a Permanent Secretary/Head of Extra-Ministerial Office, in the exercise of his delegated powers, decides to withhold or defer the increment of an Officer, he shall so inform the Officer in writing stating the reason and, in the case of deferment, the period of deferment.

Notification of Defects.

(*b*) Where the powers are not delegated, and the Permanent Secretary / Head of Extra-Ministerial Office considers that the increment of an Officer should be withheld or deferred, he shall report the circumstances to the appropriate committee for a decision. If the decision is that the increment should be withheld or deferred, the Permanent Secretary/Head of Extra-Ministerial Office will thereupon inform the Officer in writing, stating the reason and, in the case of deferment, the period of deferment. If the committee decides that the increment should be granted, the Permanent Secretary/Head of Extra-Ministerial Office will take action in accordance with Rule 100307.

(*c*) In all cases of withholding or deferment of increment, the Permanent Secretary/Head of Extra-Ministerial Office shall inform the Accountant General of the Federation and the Auditor General for the Federation.

Restoration of increment.

100207.— Immediately on deciding to restore an increment, which had earlier been withdrawn or deferred the Permanent Secretary/Head of Extra- Ministerial Office should bring the decision for restoration to the notice of the Officer.

Effective Date of Termination for Inefficiency.

100208.— In all cases of termination for inefficiency, notice of termination shall be given. The period of notice shall be one calendar month unless other period is appropriate in the light of a particular Officer's term of service. If it is decided that the Officer shall leave the Service immediately, he shall be paid emolument equivalent to the period of notice. The period of notice shall include any leave to which the Officer is entitled. If the leave is longer than the period of notice, the Officer shall be sent on leave and the period of notice absorbed by the leave.

SECTION 3.— MISCONDUCT

Definition.

100301.— Misconduct is defined as a specific act of wrong-doing or an improper behaviour which is inimical to the image of the service and which can be investigated and proved. It can lead to termination and retirement.

It includes :

(*a*) Scandalous conduct such as :

(*i*) Immoral behaviour ;

(*ii*) Unruly behaviour ;

(*iii*) Drunkenness ;

(*iv*) Foul language ;

(*v*) Assault ;

(*vi*) Battery ;

(*b*) Refusal to proceed on transfer or to accept posting ;

(*c*) Habitual lateness to work ;

(*d*) Deliberate delay in treating official document ;

(*e*) Failure to keep records ;

(*f*) Unauthorized removal of public records ;

(*g*) Dishonesty ;

(*h*) Negligence ;

(*i*) Sleeping on duty ;

(*j*) Improper/ Inappropriate/ Immodest dressing while on duty ;

(*k*) Hawking merchandise within office premises ;

(*l*) Refusal to take/carry out lawful instruction from superior Officers ;

(*m*) Malingering ;

(*n*) Insubordination ; and

(*o*) Discourteous behaviour to the public.

Issuing Query.

100302.— As soon as a superior Officer becomes dissatisfied with the behavior of his subordinate, it shall be his duty to inform the Officer in writing giving details of unsatisfactory behavior and to call upon him to submit within a specific time such written representation as he may wish to make to exculpate himself from disciplinary action. After considering such written representations as the Officer may make within the specified time the superior Officer shall decide whether :

(*a*) the Officer has exculpated himself in which case, he shall be so informed in writing and no further action shall be necessary ; or

(*b*) the Officer has not exculpated himself but it is considered that he should not be punished in which case the appropriate formal letter of advice

shall be issued to him and he shall be required to acknowledge its receipt in writing ; or

the Officer has not exculpated himself and deserves some punishment, in which case Rule 100304 shall apply.

Recommendations of Tribunals of Inquiry.

100303.— Where a Tribunal of Inquiry set up by the Government makes recommendations of a disciplinary nature on an Officer, the Federal Civil Service Commission/Board shall not act on such recommendations until it has called upon the affected Officer to reply to the allegations made against him by the Tribunal of Inquiry. If the Officer refuses or neglects to reply to the allegations within a reasonable time or at all, the Federal Civil Service Commission/Board or its agent shall proceed to accept and enforce the recommendation of the Tribunal of Inquiry and take such disciplinary action against the Officer as it shall deem appropriate.

Reporting Misconduct.

100304.— (*a*) It shall be the duty of every Officer to report any case of misconduct that comes to his notice to an Officer superior to the Officer involved. When an Officer's misconduct is brought to the notice of his superior Officer, it shall be the duty of that superior Officer to report it through his HOD to the Director, Human Resource without delay. If the Director Human Resource considers it necessary that the Officer should be interdicted, such recommendations shall be made in the report.

(*b*) On receiving the report, the Permanent Secretary/Head of Extra-Ministerial Office shall take action in accordance with Rule 100302-100306 as appropriate and, if necessary, shall interdict the Officer.

At the appropriate point in the investigation, the Officer may be suspended in accordance with Rule 100406.

Disciplinary Procedure for Misconduct and Serious Misconduct.

100305.— If it is presented to the Federal Civil Service Commission that an Officer has been found guilty of misconduct and the Commission does not consider the alleged misconduct serious enough to warrant proceedings under Rule 100307 with a view to dismissal, it may cause an investigation to be made into the matter in such a manner as it considers proper. The Officer shall be entitled to know the whole case made against him, and shall have adequate opportunity of making his defence. If as a result the Commission decides that the allegation is proved, it may impose any other punishment upon the Officer such as reduction in rank, withholding or deferment of increment or otherwise.

Postponement of disciplinary Proceedings against Female Staff on Maternity Leave.

100306.— Any disciplinary proceedings against a female staff which might otherwise have been taken during the period of her maternity leave shall be postponed until the leave has expired. Such postponement however, shall not in any way prejudice the proceedings against her.

Notification In Writing.

100307.— Unless the method of dismissal is otherwise provided for in these Rules, an Officer in the Federal Public Service may be dismissed by the Federal Civil Service Commission / Board only in accordance with this Rule.

(*i*) The Officer shall be notified in writing of the grounds on which it is proposed to discipline him. The query should be precise and to the point. It must relate the circumstances of the offence, the rule and regulation which the Officer has broken and the likely penalty. In serious cases which are likely to result in dismissal, the Officer should be given access to any document(s) or report(s) used against him and he should be asked to state in his defence that he has been given access to relevant documents. The Officer shall be called upon to state in writing, within the period specified in the query any grounds upon which he relies to exculpate himself ;

(*ii*) The query, or preliminary letter, shall be in the format shown in Appendix D ;

(*iii*) If the Officer submits his representations and the Federal Civil Service Commission is not satisfied that he has exculpated himself, and considers that the Officer should be dismissed, it shall take such action accordingly. Should the Officer however fail to furnish any representations within the time fixed, the Commission may take such action against the Officer as it deems appropriate ;

(*iv*) If upon considering the representations of the Officer the Commission is of the opinion that the Officer does not deserve to be dismissed from the Service but deserves some other punishment, it shall impose on the Officer such punishment as it considers appropriate ;

(*v*) Where necessary, the Commission may set up a board of inquiry which shall consist of not less than three persons one of whom shall be appointed chairman by the Commission. The members of the board shall be selected with due regard to the status of the Officer involved in the disciplinary case and to the nature of the complaint which is the subject of inquiry. The head of the Officer's department shall not be a member of the board ;

(*vi*) The Officer shall be informed that, on a specific day, the question of his dismissal shall be brought before the board and he shall be required to appear before it to defend himself and shall be entitled to call witnesses. His failure to appear shall not invalidate the proceedings of the board.

(*vii*) Where witnesses are called by the board to give evidence before it, the Officer shall be entitled to put questions to the witnesses and no documentary evidence shall be used against the Officer unless he has previously been supplied with a copy thereof or given access thereto ;

(*viii*) If during the course of the inquiry, further grounds for dismissal are disclosed, and the Federal Civil Service Commission thinks it fit to proceed against the Officer upon such grounds, the Officer shall by the direction of the Commission, be furnished with a written statement thereof

and the same steps shall be taken as prescribed above in respect of the original grounds ;

(*ix*) The board having inquired into the matter shall make a report to the Commission. If the Commission considers that the report should be amplified in any respect or that further inquiry is desirable, it may refer any matter back to the board for further inquiry or report. The Commission shall not itself hear witnesses.

(*x*) If upon considering the report of the board together with the evidence and all material documents relating to the case, the Commission is of the opinion that the Officer should be dismissed, such action shall immediately be taken.

If the Commission does not approve the Officer's dismissal and does not consider that any penalty should be imposed, the Officer shall be reinstated forthwith and be entitled to the full amount of salary denied him if he was interdicted or suspended.

If upon considering the report of the board, the Commission is of the opinion that the Officer does not deserve to be dismissed but that the proceedings disclosed grounds for requiring him to retire, the Commission shall, without further proceedings, direct accordingly.

(*xi*) All disciplinary procedures should as much as possible, commence and be completed within a reasonable time but not exceeding :

(*a*) 60 days in the case of junior staff, except where it is a criminal case ;

(*b*) 180 days in the case of senior staff, except where it is a criminal case.

Working for Institutions or Government Agencies during Office Hours.

100308.— No Officer may render professional assistance to institutions or Government Agencies during working hours or accept remuneration for it, except with the written permission of the Permanent Secretary/Head of Extra-Ministerial Office which could be granted if it is in the public interest to do so. The amount of the remuneration must be paid into the Treasury on deposit until the orders of Government as to the share, if any, which may be received by the Officer is known.

Fines.

100309.— No fine shall be imposed on any Officer as a punishment for an offence committed in the course of his duties.

Powers to surcharge.

100310.— (*a*) If at any time the public revenue sustains a loss by reason of the neglect or fault of an Officer, he will be liable to be surcharged with the amount and any sums due to him from Government may be withheld in satisfaction of such surcharge.

(*b*) Officers defined as workers in Section 2 of the Labour Act (Cap.198) may be surcharged if the circumstances warrant such action, but all papers relevant to the case must be submitted in accordance with the Act, to the warrant of the Federal Ministry of Labour and Productivity for approval of the surcharge.

Money Lending.

100311.— An Officer shall not guarantee or stand as surety for money lent on interest, to any other person. Nothing in this rule shall be deemed to

prevent members of registered co-operative societies or approved benefit societies from standing as sureties for loans made by the societies, nor shall it be deemed to prevent any Officer from placing money in a deposit account in any bank or standing surety for money lent by Government to another Officer.

Hawking Merchandise on Duty.

100312.— Officers are prohibited from hawking merchandise or engaging in any other form of trading within the Office premises during working hours.

Dress code.

100313.— No Officer shall appear in the Office or anywhere in his official capacity dressed in a manner considered improper, inappropriate or immodest.

Unofficial Testimonials.

100314.— In order to prevent the irregular use by non-officials of letters of recommendations or certificates of character, Officers are prohibited from giving in their official capacities, letters or certificates whether on official stationery or otherwise.

SECTION 4.— SERIOUS MISCONDUCT

Definition.

100401.— DEFINITION : Serious misconduct is a specific act of very serious wrong doing and improper behaviour which is inimical to the image of the service and which can be investigated and if proven, may lead to dismissal.

Example.

100402.— ACTS OF SERIOUS MISCONDUCT INCLUDE :

(*a*) Falsification of records ;
(*b*) Suppression of records ;
(*c*) Withholding of files ;
(*d*) Conviction on a criminal charge (other than a minor traffic or sanitary offence or the like) ;
(*e*) Absence from duty without leave ;
(*f*) False claims against Government officials ;
(*g*) Engaging in partisan political activities ;
(*h*) Bankruptcy ;
(*i*) Serious financial embarrassment ;
(*j*) Unauthorized disclosure of official information ;
(*k*) Bribery ;
(*l*) Corruption ;
(*m*) Embezzlement ;
(*n*) Misappropriation ;
(*o*) Violation of Oath of Secrecy ;
(*p*) Action prejudicial to the security of the State ;
(*q*) Advance Fee Fraud (Criminal Code 419) ;
(*r*) Holding more than one full-time paid job ;
(*s*) Nepotism or any other form of preferential treatment ;
(*t*) Divided loyalty ;

(*u*) Sabotage ;
(*v*) Willful damage to public property ;
(*w*) Sexual harassment ;
(*x*) Rape ;
(*y*) Cyber Fraud/Crime ;
(*z*) Membership of cults ;
(*aa*) Obtaining employment ino the Public Service by fraud or misrepresentation ;
(*ab*) Aiding and abetting employment into the Public Service by fraud, misrepresentation or in breach of the provisions of the Public Service Rules ;
(*ac*) Enrolment into extant government's payment platform(s) by fraud or misrepresentation ;
(*ad*) Aiding and abetting enrolment into extant government's payment platform(s) by fraud or misrepresentation ; and
(*ae*) Any other acts unbecoming of a public officer.

Procedure.

100403.— Disciplinary procedure for serious misconduct shall be strictly adhered to in accordance with Rules 100302 to 100306.

Interdiction.

100404.— (*i*) Where a serious case that may lead to dismissal has been instituted against an Officer, the Permanent Secretary/Head of Extra-Ministerial Office may interdict him on not more than half pay pending the determination of the case.

(*ii*) Recommendations to the Commission for interdiction shall be made only if it is against the public interest that the Officer should continue to perform any of the duties of his rank. When the charge against him is such that the continued performance of his present duties is against the public interest or prejudicial to the investigation of the charge against him, consideration shall be given to putting him on alternative duties. Interdiction shall only be resorted to where this is not possible.

(*iii*) When an Officer is interdicted, he shall cease to report for duty. In the letter informing the Officer of his interdiction it shall be indicated that the proportion of emoluments he is to receive while on interdiction shall be 50 *per cent* of his emoluments.

(*iv*) If proceedings under Rule 100404 (*i*) reveal that he is not guilty of the charge made against him, the Officer shall immediately be reinstated and shall receive the full amount of his emoluments denied him while he was interdicted.

(*v*) If the Officer is found guilty but is not dismissed, he may be refunded such portion of the emoluments denied him as the Commission may determine.

Responsibility of Interdicted Officer.

100405.— (*a*) An Officer who is under interdiction or suspension shall notify his Permanent Secretary/Head of Extra-Ministerial Office of his intention to leave his station.

He shall however not leave the country without the specific approval of the Head of the Civil Service of the Federation.

(*b*) An Officer under interdiction is also responsible for keeping his Ministry/Extra-Ministerial Office informed of the address at which instructions to him can be delivered.

(*c*) If he fails to comply with the instructions delivered to him at such address within seven days of such delivery, he will be regarded as absent from duty without leave.

Suspension.

100406.— Suspension should not be used as a synonym for interdiction. It shall apply where a prima facie case, the nature of which is serious, has been established against an Officer and it is considered necessary in the public interest that he should forthwith be prohibited from carrying out his duties. Pending investigation into the misconduct, the Federal Civil Service Commission or the Permanent Secretary/Head of Extra-Ministerial Office (if within his delegated powers) shall forthwith suspend him from the exercise of the powers and functions of his office and from the enjoyment of his emolument.

Dismissal and its Effects.

100407.— The ultimate penalty for serious misconduct is dismissal. An Officer who is dismissed forfeits all claims to retiring benefits, leave or transport grant etc. subject to the provisions of the Pension Reform Act, 2014 (as amended). Dismissal arising from criminal cases shall be reported to the appropriate law enforcement agencies.

Effective Date of Dismissal.

100408.— When an Officer is dismissed, no notice or emolument in lieu shall be given to him and his dismissal shall take effect from the date on which he is notified thereof. This date shall be notified by the Permanent Secretary/Head of Extra-Ministerial Office concerned to the Federal Civil Service Commission and to the Office of the Head of the Civil Service of the Federation, as soon as possible. Where the Officer concerned seeks to evade this official notification, the effective date shall be :

(*a*) that on which he is served with the notification, even though he may refuse to acknowledge receipt ; or

(*b*) the date on which the notification is delivered by the messenger to his recorded address, even though the Officer concerned does not himself acknowledge receipt of such delivery ; or

the date on which the notification is sent by post to his last known or normal address in accordance with the definition of "service by post" in section 26 of the Interpretation Act (Cap. 192).

Officer to Report Criminal Charge and its Outcome.

100409.— An Officer must, under pain of disciplinary action, promptly report to his Permanent Secretary/Head of Extra-Ministerial Office whenever he is charged of criminal offence, and must report the outcome of the charge.

The Commission to Consider the Proceedings of the Court.

100410.— If an Officer is convicted on a criminal charge, the Commission shall consider the proceedings of the court and if it is of the opinion that the Officer should be dismissed or subjected to some lesser penalty on account of the offence for which he has been convicted, the Officer may thereupon be dismissed or otherwise punished without any of the procedures prescribed in Rule 100307 being followed.

Effects of criminal proceedings.

100411.— (*a*) Nothing shall prevent disciplinary action being taken or continued against an Officer whether or not :

(*i*) criminal proceedings have been instituted with respect to such person in any court of law in Nigeria or elsewhere or are about to be instituted or are contemplated ; or

(*ii*) the grounds upon which any criminal charge are based or are to be based are substantially the same as those upon which the disciplinary proceedings were or are to be instituted.

(*b*) An Officer acquitted of a criminal offence shall not be penalized for any charge of which he has been acquitted, but nothing in this rule shall prevent the officer from being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, provided that such charges do not raise substantially the same issue as those of which he has been acquitted. If the Commission thinks fit, the usual procedure may be followed for the purpose.

Suspension of convicted officers.

100412.— An Officer convicted of criminal offence (other than a minor traffic or sanitary offence and the like) shall be suspended with effect from the date of conviction, pending determination of his case by the Commission.

Absence Without leave.

100413.— Any Officer who absents himself from duty or travels out from Nigeria without leave renders himself liable to be dismissed from the Service and the onus shall rest on him, to show that the circumstances do not justify the imposition of the full penalty.

Serious Financial embarrass-ment.

100414.— (1) For the purpose of these rules, the expression "serious financial embarrassment" means the state of an officer's indebtedness which, having regard to the amount of debts incurred by him, has actually caused serious financial hardship to him. Without prejudice to the general meaning of the said expression, an Officer shall be deemed to be in serious financial embarrassment :

(*a*) if the aggregate of his unsecured debts and liabilities at any given time exceed the sum of three times his monthly emoluments ;

(*b*) where he is a judgment debtor, for as long as the judgment debt remains unsettled ; or

(*c*) where he is adjudged bankrupt or insolvent wage earner, for as long as he remains an undercharged bankrupt or as the case may be for as long as any judgment against him in favour of the official assignee remains unsatisfied.

(2) Serious financial embarrassment from whatever cause shall be regarded as necessarily impairing the efficiency of an Officer and rendering him liable to disciplinary action.

(3) If such embarrassment is caused by imprudence or other reprehensible cause, the Officer concerned shall be liable to immediate dismissal and the onus shall rest on him to show that the circumstances do not justify the imposition of the full penalty.

(4) It shall be the duty of the Registrars of all courts of competent jurisdiction to report to the appropriate Permanent Secretary/Head of Extra-Ministerial Office that the Officer has become a judgment debtor.

(5) Where the fact that an Officer has become a judgment debtor or a party to the accommodation of bills or promissory notes is brought to the notice of his Permanent Secretary/Head of Extra-Ministerial Office, the latter shall call upon him to submit a statutory declaration in the prescribed form (Gen. 74) disclosing all his liabilities.

(6) Otherwise a Permanent Secretary/Head of Extra-Ministerial Office may take such action as appears necessary when an Officer becomes financially embarrassed ; and if it is considered undesirable that the Officer should be retained in the Public Service, appropriate disciplinary proceedings shall be initiated by Permanent Secretary/Head of Extra-Ministerial Office.

(7) As long as an Officer is in serious financial embarrassment, he shall be disqualified from promotion or acting in a higher appointment.

Oath of Secrecy.

100415.— It shall be the duty of every Permanent Secretary/Head of Extra-Ministerial Office to ensure that all Officers and employees in his Ministry/Head of Extra-Ministerial Office who have access to classified or restricted papers have signed the Oath of Secrecy in the Appropriate form before they are granted such access and that the declarations so signed are safely preserved. To facilitate this action in respect of Officers holding junior posts, the Oath of Secrecy is incorporated in the revised Form No. Gen. 75.

Unauthorized Disclosure of Official Information.

100416.— Every Officer is subject to the Official Secrets Act, (Cap. 335) (reproduced - as Appendix E at the end of this Rule) and is prohibited from disclosing to any person, except in accordance with official routine or with the special permission of Government, any article, note, document or information entrusted to him in confidence by any person holding office under any Government in the Federal Republic of Nigeria, or which he has obtained in the course of his official duties. Similarly, every Officer shall exercise due care and diligence to prevent the knowledge of any such article, note, document or information being communicated to any person against the interest of the Government.

Abstraction or Copying of Official Documents.

100417.— Every Officer is prohibited from abstracting or copying official minutes, records or other documents except in accordance with official routine or with special permission of his Permanent Secretary/Head of Extra-Ministerial Office.

Secret Personal Records.

100418.— Officers shall not, as a general rule, have access to official and secret records relating personally to themselves.

Removal of Public Records.

100419.— No Officer may, on leaving the Public Service take with him any public record without the written permission of the Permanent Secretary, Service Policies and Strategies Office, OHCSF.

Removal of Historical Documents.

100420.— Historical manuscripts or other documents of public interest which may be discovered by any Officer in the course of his official duties shall not be appropriated to his own use, but their existence must be reported to Permanent Secretary/ Head of Extra Ministerial Office in order that steps may be taken for their examination and preservation.

Publication and Public Utterances.

100421.— (*i*) Except in pursuance of his official duties, no Officer shall, without the express permission of his Permanent Secretary/Head of Extra-Ministerial Office, whether on duty or on leave of absence :

(*a*) act as the editor or take part directly or indirectly in the management of or in any way make financial contribution to any newspaper, magazine or journal except the following :

(*i*) Departmental or staff magazine ;

(*ii*) Professional journal ;

(*iii*) Publication by voluntary organizations ;

(*b*) contribute to, whether anonymous or otherwise, or publish in any newspaper, magazine or periodical or otherwise cause to be published in any manner anything which may reasonably be regarded as of a political or administrative nature ;

(*c*) speak in public or broadcast on any matter which may reasonably be regarded as of a political or administrative nature ;

(*d*) allow himself to be interviewed or express any opinion for publication on any question of a political or administrative nature or on matters affecting the administration, public policy, defense or military resources of the Federation or any other Country.

(*ii*) (*a*) In considering whether or not permission for the proposed publication is to be granted, the Permanent Secretary/Head of Extra-Ministerial Office shall have regard to the interest of the Government and the public, and may, if he considers it necessary, seek the opinion of other appropriate Permanent Secretaries/Heads of Extra-Ministerial Offices.

(*b*) On the submission to the Permanent Secretary/Head of Extra-Ministerial Office of a brief outline of the scope of the proposed publication and the method of the treatment to be applied thereto, the Permanent Secretary/ Head of Extra-Ministerial Office, may give a provisional permission for the proposed publication. Final permission may only be granted upon submission of the full and complete manuscript and Permanent Secretary/Head of Extra-

Ministerial is satisfied that the proposed publication is not against the interest of the government or the public.

(*iii*) Nothing in this Rule shall be deemed to prevent an Officer from publishing in his own name, by writing, speech or broadcast, matters relating to a subject of general interest which does not contain a criticism of any Officer, Minister, Official and Ministerial statements or actions, or which can be regarded as of a political or administrative nature ; provided that in so publishing any matter compiled with Government sanction from official records, he gives prominence to a disclaimer of Government responsibility for its accuracy.

Political Activities.

100422.— No Officer shall, without express permission of the Government, whether on duty or leave of absence :

(*a*) hold any office, paid or unpaid, permanent or temporary, in any political organization ;

(*b*) offer himself or nominate anyone else as a candidate for any elective public office including membership of a Local Government Council, State or National Assembly ;

(*c*) indicate publicly his support of or opposition to any party, candidate or policy ;

(*d*) engage in canvassing in support of political candidates ; and

(*e*) nothing in this rule shall be deemed to prevent an Officer from voting at an election.

Resignation Before Seeking Elective Office.

100423.— (*i*) Any Officer seeking elective office(s) is to tender his resignation three (3) months before the election.

(*ii*) Where it comes to public knowledge or becomes known that an Officer is seeking or has sought an elective post without complying with Rule 100423 (*i*), he shall by that act deemed to have resigned his appointment three months from the date of the election.

Investments.

100424.— (*a*) Public Officers are not prohibited from holding shares in both public and private companies operating in Nigeria or abroad except that they must not be Directors in private companies, and may only be Directors in public companies if nominated by Government.

(*b*) A public Officer, whenever required to do so by his Permanent Secretary/Head of Extra-Ministerial Office, shall disclose within three working days, in confidence, full information about any investments held by him or his immediate family whether held in their own names or the names of other persons or otherwise. Where an Officer is called upon to divest himself of investments which are likely to lead to public scandal or are likely to be construed as an indication that the Officer has abused his public position for his private advantage, and he fails to comply within six months, the matter shall be reported to the Federal Civil Service Commission for necessary action.

Prohibition of Private Practice.

100425.— In accordance with the provisions of the Regulated and other Professions Private Practice Prohibition Act, (Cap. 390) Part II, no Officer shall engage in private practice. However, exemptions shall be granted to private Medical Practitioners and Law Lecturers in the Universities and other public servants who are interested in practicing in the field of ICT and Agricultural Business value chain, provided that it does not conflict with their official duties.

Mineral Discoveries.

100426.— It is the duty of every Officer to report to Government any discovery of what he considers to be valuable minerals. Officers are prohibited, under pain of \dismissal, from giving any information on such valuable discoveries to any syndicate, company or individual and deriving any benefit therefrom. Upon the report of such discovery, it shall be within the discretion of Government to make the report public or to withhold it.

Seeking Influence of Prominent Persons.

100427.— No Officer shall seek the influence of prominent persons or any other person for ensuring the due consideration of his claims in matters connected with discipline or with a view to obtaining consideration for appointment, transfer, promotion or postings.

Posting and Residence.

100428.— Every Officer shall discharge any duties assigned to him by Government and accept liability of being stationed wherever his presence is considered to be most useful.

Paid Appointment During leave.

100429.— An Officer on leave of absence shall not accept any paid employment without previously obtaining the express approval of the Office of the Head of the Civil Service of the Federation (OHCSF).

Private Agency.

100430.— No Officer shall undertake any private agency in any matter connected with the exercise of his public duties.

Statement on appointment.

100431.— Concealment of any of the facts which an applicant for Government employment is required to make in compliance with Rule 020207 or any false statement in that regard or any application for employment shall be regarded as sufficient grounds for non-employment or for subsequent termination of appointment without notice if the falsehood is detected after engagement.

Borrowing Money.

100432.— No Officer may borrow money either as principal or as surety or in any manner which places him under a financial obligation to a person whether in the Public Service of the Federation or a State or otherwise, being a person :

(*a*) who is directly or indirectly subject to his official authority ;

(*b*) who resides, possesses land or carries on business within the local limits of his official authority ;

(*c*) with whom the Officer has or is likely to have official dealings ; or

(*d*) who is a registered money-lender. For the purpose of this rule, the word "person" shall include a body or person corporate or non-corporate.

(2) An Officer may, however, borrow from banks, insurance companies, co-operative societies or incur debts through acquiring goods by means of a hire-purchase agreement provided that :

(*a*) the bank, insurance companies, co-operative societies from which the Officer borrows or the person with whom he signs a hire-purchase agreement are not directly or indirectly subject to his official authority and do not have such official dealings with the Officer as may lead to public scandal or be construed as an abuse of his public position for his private advantage ; and

(*b*) the aggregate of his debts does not or is not likely to cause him serious financial embarrassment as defined under Rule 100414.

(3) Subject to paragraph (2) above an Officer may incur the following debts, provided that the aggregate of his debts is not likely to cause him serious financial embarrassment :

(*a*) sums borrowed on the security of land charged or mortgaged, where the said sums do not exceed the value of the said land ;

(*b*) overdrafts allowed by banks ;

(*c*) sums borrowed from insurance companies on security of policies ;

(*d*) sums borrowed from Government or co-operative societies ; or

sums due on goods acquired by means of hire-purchase agreement.

Presents in Recognition of Service.

100433.— (*a*) No Officer or his family shall accept gifts or presents whether in the form of money or otherwise, from any person in recognition or anticipation of service rendered or to be rendered by virtue of his official position. These rules shall not be regarded as applying to small personal gifts such as may be exchanged between colleagues and friends. If an Officer is in doubts as to the propriety of receiving and retaining a gift, he may consult his Permanent Secretary/Head of Extra-Ministerial Office.

Gifts from Traditional Rulers.

100434.— (*b*) Gifts from traditional rulers, chiefs and other persons which cannot be refused without giving offence shall be handed over to the Government. When presents are received on behalf of the Government in ceremonial intercourse they shall be handed over to the Government and any returned presents shall be given at Government expense.

Acceptance of Chieftaincy Titles.

100435.— Serving Officers are prohibited from accepting chieftaincy titles until after retirement from Service. However, where a public servant must hold a traditional title bestowed on him by inheritance or receive any award, due clearance must be obtained from the Secretary to the Government of the Federation through the Office of the Head of the Civil Service of the Federation.

Prohibition of Bribery and Corruption.

100436.— In order to improve Public Service Management, and enhance accountability and transparency, no Officer shall receive any bribe or engage in corrupt practices.

SECTION 5.— CONDUCT PREJUDICIAL TO THE SECURITY OF THE STATE

Conduct Prejudicial to State security.

100501.— Where a Committee comprising members from the Federal Ministry of Justice, Office of the Head of the Civil Service of the Federation is satisfied that an Officer has committed a misconduct involving the security of the State or prejudicial to it, the Officer shall be subject to the normal disciplinary procedure provided that the punishment for such misconduct shall be aggravated.

SECTION 6.— RETIREMENT IN PUBLIC INTEREST

Retirement in Public Interest.

100601.— Notwithstanding the provisions of this chapter, if the Federal Civil Service Commission considers that it is desirable in the Public Interest that an Officer should be required to retire from Service on ground which cannot suitably be dealt with by the procedures laid down in rule 100305, it shall call for a full report from the Permanent Secretary/Head of Extra-Ministerial Office in which the Officer has served ; and if, considering that report and giving the Officer an opportunity of submitting a reply to the complaints by reason of which his retirement is contemplated, the Commission is satisfied, having regard to the conditions of Service, the usefulness of the Officer thereto and all other circumstances of the case, that it is desirable in the public interest to do so, it shall retire the Officer and the Officer's service shall accordingly terminate on such date as the Commission may specify. Cases of retirement in public interest in the Federal Civil Service shall be routed through the Office of the Head of the Civil Service of the Federation to the Federal Civil Service Commission.

SECTION 7.— DISCIPLINARY PROCEDURE FOR A PERMANENT SECRETARY

Procedure.

100701.— When a Permanent Secretary is alleged to have committed a misconduct or flagrant abuse of extant rules and regulations, it shall be the duty of his Minister to draw the attention of the Head of the Civil Service of the Federation to the infractions.

(*i*) The Head of the Civil Service of the Federation shall upon receipt of the complaint, notify the Permanent Secretary in writing, the ground(s) on which it is being proposed to discipline him. He shall be called upon to state in writing, within the period specified in the query, any grounds upon which he relies to exculpate himself ;

(*ii*) If he submits his representation and the Head of the Civil Service of the Federation is not satisfied that he has exculpated himself, and or should the Permanent Secretary fail to furnish any representation within the time fixed, the Head of the Civil Service of the Federation may forward the query, and the representation to the Federal Service Management Committee ;

(*iii*) The Permanent Secretary shall be informed that, on a specific day, the question of his misconduct/serious misconduct shall be brought before the Committee and he shall be required to appear before it, to defend himself and shall be entitled to invite witnesses. His failure to appear shall not invalidate the proceedings and recommendation(s) of the Committee ; **Responsibility of the Permanent Secretary.**

(*iv*) The Committee, having inquired into the matter, shall submit a report with appropriate recommendation(s) to the Head of the Civil Service of the Federation, who shall transmit same to the President for consideration and approval ; and **Responsibility of Committee.**

(*v*) The decision of the President shall then be conveyed by the Head of the Civil Service of the Federation to the affected Permanent Secretary.

SECTION 8.— DISCIPLINARY MEASURES

100801.— The following are the disciplinary measures that may be taken under and in accordance with these Guidelines : **Disciplinary Measures.**

(*i*) Dismissal, termination or retirement ;

(*ii*) Reduction in rank ;

(*iii*) Reduction in salary ;

(*iv*) Withholding of increment ;

(*v*) Deferment of increment ;

(*vi*) Loss of pay /non- payment for the corresponding days an Officer is not at his duty post/station without authority ;

(*vii*) Surcharge ;

(*viii*) Reprimand ;

(*ix*) Written warning ; and

(*x*) Verbal warning.

CHAPTER 11

PETITIONS AND APPEALS

SECTION 1 : APPEAL/PETITION GENERAL
SECTION 2 : APPEAL/PETITION RULES

SECTION 1.— APPEAL/ PETITION GENERAL

Definition.

110101.— An appeal is a formal request made by an aggrieved Officer for reconsideration of the decision of an appropriate authority.

A petition is a formal complaint made by an Officer to an appropriate authority for consideration of a matter affecting the Officer personally or bordering on general/ public interest.

Procedure.

110102.— Every Officer who has any representation of a public or private nature to make to the Government should address them to :

(*a*) The Chairman, Federal Civil Service Commission, in respect of matters relating to appointments (including acting appointments), promotion, transfer and discipline ; or

(*b*) The Head of the Civil Service of the Federation on matters relating to other conditions of service, e.g. leave, passages, allowances, pensions, gratuities, etc.

(*c*) The Head of MDAs or Head of Government on issues bordering mostly on general/ public interest.

Petition to Head of Government.

110103.— Any Officer in the Federal Public Service may address the Head of Government, in which case he must transmit such communication, unsealed and in triplicate to any of the channels mentioned in the preceding rule requesting that the petition be forwarded in due course to the Head of Government. Every letter, or document which may be received by the Head of Government otherwise than through the proper channel will be returned to the writer. The rule requiring transmission of communications to the Head of Government through appropriate channel is based on the strongest grounds of public convenience, in order that all communications may be duly verified as well as reported on or before they reach the Head of Government. It extends therefore to communications relating to public affairs as well as the concerns of the writer.

SECTION 2.— APPEAL/ PETITION RULES

Timing.

110201.— Appeal from an aggrieved Officer shall be handled and concluded within six months.

(*i*) Without prejudice to their constitutional rights, Officers shall as much as possible exhaust all avenues provided in the Public Service Rules and Circulars for redress before proceeding to courts.

(*ii*) Any Officer who wishes to proceed to court shall obtain a formal approval from the Head of the Civil Service of the Federation.

(*iii*) Any Officer that takes his employer to court without following the above due process, shall be placed on suspension, pending the determination of the case.

Applications.

110202.— Appeal or Petition by an Officer (or by an ex-Officer on matters relating to his conditions of employment as an Officer or his condition as a pensioner of Government) must be submitted in accordance with the rules set out in this section.

Outside Influence.

110203.— In line with 100427, an Officer must not attempt to bring political or other outside influence to support his individual claims. If he is dissatisfied, the proper course is to make representation to his immediate superior Officer or Permanent Secretary/Head of Extra Ministerial Office. If his representations are not successful, it is open to him to submit a formal appeal/petition to the appropriate authority under Rule 110102.

Routing of Petition.

110204.— An appeal/petition must be submitted through the proper departmental channels, namely through the petitioner's immediate superior Officer and the Permanent Secretary/Head of Extra-Ministerial Office, who will forward the appeal/petition with his comments and recommendations to the Chairman of the Federal Civil Service Commission or Head of the Civil Service of the Federation in accordance with administrative instructions in force at the time. It is in the petitioner's interest that the above mentioned rule concerning the routing of an appeal/petition shall be strictly observed in order that the petition will be duly verified and reported on before it reaches the final destination.

Number of Copies.

110205.— An appeal/petition addressed to any of the channels mentioned in the preceding rule must be submitted in duplicate, and an advance copy may be sent direct to the appropriate authority with evidence that he has submitted through the channel stated in rule 110204. In either case, one copy will be retained by the Permanent Secretary/Head of Extra-Ministerial Office.

Identity of Petitioner.

110206.— An appeal/petition must bear the full name, staff number, signature and address of the petitioner. When written by a person other than the Appellant/Petitioner, the signature and address of the writer must be included.

Petition Submitted on Behalf of an Illiterate Person.

110207.— When a person submits an appeal/petition above his own signature on behalf of an illiterate, the petition shall contain a statement that he has been asked to write on behalf of the illiterate.

Disqualifications.

110208.— (a) An appeal/ petition will not be entertained if it :

(*i*) does not comply with Rule 110102 ;

(*ii*) deals with a case in which legal action is pending in a Court of Law ;

(*iii*) is illegible or meaningless ;

(*iv*) is worded in abusive, improper, or foul language ; or

merely repeats the substance of a previous petition without introducing new relevant matter.

Delay to be Explained.

110209.— (*b*) An appeal/petition submitted more than six months after the decision complained of has been given, will also not be entertained, unless such delay is supported by valid reasons.

Conclusion of Petitions.

110210.— An appeal/petition shall conclude by stating concisely the nature of the redress sought, and a petition which exceeds in length two pages of foolscap must also include a summary of the reasons adduced in support of the redress sought.

CHAPTER 12

LEAVE

SECTION 1 : GENERAL
SECTION 2 : TYPES OF LEAVE

SECTION 1.— GENERAL

120101.— "*Leave*" is the authorized absence of an Officer from duty for specific period as provided for in this Chapter. **Definition.**

120102.— "*Leave Address*" is a place where an Officer could be reached during his leave period. **Leave address.**

120103.— "Earned Leave" is the leave due to an Officer in a year for the service rendered to Government. **Earned Leave.**

120104.— "*Leave Earning Service*" is a qualifying period of duty before Officers could be granted leave. **Leave Earning service.**

120105.— "*The Date of Resumption of Duty*" is the date following the expiration of the leave. **Date of resumption.**

120106.— "*Leave Year*" is the period between 1st January and 31st December. **Leave year.**

SECTION 2.— TYPES OF LEAVE

120201.— The types of leave in the Federal Public Service are as follows: **Types of leave.**

(*a*) Annual Leave :

(*b*) Proportionate Leave (Pro-rata Leave) ;

(*c*) Deferred Leave (Abolished) ;

(d) Casual Leave ;

(*e*) Sick Leave ;

(*f*) Maternity Leave ;

(*g*) Paternity Leave

(*h*) Examination Leave ;

(*i*) Sabbatical Leave ;

(*j*) Study Leave with pay ;

(*k*) Study Leave without pay ;

(*l*) Leave on Compassionate Ground ;

(*m*) Pre-retirement Leave ;

(*n*) Leave of Absence ;

(*o*) Leave on Grounds of Urgent Private Affairs ;

(*p*) Leave for Cultural and Sporting Activities ; and

(*q*) Leave to take part in Trade Union Activities ;

Annual Leave.

120202.— Annual Leave is the absence of an Officer from duty for a period specified in Rule 120203 as may be authorized by a superior Officer.

Annual Leave Entitlement.

120203.— Annual Leave shall be granted to an Officer in accordance with his grade level as follows :

(*a*) GL 07 and above	—	30 working days
(*b*) GL 04 – 06	—	21 working days
(*c*) GL 03 and below	—	14 working days

Qualifying Period for Annual Leave.

120204.— An Officer shall qualify for annual Leave not less than six months after the previous leave within a leave earning service year.

Annual Leave Roster.

120205.— (*a*) It is the responsibility of the Head of Department of Human Resource/Administration to draw up the Annual Leave Roster for all Officers in that Ministry/Extra-Ministerial Office ;

(*b*) It is the responsibility of every Permanent Secretary/Head of Extra-Ministerial Office to approve the Leave Roster for the coming year not later than the 31st of December.

Normal Grant of Annual Leave.

120206.— Leave will be granted at any time during the leave year. Normally, the full leave will be taken at one time but it may be taken in not more than two installments. Any leave not taken within the calendar year concerned will be forfeited. No Officer is allowed to accumulate leave.

Annual Leave Abroad.

120207.— (*a*) An Officer who desires to spend his annual leave abroad shall inform the Permanent Secretary/Head of Extra-Ministerial Office before proceeding on vacation and shall provide details of his address.

(*b*) Where an Officer is required during his vacation leave to undertake any duty, the period of duty will be leave-earning and not leave consuming. A period of duty outside Nigeria during an Officer's tour will be regarded as part of his tour.

Leave Abroad.

120208.— An Officer spending his leave within or outside Nigeria must furnish the Permanent Secretary/Head of Extra-Ministerial Office with his/her intended destination or leave address before proceeding on leave.

Date of Resumption.

120209.— An Officer is required to resume duty after vacation leave on the date following the expiration of his authorized leave.

Curtailment of Leave.

120210.— An Officer may be required to return to duty before the expiration of his authorized leave by the Permanent Secretary/Head of Extra-Ministerial Office. Any portion of his leave so curtailed shall be taken immediately and not later than ninety (90) days of completion of the assignment.

120211.— On return from annual leave, every Officer must complete and submit a Resumption of Duty Certificate (Form L.10) to his Permanent Secretary/Head of Extra-Ministerial Office who will endorse and forward the form to the Office of the Head of Civil Service of the Federation (OHCSF) or to the relevant pool office. **Procedure on Return from Leave.**

120212.— "Proportionate Leave" (Pro-rata) is a vacation granted to a new or retiring Officer in proportion to the number of days he has put into the service. Any Period of service under 30 days is not reckonable. The calculation of proportionate leave shall be done in accordance with the table below : **Proportionate Leave.**

TABLE 1.— Calculation of Proportionate Leave

Proportionate leave for Graded Officers

	GL.07 and Above (*30 working Days*)	GL.04-06 (*21 working Days*)	GL.03 (*14 working Days*)
12 Months	30	21	14
11 Months	28	19	13
10 Months	25	18	12
9 Months	23	16	11
8 Months	20	14	9
7 Months	18	13	8
6 Months	15	11	7
5 Months	12	9	6
4 Months	10	8	5
3 Months	7	6	4
2 Months	5	4	3
1 Month	3	2	1

The computation is based on working days.

120213.— (*a*) An Officer who joins the Federal Public Service during the course of the Leave Year will not normally be granted an annual leave but a proportionate leave. **Officer Entitled to Pro-Rata Leave.**

(*b*) Officers who attend courses of instruction/training over a period of six months shall be entitled to proportionate leave for the period they put in Service.

(*c*) An Officer who is retiring within the period of Leave-Earning Service shall be entitled to proportionate leave.

120214.— Casual Leave is the absence of an Officer from duty for a short period not exceeding an aggregate of 7 working days within a leave year as may be authorized by a superior Officer. Casual leave shall only be granted after an Officer has exhausted his annual leave. **Casual Leave.**

120215.— A maximum of seven days casual leave shall be granted in any leave year. Casual leave in excess of seven days in any leave year may be granted only by the Permanent Secretary/Head of Extra-Ministerial Office. **Limits for Casual Leave.**

Chapter 12

Sick Leave.

120216.— Sick Leave is the absence of an Officer from duty on account of ill-health as authorized by a Healthcare Provider.

Maternity Leave.

120217.— Maternity leave is the authorized absence from duty of a serving female Officer granted by a superior Officer on account of pregnancy covering the prenatal and postnatal periods.

Maternity Leave Duration.

120218.— (*i*) A female staff that is pregnant is entitled to 112 working days Maternity leave at a stretch beginning not less than 28 working days from the Expected Date of Delivery with full pay. A medical certificate showing the expected date of confinement must be presented not less than two months before that date. The annual leave for that year will, however, be regarded as part of the maternity leave. Where this annual leave has already been enjoyed before the grant of maternity leave that part of the maternity leave, equivalent to the annual leave will be without payment of salary.

(*ii*) Where a female Officer adopts a child under four months old, the Officer shall enjoy 84 working days maternity leave.

Paternity Leave.

120219.— Paternity Leave is the authorized absence of a serving male Officer granted by his superior Officer from duty shortly before or after delivery by his spouse for a period of 14 working days and not more than once in two years for a maximum of four children.

(*i*) Where a family of male Officer adopts a child under four months old the male Officer will enjoy a leave for a period of 14 working days.

(*ii*) Request for such leave shall be accompanied by Expected Date of Delivery report of his wife or evidence of approval of the adoption.

Time off for Nursing Mothers.

120220.— Any female Officer who is nursing a child shall be granted two hours off-duty every day. This facility shall be granted up to a maximum period of six months from the date she resumes duty from maternity leave.

Leave for compulsory Examination.

120221.— An Officer may be granted special leave for the purpose of taking an examination, which he is required to pass by the condition of services of his appointment.

Leave for Non-Compulsory Examination.

120222.— An Officer may be allowed special leave with full pay to take an examination, the passing of which is not a condition of his current appointment, provided that his Permanent Secretary/Head of Extra-Ministerial Office certifies the following :

(*a*) that the passing of the examination is likely to enhance his value to the Service ;

(*b*) evidence of admission for the course ; and

(*c*) evidence of a time-table for the examination.

Sabbatical Leave.

120223.— Sabbatical Leave as applies to the Public Service is the absence of an Officer on GL 15 or equivalent and above from duty, for the

purpose of research or to avail an employee the opportunity to step back from primary duty post for Research relevant to his duties or established professional development programme linked to career progression for improved service delivery. It may be taken within or outside Nigeria. The goal is for the Officer to return to work with enhanced skills for better performance. Applicants must tender evidence of acceptance from receiving organization. The leave shall be for a period of twelve (12) calendar months once in five (5) years.

PROCEDURE FOR SABBATICAL LEAVE

Procedure for Sabbatical Leave.

120224.— (*a*) Only confirmed Officers not under a performance improvement plan or disciplinary action are allowed to proceed on sabbatical leave. The request must be at the instance of the Officer through written application to his superior six months in advance and the assessment of benefitting Officer must be of high-performance record. Sabbatical leave shall be closely linked to career progression in the Service ;

(*b*) It must be ensured that the leave is taken not to coincide with a national assignment or significant project period that the applicant plays a critical role. The applicant's MDA must certify that the staff member can be released to undertake sabbatical leave without replacement or impairing the smooth flow of work of the concerned department ;

(*c*) The request for Sabbatical Leave on the recommendation of the Permanent Secretary shall be forwarded to OHCSF for approval. The period of sabbatical leave shall not be regarded as a break in Service ;

(*d*) Officers on Sabbatical Leave shall return to work immediately after completion of the leave and submit a notification of return to duty except where an extension is granted. Failure to do so, shall be construed as a serious misconduct and attract appropriate penalty ;

(*e*) In addition, all Officers returning from sabbatical leave must submit a formal report on academic/administrative work accomplished during the leave period ;

(*f*) Officer on sabbatical leave shall not be granted notional promotion. However, such Officer shall be eligible to sit for promotion interview/ examinations at the nearest designated centers ;

(*g*) Upon an Officer's return from sabbatical leave, he must work for Government for a period of one year before exiting from Service ;

(*h*) All approvals and questions of interpretations on sabbatical leave shall be referred to the OHCSF ; and

(*i*) When an Officer is on sabbatical leave, he shall continue to enjoy his emolument from parent MDA within the period.

Study Leave.

120225.— Study Leave is the leave granted to a confirmed serving Officer to undertake an approved course of study within or outside the country.

Type of Study Leave.

120226.— There are three types of study leave :

(*a*) Leave for In-service Training ;

(*b*) Study leave with pay ; and

(*c*) Study leave without pay.

An Officer may be granted study leave with pay, study leave without pay, or in-service training provided that his Permanent Secretary/Head of Extra-Ministerial Office certifies the following :

(*i*) Evidence of letter of admission ;

(*ii*) Evidence of duration of the course ;

(*iii*) that the course is necessary to enhance the performance of the Officer and to add value to the service ; and

(*iv*) that the course is relevant to the Officer's profession.

In-Service Training.

120227.— Officers shall be granted in-service training for a period not exceeding two years with normal emoluments, allowances and course fees. In-service training shall be granted when the course is crucial to the MDA.

Study Leave With Pay.

120228.— (*a*) Study leave with pay shall be granted to an Officer with normal emoluments. The duration of study leave with pay shall not exceed two years. This is granted when the course of study is relevant to the mandate of the MDA, and the schedule of duty of the concerned Officer. If, however, there is acceptable justification, one-year extension shall be granted.

(*b*) Any course of study that cannot be accommodated within three years (inclusive of one-year extension) should be considered for study leave without pay or part-time. This is, however, without prejudice to the privileges granted to Awardees of the Presidential Special Scholarship Scheme for Innovation and Development (PRESSSID).

Study Leave Without Pay.

120229.— Officers are granted study leave without pay where the proposed courses of study are not contained in the approved training proposals for their MDAs, but relevant to the Officers' career prospects or self-development.

Condition for Study Leave without Pay.

120230.— The conditions for approval of study leave without pay are as follows :

(*a*) Officers on study leave without pay are not entitled to normal emoluments and allowances ;

(*b*) the duration of study leave without pay shall not be more than four years in the first instance, after which the Officer can apply for one-year extension if the need arises ; and

(*c*) The period of study shall not be regarded as a break in Service.

120231.— The release of any Officer on study leave shall be subject to the approval of the Head of the Civil Service of the Federation on the recommendation of the Officer's Permanent Secretary/ Head of Extra Ministerial Office. **Leave of Absence.**

120232.— Officers going on religious pilgrimages other than Officials assigned to cover such activities should use part of their annual leave for such purposes. **Leave for Religious Purpose.**

120233.— An Officer may be allowed special leave from duty on full pay on compassionate ground for a period up to two weeks for burial of spouse/child/parents/parents of spouse. **Leave on Compassionate Ground.**

120234.— Leave of Absence is absence of an Officer from duty authorized on grounds of public policy. All such leave shall be approved by the Head of the Civil Service of the Federation, on the recommendation of the Permanent Secretary/Head of Extra-Ministerial Office and shall be without pay. **Leave of Absence.**

120235.— An Officer on leave of absence shall not accept any paid employment without previously obtaining the express approval from the Office of the Head of the Civil Service of the Federation. **Paid Appointment during Leave.**

120236.— The various types of leave of absence are : **Types of Leave of Absence.**

(*a*) Leave of Absence to join spouse on course of instruction of not less than 9 months' duration abroad ;

(*b*) Special Leave of Absence to join spouse on grounds of public policy ;

(*c*) Leave of Absence on grounds of public policy for Technical Aid Programmes ;

(*d*) Leave of Absence for Special/Personal Assistant on grounds of public policy ; and

(*e*) Leave of Absence for spouse of Presidents, Vice Presidents, Governors, Deputy Governors, on grounds of public policy.

120237.— Leave of Absence shall not cover such appointments as ; Secretary to Government of the Federation, Ministers, Secretary to State Government, Commissioners, or any other Political Appointment. An Officer who accepts the offered appointment is deemed to have resigned from service from the date of his acceptance of the offer. **Leave of Absence not to Cover Political Appointments.**

120238.— An Officer who is also a public servant shall be permitted to join his spouse proceeding abroad on a course of instruction. The Officer is eligible for free passage at Government expense where the course of instruction is not less than nine (9) months. **Leave of Absence to join Spouse on Course of Instruction abroad.**

Special Leave of Absence to Join Spouse on Grounds of Public Policy.

120239.— On grounds of public policy, the spouse of a serving Officer may be granted leave without pay for a period not exceeding five years to enable him join his spouse on posting abroad on the following conditions :

(*a*) that the Officer's spouse be disallowed from taking up gainful employment ;

(*b*) that such leave shall not be regarded as break in Service ;

(*c*) where such spouses improve themselves by acquiring additional qualifications, which enhance their usefulness to the Service, they shall be considered for advancement in consonance with the prevailing regulations ;

(*d*) the period a spouse can be on leave of absence shall be four years in the first instance and subject to an extension of not more than one year ;

Leave of Absence for Technical Aid Corps Programmes.

120240.— In order to preserve the terminal benefits of Officers selected for Technical Aid Corps Programme by the Ministry of Foreign Affairs and ensure the continuity of their Service, such Officers shall be granted leave of absence on grounds of Public Policy.

Leave of Absence for Special or Personal Assistants.

120241.— Appointees of Federal Public Service who accept appointment as Special or Personal Assistants to political office holder are required to apply to the Head of the Civil Service of the Federation for leave of absence on grounds of Public Policy if they intend to return to the Service at the end of the assignment.

Leave of Absence for Spouses of the President, Vice President, Governors and Deputy Governors.

120242.— The spouses of the President, Vice President, Governors, Deputy Governors who are public servants are required to apply to the Head of the Civil Service of the Federation for leave of absence on grounds of Public Policy to join their spouses during their tenure of office.

Three Months Pre-Retirement Leave.

120243.— Officers are required to give three months' notice to retire from Service before the effective date of retirement. At the commencement of three months, Officers should proceed immediately on the mandatory one-month pre-retirement workshop/seminar. For the remaining two months, retiring Officers are expected to take necessary measures to put their records straight so as to facilitate the speedy processing of their retirement benefits.

Leave on Permanent Invalidation.

120244.— When a Medical Board recommends that an Officer is medically unfit to continue in Service and for that reason be disengaged, he will forthwith commence vacation leave prior to retirement. The length of leave granted shall be two months and will commence on the day on which

the Medical Board declares him unfit to continue in Service and retirement will take effect from its expiration.

120245.— An Officer who without an acceptable excuse fails to resume duty on the approved date after vacation leave will be regarded as absent without leave and without pay. No Officer shall extend his vacation leave beyond the date specified in his leave advice without the consent of his Permanent Secretary/Head of Extra-Ministerial Office. **Overstaying Leave.**

120246.— Officers who are dismissed shall not be entitled to any form of leave. **Dismissal.**

120247.— Annual vacation leave shall be based on working days. **Leave to be on Working Days.**

120248.— The period of any other leave such as casual leave, sick leave, maternity leave etc. granted under these rules shall not be inclusive of Saturdays, Sundays and Public Holidays occurring therein. **Leave Exclusive of Saturday, Sundays and Public Holiday.**

CHAPTER 13

MEDICAL AND DENTAL PROCEDURES MEDICAL TREATMENT

SECTION 1 : GENERAL
SECTION 2 : FACILITIES FOR MEDICAL TREATMENT
SECTION 3 : ABSENCE FROM DUTY ON ACCOUNT OF ILLNESS
SECTION 4 : BURIAL EXPENSES

SECTION 1.— GENERAL

Definitions.

130101.— "Healthcare Provider (HCP)" means duly appointed Healthcare Provider in accordance with the National Health Insurance Scheme.

"*Hospital*" – means a medical facility run by a duly approved Healthcare Provider (HCP).

"*Medical Officer*" is a Medical Practitioner who is authorized to render Healthcare services.

"*Private Practitioner*" – means any other Registered Medical or Dental Practitioner, outside the National Health Insurance Scheme (NHIS).

Compulsory Medical Examination on Appointment.

130102.— Every person appointed in any capacity shall be required to present himself for examination to a recognized Healthcare provider with a view to ascertaining whether he is fit for Government service. If the candidate is not finally passed as physically fit for Service, his appointment shall not be proceeded forthwith.

Medical Examination in Service.

130103.— In every five (5) years, an Officer shall present himself to a Healthcare Provider for examination to certify that the Officer is sound in health and fit to continue in Service, without bias to Government policy on the right of individuals as this pertains to specific diseases from time to time.

Medical Documents to be Treated as Confidential.

130104.— The medical certificates, reports of Medical Boards, dental treatment records, reports of private practitioners and confidential health reports of an Officer shall be treated strictly confidential. No copies of these reports except those mentioned in this Chapter shall be furnished, except that this rule shall not preclude the keeping of an Officer's health record in the Ministry of Health or the transfer of such record to the corresponding office when a staff is transferred to the Service of another Government.

Special Medical Tests.

130105.— The Permanent Secretary/Head of Extra-Ministerial Office may at any time call upon an Officer to present himself to an approved Healthcare Provider, or to a duly constituted Medical Board with a view to ascertaining whether the Officer is physically and mentally capable of performing the duties of his appointment or of any appointment to which it may be proposed to transfer him.

130106.— At the expiration of an Officer's Leave of Absence, he shall be required to present himself for examination to an approved Healthcare Provider, with a view to obtaining a report as to the Officer's continued physical and mental fitness to return to his duties. **Medical Test for Officer on Leave of Absence.**

130107.— In the case of examinations under either of the two preceding Rules : **Procedure.**

(*a*) any fees in respect of the examination shall in the absence of any special regulations or arrangement to the contrary, be paid by the relevant MDAs ;

(*b*) the person or persons appointed to conduct the examination shall have discretion to call a specialist into consultation and any fee due to the specialist for assistance in rendering a report to the Government shall be paid from public funds ;

(*c*) the report of the examination shall be furnished to the Government and communicated to the Officer concerned by the Healthcare Provider ; if he so desires ; and

(*d*) the Officer shall, however be informed at the earliest possible date of the decision reached upon his case by the Government after consideration of the report ; and if the Officer is dissatisfied with that decision he shall be at liberty to make representation to this effect, in which event the Government shall decide at its discretion whether any further medical evidence shall be called for.

130108.— An Officer may be granted leave by his Permanent Secretary/ Head of Extra-Ministerial Office for the purpose of visiting a Medical Specialist/ Dentist, but only if it is certified by the Healthcare Provider that he is unable to deal with the case himself and that it will definitely affect the health of the Officer if consultation is postponed. An Officer granted leave in such circumstances will be treated for the purpose of free transport facilities (but not for travelling allowance) as travelling on duty. If no medical certificate is given, it will be open to an Officer to apply for casual leave under Rule 120214. **Leave to Visit Medical Specialist/ Dentist.**

SECTION 2.— FACILITIES FOR MEDICAL TREATMENT

130201.— The medical facilities to provide medical services to all Officers and their families and the scale of charges will be accredited by the National Health Insurance Authority (NHIA) for medical services rendered shall be in line with the Health Policy of the Government. **Accredited Medical Facilities in Nigeria.**

TREATMENT BY PRIVATE PRACTITIONERS

130202.— A staff who prefers to be treated by a private practitioner instead of availing himself of services of authorized Healthcare Provider must himself bear all expenses incurred through such treatment. **Patient Bears Expenses of Medical Treatment by Private Practitioner.**

Chapter 13

TREATMENT ON BOARD, SHIP/AIRCRAFT AND ABROAD

Officers Embarked as Invalids.

130203.— If an Officer is travelling abroad at the instance of Government or its accredited representative in a sea-going vessel or aircraft as an invalid and placed in the charge of the Surgeon, the latter's fees for medical attendance on the Officer during the journey will be payable by the Government.

Officers Falling Seriously ill on Voyage to or from Nigeria.

130204.— (*i*) Government will consider claims for the refund of medical expenses incurred by Officers and their families during overseas journey duly authorized in cases of serious illness occurring en route and provided that the illness is not attributed to the Officer's or his family's negligence. Claims unrelated to health incurred on board ship/aircraft will not however be entertained ; and

(*ii*) In the case of Ministers, Permanent Secretaries and other officials of Government that are involved in frequent overseas engagements, provision for an annual International Medical Insurance should be made by Government.

Medical Expenses during Overseas Leave or on Duty.

130205.— The Federal Ministry of Health may recommend a refund of medical expenses (including charges for maintenance) incurred by an Officer while overseas on leave or on duty provided :

(*a*) the illness was not due to the Officer's own negligence ;

(*b*) the illness was attributable to conditions or the climate overseas ;

(*c*) the Officer sought to avail himself of the services of the local National Health Insurance Service (where applicable) and could not obtain the requisite attention there under within a reasonable time ;

(*d*) the Officer informed the nearest accredited representative of the Federal Government of Nigeria at the earliest date possible that he was unable to obtain the requisite attention through the National Health Insurance Service ; and

(*e*) the Officer showed reasonable diligence, expedition and economy in seeking and obtaining medical attention.

Medical Treatment Overseas.

130206.— (*a*) Approval for journeys outside Nigeria for medical treatment will only be granted by the Head of Civil Service of the Federation based on the recommendation of approved Healthcare Provider, and certification by the Federal Ministry of Health. In serious cases where a patient's life is in danger or where facilities for medical examination necessary for diagnosis of difficult cases are not available in the country, the Officer is treated as an out-patient and will be entitled to estacode allowance at the prevailing rate.

(*b*) Where medical treatment/ examination is to take place in Nigeria but outside the Officer's duty post, he shall be entitled to DTA at the prevailing rate. If the Officer's health condition became such that his NHIS facility cannot handle the situation and a referral is made to a better hospital in a

separate town or State, the DTA for the Officer and the accompanied spouse shall be paid by the Government.

(*c*) In exceptional cases where dependents of Officers are compelled to travel abroad for medical treatment/ check-up, Government's involvement will be limited to half of the estimated expenses.

(*i*) Every application for medical treatment abroad must be supported by a Consultant's report from an authorized Healthcare Provider. It must be submitted to the Permanent Secretary, Federal Ministry of Health and by the sponsoring Federal Government Ministries or Parastatals/ Organizations. The Permanent Secretary will then make his recommendations to the Head of the Civil Service of the Federation. Officers will be notified of approved applications by the Head of the Civil Service of the Federation with copies to the Federal Ministry of Finance, the Ministry of Foreign Affairs and appropriate Nigerian Mission abroad. As a further control measure, the choice of Consultants/ clinic abroad will be made by the Nigerian Mission. However, where contact already exists between a patient and a Consultant, the Mission may endorse the arrangement. The Mission's Medical Consultant will vet all bills before settlement to ensure that they are proper and reasonable.

Condition Spouse Accompanying Ailing Officer.

130207.— Conditions for Spouse accompanying ailing Officers : Permission may be granted an Officer's Spouse to accompany him at Government expense where the ailing Officer is considered to be in 'life or death' condition in consequence of which immediate medical treatment or hospitalization abroad is recommended. In such a case, the commitment of the Federal Government shall be limited to the provisions of return air passage for the two of them, together with the payment of estacode rate in respect of only the staff, it being assumed that if the patient is hospitalized his spouse will remain in a hotel, or that if the Officer remains as an out-patient, the two of them will utilize the same hotel accommodation. Even then this privilege (by which Spouse is permitted to accompany the Officer) shall not be automatic, it being a necessary requirement that a specific approval from the Accounting Officer shall be obtained prior to the journey abroad.

MANDATORY COMPREHENSIVE MEDICAL CHECK-UP

Officer to Mandatory Medical Check up Locally.

130208.— (*a*) Officers on salary grade level 15 and above shall undertake mandatory medical check-up locally once a year in Government accredited Medical facility. If as a result of such check-ups it is recommended that a further medical consultation and /or treatment should be undertaken abroad, permission to do so may be granted by either the President or the Head of the Civil Service of the Federation as the case may be. Where such Officers happen to be abroad on official business, they may undertake the once in a year medical check-up abroad, provided they obtain prior permission

from either the President or Head of Civil Service of the Federation as the case may be, prior to their departure abroad ;

(*b*) Officers on grade levels 12 to 15 are entitled to medical check-up locally once in two years. If as a result of such check-ups it is recommended that a further medical consultation and or treatment should be undertaken abroad, permission to do so may be granted by the Head of the Civil Service of the Federation. Where such Officers happen to be abroad on official business, they may undertake the once in two years medical check-up abroad provided that they obtain prior permission from the Head of the Civil Service of the Federation before the medical consultation takes place, and provided also that the medical practitioner to be consulted is one that is recommended by the Nigerian Mission located in or assigned to the particular country concerned. It should be noted that a local medical check-up may only be authorized if the applicant chooses a recognized Health Care Provider ;

(*c*) Other Officers in the Service shall be entitled to medical check-up locally every three years ;

(*d*) The provision for medical check-up as stated above shall not be monetized ;

(*e*) It should be noted that a local medical check-up may only be authorized if the applicant chooses a recognized Healthcare Provider ;

(*f*) Hospital bills in respect of medical check-up authorized under this section shall be settled by relevant MDAs.

AUTHORITY TO APPROVE MEDICAL CHECKUP

Authority to Approve Medical Checkup.

130209.— Approval for Public Officers to receive periodic medical check-up at Government expense abroad will be given by the appropriate authority as stated below :

(*i*) Officers for whom Presidential approval is required :

(*a*) Members of the Council of State ;

(*b*) Members of the Federal Executive Council ;

(*c*) The Inspector-General of Police and his Deputies ;

(*d*) Chairman of the Federal Civil Service Commission and all full time Chairmen of Government Establishments ;

(*e*) Secretary to the Government of the Federation (SGF) ;

(*f*) Head of the Civil Service of the Federation ;

(*g*) Permanent Secretaries/ Directors- General/ Chief Executives ;

(*h*) Officers of the Armed Forces of the rank of Brig. General (or its equivalent) and above ;

(*i*) Auditor-General for the Federation ;

(*j*) Accountant General of the Federation ;

(*ii*) Officers for whom the President should be informed :

(*a*) Senate President ;

(*b*) Speaker of the House of Representatives ;

(*c*) Chief Justice of the Federation ;

(*d*) Members of the National Assembly ;

(*e*) Justices of the Supreme Court ;

(*f*) Justices of the Court of Appeal ;

(*iii*) Officials for whom the approving Authority is the Head of the Civil Service of the Federation :

(*a*) all staff of Ministries and Extra-Ministerial Offices on Salary Grade Level 12 – and above ;

(*b*) staff in home Ministry and officials in the Ministry of Foreign Affairs on the same Grade Level mentioned above.

(*iv*) The Federal Ministry of Health will counter-sign the Certificate or recommendation issued by a Local Consultant which shall be attached to the application.

PROCEDURE FOR MEDICAL CHECK-UP

Procedure for Medical Checkup.

130210.— (*i*) The President's approval in respect of Officers in category 130209 (*i*) above will be conveyed to the Federal Ministries of Health, Finance and Foreign Affairs and the appropriate Nigerian Mission.

(*ii*) Officers of the Armed Forces of the rank of Brigadier-General (or its equivalent) will submit their applications to the President, through the appropriate Service Chiefs.

(*iii*) Officers in category 130209 (*iii*) above will submit their applications through their Permanent Secretaries for the Federal Ministry of Health to countersign the Certificate or recommendation issued by a local Consultant for the approval of the Head of Service.

(*iv*) Approvals/rejections will be notified through the same channel.

SECTION 3.— ABSENCE FROM DUTY ON ACCOUNT OF ILLNESS

Notice to Employer.

130301.— If an Officer is ill and unable to report for duty, he shall notify his Ministry/Agency in writing or by any other means of communication. Any prolonged absence from duty on ground of illness should be supported with any of the following documents :

(*a*) Excuse Duty Certificate ;

(*b*) Light Duty Certificate ; and

(*c*) Medical Certificate of Treatment duly authorized by an approved Healthcare Provider.

Duty to Report.

130302.— An Officer who is receiving medical treatment within or outside the location of his duty post shall report to his employer within 48 hours.

Responsibility of Healthcare Provider.

130303.— When an Officer presents himself to duly authorized Healthcare Provider for medical examination, the latter shall examine and treat him and if necessary, give him either of the certificates listed in Rule 130301 and if he is admitted as an in-patient, the Healthcare Provider shall issue a medical certificate of treatment to the Officer.

Seeking Medical Attention for Sick Officer.

130304.— When an Officer is so ill that he is physically unable to present himself for medical examination, his Next of kin shall notify the Healthcare Provider which shall either arrange for the Officer to be brought to hospital for examination and treatment or visit the Officer to examine and treat him. If the examination results in the Officer being admitted to a Hospital as an in-patient, the HealthCare Provider will so inform the Officer's Ministry/Extra-Ministerial Office, otherwise he shall give the Officer whichever of the Certificates listed in Rule 130301 as appropriate.

Private Medical Practitioner's Report.

130305.— When an Officer forwards to a HealthCare Provider a report on his sickness by the private practitioner attending to him, the Healthcare Provider will, after due consultation with the private practitioner, issue whichever of the certificates listed in Rule 130301 as appropriate. The period of excuse or light duty entered on the first certificate issued shall not exceed three days unless the Healthcare Provider has examined the patient, in which case the period may be for up to seven days. Each period of extension, thereto, shall not exceed seven days and not more than a total of three months sick leave may be allowed on such extension. If the Officer is still not fit for duty after three months sick leave, he shall be examined by a Medical Board. This shall also apply to an Officer admitted to a Specialist Hospital on the recommendation of a Healthcare Provider.

Reports to Ministries and Extra-Ministerial Offices.

130306.— On any of the occasions listed in this Rule, the Healthcare Provider shall report the circumstances to the Officer's Ministry/Extra-Ministerial Office :

(*a*) when an Officer is admitted and when he is discharged from a Hospital ;

(*b*) when an Officer refuses to carry out or in the opinion of the Healthcare Provider is neglecting to carry out the medical advice he has been given ; and

(*c*) when in the opinion of the Healthcare Provider an Officer is feigning ill-health.

Duty to Attend Medical Board and Comply with Recommendation(s).

130307.— If for any valid reason it is decided that an Officer should be examined by a Medical Board, he must present himself for examination at the place and time instructed, and must afterwards comply with recommendation(s) of the Board which will supersede any medical advice already given to him by a Healthcare Provider. An Officer who fails to comply with this rule shall render himself liable to be treated as having been absent without leave.

RESPONSIBILITIES OF MINISTRIES/ EXTRAMINISTERIAL OFFICES

Who is Responsible.

130308.— The Permanent Secretary/Head of Extra Ministerial Office will arrange for the responsibilities described in the Rules 130309 to 130313 to appropriate Officers.

Recording of Addresses.

130309.— In each Ministry/Extra-Ministerial Office the Human Resource Management /Administration must maintain an up-to-date record of the residential addresses, telephone numbers and contact details of next of kin of the Officers and staff employed there.

Enquiries about Absentees.

130310.— If an Officer's absence from duty is not explained by him within 24 hours, enquiry shall be made at his recorded address to ascertain the cause of absence.

Reporting of Staff's Sickness.

130311.— Whenever an Officer becomes so ill that he is physically unable to present himself for medical examination, the circumstances of his whereabouts should be reported by his Ministry/Extra-Ministerial Office to the nearest Healthcare Provider.

Instructions to Staff Reporting Sick.

130312.— When an Officer reports that he is prevented from performing his duties, he should (unless Rule 130311 applies) be instructed or authorized as explained in Rule 130305 and be provided with a note requesting the Healthcare Provider to examine and treat him.

Appointment of Medical Board.

130313.— When it is desirable to appoint a Medical Board, it is the responsibility of the Permanent Secretary/Head of Extra-Ministerial Office to initiate action in that regard.

RESPONSIBILITY OF HEALTHCARE PROVIDER

When Patient Attends in Person.

130314.— When an Officer presents himself to a Healthcare Provider for examination, the latter shall examine and treat him and give him either of the certificates listed in Rule 130301 as the Healthcare Provider considers appropriate or, if he admits him to hospital as an in-patient, inform his Ministry/ Extra-Ministerial Office.

SICK LEAVE RULES

Absence on Sick Leave.

130315.— An Officer not being on leave of absence who is absent from duty on the ground of ill-health will, provided such absence is covered by proper authority, be regarded as being absent on sick leave.

Sick Leave.

130316.— An Officer on vacation leave who is unable to resume duty at the expiration of his authorized leave by reason of ill-health duly certified by an approved Healthcare Provider, may be granted sick leave at the expiration of his annual leave.

Aggregate Sick Leave.

130317.— (*i*) The maximum aggregate sick leave which can be allowed to an Officer during any period of twelve months shall be three months. Where such an Officer has been absent from duty on the ground of ill-health for an

aggregate period in excess of three months within twelve calendar months, the Officer should be made to appear before a Medical Board with a view to its being ascertained whether he should be invalided from Service ; and

(*ii*) An Officer who is incapacitated as a result of injury sustained in the course of his official duties shall be entitled to draw full emolument until he is discharged from sick leave or permanently invalided.

Invalidating or Removal of an Officer on the Recommendation of a Medical Board.

130318.— An Officer who is recommended by a Medical Board or a Healthcare Provider to be permanently invalided will forthwith commence vacation leave prior to retirement in accordance with Rule 120244.

Sick Leave Rules.

130319.— Sick leave for a period up to three months in the first instance may be allowed on the certificate of an approved Healthcare Provider to an Officer who is hospitalized. If at the end of that period the officer is still hospitalized, his Permanent Secretary/Head of Extra-Ministerial Office must make arrangement for him to be examined by a Medical Board with a view to ascertaining whether he should be invalided from the Service or allowed further paid sick leave.

SECTION 4.— BURIAL EXPENSES

Death of a Serving Officer/ Spouse Overseas.

130401.— The Government shall repatriate, at the request of the deceased's family, the corpse of a Nigerian Officer who dies abroad while on official duty tour or course of instruction, or the corpse of the spouse of the Officer who was duly authorized to accompany him on the duty tour or course of instruction. Government's responsibility shall be limited to the following :

(*i*) Preparation of the body (embalming) ;

(*ii*) Purchase of a reasonably priced coffin or casket including inner zinc and wooden coffin as stipulated by Airline Regulations ;

(*iii*) Transportation of the corpse to the Officer's home town at reasonable cost ; and

(*iv*) Payment of the cost not exceeding one full page advert in one National Newspaper for the publication of obituary at the prevailing rates to the family of the deceased.

Death of Serving Pensionable Officer.

130402.— When a pensionable Officer dies in Service, Government's responsibility shall be limited to payment of 100 *per cent* of the Officer's total annual emolument to the family as burial expenses.

CHAPTER 14

ALLOWANCES

Definition.

140101.— (*a*) An allowance is a monetary benefit other than salary granted to an Officer for a specific purpose.

Allowances Subject to Periodic Review.

(*b*) All Allowances provided for in this Chapter shall be subject to periodic review by the National Salaries, Incomes and Wages Commission at the instance of the Office of the Head of the Civil Service of the Federation through the issuance of appropriate Circulars.

Types of Allowances.

140102.— The following allowances are payable to Officers in the Federal Public Service :

(*a*) Acting Allowance ;

(*b*) Books Allowance ;

(*c*) Call Duty Allowance ;

(*d*) Disengagement Allowance ;

(*e*) Duty Tour Allowance ;

(*f*) Estacode Allowance ;

(*g*) Estacode Supplementation Allowance ;

(*h*) Hotel Accommodation Allowance (1st 28 days) ;

(*i*) Hardship Allowance ;

(*j*) Hazard allowance ;

(*k*) Kilometer Allowance ;

(*l*) Local Course Allowance ;

(*m*) Overtime Allowance ;

(*n*) Project Allowance ;

(*o*) Resettlement Allowance ;

(*p*) Responsibility Allowance ;

(*q*) Spectacle Allowance ;

(*r*) Transport and Local Running Allowance ;

(*s*) Teaching Allowance ;

(*t*) Uniform Allowance ;

(*u*) Warm Clothing Allowance ; and

(*v*) Wardrobe Allowance.

Grading of Public Servants.

140103.— Grading of Public Servants for purposes of Allowances :

(*i*) GL. 01 – 04 ;

(*ii*) GL. 05 – 06 ;

(*iii*) GL. 07 – 10 ;

(*iv*) GL. 12 – 13 ;

(*v*) GL. 14 – 15 ;

(*vi*) GL. 16 – 17 ;

(*vii*) Permanent Secretary, Part-time Commissioners/ Board Members/ Chairmen and Chief Executives and equivalent ; and

(*viii*) HOS, SGF, Ministers and equivalent.

Kilometer Allowance.

140104.— Kilometer Allowance shall be paid to newly appointed Officers reporting to their duty station ; Officers retiring from Service plus spouse and four (4) children ; Officers undertaking responsibility using their cars and on transfer or posting at the rates specified in the extant Circular.

Disengagement Allowance.

140105.— Disengagement allowance shall be paid to an Officer proceeding on retirement from Service at the rates of 25 *per cent* of gross annual emolument plus authorized allowance as stated in Rule 140104.

First 28 Days Allowance (Hotel Accommodation Allowance for Newly Appointed/ Newly Posted Officers).

140106.— Officers on posting, transfer or on assumption of duty on new appointment at their new station, different from their city/town of domicile shall be entitled to transport fare for self, spouse and a maximum of four children. In addition, they shall be eligible for hotel accommodation for the first 28 days or an allowance for the first 28 days in lieu of hotel accommodation, as specified in the extant Circular.

Duty Tour Allowance.

140107.— Duty Tour Allowance is granted to enable Officers pay for lodging and feeding expenses during approved official tours.

Transport and Local Running Allowance.

140108.— (*a*) All Officers on official assignment are entitled to airfare, depending on the exigencies and with the approval of the Accounting Officer.

(*b*) All Officers when travelling to towns and cities where air transport services do not exist shall be paid Kilometer Allowance as specified in Extant Circular.

(*c*) For the purpose of local running, Officers shall be granted 30% of their duty tour allowance in addition to airport taxi, at the prevailing rates.

Eligibility for Payment of Estacode Allowance.

140109.— (*a*) Officers shall be eligible for appropriate estacode allowance at the prevailing rates when they :

(*i*) undertake special duty abroad ;

(*ii*) discharge official duties during vacation leave abroad ;

(*iii*) are on a delegation or visit to an organization abroad for a short period ; and

undertake course of instruction abroad including attachment to an organization abroad.

(*b*) Oversea Duty Tour by all public servants and estacode allowance shall be subject to the approval of the Head of the Civil Service of the Federation, on the recommendation of the Permanent Secretary/Head of the Extra-Ministerial Office.

(*c*) In the case of the other Public Officers, approval shall be obtained from the Secretary to the Government of the Federation.

Estacode allowance shall be payable at the rates specified in extant Circulars.

Official Visit while on Leave Outside Nigeria.

140110.— Before an Officer on leave outside Nigeria undertakes official visit, prior approval of the Head of the Civil Service of the Federation shall be obtained. The application for permission shall specify :

(*a*) details of the visit, duty or course proposed ;

(*b*) why the visit, duty or course is considered warranted in the public interest ;

(*c*) the approximate dates on which it is proposed that the Officer should arrive and depart from the country in which the duty or course is to be undertaken ;

(*d*) the Officer's address while absent from Nigeria ;

(*e*) the probable duration of the duty or course ; and

(*f*) the total estimated cost, including all travelling expenses and fees (if any).

Entertainment on Duty Visit Outside Nigeria.

140111.— An Officer on duty visit outside Nigeria shall be granted :

(*a*) air passage for himself only ; but where the duration of the Officer's duty is not less than 9 months, his spouse may accompany him at public expense.

(*b*) reimbursement of actual expenditure or transport essential to the business of the visit ;

(*c*) estacode allowance ; and

(*d*) when it seems likely that a delegation or any individual Officer going abroad will have to incur expenditure on entertainment, a special allocation will be authorized for that purpose.

Estacode Supplementation Allowance.

140112.— Where the cost of accommodation or hotel expenses of an Officer travelling abroad is met by the host Government or Institution during duty visit or training, such Officer shall be entitled to estacode supplementation allowance as follows :

(*a*) Where the donor providing the training as a form of technical assistance to Nigeria also provides free boarding and lodging, the Officer

concerned shall be entitled to 10 percent of his appropriate estacode for the whole duration of his course ; in other words, no full estacode for the first 28 days ;

(*b*) Where the donor providing the training provides free lodging alone, the Officer concerned throughout the whole duration of his course shall be paid 40 percent of his estacode to meet boarding and incidental expenses (full estacode for first 28 days not payable) ;

(*c*) Where the donor provides free lodging plus cash allowance, the Officer will claim the difference between the cash payment by the donor Government and the 30 percent of his appropriate estacode (no full estacode for the first 28 days) ;

(*d*) However, where the donor merely gives the Officer cash towards the cost of boarding and lodging and other incidentals, the Officer is entitled to receive the difference between the total cash paid him, by the host Government, and the estacode rate payable to him by Nigerian Government.

Travelling Days for Journeys Outside Nigeria.

140113.— For journeys outside Nigeria, traveling days shall be as approved by Government from time to time through the issuance of Circular.

Warm Clothing Allowance.

140114.— (*a*) An Officer who is required by Government to proceed to a foreign country on duty or on an approved course of instruction will be eligible for a warm clothing allowance as may be specified in the extant Circular.

(*b*) The allowance is not payable to an Officer under the following conditions :

(*i*) if the duty or course is undertaken during the period of the Officer's normal vacation leave spent in a country with a cold or temperate climate ;

(*ii*) if the duty or course is entered upon as a result of the Officer's own application and is taken in conjunction with his normal vacation leave ; and

if the duty or course which the Officer is directed to undertake, takes place earlier than three years from the date on which he last drew warm clothing allowance.

Local Course Allowance.

140115.— (*a*) Local Course of instruction is a course which an Officer takes locally in Nigeria but outside his station.

(*b*) An Officer attending a local course of instruction at any Federal Training Centre, University or other approved Public Service Training Institutions is eligible for Training Allowance as follows :

(*i*) For courses exceeding 28 days and where board and lodging are not provided by the Training Institutions concerned, Officers will be entitled

to 30 *per cent* of the Duty Tour Allowance for the 1st 28 days and such rates as may be specified in the relevant Circulars thereafter ; and

(*ii*) For courses not exceeding 28 days and where board and lodging are not provided by the Training Institute, Officers shall be entitled to 50 *per cent* of their Duty Tour Allowance.

Local Training Allowance.

140116.— Officers attending short term training at any of the Federal Training Institutes (FTIs) and Management Development Institutes (MDIs) of Government located at the Officers' workstation are entitled to transportation allowance and 50% of Duty Tour Allowance at the prevailing rate.

Books Allowance.

140117.— Books Allowance for Officers attending various courses at the Federal Training Centers, Treasury Schools, Universities and other approved Institutions in Nigeria shall be paid at the rates specified in the extant Circular.

Project Allowance.

140118.— The Project Allowance payable for the duration of the course shall be at the rates specified in the extant Circular. For Postgraduate Courses, project allowance is payable once and for all, only for students engaged in project writing.

Responsibility Allowance.

140119.— The responsibility allowance shall be paid annually as provided in extant Circular :

(*a*) Chief Confidential Secretaries attached to the President, Vice President, Senate President, the Speaker of the House of Representatives, the Chief Justice of Nigeria, the Secretary to the Government of the Federation, the Head of the Civil Service of the Federation, and the Honourable Ministers shall be paid the rates specified in the relevant extant Circular.

(*b*) Assistant Chief Confidential Secretaries attached to the Permanent Secretaries/Chief Executives of Extra-Ministerial Offices and the Directors shall be paid the rates specified in the relevant extant Circular.

(*c*) Confidential Secretaries attached to these functionaries shall be paid the rates specified in the relevant extant Circular.

Overtime Allowance.

140120.— Overtime is the additional time spent outside the approved time of work.

Entitled Officer.

140121.— Overtime Allowance shall be paid to Officers on GL. 14 and below.

Normal Approved Working Time.

140122.— For the purpose of computing Overtime, the normal approved working time per week shall be from 8 :00 am to 4 :00 pm from Monday to Friday. This excludes Saturdays, Sundays and Public holidays.

Payment of Over Time Allowance.

140123.— Payment of Overtime shall be made for time worked in excess of the normal working hours.

Circumstance in which Officers can work Overtime.

140124.— The circumstances in which Officers can work overtime are subject to the authorization and approval of the Accounting Officer/Chief Executive of the Ministry/Extra-Ministerial Office on the recommendation of the Director as follows :

(*a*) Officers attached to Top Management/Officials ;

(*b*) on special assignments, e.g. Conferences, Committees, etc. ;

(*c*) period of budgetary preparations ;

(*d*) period of closing of annual accounts ; and

(*e*) any other assignment as may be approved by the Director and above.

Rate of Payment of Overtime.

140125.— Payment for overtime on normal working days will be at the rate of 0.7 *per cent* of the monthly consolidated salary subject to a maximum of 45 hours in one month and must be approved by the Accounting Officer/ Chief Executive.

Work-Free Day.

140126.— A "work free day" means the working day on which public holiday falls.

Payment for the Time Worked on Public Holiday.

140127.— Time worked on weekends shall be paid at the rate of 11/2 percent of the normal overtime rate ; while on public holidays, the rate shall be double the normal overtime rate but must be approved by the Accounting Officer/Chief Executive.

Effect of Acting Appointment.

140128.— When an Officer eligible for overtime payment is duly authorized to act in a post which attracts overtime payment, he will be paid for overtime on his full acting emolument.

Uniform Allowance.

140129.— Uniform allowance at the rates specified in the extant circular is payable to all Officers who wear uniforms in the Service.

Acting Allowance.

140130.— An Officer duly authorized to act is eligible for acting allowance at the appropriate rate specified in rule 140131 and 140132 whichever is applicable from the gazette date of commencement of his acting appointment to the date immediately preceding the gazette date of termination thereof (both dates inclusive) except for any days in excess of 14 days of continuous absence from duty on account of ill-health. No allowances shall be paid if the period of acting appointment does not extend beyond one month.

Rate of Acting Allowance.

140131.— When an Officer has been recommended to act in a grade immediately higher than his own, he will be regarded as adequately performing the full duties of the higher post and shall be entitled to 100 *per cent* rate of acting allowance.

Officers Receiving Personal Allowances.

140132.— If an Officer is in receipt of a personal allowance in addition to the normal emoluments of his substantive office, such personal allowance will be treated as part of his substantive basic emolument for the purpose of calculating acting allowance.

Contract Officer and Re-Engaged Pensioners.

140133.— The substantive emolument of a contract Officer or re-engaged pensioner will, for the purpose of calculating allowance in accordance with Rule 020412 be taken as the Officer's actual emolument, less contract addition.

Resettlement Allowance.

140134.— Resettlement allowance shall be paid where an Officer is posted or transferred and it is established or confirmed that his living condition has been disturbed. It shall also be granted in compensation for out-of-pocket expenses not covered by other regulations, but which are incurred by the Officers in the course of transfer as defined in Rule 140135.

Definition of Transfer.

140135.— For the purpose of this section "transfer" shall include the following :

(*i*) transfer from one station to another during a tour of Service ; and

(*ii*) transfer or secondment to the Service of another Government in the Federation.

Rate of Payment of Resettlement Allowance.

140136.— Resettlement Allowance shall be paid at the rate of 2 *per cent* of an Officer's annual total emolument.

Not Payable if Transfer is at Officer's Request.

140137.— An Officer whose transfer is at his own request shall be entitled to only transport allowance and not resettlement allowance.

Part Time Teaching Allowance.

140138.— Allowances are payable to those who teach on part-time basis at the rates specified in the extant Circular.

Fulltime Teaching Allowance.

140139.— Officers in the Professional, Administrative, Executive, Technological and Allied Cadres whose normal duties do not involve teaching but who are posted to full time-teaching in Departments/ Training Institutions and other organized Institutions shall be paid at the rates specified in the extant Circular during the period of such postings.

House Master/ Mistress Allowance.

140140.— A House Master/Mistress shall be eligible for a House Master/ Mistress allowance at the rate specified in the extant Circular.

Science/ Maths Teaching Allowance.

140141.— Science/Mathematics Teachers are eligible for Science/ Mathematics Teaching Allowance at the rates specified in the extant Circular.

Laboratory Attendants' Allowance.

140142.— Laboratory Attendants who in addition to their normal duties, are required to work with their evening class Section of the Institution, shall be paid an allowance at a rate specified in the extant Circular.

Shift Duty Allowance.

140143.— Officers who perform shift duties and are not Health professionals shall be paid shift duty allowance at the rate of 15 *per cent* of their monthly salaries.

Chapter 14

Non-Accident Bonus/ Allowance.

140144.— Non-accident bonus shall be paid at the rate of ₦50,000.00 *per annum*, for drivers who are not involved in an accident or whose involvement in an accident is not attributed to any faults of their own and is for drivers with vehicle assigned and have been driving for a period of not less than six months in a year.

CHAPTER 15

INNOVATIONS AND INVENTIONS

SECTION 1 : INVENTIONS AND AWARDS COMMITTEE
SECTION 2 : CONTROLLING RIGHTS AND PATENTS
SECTION 3 : AWARDS AND SHARE OF COMMERCIAL PROCEEDS

Appointment of Inventions and Awards Committee.

150101.— There shall be constituted for the purposes of the Rules in this Chapter a Committee appointed by the Minister or Head of Extra-Ministerial Offices, which shall consist of the Chairman, Judicial or Legal Officer and such other persons as may be appointed. The notice of appointment of members of the Committee shall be published in the website of each MDA.

Functions.

150102.— The functions of the Committee shall be to make investigations and recommendations in connection with Rules 150301 and 150302.

Procedure.

150103.— The Committee may make rules for regulating their proceedings, but no such rules shall come into force until they shall have been approved by the Minister or Head of Extra-Ministerial Offices. An Officer shall be entitled to appear personally before the Committee or be represented in such manner as may be approved. All conclusions of the Committee shall be embodied in recommendations which shall be forwarded to the Minister or Head of Extra-Ministerial Offices.

Provisional Protection of Inventions.

150104.— An Officer who has made an invention must immediately report it under Secret Cover to Government through his Permanent Secretary/ Head of Extra-Ministerial Office. He may, at his own expense, or at the expense of Government if so required, lodge an application for provisional protection with the Registrar of Patents and Designs. When so lodging any such application, the Officer shall simultaneously send a copy thereof to the Minister or Head of Extra-Ministerial Offices, through his Permanent Secretary/Head of Extra-Ministerial Office. The Minister or Head of Extra-Ministerial Offices, shall decide as expeditiously as possible whether the invention shall be regarded as secret, and his decision shall be forthwith communicated to the Officer's Permanent Secretary/Head of Extra-Ministerial Office for the information of the Officer.

SECTION 2.— CONTROLLING RIGHTS AND PATENTS

Governments Opinion on Controlling Rights on Patents.

150201.— As soon as practicable the Head of Government shall decide whether the Officer shall or shall not be allowed controlling rights in the patent and his decision shall be communicated to the Officer's Permanent Secretary/Head of Extra-Ministerial Office for the information of the Officer. Where an invention is in all respects alien to the employment of the Officer, he shall normally be granted the full rights in such invention. Pending the decision of the Head of Government as to the controlling rights, all rights in the invention shall be deemed to belong to and be held in trust for the Government.

Rules Applicable when the Officer is Allowed Controlling Rights.

150202.— If the Head of Government decides that the Officer shall be allowed controlling rights in the patent, the following provisions shall apply :

(*a*) the Officer shall be responsible for all expenditure in taking out the patent ;

(*b*) the Head of Government may attach to his decision such conditions as he may deem fit ; in particular, he may reserve to Government a right of user of the invention free of royalty and/or may reserve to the Government a right to share of any commercial proceeds ; and

Officer may, whether any rights are reserved under sub paragraph (*b*) or not, apply to the Invention and Awards Committee, through his Permanent Secretary/Head of Extra-Ministerial Office for an award in respect of his invention.

SECTION 3.— AWARDS AND SHARE OF COMMERCIAL PROCEEDS

Determination of Awards and Share of Commercial Proceeds.

150301.— The question as to whether an award shall be made, the amount thereof, and the amount of the share of commercial proceeds to be reserved to the Government under Rule 150202(*b*) or allowed to the Officer under Rule 150202(*c*), shall be determined by the Head of Government after investigation by the Invention and Awards Committee in fixing the amount of any award or share of commercial proceeds.

(*a*) any reasonable expenses to which the Officer may have put in connection with his inventions shall be taken into account ; and

the reservation of a right of user free of royalty to the Federal Government shall not be taken into account, but if and when such right shall be exercised by the Government, a material change shall, for the purpose of Rule 150302, be deemed to have taken place.

Modification.

150302.— In the event of a material change taking place in the circumstances which existed at the time when an award or allocation of commercial proceeds was made, the original decision may be modified by the Head of Government after further investigation by the Awards Committee provided that, in any such modification of the original decision, the amount of an award which has been paid shall not be reduced. Where the inventor considers an award by the Head of Government unacceptable, he may apply to the Court to determine whether or not such an award is a fair remuneration under the Patents and Designs Act (Cap. 344).

Secrecy.

150303.— Nothing in this Chapter shall affect the duties and liabilities of any Officer under the provisions of the Official Secrets Act (Cap 335).

CHAPTER 16

COMPENSATION AND INSURANCE

SECTION 1 : LOSS OF PROPERTY
SECTION 2 : LOSS OF LIFE

SECTION 1.— LOSS OF PROPERTY

Loss of Private Property.

160101.— Officers will not, in general, be entitled to compensation from public funds, for loss of property in circumstances arising outside of their services, and as such Officers may consider the possibility of insuring their property against any type of loss or damage.

SECTION 2.— LOSS OF LIFE

Death in Service.

160201.— Where an Officer dies in active service, there shall be paid to his legal representative or any person designated by him during his life time as his Next of Kin, his entitlements under the life insurance policy maintained under Section 8 of the Pension Reform Act, 2014.

Motor Vehicle.

160202.— (*a*) If the Officer's private vehicle, whilst being used for official duties, is damaged as the direct result of civil disturbances, Government will accept responsibility for such damage. For the purpose of this Rule, "Official duties" will be deemed to include journeys between house and office.

(*b*) If an Officer's private vehicle while being used for official duties is damaged beyond repairs as a result of accident, the Government shall accept responsibility to the extent of the difference between the indemnity covered by the insurance and the cost of replacing the vehicle.

Missing Officer.

160203.— (*a*) Where an Officer is reported missing and is not found within a period of one year from the date he was declared missing, a Board of Enquiry shall be set up to make determination that having regard to available information and all relevant circumstances, it is reasonable to presume that the Officer is dead.

(*b*) Under these circumstances, the Next-of-Kin shall be entitled to death benefit under the Group Life Assurance Scheme (GLA) and the total amount accrued to the Officer's Retirement Savings Account.

Health Insurance on Official Assignment outside Nigeria.

160204.— An Officer on official assignment outside Nigeria shall enjoy free health insurance cover for the duration of the assignment. Premium for the insurance shall be at Government expense.

Responsibility for Insurance at Stop-Over Facilities.

160205.— All Officers to whom Rule 160204 applies and who make stop-over enroute to an approved destination shall make their own arrangements for insurance from the place of stop-over.

Compensation for Officers.

160206.— Compensation in fatal cases/injury in a work place or outside the normal working place shall be treated as provided for in the Employees' Compensation Act 2010. Payment shall be within three months after the incidence.

Privileges of Members of Board/ Council.

170202.— Accommodation shall not be provided to any Part-Time Member of a Board on a permanent basis. No Part-Time Member of the Board shall be allowed to retain official vehicle for use on a permanent basis.

SECTION 3.— APPOINTMENTS, PROMOTION AND DISCIPLINE

Authority for Appointments, Promotion and Discipline.

170301.— (*i*) There shall be established appropriate staff committee (i.e. Junior Staff Committee and Senior Staff Committee) in all Federal Government parastatals to handle all matters of appointments, promotion and discipline of Officers.

(*ii*) All appointments to public Offices and promotion for both senior and junior Officers, in Federal Government Parastatals shall be made on the authority of the Boards/Councils through the appropriate Staff Management Committees, within the approved manning levels.

Appointments.

170302.— Appointments into all grades in Parastatals shall be need-based and subject to the approval of the supervisory Boards/Councils. Such appointments shall be made through a fair and open selection process that ensures merit, credibility and equal employment opportunity for all with due regard to the Federal Character Principle. Eligibility for appointment under this rule shall be in accordance with the provisions of Public Service Rule 020206(*f*).

Authority to Approve Promotion.

170303.— The Board/Council of a Parastatal shall approve promotion in respect of Senior Staff on the recommendation of Senior Staff Committee while the promotion in respect of junior staff shall be delegated to Chief Executive Officer of the Agency on the recommendation of Junior Staff Committee.

Eligibility For Promotion.

170304.— The provisions of PSR 020802 (*b*), (*c*) and (*d*) on eligibility for promotion shall apply to all Parastatals, without prejudice to their Conditions of Service.

Authority to Discipline.

170305.— The power to exercise disciplinary control over Officers in Parastatals shall be vested in the appropriate Staff Committees subject to the approval of the Boards/Councils for Officers on SGL 07 and above. In the absence of the Boards/Councils the Minister of the supervisory Ministry shall exercise such powers. The Chief Executive Officer shall approve through the recommendations of the appropriate committee in respect of Officers on SGL 06 below.

Membership of JSC and SSC.

170306.— Membership of Junior Staff Committee (JSC) and Senior Staff Committee (SSC) in Parastatals shall include the representative of the Department of Human Resource Management of the supervising Ministry and an observer from Office of the Head of the Civil Service of the Federation (OHCSF).

CHAPTER 17

APPLICATION OF THE PUBLIC SERVICE RULES TO FEDERAL GOVERNMENT PARASTATALS

SECTION 1 : GENERAL
SECTION 2 : BOARD/COUNCIL MATTERS
SECTION 3 : APPOINTMENTS, PROMOTION AND DISCIPLINE
SECTION 4 : LEAVING THE SERVICE
SECTION 5 : APPEALS AND PETITIONS

SECTION 1.— GENERAL

Definition.

170101.— A Parastatal is a government-owned organization established by statute to render specified services(s) to the public. It is structured and operates according to the instrument establishing it and also comes under the policy directives of Government.

Classification of Parastatals.

170102.— Parastatals shall be classified into five (5) categories as follows :

(*i*) Regulatory Agencies ;

(*ii*) General Services ;

(*iii*) Infrastructure/Utility Agencies ;

(*iv*) Paramilitary Agencies ; and

(*v*) Research and Development Agencies.

Approval of the Conditions of Service.

170103.— Conditions of Service, Scheme of Service and the Organizational Structure for Parastatals shall be approved by the Office of the Head of the Civil Service of the Federation, on the recommendation of the various Boards/ Councils.

Existing Rules and Conditions of Service.

170104.— Parastatals are to retain and improve existing rules, procedures and practices in their establishments and ensure that there are no deviations from the general principles contained in the Public Service Rules. For example, variations in probationary periods and maturity periods for promotion only reflect organizational peculiarities and not inconsistencies with the Public Service Rules. However, in the absence of internal rules and regulations on any matter, the relevant provisions of the Public Service Rules shall apply.

SECTION 2.— BOARD/COUNCIL MATTERS

Functions of Boards/ Councils.

170201.— Statutory Board/Council shall set operational and administrative policies in accordance with government policy directives and supervise the implementation of such policies. The administrative policies may include those relating to appointment, promotion and discipline of staff.

(*a*) A Board shall not be involved directly in the day-to-day management of a Parastatal.

A Minister exercises control of Parastatals at policy level only through the Board of the Parastatals.

CHAPTER 18

NIGERIAN FOREIGN SERVICE REGULATIONS

CONTENTS

Regulation	*Subject*
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29.	Retirement from Service
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General Application.

170307.— The provisions of Sections 2 to 6 in Chapter 10 of the Public Service Rules shall guide all Parastatals in addressing disciplinary matters provided that where reference is made to the Federal Civil Service Commission or Head of the Civil Service of the Federation, the Board/ Councils shall perform such functions while the Chief Executive Officer (CEO) of parastatals shall perform the functions of Permanent Secretary.

Application to the Paramilitary.

170308.— In the case of Paramilitary Services, the disciplinary procedures adopted in their respective Services shall also apply.

Observers.

170309.— There shall be observers from Office of the Head of Civil Service of the Federation and Supervising Ministries in all relevant Staff Committees for all parastatals for monitoring and compliance with extant rules.

SECTION 4.— LEAVING THE SERVICE

Leaving the Service.

170401.— (*a*) The provisions of Section 9 in Chapter 2 of the Public Service Rules on Leaving the Service shall apply to all Parastatals.

SECTION 5.— APPEALS AND PETITIONS

Petition to Head of Government.

170501.— In consonance with Chapter 11 Section 2 of the Public Service Rules, an Officer of a Parastatal who wishes to make a representation to the Head of Government shall route such representation through the proper Departmental channels, namely : the petitioner's superior Officer ; the Chief Executive Officer ; the Board/Council and the Supervising Ministry of the Organization.

REGULATION NO. 11.— RESETTLEMENT ALLOWANCE

Resettlement Allowance.

1. Resettlement Allowance is payable in the following circumstance and at the following rates :

(*a*) On transfer from one post abroad to another or from Nigeria to a post abroad, Officers shall be entitled to 7 *per cent* (Married) and 5 *per cent* (Single) of consolidated Salary ;

(*b*) On transfer from a post abroad to Nigeria provided that the Officer has served abroad for at least two years or has returned earlier to Nigeria by the orders of the Government, provided it is not on disciplinary order, Officers shall be entitled to (Married 7 *per cent* and single 5 *per cent*) of consolidated salary ;

(*c*) A married Officer who is separated from his spouse or whose spouse and family do not accompany him abroad shall draw the allowance at a single rate, provided that an Officer may receive the difference when he is joined by his spouse or family at post ;

(*d*) When an Officer during an interval between two postings abroad takes up temporary duty in Nigeria or spends his vacation leave in Nigeria knowing that he is shortly to proceed to another post, he is not eligible to receive two grants of resettlement allowance. He will receive only the grant for which he is eligible on arrival at the new post ;

When an Officer is promoted at the same time as he is transferred, the grant of resettlement allowance shall be calculated on his salary after promotion.

REGULATION NO. 12.— FREE PASSAGE FOR NON-DOMICILE CHILDREN

Passages.

1. Passage privileges shall be granted to children to visit their parents once in a year at government expense even where the parents are receiving children Foreign Service Allowance in their respect. This is subject to condition stipulated in Regulation No. 14 7 (*a-c*). In addition, returns of all such passages, authenticated by Heads of Mission, shall be rendered yearly by Finance Attaches.

REGULATION NO. 13.— HOUSING ALLOWANCE

Housing Allowance.

1. A member of the Foreign Service abroad, shall be provided with accommodation rented ; or owned by the Nigerian Government. When accommodation rented or owned by the Nigerian Government is available and suitable, an Officer shall be required to occupy it. Where an Officer is unable to move into a suitable accommodation immediately on arrival at post, he may draw for a period not normally exceeding 28 days estacode allowance at the appropriate rates.

2. The conditions for payment of Housing allowance are :

(*a*) when due to circumstances beyond his control, an Officer cannot be provided with official quarters after 28 days at post, he will cease to draw the allowance and Government will settle the cost of reasonable hotel accommodation, less food, alcoholic drinks and incidental expenses ; and

(b) when an Officer returns to Headquarters from posting abroad, government will meet the normal Hotel expenses of himself, spouse and up to four children for a maximum of one month, less alcoholic beverages, telephone and incidentals ; and cash payment in lieu of hotel accommodation at Headquarters may be made to Officers returning from overseas posting, who elect for such payment at approved rates.

Change of Accommodation.

3. An Officer occupying accommodation, rented or owned by Nigerian Government is responsible for the proper care of its contents. He shall be personally charged with the cost of making good any damage to the furniture, fittings or decorations which are not attributed to wear and tear. Heads of Mission are required to cause such quarters to be inspected whenever they are vacated and to issue a certificate to the effect that the quarters and furnishings are in a reasonable state of repair.

4. An Officer is not permitted, except for a short period and in special circumstances with the permission of his Head of Mission, to provide accommodation at his post abroad to persons other than his spouse, children and servants.

5. If an Officer, not on his own initiative but due to compelling circumstances, has to change accommodation, the Government shall bear the reasonable cost of moving his effects to his new address and if the Head of Mission is satisfied that payment of rent at both places at the same time is unavoidable he may authorize payment of rent on both the old and new accommodation for a period of not more than one week.

Utility Allowance.

6.—(*a*) Bills in respect of electricity and gas shall be settled from public funds except that Officers on GL. 07-13 will be required to contribute 50 *per cent*, while Officers on GL.14 and above will be required to contribute 65 *per cent* ;

(*b*) Officers serving in designated hardship posts shall be required to contribute 20 *per cent* towards the settlement of utility bills incurred by them ; and

(*c*) Utilities in respect of Heads of Mission and Deputy Heads of Mission shall be settled from public funds.

REGULATION NO. 14.— TRAVELS

Overseas Tours.

1. Whenever an Officer makes an official journey within the country in which he is serving, he will be eligible for :

(*a*) free passage by air, rail or road to the place visited ;

(*b*) free transport in the place visited in accordance with the local regulations applicable to Officers of the same status ;

(*c*) reimbursement of actual expenditure on transport necessarily hired in connection with the business of the visit ; and

(*d*) Estacode allowance at rates laid down in the appropriate Government Regulations.

2. Officers accompanying official delegates abroad or on official visits to countries outside those in which they are serving are eligible for passages, transport and estacode allowance in accordance with the appropriate Government Regulations.

Insurance of Baggage and Effects.

3. An Officer proceeding or returning from an overseas posting, or on transfer between one overseas post and another is eligible for sea or air passage as laid down in the Public Service Rules or extant Circulars for self, wife and four children between Nigeria and the overseas post or one post and another. In addition, a Head of Diplomatic Mission is allowed free passages for two servants ; while Foreign Affairs Officers of the rank of Chief Foreign Affairs Officers, GL. 14 and above are allowed free passages for one servant each at public expense.

Entitlement of Officers Travelling by Sea.

4. Officer travelling by sea shall be entitled to the following :

(*a*) Officer on SGL. 12 and below – 20-foot container ; and

Officer on SGL. 13 and above shall be entitled to a maximum of 40 foot container.

Entitlement of Officers Travelling by Air.

5. Officer travelling by air, with his heavy baggage forwarded by sea, will be entitled to the following :

(*a*) Officers on SGL12 and below – maximum of 20-foot container ;

(*b*) Officers on SGL. 13 and above shall be entitled to a maximum of 40-foot container plus shipment of personal car at government expense ;

(*c*) Where the Head of Mission is satisfied that the air freighting of an Officer's personal effect would be cheaper than the ocean shipment, he can authorize the air freighting of the Officer's personal effects upon application by the Officer, subject to a maximum as follows :

(*i*) GL 15 and above (married 3000kg, and Single 2500kg) ;

(*ii*) GL 12 and 14 (married 2500kg and Single 2000kg) ; and

(*iii*) GL 10 and below (married 1750kg and Single 1200kg).

(*d*) Clearing charges at the port of arrival would be borne by the Government, but no insurance or custom duty.

6.—(*a*) The provisions of Chapter 8 of the Public Service Rules shall apply to Officers and their families traveling on duty. The reasonable costs of insuring the baggage, personal effects and car of an Officer and his family traveling between Nigeria and an overseas post or between one overseas post and another on first appointment, or on posting, will be borne by Government but not when an Officer or his family are proceeding on or returning from leave.

(*b*) Government will bear a reasonable cost of professional packing of Officer's effects.

(*c*) Other Foreign Service Officers of the rank of Chief Foreign Service Officers, GL. 14 and above are allowed free passages for one servant each at public expense.

7. A Foreign Service Officer sent on posting is normally entitled to one return passage for himself during a tour of duty. In addition, he is entitled to a return passage for spouse and up to four children between Nigeria and the overseas post once during a tour of duty abroad. When an Officer is not accompanied by any member of his family entitled to such a passage, the member of the family may utilize the passage grant for the purpose of visiting the Officer at his overseas post not more than once during the tour of duty abroad subject to the following conditions :

(*a*) all passages from Nigeria must be booked by authorized Government official. In all other countries, such passages must be booked by agents approved by the Head of Mission ;

(*b*) only the actual cost of the passage utilized (less rebates, if any) will be refunded for travel from other countries ;

(*c*) cash savings resulting from any rebates will not be granted to the Officer ;

(*d*) any of the passages granted for children under Regulation 14 (3) shall be deducted from the entitlement to four passages if they are used during the same calendar year ; and

the entitlement may not be used for more than one return passage for the same child in the same duty tour.

8. The class of travel and the rates for allowance authorized in this regulation may be varied where the conditions of living in a particular country justify such a variation.

REGULATION NO. 15.— SHORT MISSION ABROAD

Short Mission Abroad.

1. Officials travelling abroad from Nigeria on short missions will normally be entitled to receive only the appropriate estacode allowances.

There will be occasions, however, when some increase may be authorized as, for example, when owing to the status of one member it is necessary for a whole delegation to stay at a hotel where the accommodation is unusually expensive.

2. When it seems likely that a delegation or any individual Officer going abroad will have to incur expenditure on entertainment, a special allocation will be authorized for that purpose.

3. The precise financial arrangements for each Mission or delegation will, before departure, be settled in consultation with the Ministry of Finance.

REGULATION NO. 16.— MEDICAL ATTENTION

Medical Treatment.

1. A member of the Foreign Service shall be entitled to receive medical treatment when serving at a post abroad. The spouse, children and Nigerian domestic servants who have accompanied him abroad at public expense will receive the same benefits.

Appointment of Medical Practitioner and Dentist at Post.

2. At each post abroad, a medical practitioner and a dentist will be appointed by the Head of Mission after due consultation with the Home-based staff and members of staff must consult them when necessary. Each Head of Mission will explore the possibility of making single comprehensive payment for all medical attention to staff and where the cost of medical attention is exceptionally high, some form of group insurance scheme may be advantageous.

Medical Treatment Overseas.

3. The requirements of Public Service Rules in Chapter 13 governing medical treatment overseas are inapplicable to an Officer serving abroad and it is authorized that provided a panel comprising not less than two medical specialists appointed by the Head of Mission (or one medical specialist in situations where the services of two cannot be immediately obtained), certify that a Nigerian Officer urgently needs a specialist attention outside that country, Government will bear the expenses. An Officer who has satisfied the conditions to receive specialist medical treatment outside his post shall be entitled to payment of 50 *per cent* estacode allowance up to a maximum of 7 days.

Certification of Medical and Mental Fitness.

4. Considering the sensitivity of the Foreign Service and the imperative to ensure emotional, psychological and physical balance, the need for certification of medical and mental fitness of Officers is required at the point of entry, and subsequently every five (5) years.

REGULATION NO. 17.— DOMESTIC SERVANTS AND STAFF

Domestic Servants Abroad.

1. Passage privileges are granted to enable all senior Officers in the Foreign Service to take children's nurses or domestic servants from Nigeria to posts abroad (FSR. 14 (3)). On security grounds, there may be objection to the employment of certain types of aliens as domestic servants in the households of Officers serving abroad. An Officer should, therefore, consult the Head of his Mission before employing any alien. It would be regarded as serious misconduct for an Officer to abuse the passage privilege granted him for a servant by utilizing it for the journey abroad for a person who was not in fact to be full-time domestic servant in his household.

Domestic Staff Allowance.

2.—(*a*) The Head of Mission shall be entitled to the following domestic staff :

(*i*) one cook and two stewards ;

(*ii*) two security guards ;

(*iii*) two drivers ; and

(*iv*) two ground men as and where appropriate to be determined by the Permanent Secretary.

(*b*) Some members of the domestic staff of the Head of Mission listed above will be employed (at post) apart from the two domestic servants who accompanied the Head of Mission and whose passages were paid by the government.

(*c*) A Deputy Head of Mission shall be entitled to the following :

(*i*) one cook and one steward ;

(*ii*) one driver ; and

(*iii*) one ground man.

(*d*) As in paragraph 2 (*b*) above, the domestic servants who accompanied a Deputy Head of Mission at Government expense could be employed as members of his domestic staff listed above.

REGULATION NO. 18.— FOREIGN LANGUAGES

Foreign Service language.

1. All members of Branch "A" of the Foreign Service are expected whenever possible to learn the language of the country in which they are serving, and members of Branch "B" are also encouraged to do so. Officers who attain proficiency in language at lower standard or higher standard shall qualify for a one-off payment of 5 percent or 10 percent of Consolidated Foreign Service Allowance respectively.

2. The standards of examination which must be conducted by a recognized examining body are :

(*a*) Lower Standard : A competent knowledge for social conversation, simple correspondence and other ordinary purposes ; and

(*b*) Higher Standard : Sufficient knowledge to act as interpreter at informal ministerial discussions, and to take part in negotiations other than those of technical nature or when exact phraseology is of vital importance.

3. An Officer may claim from Government the cost of lessons in the language he is studying up to a maximum of 80 lessons taken over a period of not more than 18 months. Before taking such lessons, the Officer must satisfy (or justify to) the Head of Mission that the cost is reasonable. Money paid for the lessons shall be recovered from the Officer in the event of failing the examination.

4. The ability to speak French fluently is a necessary qualification for Nigerian diplomats in view of the number of French-speaking States in Africa. All Officers of Branch "A" are, therefore, required to pass at least the lower standard Examination in French before the end of their probation or trial period. Also, Officers wishing to convert to Branch "A" cadre or transfer to the Branch "A" cadre of the Ministry are expected to meet the above requirement.

REGULATION NO. 19.— LEAVE

Rates of Leave.

1. Annual leave for members of the Foreign Service in Nigeria will be at the rates laid down in the Public Service Rules or extant Circulars. All Officers are expected to take their vacation leave within the calendar year in which such leave is due.

Deferred Leave Abolished.

2. Deferred Leave is hereby abolished.

3. Annual leave for members of the Foreign Service in Nigeria will be by the permission of the Permanent Secretary, while annual leave spent elsewhere will be by the permission of the Head of the Mission.

Casual Leave.

4. An Officer serving in an overseas post may, subject to the exigencies of the Service, be permitted within any calendar year to spend up to half of his annual leave entitlement for that year as casual leave overseas. In that case, no travel time will be allowed in addition to any leave granted. Such leave shall be deducted from his annual leave entitlement.

5. At the discretion of the Head of Mission, Officers may be granted occasional permission to absent themselves from duty for not more than 7 days in a leave year without loss of salary.

6. An application to spend his local leave outside the Officer's post shall be authorized by the Head of Mission.

Leave on Grounds of Urgent Private Affairs.

(*a*) In accordance with the provisions of the Public Service Rules, leave on the grounds of urgent private affairs will, on the authority of the Permanent Secretary, be granted to Officers to return home for a brief period. Where such leave has been necessitated by death of a close relative, the Officer or spouse will be granted free return passage to Nigeria at government expense. For the purpose of this regulation, a close relation means an Officer's parents, spouse, children or parents of spouse.

(*b*) In accordance with the provisions of the Public Service Rules, leave on the grounds of urgent private affairs will, on the authority of the Permanent Secretary, be granted to Officers to return home for a brief period. Where such leave has been necessitated by serious illness of a close relative, the Officer or spouse will be responsible for his passage to Nigeria. For the purpose of this regulation, a close relation means an

Officer's parents, spouse, children or parents of spouse. In the event of death, 6(*a*) is then applicable.

Leave on Grounds of Public Policy.

7. On grounds of public policy, the spouse of a Foreign Service Officer who is also a Public Officer, may be granted leave without pay, to enable him join his spouse on posting abroad.

Leave Allowance.

8. An Officer serving abroad shall be entitled to two (2) percent of his annual Foreign Service Allowance as leave transport grant. A Head of Mission must obtain the consent of the Permanent Secretary before proceeding on overseas leave. Where an Officer elects to proceed on home leave paid for by Government, the Officer shall be entitled to only twenty-five (25) percent of his Foreign Service Allowance for the duration of his leave period. Where an Officer elects, on the other hand, to proceed on home leave at his own expense, the Officer shall be entitled to full Foreign Service Allowance for the duration of the leave period.

REGULATION NO. 20.— LOCALLY ENGAGED STAFF AT POST

Locally Engaged Staff.

1. Staff engaged at post abroad are not members of the Foreign Service and their conditions are regulated by their contracts of employment. They are not entitled to any of the privileges or allowances payable under these regulations.

Social Security Scheme.

2. Where social security scheme is available in the host country, Mission should participate in them for the benefit of locally engaged staff.

3. Where such schemes are not available, a lump sum calculated in accordance with the provisions of the Nigerian Pension Act should be paid. On no account should the Mission involve itself in the payment of pension.

Conversion of Domestic Staff to Local Staff Prohibited.

4. On no account shall domestic staff of an entitled Officer be converted to locally recruited staff.

REGULATION NO. 21.— TRANSPORT

1. The Foreign Service Allowance of an Officer serving abroad includes an element of transport expenses equivalent to the rate of transport allowance, which the Officer would normally have received if he were serving in Nigeria. The Officer would not, therefore, be entitled to transport allowance as long as he receives his Foreign Service Allowance.

2. The cost of transporting an Officer's car from one station to another during transfer or leave, preparatory to transfer to another post will be at Government expense.

3. Official transport will be provided for Heads of Mission and for their Deputies. In large missions and where available, transport will also be provided

to Ministers. Such transport is to be used for official, ceremonial and representational purposes.

REGULATION NO. 22.— DEATH

Government Responsibility.

1. The Government shall bear the full cost of the repatriation of the remains of a deceased Officer, his spouse or his dependents to the designated Nigerian home of the deceased. For the purpose of this rule, a dependent means any member of the Officer's family including domestic personnel whose passage to the post was paid by the Government.

2. The Government will also bear the cost of a return fare of the spouse to enable the spouse accompany the body to Nigeria. Otherwise, Government will assist with the local burial up to an amount not exceeding the cost of transporting the body to Nigeria. The Government will however not be responsible in this case for any funeral expense in Nigeria.

REGULATION NO. 23.— SPOUSES AT POST

Promotion Examination for Spouses of Foreign Service Officers.

1. Spouses of Foreign Service Officers on leave of absence on grounds of Public Policy who fall within the field of selection for an interview/ promotion examination shall be allowed to sit for the interview/promotion examination while at post and, if successful, will be promoted to put him at par with his colleagues.

2. Where such a spouse has improved himself by acquiring additional qualification which will enhance his usefulness to the Service, he shall be considered for advancement in accordance with prevailing regulations.

3. A spouse of an Officer in the Nigeria Foreign Service is prohibited from engaging in gainful employment.

REGULATION NO. 24.— CHILDREN'S EDUCATION SUPPLEMENT

1. Children of Officers at post shall enjoy free Primary Education at Government expense.

2. The contribution of an Officer to secondary education in respect of each child shall be 15 *per cent* of the cost (boarding and tuition inclusive).

3. An Officer, serving in a country in which there are no suitable facilities for education through the medium of English Language, shall with the approval of the Ministry, send his children to an English speaking boarding institution at Government expense in countries approved within the region where the Mission is located.

4. The approved countries for each Mission are as follows :

(*i*) **WEST AFRICA**

Nigeria, Ghana, Gambia, Benin

(*ii*) **EAST, CENTRAL AND SOUTHERN AFRICA**

Cameroon, Kenya, South Africa, Botswana and Zimbabwe

(*iii*) **NORTH AFRICA**

Officers serving in this region should send their children to International schools in their host countries.

(*iv*) **EUROPE**

Ireland, United Kingdom

(*v*) **ASIA**

India, Philippines, Malaysia

(*vi*) **LATIN AMERICA and CARIBBEAN**

USA, Trinidad and Tobago, Jamaica, Canada

(*vii*) **MIDDLE EAST**

Turkey, Egypt.

5. The Head of Mission shall (in the case of 1 and 2), in the first instance, pay the fees directly on production of the bills, and thereafter deduct it from the Officer's Foreign Service Allowance.

REGULATION NO. 25.— ADOPTION OF CHILDREN

1. Any Officer who wishes to adopt any child shall satisfy the following conditions :

(*i*) he must be childless ;

(*ii*) he shall tender legally authenticated Agreement between him and the biological/foster parents/legal guardians (in case the child is an orphan) authorizing him to adopt the child ;

(*iii*) he shall also tender legally and officially authenticated Agreement between him and the relevant Social Welfare Agency authorizing the adoption of the child and stating the circumstances compelling the adoption of the child ;

(*iv*) before applying to the relevant authority for approval to adopt the child, the Legal and Human Resources Management Department of the Ministry shall scrutinize the applications to ensure compliance with extant regulations ; and

(*v*) record of the adopted child shall be in the officer's record of service.

2. No Officer shall be allowed to take an adopted child to post abroad at Government expense, unless there is proof that he has fulfilled all the legal processes regarding the adoption of the child.

3. Government shall not recognize any adopted child for the purposes of posting abroad or for the purposes of any entitlements such as passages,

children foreign service allowance, medical care, school fees, education supplement, etc. in respect of any Officer who has claimed such entitlements for one or more of his biological children.

REGULATION NO. 26.— POSTING

1. Posting shall be carried out by a Posting Committee of the most Senior Officers at Headquarters appointed by the Permanent Secretary. The Committee shall as far as possible reflect Federal Character principle.

2. The period of a normal tour of duty abroad shall be 4 years but Government reserves the right to recall the officer at any time.

3. Three months' notice should be given to Officers before they are posted abroad or back home to give the Officers enough time to wind up their affairs before proceeding on such postings.

4. General posting shall be timed to coincide with the school year to enable Officers arrange the school programme for their children. However, in the posting of staff to multilateral Missions, the specific needs of each Mission should be taken into account. In the case of the Permanent Mission in New York, movement to and from the Mission shall be between January and April after the General Assembly sittings in December. Aside from this exception, all other postings to Missions abroad shall be in August/September, and for Ad-hoc postings in December/January.

5. In addition to other factors of eligibility for posting including duration of stay at Headquarters, the geographical areas where an Officer has served shall be taken into consideration during posting exercises.

6. General Posting Exercise shall be carried out annually. Such staff movement shall be at levels that will keep reasonable continuity in the operations of Missions.

REGULATION NO. 27.— COMPENSATION FOR LOSSES

1. In event of injury to persons, losses or damage to vehicles and personal effects of Foreign Service Officers arising out of conflicts, riots, revolution or natural disasters, the Nigerian Government shall pay appropriate compensation to the victims to minimize their hardship.

REGULATION NO. 28.— RETIREMENT FROM SERVICE

1. The compulsory retirement age for all grades in the Foreign Service shall be 60 years or 35 years of pensionable service whichever is earlier. No Officer shall be allowed to remain in the Foreign Service after attaining the retirement age of 60 years or 35 years of pensionable service whichever is earlier.

REGULATION NO. 29.— OPERATIONAL HAND BOOKS

1. Every library of Nigerian diplomatic or consular post shall be stocked with reference and operational hand books which are designed to serve as

books of reference for effectiveness of the Missions. Where they are not already available, urgent steps shall be taken to procure them through the Ministry. Reference and operational hand books shall include :

(*i*) Laws of Nigeria and Treaties in force ;

(*ii*) Government Gazette ;

(*iii*) Regulations on Conduct of Marriage ;

(*iv*) Shipping Regulations ;

(*v*) Quarantine Regulations ;

(*vi*) Consular Protocols ;

(*vii*) Adoption Regulations ;

(*viii*) National Questions (e.g. facts and figures of Nigerian life and institutions) ;

(*ix*) Customs and Excise Hand books ;

(*x*) Investment Guidelines necessary for industrial promotion ;

(*xi*) Protocol Hand Books or manuals to assist Officers and their spouses ; (e.g. books on etiquette and manners) ;

(*xii*) Civil Service Hand book ;

(*xiii*) Public Service Rules ;

(*xiv*) Financial Regulations ; and

(*xv*) Other useful publications.

CHAPTER 19

PROCEDURES FOR AMENDING THE PUBLIC SERVICE RULES

The Public Service Rules (PSR) shall be due for review every five years to reflect current realties in the Public Service, and align with global best practices. The review process to be coordinated by the Office of the Head of the Civil Service of the Federation, shall involve extensive consultations with various segments of Stakeholders at the Federal and State levels of Government. To this end, the following steps shall be taken :

(*a*) invitation to Stakeholders to submit memoranda in hard copies and on-line ;

(*b*) consultative meetings with stakeholders ;

(*c*) composition of two Technical committees to work sequentially to study and evaluate contributions from Stakeholders ;

(*d*) hosting of a larger stakeholders' meeting including representatives from the States to review the recommendations of the technical committees ;

(*e*) transmission of the recommendations of the larger meeting to the National Council on Establishments for consideration and validation ; and

(*f*) forwarding the recommendations of the National Council on Establishments to the Federal Executive Council for consideration and ratification.

APPENDIX A

GENERAL

THE NATIONAL COUNCIL ON ESTABLISHMENTS (NCE)

1.0 The National Council on Establishments was established in 1957. It is a consultative body for the Government of the Federation on matters pertaining to staff establishments, salary structures, grading, conditions and schemes of service with a view to achieving uniformity and standardization in the Nigerian Public Service. The Council as well serves as a pool of information on all establishments and Service matters for the Government of the Federation.

2.0 Composition of the National Council on Establishments :

The meetings of the Council are in two segments namely, the Ministerial and Officials. The former has as members the Heads of Service of the States with the Head of the Civil Service of the Federation as the Chairman, while the latter encompasses Permanent Secretaries in charge of Establishments matters. The meeting of Officials is chaired by the Permanent Secretary, Service Policies and Strategies Office, Office of the Head of the Civil Service of the Federation who also doubles as the Head of the NCE Secretariat.

3.0 Standing Committee on the Schemes of Service :

The Standing Committee on Schemes of Service is the technical arm of the National Council on Establishments. The Committee comprises twelve selected Permanent Secretaries (Establishments) from the six geo-political zones of the Country. The Committee is saddled with the responsibilities of carrying out in-depth study/ evaluation of memoranda/ proposals referred to it by Council in collaboration with the Organizational Design and Development Department of the Office of the Head of the Civil Service of the Federation, the Secretariat of the NCE. Such referred cases often require more information, clarification, clearance and consultations with stakeholders. The Committee, in the performance of its roles, offers support services to Council by guiding it in making informed decisions through recommendations proffered on the referred cases.

4.0 Stakeholders of the National Council on Establishments

The Stakeholders of the National Council on Establishments are State Governments, MDAs at the Federal Government level, Labour Unions and Extra Ministerial bodies such as —

(*i*) Federal Civil Service Commission ;

(*ii*) National Assembly Service Commission ;

(*iii*) National Judicial Service Commission ;

(*iv*) Office of the Accountant General of the Federation ;

(*v*) Office of the Auditor-General for the Federation ; and

(*vi*) Office of the Surveyor-General of the Federation.

The stakeholders forward proposals in form of Memoranda on establishment matters and other related issues under Council's purview for deliberation and decisions.

5.0 Functions of the National Council on Establishments : The National Council on Establishments :

(*i*) ensures periodic review / update of the Schemes of Service ;

(*ii*) approves new cadres consisting different professionals in the Schemes of Service for use in the Public Service ;

(*iii*) approves emerging certificates in the Schemes of Service ;

(*iv*) approves entry and terminal grade levels of cadres as the need arises ;

(*v*) reviews nomenclatures of cadres in line with global best practice ;

(*vi*) facilitates improvement in the welfare of employees and enriching the Administrative Procedures/ Guidelines in the Public Service ;

(*vii*) serves as advocate for the strict compliance with due process and operational rules in the Service ; and

(*vii*) promotes the professionalization of the Service.

6.0 Meetings of the National Council on Establishments :

The meeting of the National Council on Establishments usually holds annually but emergency meetings could be convened to address critical national issues. The meeting is a week-long activity consisting of two segments, namely the Officials' Meeting for the Permanent Secretaries and Directors in charge of Establishment matters. This comes up in the first two days of the week for the meeting and succeeded by that of the Ministerial for the Head of the Civil Service of the Federation and colleagues in the 36 States of the Federation. Hosting of meetings is rotated amongst the 36 States of the Federation. At the conclusion of every meeting, a communiqué to the agreement of members is released to capture the vital pronouncements/ resolutions of the meetings.

APPENDIX B

FEDERAL REPUBLIC OF NIGERIA FORM NO. FC 3379

CONTRACT AGREEMENT FOR EXPATRIATE MEN/WOMEN MARRIED TO NIGERIANS

AN AGREEMENT made the ..... day of ..... 20 ..... BETWEEN the Permanent Secretary, Federal Civil Service Commission, Abuja (hereinafter referred to as "the Permanent Secretary"), acting on behalf of the Government of the Federal Republic of Nigeria (hereinafter referred to as "the Government") of the one part and ..... (hereinafter referred to as "the person engaged") of the other part.

WHEREBY IT IS AGREED AS FOLLOWS :

1. The person engaged undertakes that he/she will diligently and faithfully perform the duties of ..... for the term of his/her engagement, and will act in all respects according to the instructions and directives given to him/her by the Government through the Permanent Secretary/Head of Extra-Ministerial Department or other duly authorized Officers.

2. The basic salary of the Officer is at the rate of ..... Naira (₦ .....) a year, rising by annual increment to ..... Naira (₦.....) a year in Grade Level ..... (10%/15% contract addition). The person engaged shall, however, commence to draw his/her basic salary at the rate of ..... Naira (₦.....) a year.

3. This agreement is subject to the conditions set forth in the schedule attached hereto, and the Schedule shall be read and construed as part of this Agreement.

4. Nothing in this Agreement shall impose any liability on the Permanent Secretary in his/her personal capacity.

5. This Agreement shall be interpreted in accordance with the laws of Nigeria.

Sign here across Revenue Postage stamp

Signed by
.....
On behalf of the Permanent Secretary in the presence of
.....
Occupation .....
Signed by
in the presence of .....
Signature .....
Address of the witness.....
Occupation.....

APPENDIX C

FEDERAL REPUBLIC OF NIGERIA FORM NO. FC 3379 CONTRACT AGREEMENT FOR SHORT TERM ENGAGEMENT IN THE CIVIL/PUBLIC SERVICE OF NIGERIA

An Agreement made the ..... day of ..... 20 ..... between the Permanent Secretary of Federal Civil Service Commission Abuja (hereinafter referred to as the "the Permanent Secretary) acting on behalf of the Government of Federal Republic of Nigeria (hereinafter referred to as the government) of the one part and ..... hereinafter referred to as the person engaged, of the other part.

WHEREAS .....

IT IS AGREED AS FOLLOWS :

1. The person engaged undertakes that he will diligently and faithfully perform the duties assigned to him by the Government through the Permanent Secretary / Head of Extra –Ministerial Department or other authorized Officers

2. Purpose .....

3. Terms And Conditions .....

4. Duration .....

5. Remuneration .....

6. Disputes-subject to negotiation, maybe by alternate dispute resolution, arbitration, court action or other agreed method.

7. Termination ..... subject to negotiation, notice before termination.

8. Law ..... to be regulated guided and interpreted in accordance with Nigerian law

9. This agreement is subject to the conditions set forth in the schedule attached and the schedule shall be read and construed as part of this Agreement.

10. Nothing in this Agreement shall impose any liability on the Permanent Secretary in his personal capability.

SIGNED SEALED AND DELIVERED
BY THE PERMANENT SECRETARY
FEDERAL CIVIL SERVICE COMMISSION
In the presence of .....
Name .....
Address .....
Occupation .....
Date .....

SIGNED SEALED AND DELIVERED
BY THE EMPLOYEE
In the presence of .....
Name .....
Address .....
Occupation .....
Date .....

APPENDIX D

PRELIMINARY LETTER

To .....

Appointment and Rank .....

* I wish to draw your attention to the fact that* It has been brought to my notice that your* work/conduct is unsatisfactory in the following respect :

.....

1. If you desire to submit any representations why disciplinary action which might include ..... should not be taken against you, they should be submitted to me through :

.....

within ..... of receipt by you of this letter, failure to submit them within this time limit will be taken to mean that you do not wish to make any, and appropriate sanction will be invoked against you.

2. You will acknowledge receipt of this letter in the copy attached hereto.

Signed .....

Appointment .....

Date .....

For : Permanent Secretary/Head of Extra-Ministerial Office

3. I acknowledge receipt of the original of this letter, Ref No. .....

Date the ..... 20 .....

Signed .....

Appointment and Rank .....

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* delete whichever is not appropriate.

APPENDIX E

OFFICIAL SECRETS ACT, CAP. 335 See Rule 100416

ARRANGEMENT OF SECTIONS

SECTION 1 – PROTECTION OF OFFICIAL INFORMATION, ETC.
SECTION 2 – PROTECTION OF DEFENCE ESTABLISHMENT, ETC.
SECTION 3 – RESTRICTION ON PHOTOGRAPHY, ETC. DURING PERIODS OF EMERGENCY
SECTION 4 – CONTROL OF MAIL FORWARDING AGENCY, ETC.
SECTION 5 – POWER TO REQUIRE INFORMATION AS TO OFFENCES UNDER THIS ACT
SECTION 6 – SEARCH WARRANT
SECTION 7 – PENALTIES AND LEGAL PROCEEDINGS
SECTION 8 – SUPPLEMENTARY PROVISIONS AS TO OFFENCES
SECTION 9 – INTERPRETATIONS, ETC.
SECTION 10 – SHORT TITLE, EXTENT AND REPEAL

AN ACT TO MAKE FUTURE PROVISION FOR SECURING PUBLIC SAFETY AND FOR PURPOSES CONNECTED THEREWITH.

1962. N.29

Commencement.

(13*th September*, 1962)

BE IT ENACTED by this legislature of the Federation in this present parliament Assembled and by the authority of the same as follows :

Protection of Official information.

1. Subject to subsection (3) of this section, a person who :

(*a*) Transmits any classified matter to a person to whom he is not authorized on behalf of the government to transmit it ; or

(*b*) Obtains, reproduces or retains any classified matter which he is not authorized on behalf of the government to obtain, reproduce or retain, as the case may be, shall be guilty of an offence.

2. A Public Officer who fails to comply with any instructions given to him on behalf of the Government as to the safeguarding of any classified matter which by virtue of his office is obtained by him or under his control shall be guilty of an offence.

3. On proceedings for an offence under subsection (1) of this Section relating to any classified matter, it shall be a defence to prove that :

(*a*) when the accused transmitted obtained, reproduced or retained the matter, as the case may be, he did not know and could not reasonably have been expected to believe that it was classified matter ;

(*b*) when he knew or could reasonably have been expected to believe ; and

(*c*) that the matter was classified matter, he forthwith placed his knowledge of the case at the disposal of the Nigerian Police.

Protection of defence Establishment, etc.

4.—(i) A person who, for any purpose prejudicial to the security of Nigeria :

(*a*) Enters or is in the vicinity or inspect a protected place ; or

(*b*) photographs, sketches or in any other manner whatsoever makes a record of the description of, or of anything situated in, a protected place ; or

(*c*) obstructs, misleads or otherwise interferes with a person engaged in guarding protected place ; or

(*d*) Obtains, reproduces or retains any photograph, sketch, plan, model or document relating to, or to anything situated in, a protected place, shall be guilty of an offence.

(*ii*) A person charged with an offence under the foregoing subsection shall, unless the contrary is proved, be deemed to have acted for a purpose prejudicial to the security of Nigeria if from his/her character or general conduct and from all circumstances of the case it appears that he/she acted for such purpose, but nothing in this subsection shall be construed as precluding the giving in evidence of matters tending to show that the accused acted for such a purpose.

Restriction on Photography, etc. during Periods of Emergency Cap.

5.—(*a*) The President may, during any period of emergency within the meaning of Section 65 of the Constitution of the Federal Republic of Nigeria, by order provide that during the continuance of that period no person shall, without permission in writing given by the President, photograph, sketch, or in any other manner whatsoever make a record of the description of, such things designed or adapted for use for defence purposes as may be specified by the order.

(*b*) A person who contravenes the provisions of an order under this Section shall be guilty of an offence.

6.—(1) The Minister may make regulations :

(*a*) for controlling the manner in which any person conducts any organization for receiving letters, telegrams, packages or other matters for delivery or forwarding to any person ; and

(*b*) Without prejudice to the generality of the foregoing paragraph, providing for the furnishing of information and the keeping of records by persons having or ceasing to have the conduct of such an organization.

Regulations under this Section may contain such incidental and supplementary provisions as the Minister considers expedient for the purposes of the regulations, including in particular provisions imposing penalties (not exceeding imprisonment for a term of three months or a fine

of one hundred naira or both) for any failure to comply with the regulations may make different provisions for different circumstances.

(*c*) Regulations under this Section shall not come into force until they are approved by resolution of each House of the National Assembly.

Power to Require Information As to Offence Under this Act.

7.—(1) Where an Officer of the Nigeria Police Force not below the rank of Assistant Commissioner suspects that an offence under Section 1, 2 or 3 of this act has been committed and that a particular person is likely to be able to furnish information with respect to the suspected offence, he may, after obtaining the consent in writing of the Minister for the issue of a warrant under this subsection in respect of that person, issue a warrant to any superior Police Officer of that force authorizing him :

(*a*) to require that person to furnish to the superior Officer all information in that person's possession relating to the suspected offence ; and

in any case where it appears necessary to the superior officer so to do, to afford that person adequate facilities for attending at a time and place specified by the Officer and to require that person to attend for the purpose of furnishing the information aforesaid by Federal Government Public Service Rules.

(2) Where it appears to an Officer proposing to issue a warrant under the foregoing subsection that the delay likely to be involved in obtaining the consent mentioned in that subsection would seriously prejudice the security of Nigeria, he may issue the warrant without obtaining that consent but shall on so doing forthwith report his action to the Minister.

(3) If any person :

(*a*) fails to comply with a requisition under Subsection (1) of this section ; or

(*b*) in pursuance of such a requisition furnishes any information which he believes to be, or recklessly furnishes any information which is false in a material particular, he shall be guilty of an offence.

Search Warrant

Search Warrant.

8.—(1) Where an Officer of the Nigeria Police not below the rank of Assistant Commissioner has reasonable cause to believe that an. offence under Section 1, 2 or 3 of this Act has been committed and that matter relating to the offence is likely to be found on particular premises, he may issue a warrant to any superior Police Officer of that force authorizing him, and such Police Officers as may accompany him, to enter and search those premises and to seize and remove any matter found on the premises which the superior Police Officer considers is evidence of an offence under any of those Sections.

(2) A Police Officer may use force as may be reasonably necessary for the purpose of executing a warrant issued under this Section.

Penalties and Legal Proceedings.

9.—(1) A person who commits an offence under Section 1, 2 or 3 of this Act shall be liable :

(*a*) on conviction on indictment, to imprisonment for a term not exceeding fourteen years ;

on summary conviction, to imprisonment for a term not exceeding two years or a fine of an amount not exceeding two hundred naira or to both such imprisonment and fine.

(2) A person who commits an offence under Section 5 of this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months or fine of an amount not exceeding one hundred Naira or to both such imprisonment and fine.

(3) No proceedings in respect of an offence under Section 1,2 or 3 of this Act shall begin except with the consent of the Attorney-General of the Federation or a State or by or on the instructions or authority of the Director of Public Prosecutions of the Federation or a State ; and the instrument by which permission is signified for the beginning of any such proceedings shall state whether the proceedings shall be summary or an indictment.

(4) Nothing in the last foregoing subsection shall be construed as preventing the detention of any person with a view to the taking of proceedings against him.

Supplementary Provisions as to Offences.

10.—(1) without prejudice to any other provisions relating to the matters mentioned in the following paragraphs or cognate matters, a person who :

(*a*) attempts to commit an offence under this Act or regulations made there under ; or

(*b*) aids, abets, counsels, incites, procures or commands the commission of such an offence ; or

(*c*) becomes an accessory before or after the fact to such an offence which has been committed ;

(*d*) conceals or procures the concealment of such an offence which he knows has been committed shall be liable to be proceeded against and

Punished as a principal offender ; and references in this Act to such offence, or to an offence under any provision of this Act, shall include references to an offence in pursuance of this subsection.

(2) Where it is alleged that an offence under this Act or regulations made there under has been committed outside Nigeria by a citizen of Nigeria, proceedings in respect of the offence may be brought in any court in Nigeria which would have had jurisdiction in the matter if the offence had been committed in the part of Nigeria for which the court acts.

(3) Without prejudice to any order of arrest, a Police Officer may arrest without a warrant any person whom he finds committing an offence under

Section 1, 2 or 3 of this Act, or whom he reasonably suspects of having committed such an offence.

Interpretations, etc.

11.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :

"*classified matter*" means any information or thing which, under any system of security classification from time to time in use by any branch of the government, is not to be disclosed to the public and of which the disclosure to the public would be prejudicial to the security of Nigeria ;

"*Government* "means the Government of the Federation ;

"*Minister*" means the Minister of the government responsible for security and public safety ;

"*protected place*" means :

(*a*) any naval, military or air force establishment in Nigeria, any other place in Nigeria used for or in connection with the production, storage or testing, by or on behalf of the Government, of equipment designed or adapted for use for defence purposes, and any other building, structure or work in Nigeria used by the government for defence purposes ; and

(*b*) any area in Nigeria elsewhere for the time being designated by an order made by the Minister as being an area from the public should be excluded in the interests of the security of Nigeria, and includes a part of a protected place. Within the meaning of paragraph (a) and (b) of this definition ;

"*Public Officer*" means a person who exercises or formerly exercised, for the purposes of the government, the functions of any office or employment.

(2) For the purposes of this Act, classified matter remains classified matter notwithstanding that it is properly transmitted to, or obtained from, or otherwise dealt with by, a person acting on behalf of the Government of a State.

Short Title, Extent and Repeal.

12.—(1) This Act may be cited as the Official Secrets Act :

(2) This Act shall apply throughout the Federation, and shall apply to citizens of Nigeria elsewhere than in the Federation ;

Cap. 144 Of the 1958 Edition.

(3) The Official Secrets Act is hereby repealed, so however that Section 5 of the Official Secrets Act, 1920 (which provides for the control of mail forwarding agencies) shall not cease to have effect in its application to Nigeria until the first regulations made in pursuance of Section 4 of this Act come into force ;

(4) Sub-section (3) of this Section shall not be construed as repealing the Official Secrets Act (hereinafter referred to as "the former legislation") in so far as, apart from that sub-Section, the former legislation has effect as part of the law of a State and is not inconsistent with or made redundant by the Act and the former legislation shall have effect accordingly ; and

Limitation of Repeal made by Cap. 144 of 1958 Laws of Nigeria, 1962. No. 39.

(5) Nothing in this Section shall affect any power of the Legislature of a State to make laws with respect to public safety which are not inconsistent with the provisions of the Act and, in particular, to make laws repealing the former legislation in so far as it has effect as part of the law of the State and is not inconsistent with or made redundant by the Act and the former legislation shall have effect accordingly.

Cap. 144 Of the 1958 Edition



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