

**VOLUNTARY TERMINATION OF
EMPLOYMENT ACT**

CHAPTER 23:03

Act
19 of 1989
Amended by
*4 of 1995 (By implication)

See Note on page 2

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1-32	..

2 **Chap. 23:03** *Voluntary Termination of Employment*

Index of Subsidiary Legislation

	<i>Page</i>
Voluntary Termination of Employment Regulations (LN 95/1989) ...	13
Delegation of Functions (Voluntary Termination of Employment) Order (LN 143/1989) 	32

Note on Act No. 4 of 1995

Section 13 of Act No. 4 of 1995 provides as follows:

“Payments of deferred liabilities. **13.** With respect to those persons who were separated from the T.D.A. under the Voluntary Termination of Employment Act, 1989 and to whom a deferred pension is due, the pension shall be paid by the Comptroller of Accounts in accordance with the terms of that Act.”.

CHAPTER 23:03

**VOLUNTARY TERMINATION OF
EMPLOYMENT ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Eligible persons.
4. Application to terminate service.
5. Approval.
6. Delegation.
7. Benefits.
8. Payment of benefits.
9. Deferred pensions.
10. Extended meaning of “service”.
11. Re-employment.
12. Amendment of First Schedule.
13. Regulations.

FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 23:03

**VOLUNTARY TERMINATION OF
EMPLOYMENT ACT**

19 of 1989. **An Act to provide for the early termination of their service by certain persons employed in offices of a public nature, for the benefits to which those persons thereupon become entitled and for related purposes.**

Commencement. [2ND JUNE 1989]

Short title. **1.** This Act may be cited as the Voluntary Termination of Employment Act.

Interpretation. **2.** (1) In this Act—

Ch. 23:01. “Civil Service” means the Civil Service of Trinidad and Tobago established by section 3 of the Civil Service Act;

“deferred pension” means a pension payable in accordance with section 9(1);

“eligible person” means a person who, in accordance with section 3(1) or (2), is eligible to make an application under this Act;

“Minister” means the Minister responsible for the subject of Finance;

Ch. 25:05. “Municipal Corporation” means a corporation referred to in section 2 of the Municipal Corporations (Pensions) Act;

“non-pensionable temporary employee” means a person who—

(a) holds an appointment to a temporary post that is not pensionable under a pension Act;

(b) holds a temporary appointment to a post that is pensionable under a pension Act, but has not satisfied all the requirements for appointment to the post; or

(c) is temporarily appointed to act in a post that is pensionable under a pension Act but that is substantively held by another person;

“pension Act” means an Act referred to in the First Schedule First Schedule. and includes any regulation or other statutory instrument made thereunder;

“relevant pension Act” in relation to an eligible person means—

- (a) the pension Act by reference to which that person is an eligible person; or
- (b) in the case of an eligible person who holds an appointment to a temporary post that is not pensionable, the pension Act under which the post could most appropriately be made pensionable if it were a permanent post;

“service” means service that is taken into account for the purpose of determining whether a person may be granted a pension or gratuity under a pension Act or determining the amount of any such pension or gratuity;

“statutory board” has the meaning given to that expression by section 2(2) of the Pensions Extension Act; Ch. 23:53.

“the Teaching Service” is comprised of the Teaching Service within the meaning of the Education Act, teaching service Ch. 39:01. within the meaning of the Teachers’ Pensions Act, and the Ch. 39:02. teaching service within the meaning of the Assisted Ch. 39:03. Secondary School Teachers’ Pensions Act;

“Tobago House of Assembly” means the Tobago House of Assembly established by section 3 of the Tobago House of Ch. 25:03. Assembly Act.

(2) Expressions not otherwise defined that are used in the pension Act that is relevant in the case concerned have, in this Act, the same meanings as they have in that pension Act.

3. (1) Subject to subsection (3), a person who, if this Act Eligible persons. were not in force—

- (a) could be granted a pension or gratuity, or
- (b) could, but for his age or his length of service, be granted a pension or gratuity,

under a pension Act if he were to voluntarily terminate his service is eligible to make an application under this Act.

(2) Subject to subsection (3), a non-pensionable temporary employee who has at least one year's unbroken service is eligible to make an application under this Act.

(3) A person is not eligible to make an application under this Act unless he is an officer or employee in the Civil Service or the Teaching Service (irrespective of whether he is in the service of the Government of Trinidad and Tobago or of the Tobago House of Assembly) or he is a monthly-paid officer or employee in the service of a Municipal Corporation or a statutory board.

Application to
terminate
service.

4. (1) An eligible person may apply, in accordance with subsection (2), to voluntarily terminate his service and receive the benefits provided for by this Act in respect of that termination.

(2) An application is in accordance with this subsection if it is made to the Minister, in the prescribed form and otherwise in accordance with the Regulations, within three years from the commencement of this Act, and specifies the time from which the termination is sought to be effective.

Approval.

5. (1) Subject to subsection (4), the Minister may, upon application being made to him in accordance with section 4(2), approve of the applicant voluntarily terminating his service in accordance with the application.

(2) In deciding whether to approve an application under this Act, the Minister shall have regard to—

- (a) the operational requirements of the service, organisation, department, Ministry, corporation or statutory board which, or in which, the applicant serves;
- (b) the needs of the public;
- (c) the availability of the skill or expertise of the applicant, or of any related skill or expertise; and
- (d) the effect that the termination of the service of the applicant might have on the efficiency,

economy or overall productivity of the service, organisation, department, Ministry, corporation or statutory board which, or in which, the applicant serves.

(3) Where the Minister declines to approve an application, he may, with the consent of the applicant, subsequently approve of the applicant voluntarily terminating his service, with effect from the time sought in the application or any other time acceptable to the applicant, without any further application being required under this Act and notwithstanding that the time within which such an application could be made has passed.

(4) Approval shall not be given under this Act—

(a) for the service of a person to terminate with effect from a time that is before the person has exhausted any entitlement to paid leave, other than sick leave, that he is eligible to take;

(b) unless the person has made arrangements satisfactory to the State for the discharge of any outstanding debts, liabilities, or obligations to the State (including an obligation under an agreement entered into under any written law, to serve for a particular period).

(5) Where the Minister approves under this section of the termination of a person's service, the service of that person terminates under this Act, notwithstanding any other law, with effect from the time approved, unless by death or otherwise the service of that person terminates before the time approved for the termination of service under this Act.

6. Without otherwise affecting the application of the Interpretation Act, sections 52 and 53 of that Act shall apply in relation to the delegation by the Minister of his functions under this Act as if references in those sections to "public officer" included a reference to any officer of a Municipal Corporation or a statutory board. Delegation. Ch. 3:01.

Benefits.

7. (1) Where the service of a person terminates under this Act, the relevant pension Act shall be taken to provide for the entitlements prescribed in the Second Schedule to this Act and the relevant pension Act shall apply accordingly to the entitlements so arising under that Act but, except as provided by subsection (2), the rights of a person under the relevant pension Act are not otherwise affected.

Second
Schedule.

(2) Where the service of a person terminates under this Act and that person or another person could have been granted any pension or gratuity under the relevant pension Act if the service had been voluntarily terminated other than under this Act with effect from the same time, the entitlements prescribed in the Second Schedule are in lieu of any pension or gratuity under the relevant pension Act that is correspondingly referred to in the Second Schedule.

Second
Schedule.

Payment of
benefits.

8. (1) Payment of any pension or gratuity to which a person is entitled by reason of this Act shall be made in cash.

(2) A gratuity to which a person becomes entitled by reason of this Act is payable upon the service of that person terminating but where the amount of the gratuity remaining after deducting the income tax, if any, payable under section 5(6) of the Income Tax Act exceeds twenty thousand dollars, the amount shall be satisfied by paying—

Ch. 75:01.

(a) within three months after the service of that person terminating—

(i) an amount equal to forty per cent of the amount of the gratuity remaining after the deduction of income tax, if any; or

(ii) an amount of twenty thousand dollars, whichever is greater; and

(b) on the anniversary date of the termination of that service in each year thereafter until the amount has been fully satisfied—

(i) an amount equal to one-third of the balance remaining after the payment of the amount referred to in paragraph (a); or

- (ii) where the balance remaining after the payment of the amount referred to in paragraph (a) and any payment made under this paragraph is not more than one thousand dollars, the whole of the balance so remaining or an amount that is less than the balance so remaining but is equal to or greater than the amount referred to in subparagraph (i).

9. (1) Where by reason of this Act a person is entitled to a deferred pension, the pension is payable to him upon his attaining the age of fifty-five years. Deferred pensions.

(2) A person terminating his service who becomes entitled to a deferred pension may, notwithstanding that the pension is not payable until his attaining the age of fifty-five years, exercise his option to receive a gratuity and a reduced pension as if the pension to which he were entitled were not a deferred pension, but the reduced pension to which he thereby becomes entitled is payable as a deferred pension.

10. (1) Where the service of a person terminates under this Act and that person had, in addition to service that is taken into account for the purposes of the relevant pension Act, given service (in this section referred to as “other service”) that would be taken into account for pension purposes if he were retiring from a post that was pensionable under any other pension Act, the Police Service Act, or the Fire Service Act (in this section referred to as “the other Act”), that other service shall, subject to subsection (5), be included as service for the purposes of the relevant pension Act. Extended meaning of “service”.
Ch. 15:01.
Ch. 35:50.

(2) In ascertaining the total period of service of an eligible person, any break between periods of service—

- (a) that could, if the service were continuous, be taken into account, and
- (b) neither of which periods of service was as a non-pensionable temporary employee,

shall be disregarded unless the break occurs by reason of dismissal or removal in consequence of disciplinary proceedings.

Ch. 15:01.
Ch. 35:50.
First Schedule.

(3) Where the service of a person terminates under this Act and that person had, in addition to service that is taken into account for the purposes of the relevant pension Act, given not less than one year's service as a non-pensionable temporary employee, there shall be included in the entitlement of the person under the relevant pension Act an amount of gratuity equal to the gratuity that would be applicable if the Police Service Act and the Fire Service Act were included in the First Schedule and upon the service of that person terminating under this Act his only service were that service as a non-pensionable temporary employee.

(4) In and for the purposes of subsections (2)(b) and (3), "pension Act" and "service" shall be construed as if the Police Service Act and the Fire Service Act were included in the First Schedule.

(5) Where—

- (a) the entitlement of a person under the relevant pension Act is calculated on the basis of a period of service that, under subsection (1) includes other service, as defined in that subsection; and
- (b) the rate at which benefit accrues under the other Act is different from the rate at which benefit accrues under the relevant pension Act,

the amount of entitlement in respect of the total period of service shall be adjusted to take account of the difference.

(6) Where by reason of this section the entitlement of a person terminating his service under this Act is based on a total period of service that includes service in respect of which a benefit has previously been paid under a pension Act, the Police Service Act, or the Fire Service Act, any amount previously paid shall be deducted from the amount of that entitlement and that entitlement shall be in lieu of any other payment which he could otherwise be paid under any such Act in respect of any such service.

Re-employment.

11. Where the service of a person terminates under this Act, any period of service in respect of which any benefit has been paid or is payable under the relevant pension Act by reason of that termination shall be disregarded for the purposes of determining

whether that person may, in respect of any subsequent service, be granted any further pension, gratuity, or other allowance (whether under a pension Act, the Police Service Act, or the Fire Service Act) or determining the amount of any such pension, gratuity or other allowance.

Ch. 15:01.
Ch. 35:50.

12. The Minister may, by Order, amend the First Schedule. Amendment of
First Schedule.

13. The Minister may make Regulations prescribing all matters that are required or permitted to be prescribed and generally for carrying this Act into effect. Regulations.

FIRST SCHEDULE

[Sections 2(1),
12].

1. Pensions Act, Ch. 23:52.
2. Pensions Extension Act, Ch. 23:53.
3. Teachers' Pensions Act, Ch. 39:02.
4. Assisted Secondary School Teachers' Pensions Act, Ch. 39:03.
5. Municipal Corporations (Pensions) Act, Ch. 25:05.

SECOND SCHEDULE

(Section 7).

BENEFITS UPON TERMINATION OF SERVICE

A. Eligible persons other than non-pensionable temporary employees

1. If the person has attained the age of fifty years and has completed at least ten years' service, then, in lieu of the pension, based on his period of service, which he could otherwise be granted under the relevant pension Act, he is entitled to—

- (a) the pension which he could be granted under the relevant pension Act if his period of service had been for a period equal to his actual period of service increased by one month for each five months of service completed, or by the period remaining before he attains the age of sixty years, whichever is less; or

- (b) the reduced pension to which he would be entitled under the relevant pension Act if he were granted a pension and opted to receive a reduced pension and a gratuity equal to ten per cent more than the gratuity to which he would then have been entitled,

at his option, but nothing in this paragraph shall be taken to remove his option to be paid, in lieu of the pension referred to in paragraph (a), a reduced pension and a gratuity.

2. If the person has attained the age of fifty years but has not completed at least ten years' service, then, in lieu of the gratuity which he could otherwise be granted under the relevant pension Act, he is entitled to a gratuity of an amount that is ten per cent more than the gratuity which he could otherwise be granted under that Act.

3. If the person has not attained the age of fifty years and has completed at least ten years' service, then he is entitled to a deferred pension of an amount equal to the amount of the pension which he could be granted if the age he has attained were the age at which, under the relevant pension Act, pension may be granted to him.

4. If the person has not attained the age of fifty years and has not completed at least ten years' service, then he is entitled to a gratuity of an amount equal to the gratuity to which he could become entitled, in accordance with section 9(2), if paragraph 3 did not require ten years' service to have been completed, but he is not entitled to any pension.

B. Eligible persons who are non-pensionable temporary employees

1. The person is entitled to—

- (a) where the person has not completed at least five years' service, a gratuity calculated on the basis of one twenty-fourth of his monthly rate of pay in respect of each completed month of service; and
- (b) where the person has completed at least five years' service, a gratuity calculated on the basis of—
- (i) one half of his monthly rate of pay in respect of each of the first four years of service; and
 - (ii) one sixteenth of his monthly rate of pay in respect of each completed month of service thereafter.

2. In paragraph 1, the "monthly rate of pay" of a person refers to an amount equal to one-twelfth of his annual pensionable emoluments that would be used for the calculation of his pension under the relevant pension Act had he been entitled to a pension.

SUBSIDIARY LEGISLATION

**VOLUNTARY TERMINATION OF
EMPLOYMENT REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Preliminaries to lodging application.
4. Form of application.
5. Period of notice.
6. Lodging of application.
7. Documents to be forwarded to VTEP office.
8. Management committee to advise Minister.
9. Documents to be forwarded to Minister.
10. Determination of application.
11. Alternative time of termination.
12. Payment to legal personal representative.

SCHEDULE.

[Subsidiary]

95/1989.

**VOLUNTARY TERMINATION OF EMPLOYMENT
REGULATIONS**

made under section 13

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

Interpretation. **2.** In these Regulations—
“administrative Head”, in relation to an applicant, means the person immediately responsible to the Minister concerned for the general management of the organisation, department, ministry, corporation or statutory board which, or in which, the applicant serves;

“application” means an application under the Act;

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

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

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

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

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

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

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

Period of notice.

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

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

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

Lodging of application.

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

Schedule. Form 3.

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

Documents to be forwarded to VTEP office.

16 **Chap. 23:03** *Voluntary Termination of Employment*

[Subsidiary] *Voluntary Termination of Employment Regulations*

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

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

Management
committee to
advise Minister.

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

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

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

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

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

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

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

Documents to be forwarded to Minister.

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

Determination of application.

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

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

Alternative time of termination.

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

18 **Chap. 23:03** *Voluntary Termination of Employment*

[Subsidiary] *Voluntary Termination of Employment Regulations*

Payment to legal personal representative. **12.** Where a person whose service terminates under the Act dies—

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

[Regulation 3].

SCHEDULE

FORM 1

VOLUNTARY TERMINATION OF EMPLOYMENT ACT, (CH. 23:03)
***CERTIFICATIONS AND DECLARATION FOR PURPOSES**
OF MAKING AN APPLICATION UNDER VTEP

Complete one copy only

Name of Officer

(Please print Name of Officer)

DATE OF BIRTH

--	--	--

--	--

--	--

Year Month Day

--	--	--	--	--	--	--	--	--	--

B.I.R. NUMBER

--	--	--	--	--	--	--	--	--	--

N.I.S. NUMBER

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

Present Position

(Do not include acting appointment)

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

CERTIFICATION BY HEAD OF AGENCY

Nature and extent of obligation	Remarks
	CERTIFIED CORRECT <i>Head of Agency</i>

CERTIFICATION BY BOARD OF INLAND REVENUE

Extent of indebtedness	Remarks
	CERTIFIED CORRECT <i>Board of Inland Revenue</i>

CERTIFICATION BY COMPTROLLER OF ACCOUNTS

Nature and extent of obligation	Remarks
	CERTIFIED CORRECT <i>Comptroller of Accounts</i>

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

Date.....
Signature of Officer

* This Declaration is to be completed and signed by the Officer only after he/she has read carefully the
information overleaf.

† Delete words that are not applicable.

20 **Chap. 23:03** *Voluntary Termination of Employment*

[Subsidiary] *Voluntary Termination of Employment Regulations*

FORM 1—Continued

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

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

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

A. PERSONS 50 YEARS AND OVER:

10 years pensionable service or over—

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

Under 10 years pensionable service—

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

B. PERSONS UNDER 50 YEARS:

10 years pensionable service and over—

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

Under 10 years pensionable service—

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

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

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

You will need to fill in your category.

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

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

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

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

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

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

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

Voluntary Termination of Employment **Chap. 23:03**

21

Voluntary Termination of Employment Regulations

[Subsidiary]

FORM 2

[Regulation 4].

VOLUNTARY TERMINATION OF EMPLOYMENT ACT, (CH. 23:03)

APPLICATION FORM FOR TERMINAL BENEFITS

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

1. Name: Surname
First Name
Other Names
Maiden Name (if applicable)
2. Date of Birth 3. Male Female 4. B.I.R. No.
5. N.I.S. No.
6. Home Address
or
Postal Address
7. Ministry/Department/Statutory Authority/Municipal Corporation/Tobago House of Assembly.
(Please give full name of your organisation)
.....
8. Institution/School/Division/Section/Unit where you are now working.....
.....
9. Officer's present position.....
(Do not state acting appointments)
10. Type of appointment *(Tick appropriate box)* Permanent Temporary
11. I..... hereby apply to terminate my employment with effect from.....
12. † I consider that my application falls in the category/categories as indicated below—
Category A Category B Category C
10 years pensionable service and over: 10 years pensionable service and over
(a) Option A Less than 10 years pensionable service
(b) Option B
Less than 10 years pensionable service

22 **Chap. 23:03** *Voluntary Termination of Employment*

[Subsidiary] *Voluntary Termination of Employment Regulations*

FORM 2—Continued

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

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

15. I acknowledge that upon receipt of benefits in accordance with the VTEP Act (Ch. 23:03), I am not eligible for any benefits under any other Pension Law for the same period.

Signature of Applicant..... Date
Year Month Day

Signed in the presence of

.....
Signature of Officer *Print Name* *Post and Range*
Witnessing and accepting
the application

APPLICATION APPROVED

APPLICATION NOT APPROVED

Signature.....
Minister of Finance/Minister's Delegate

Date Post.....

PARTICULARS OF CATEGORIES AND OPTIONS

CATEGORY A

PERSONS 50 YEARS AND OVER HOLDING PENSIONABLE APPOINTMENTS

10 YEARS PENSIONABLE SERVICE AND OVER

Option A

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

Option B

Enhancement of gratuity by 10%.

LESS THAN 10 YEARS PENSIONABLE SERVICE

Gratuity of 5 times unreduced pension enhanced by 10%.

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

CATEGORY B

PENSIONS UNDER 50 YEARS HOLDING PENSIONABLE APPOINTMENTS

10 YEARS PENSIONABLE SERVICE AND OVER

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

LESS THAN 10 YEARS PENSIONABLE SERVICE

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

CATEGORY C

PERSONS HOLDING OR WHO HAVE HELD NON-PENSIONABLE APPOINTMENTS

A lump sum payment on the following basis:

1 completed year and less than 5 years of completed service. 1/2 month's pay for each such year of service

5 completed years of service and more, (i.e. having completed 60 months service and more) in addition to the entitlement above, 3/4 month's pay applies to the entire 5th year of service (i.e., from the 49th month) and each succeeding completed year of service.

Distribution of Form 2 by VTEP Office:

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

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

† See "Particulars of Categories and Options" overleaf.

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

24 **Chap. 23:03** *Voluntary Termination of Employment*

[Subsidiary] *Voluntary Termination of Employment Regulations*

[Regulation 6(2)].

FORM 3

**VOLUNTARY TERMINATION OF EMPLOYMENT ACT, (CH. 23:03)
DIVISIONAL RECOMMENDATION FORM**

For internal use only

**COMMENTS AND RECOMMENDATIONS OF IMMEDIATE
SUPERVISOR/HEAD OF SECTION**

Application of.....
(Please Print Name of Officer)

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

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

Tick as appropriate

APPROVAL RECOMMENDED

APPROVAL NOT RECOMMENDED

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

.....
.....
.....
.....
.....

Where application is not recommended, state reasons:

.....
.....
.....
.....
.....

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

PROPOSED TERMINATION DATE

Year

Month

Day

Date..... Signature.....

Post.....

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

FORM 4

[Regulation
7(2)(a)].

**VOLUNTARY TERMINATION OF EMPLOYMENT ACT, (CH. 23:03)
ORGANISATIONAL ADVISORY FORM**

For submission to the VTEP Office

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

Application of.....
(Please Print Name of Officer)

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

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

Tick as appropriate

APPROVAL RECOMMENDED APPROVAL NOT RECOMMENDED

Remarks—

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

.....
.....
.....
.....
.....

Where approval is not recommended, state reasons:

.....
.....
.....
.....

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

PROPOSED TERMINATION DATE

Year Month Day

Date..... Signature.....

Post.....

Voluntary Termination of Employment **Chap. 23:03** 27

Voluntary Termination of Employment Regulations **[Subsidiary]**

SECTION C*

DETAILS OF LEAVE

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

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

SECTION D (ii)

CERTIFICATE

Prepared By..... Checked By..... Audited By.....
 Post..... Post..... Post.....
 Date..... Date..... Date.....

I hereby certify that the foregoing information is correct.

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

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

INSTRUCTIONS:

PLEASE READ CAREFULLY BEFORE COMPLETING FORM

1. The purposes of this form are:
 - (i) to record in date sequence the details of salary and pensionable allowances drawn by a salaried officer serving in different Ministries and Departments during his or her career in the Government Service; and
 - (ii) to record all details of no pay or half pay leave which an officer has taken,

so that pension could be computed and approved for payment as quickly as possible after termination of service.

FORM 5—Continued

2. Entries on the form should as far as possible be typewritten or clearly and legibly handwritten. Block capitals should be used for the completion of lines 1–4 of Section “A”.
3. The details in Sections A, B and C **MUST** be verified by the Officer-in-Charge, Internal Audit and the Personnel Officer respectively of the Ministry or Department and the form then signed by the Permanent Secretary or Head of Department or the officer so authorised to sign these forms.
4. This form should be prepared in duplicate by the Personnel Branch in consultation with the Accounts Branch of the Ministry or Department in which the officer is employed and should be seen by the officer.
5. It is of the utmost importance that information relating to the officer’s option to receive either: (a) an unreduced pension, or (b) a reduced pension and gratuity is enclosed with the final form for forwarding to the Comptroller of Accounts.

Voluntary Termination of Employment **Chap. 23:03**

Voluntary Termination of Employment Regulations

[Subsidiary]

LEAVE ELIGIBILITY (SPECIFY)

C(ii)	Nature of Leave	Leave Due

SECTION D (ii)

CERTIFICATE

Prepared By..... Checked By..... Audited By.....

Post..... Post..... Post.....

Date..... Date..... Date.....

I hereby certify that the foregoing information is correct.

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

- (i) All information at sections A, B and C must be furnished at all times. Where data does not apply to the employee, the words "not applicable" (N/A) or "nil" must be inserted.
- (ii) The particulars must be completed, checked, audited and certified by appropriate authorised officers.

INSTRUCTIONS:

PLEASE READ CAREFULLY BEFORE COMPLETING FORM

- The purposes of this form are:
 - (i) to record in date sequence the details of all acting, temporary and daily-paid service before the appointment of an officer to a permanent monthly paid post.
 - (ii) to record all details of leave for which the officer at (i) above is eligible or has taken.
- This form should be prepared in duplicate by the Personnel Branch in consultation with the Accounts Branch of the Ministry or Department in which the officer is employed and should be seen by the officer.
- Entries on the form should as far as possible be typewritten or clearly and legibly handwritten. Capitals should be used for completing the form at lines 1-4 of Section "A".
- The details in Section A, B and C must be verified by the duly authorised and specified personnel of the Ministry or Department and then signed by the Permanent Secretary or Head of Department or the officer so authorised to sign these forms.

[Subsidiary]

143/1989.

**DELEGATION OF FUNCTIONS (VOLUNTARY
TERMINATION OF EMPLOYMENT) ORDER**

made under section 52(1) of the Interpretation Act

Citation.

1. This Order may be cited as the Delegation of Functions (Voluntary Termination of Employment) Order.

Delegation of
functions.
Ch. 3:01.

2. In exercise of the powers conferred upon him by section 52(1) of the Interpretation Act, the Minister of Finance delegates the functions that he is required to perform under the Voluntary Termination of Employment Act, to each of the public officers listed in the Schedule—

SCHEDULE

Permanent Secretary to the Prime Minister and Head of the Public Service

Permanent Secretary, Minister of Finance

Chief Personnel Officer

Director, Organisation and Mangement, Office of the Prime Minister

Director, Employment and Industrial Relations Research, Personnel Department.