

CHAPTER 2

APPOINTMENTS AND EXIT FROM THE SERVICE

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GENERAL PRINCIPLES

The State Government shall be committed to promoting the inclusion and fair treatment of all people who share the values, aspirations and work ethics of the State Civil/Public Service.

All recruitment activities must follow prescribed Guidelines and shall be targeted to attract the right people to work in the Civil/Public Service, according to requirements defined by the Ministries/Departments/Agencies and based on merit, gender equality and social inclusion.

Security clearance must be done for all new entrants.

All appointments are subject to the provisions of the Lagos State Pension Reform Law 2007, except otherwise stated.

SECTION 1—GENERAL

020101

Appointments to Civil/Public offices in the State Civil/Public Service are made as follows:

(a) by letter written under the direction of the State Civil Service Commission and other Agencies so empowered; or

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

(c) conditions of service shall be governed by the Public Service Rules, circulars and other relevant documents.

020102: Appointment to Senior Posts

(i) Appointment to posts graded GL 07–GL 10 or equivalent shall be made by the State Civil Service Commission and any other similar body so empowered.

(ii) Appointment to posts graded GL12–GL 14 or equivalent shall be made by the State Civil Service Commission and any other similar body. Such appointment shall be made into available vacancies after due advertisement as the need arises. Applications must comply strictly with the terms of the advertisement.

(iii) The State Civil Service Commission and any other similar body shall make appointment to the posts graded GL 15–GL 17 or equivalent with inputs of the Head of Service, as applicable. Appointment to these posts shall be in response to advertised vacancies.

(iv) There shall be an annual competitive Civil/Public Service Entry Examination for posts graded GL 07–10 or equivalent for new entrants and serving officers wishing to transfer from other scheduled services. This examination shall be conducted by the State Civil Service Commission or any other such body in conjunction with the Office of the Head of Service, the Lagos State Public Service Staff Development Centre, the National Judicial Institute and other recognised bodies.

(v) To qualify for this examination, candidates must possess an Honours Degree or a Higher National Diploma in relevant disciplines as provided for in the Schemes of Service. Final recommendation shall be made by the line Ministries/Extra-Ministerial Departments in accordance with their requirements.

020103: Appointment to Junior Posts

(i) Each Ministry/Extra-Ministerial Department/Agency shall recruit on merit Junior Staff on Salary Grade Levels 01–06 or equivalent subject to the Workforce Plan and approved dispensation to recruit.

(ii) Each Ministry/Extra-Ministerial Department/Agency shall fill vacancies with applicants who possess the qualifications prescribed in the approved Schemes of Service.

(iii) Each Ministry/Extra-Ministerial Department/Agency shall work out the actual establishments or requirements. The Junior Staff Committee shall conduct interviews and appoint officers into various Junior Cadres.

(iv) Such recruitments shall reflect the geographical spread within the State.

(v) The procedure for appointment shall be the same as in appointment to Senior Posts.

020104: Authority for Appointment

Appointments to all posts in the State Civil/Public Service other than those of Permanent Secretaries are vested in the State Civil Service Commission and any other such body which has, however, authorised Permanent Secretaries/Heads of Extra-Ministerial Departments to appoint eligible candidates to posts in respect of which the powers of appointment have been delegated to them.

020105: Incremental date

An officer's incremental date shall be 1 January or 1 July after the first anniversary of his appointment date, subject to good conduct and performance. (See Rule 050203).

020106: Seniority

Except where otherwise provided, seniority as between persons selected for appointment from outside the Civil/Public Service shall be determined by the date of assumption of duty certified by an authorised officer as reflected in the Assumption of Duty Certificate.

020107: Unpaid staff prohibited

The employment of unpaid staff is prohibited.

020108: Personal Records

(i) Permanent Secretaries/Heads of Extra-Ministerial Departments/Agencies shall keep an up-to-date record of every officer under their control. Staff Record of Service LS/ESTAB Form No.1 shall be used and one copy each must be sent to the Central Staff Records Registry in the Office of Establishments and Training, Office of the Accountant General, and the Lagos State Pensions Commission within one (1) month of appointment. The Form shall be completed in ink.

Date of birth

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

SECTION 2—RECRUITMENT

020201: Definition

Recruitment means the filling of vacancies by the appointment of persons not already in the Civil/Public Service of Lagos State according to the manpower requirements of the Ministries/Departments/Agencies. It, however, excludes the transfer of officers from other Civil and Public Services in the Federation to the State Civil/Public Service.

020202: Types of Appointment

Direct appointment to the Lagos State Civil/Public Service may be in any of the following categories:

- (a) as trainee or pupil;
- (b) on probation;
- (c) on Contract for a specified period;
- (d) in Acting Capacity;
- (e) on Temporary basis (Reference to definition in Rule 010103); and
- (f) on Part-Time basis.

020203: Trainee or pupil

(a) Where a candidate for employment requires additional professional experience before he can be regarded as fully qualified for appointment to a specified post, he may be appointed as a trainee or pupil for a normal period of service of two (2) years on 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.

(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 training except with the special advice of the Agency responsible for Establishments Matters.

020204: Probation

Except where the State Civil Service Commission or any other such body decides otherwise, all first appointments to the pensionable establishment in posts other than the trainee post (see Rule 020203) shall be on probation. An officer confirmed in a lower post shall not however be regarded as on probation in a higher post to which he is promoted, nor shall an officer seconded or transferred as confirmed officer from pensionable service elsewhere.

020205: Eligibility for Appointment

To be eligible for appointment to the State Civil/Public Service, every applicant must:

- (a) not be less than eighteen (18) years of age and not more than fifty-five (55) years of age except for contract/part-time appointment;
- (b) possess such minimum requisite qualifications as may be specified for the post applied for and as amended from time to time;
- (c) be certified by a State Government Medical Officer as medically fit for Government Service;
- (d) possess a testimonial of good conduct from his last employer or, if not previously employed, from the last school or college he attended;
- (e) possess requisite qualifications as provided for in the Schemes of Service; and
- (f) No officer shall be appointed into the Civil Service without authorisation for appointment from the Office of the Head of Service and without an approved dispensation to recruit in the case of Parastatal Organisations.

020206: Prior approval in certain cases

(a) No candidate shall be appointed to any post in the State Civil/Public Service without the prior specific approval of the State Civil Service Commission or any other relevant body if:

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

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

(b) In view of Rule 020206(a) above, every applicant for employment by Government must state:

- (i) whether he has been convicted of a criminal offence;
- (ii) all employment he had engaged in; and
 - (a) if he has left any employment, why he did so; or
 - (b) if he is still in any employment and whether he is under any obligation to remain in it;
- (iii) whether he is free from financial embarrassment.

020207: Procedure for appointment

(a) Management and Senior Posts: All applicants for Management and Senior posts are required by the State Civil Service Commission or any other such body to complete Forms LSCS I and LSCS II as a result of which antecedents are carefully scrutinized before they are invited for an interview for appointment.

(b) Junior Posts: It is the duty of Permanent Secretaries/Heads of Extra-Ministerial Departments/Agencies to enquire carefully into the antecedents of all candidates they consider for appointment to a junior post and to ensure that every selected candidate is eligible under Rule 020205 for appointment. The following procedure shall be followed by the selected candidate—

- (i) the candidate shall submit an application letter;
- (ii) the candidate shall be interviewed if found suitable, and any false statement made in his application shall be regarded as sufficient ground for non-employment or, if such falsehood is detected after engagement, for termination of employment without notice;
- (iii) if in the light of the information so supplied, the candidate is still considered eligible and suitable, he shall be made an offer of appointment;
- (iv) if the candidate accepts the offer, he shall write a letter of acceptance.

020208: Personal Particulars

(a). Immediately he assumes duty, a new member of staff shall be required to enter his personal particulars in the Lagos State Establishments Form No.1 (Record of Service), a copy of which shall be attached to the appropriate documents forwarded to the State Agency responsible for Establishments Matters and the Pension Fund Administrator/Lagos State Pensions Commission and other relevant Offices/Departments.

Change of name owing to marriage

(b) A female Civil/Public Servant who marries while in the State Civil/Public Service, owing to her change of name, must immediately notify her Permanent Secretary / Head of Extra-Ministerial Department of her marriage (whether under the Marriage Act, according to Islamic Law or Customary Law).

020209: Oath of Secrecy

It is the duty of every Permanent Secretary/Head of Extra- Ministerial Department/ Agency to ensure that all officers and temporary staff in his Ministry/Extra—Ministerial Department/Agency sign an Oath of Secrecy Form 1 and that the oath so signed is carefully preserved.

020210: Secret society: prohibition of membership

No Civil/Public Servant shall become a member of any secret society and any officer who is a member of such society shall immediately renounce his membership by making a statutory declaration to that effect, or resign his appointment, or retire from Service.

020211: Contravention

Contravention of Rule 020210 shall be regarded as an act of serious misconduct and shall attract appropriate disciplinary action which may include dismissal from the Service.

SECTION 3—RULES FOR APPOINTMENT ON PROBATION

020301: Period of probation

Officers on probation shall be required to serve for two (2) years before being confirmed in the Service. This period may, however, be reduced to not less than six (6) months by deduction of any previous period of Civil/Public Service rendered satisfactorily in posts of cognate status involving similar duties. The period of probation shall not exceed two (2) years unless the State Civil Service Commission or any other such body approves an extension. Such an extension may result in the incremental penalty referred to in Rule 050206 if the Commission or the relevant body so decides.

020302: Compulsory examination

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 7 and such other examinations as may be specified in individual offer of appointment;

(b) for Clerical Grade Officers, the prescribed examination is the Combined Promotion/Confirmation Examination held once a year; and

(c) for officers in the Technical Grades, the examination is as prescribed in the Schemes of Service applicable to the particular post.

020303: Confirmation or termination at the end of probationary period

To be eligible for confirmation in the permanent establishment, an officer appointed on probation is required to have favourable security clearance, 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 shall, unless his probationary appointment is terminated or extended, be confirmed in his appointment. Recommendations of Permanent Secretaries/ Heads of Extra-Ministerial Departments/Agencies regarding the confirmation of all officers holding senior posts shall be made in the Progress Report prescribed in Chapter 6 of these Rules.

020304

The probationary period shall last a maximum of two (2) years. Extension to the two-year probation period may be granted only where officers have failed their confirmation examinations and are studying for a retake. After three (3) consecutive attempts at the confirmation examinations, officers must either be confirmed, upon successful completion or have their employment terminated. For avoidance of doubt, an officer would be confirmed in his appointment after passing the prescribed examination during the probationary period on the second anniversary of his appointment and his maturity date for advancement/promotion would thus be calculated from his date of appointment.

However, if an officer fails to pass the prescribed exams during the probationary period, he would be confirmed in his appointment on the date he passes the exams and not on the second anniversary of his appointment. The officer's notional date would consequently be calculated from the date he passed the exams to observe his maturity date for advancement/ promotion. This condition would also apply to an officer whose

probationary period is extended, on the recommendation of the appropriate authority, due to unsatisfactory performance. He would be confirmed in his appointment on the end date of the extended probationary period.

020305

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 anytime subject to the appropriate rules governing termination of appointment.

SECTION 4—RULES FOR APPOINTMENT ON CONTRACT

020401: Definition

Contract Appointment means an engagement of a person to an established office for a tour of two (2) years renewable only once or as stipulated in the terms and conditions of his contract. It should be offered only where a specific need has been identified that is not met by the existing Civil/Public Servant population. The contract appointment must be recorded in a formal agreement.

020402: Rules for Appointment on Contract

(a) The Conditions of Service of a Contract Officer are those provided for in his contract and the privileges, emoluments or allowances described in these Rules do not apply to him unless they are specifically so stated in the contract itself. Any question on the interpretation of a contract affecting a Contract Officer's Conditions of Service should be referred to the State Agency responsible for Establishments Matters.

- (b) (i) Contract appointments may be offered to expatriates only when suitable Nigerians are not available.
- (ii) Nigerians may be appointed on contract terms if:
 - (a) they are pensioners;
 - (b) they are fifty-five (55) 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;
 - (d) the candidate possesses specialized competencies or skills such as required, and provided such posts are duly advertised in at least two (2) national newspapers and the State Government website.

- (iii) For non-Nigerians, the provisions of the Public Service Rules regarding contract appointment shall apply in all cases, except for those married to Nigerians.
- (iv) Non-Nigerian officers married to Nigerian spouses should remain on contract until granted Nigerian citizenship before being considered for permanent appointment.

020403: Duration of Contract Appointment

The duration of a contract appointment to an established office is a tour of two (2) years renewable only once.

020404: Termination during current contract

(a) Termination of Contract by the State Government—An appointment on contract may be terminated by the State Government at any time in accordance with the terms specified in the contract itself. A full statement of consideration, which has prompted it, shall accompany a recommendation to the State Civil Service Commission or any other similar body for the termination of appointment of a contract officer. On the recommendation, the Civil Service Commission or any other similar body shall decide in its discretion whether the appointment shall be terminated immediately in accordance with the terms of the contract or whether the officer should be offered an opportunity to submit any formal representations if he so wishes before a final decision is taken.

(b) Termination of Contract by the officer—The termination of a contract appointment by the holder is subject to the terms of his contract and any question concerning the waiving of any of the penalties under a contract of agreement shall be referred to the State Agency in charge of Establishments Matters.

020405: Re-engagement: Responsibility of Contract Officer

An officer serving on contract, who desires re-engagement, shall inform the Government in writing through his Permanent Secretary/Head of Extra Ministerial Department/Agency not less than four (4) months before he is due to leave. In the absence of such notification, the contract is deemed terminated at the expiration of the tour.

020406: Re-engagement: Responsibility of Permanent Secretary/Head of Extra-Ministerial Department/Agency

On receipt of such notification expressing an officer's wish to be re-engaged, the Permanent Secretary/Head of Extra-Ministerial Department/Agency shall obtain the consent of the State Agency responsible for Establishments Matters to the re-engagement before forwarding his recommendation to the State Civil Service Commission or any other

similar body, enclosing an up-to-date Progress Report on the officer following Rule 060201(unless such a report has been forwarded within the previous two (2) months). In return, he shall receive any of the following—

(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/Department/Agency shall inform the officer accordingly without delay; and

(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 Department/Agency shall obtain the officer's witnessed signature to both copies, deliver the duplicate to the officer, and return the original to the Agency responsible for Establishments Matters;

020407: Earlier notification of non-re-engagement

As soon as it is clear to a Permanent Secretary/Head of Extra-Ministerial Department/Agency that he shall not be able to recommend the re-engagement of an officer serving on contract, he shall seek the approval of the State Civil Service Commission or any other such body to inform the officer that he will not be re-engaged and, on receipt of such an approval, shall inform the officer without delay.

020408: Continuity of contract service

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 contract shall be treated as continuous.

020409: Deferred leave

If a re-engaged contract officer is required to return to duty under his new contract before the expiration of the leave due under the former contract, the leave forgone shall be treated as deferred leave to be enjoyed under the conditions of the new contract.

020410: Incremental date

When an officer on contract is re-engaged in his former office without a break in service and on the same salary scale, he shall retain the incremental date enjoyed under his former contract. In other cases of re-engagement without break in service, the incremental date of a re-engaged contract officer shall be fixed in accordance with such rules as may be applicable in the circumstance on the basis that the commencement date of the new contract is the date on which he resumes duty thereunder.

020411: Appointment of retired officers on contract

Retired officers may only be re-engaged into career posts on grade levels immediately below that on which they retired.

020412: Promotion

Reference should be made to Rule 020607.

SECTION 5—SECONDMENT, TRANSFERS, CONVERSION AND ADVANCEMENT

020501: Definitions

(a) Secondment means the temporary release of an officer to the service of another Government-approved body or any recognised international organisation for a specified period. Secondment should be used to fill identified skills gap.

(b) Transfer is the permanent release of an officer from one scheduled service to another. Transfers should be used, where possible, as part of the recruitment process to fill the needs identified by Ministries/Extra-Ministerial Departments/Agencies.

(c) Conversion is the movement of an officer from one cadre to another cadre on presentation of prerequisite additional qualification.

(d) Advancement is the upward movement of an officer within the cadre based on additional qualification or cognate experience as provided in the Schemes of Service for such cadre.

Inter-Service Transfer and Secondment

(i) Application for Transfer/Secondment to posts graded GL 01–GL 06 or equivalent shall be determined by the Ministry/Extra-Ministerial Department/Agency of the applicant's choice and shall include consideration of his Staff Performance Appraisal and Development (SPADEV) Reports covering the last three (3) years.

(ii) Applications for Transfer of Service/Secondment to posts graded GL 07 and above or equivalent in any Ministry/Extra-Ministerial Department/Agency shall be determined by the State Civil Service Commission or any other such body. SPADEV Reports covering the last three (3) years (or whole service, if less than three (3) years) of the officer's service shall also be furnished.

(iii) Secondment of an officer to the Service of another Government or approved body, at his own request, shall be for a period of two (2) years in the first instance after which the officer must either apply for one (1) year extension, return to his former post or seek for transfer. The officer must obtain the necessary approval of the State Civil Service

Commission or any other such body. The officer shall be entitled to notional increment during the period of his secondment and may be granted notional promotion by the State Civil Service Commission or any other such body on his de-secondment in order to restore his seniority as a result of the promotion of his peers during his absence.

(iv) If it is in public interest to second an officer to the Service of another Government or approved body, the period of secondment shall not be limited and the officer shall continue to hold his substantive post and be entitled to increment and promotion and shall be treated as having been posted on special duty.

(v) During the period of such secondment, the benefitting organisation shall be responsible for the officer's emoluments.

020502: Conditions to be met for transfer

(i) No applicant shall be considered for transfer on promotion to any Ministry/Extra-Ministerial Department/Agency except in response to an advertised post.

(ii) An applicant shall be considered for transfer:

- (a) 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;
- (b) provided the contemplated transfer would in no way jeopardize the promotion prospects of serving officers;
- (c) where the Ministry is satisfied that there are vacancies not only in the relevant grade but also in the applicant's discipline or speciality;
- (d) if he has served in his current grade for the stipulated minimum number of years prescribed for promotion to an advertised post.

(iii) Posting of officers within the Ministry to positions outside their professional cadres is prohibited.

020503: Conversion

(a) Senior Posts—Conversion from one senior post to another or from one cadre to another within the State Public Service requires the approval of the State Civil Service Commission or any other such body. An officer must have served for a minimum period of two (2) years in his original cadre before seeking conversion to another cadre except where otherwise stated. An application for such conversion must be submitted to the Permanent Secretary/Head of Ministerial Department/Agency of the applicant and must state the applicant's reasons for desiring a conversion and qualifications for the post he desires. The conversion requires the prior recommendation of the appropriate Personnel

Management Board or any other such body. The recommendation of the Personnel Management Board shall be forwarded to the State Civil Service Commission or any other such body by the Permanent Secretary/Head of Extra-Ministerial Department/Agency together with a statement as to:

- (i) how the applicant has performed his duties;
- (ii) whether the applicant is considered to be well-qualified for the post he desires; and
- (iii) recommendations as to the grant or refusal of the application.

(b) Junior Posts—Conversion from one cadre to another within the State Public Service requires the prior recommendation of the appropriate Personnel Management Board or any other such body and an officer must have served for a minimum period of two (2) years in his original cadre before seeking conversion to another cadre except where otherwise stated. An application for such conversion must be submitted to the Permanent Secretary/Head of Ministerial Department/Agency of the applicant and must state the applicant's reasons for desiring a conversion and qualifications for the post he desires. Such an application shall be forwarded to the Permanent Secretary/Head of Extra-Ministerial Department/Agency together with a statement as to:

- (i) how the applicant has performed his duties;
- (ii) whether the applicant is considered to be well-qualified for the post he desires; and
- (iii) recommendations as to the grant or refusal of the application.

The conversion of officers on junior posts requires the recommendation of the appropriate Personnel Management Board or any other such body and the ratification of Permanent Secretaries/Heads of Extra-Ministerial Departments/Agencies.

020504: Requirements for Conversion to the Administrative Officer cadre

To be eligible for conversion into the Administrative Officer cadre, an officer must have:

- (a) obtained the full minimum educational qualification for direct appointment to the cadre; and
- (b) been successful at the prescribed selection process.

020505: Requirements for Conversion to the Administrative Officer cadre

To be eligible for advancement from the post of Assistant Secretarial Officer III to the post of Assistant Secretarial Officer II, an officer must have:

(a) obtained the full minimum educational qualifications for direct appointment to the Assistant Secretarial Officer cadre as prescribed in the Schemes of Service.

020506: Salary on Advancement

The salary and incremental date at which an Assistant Secretarial Officer III enters the salary scale of Assistant Secretarial Officer II on advancement is governed by Rules 050104 and 050202.

SECTION 6—PROMOTION

020601: Eligibility

(a) Except where powers of appointment or promotion have been delegated to Permanent Secretaries/Heads of Extra-Ministerial Departments/Agencies, no promotion shall become effective unless approved by the State Civil Service Commission or any other such body.

(b) All Officers who are eligible for promotion shall be considered except those under disciplinary action. 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 Staff	Number of years in post
01-06	Minimum of two (2) years
07-14	Minimum of three (3) years
15-17	Minimum of four (4) years

(c) Promotions shall be made strictly on the basis of available vacancy and competitive merit from amongst all eligible candidates. In assessing the merit of officers:

- (i) a clear distinction shall be made between their records of performance or efficiency in lower grades and their potentials for promotion, i.e. ability and competence to perform efficiently the duties and responsibilities of the higher post;
- (ii) seniority and previous record of performance shall be taken into account in choosing between candidates with equal potentials for promotion; and

(iii) in all cases, a written examination and general satisfactory records of conduct shall also be considered.

(d) The responsibilities for the promotion of officers in accordance with the prevailing procedures shall be as follows:

- (i) GL 01–06 by the Ministry/Extra-Ministerial Department/Agency, with the concurrence of the authority in charge of Establishments Matters.
- (ii) GL 07–12 by the Ministry/Extra-Ministerial Department/Agency or the relevant pool, subject to confirmation by the State Civil Service Commission or any other such body.
- (iii) GL 13–17 by the State Civil Service Commission or any such body on recommendation from the Ministry/Extra-Ministerial Department/Agency or the relevant pool routed through the Office of the Head of Service.

020602

Before each promotion exercise, the responsible authority shall compile a list of all eligible candidates to be considered, the list being prepared on the basis of current performance and future job requirements, or set of criteria previously established for the post by the Agency responsible for Establishments Matters (e.g. officer's qualifications/experience, age, training, etc). The authority shall ensure that:

(i) The promotional posts of deserving officers in the State Public Service shall not be jeopardized by the appointment of persons not already in the Civil/Public Service.

(ii) No officer shall be debarred from promotion on the sole ground of lacking formal educational qualifications other than that required for his grade and mode of entry into the service; provided also that no officer may be promoted to a post, which requires its holder to have formal professional/technical qualifications, which he does not possess.

(iii) Only in very exceptional cases where available candidates within the State Civil/Public Service are not considered suitable for promotion to any vacant post may the latter be advertised publicly to interested persons outside the Service. In such cases, and, similarly, when officers in other Public Services in the Federation are being recruited/transferred on promotion to the State Public Service, it should be ensured that they meet specific job requirements for the promotion posts. In any event, officers being transferred into the State Civil/Public Service from other states and agencies should be placed on the post they would normally have been had they joined the State Public Service in the first instance.

(iv) At the end of each promotion exercise, within six (6) months of the announcement of the promotion, an officer who was not successful at the exercise shall be allowed a right of appeal for the reconsideration of his case.

020603: From Junior to Senior Post

A meeting of the appropriate Committee shall be convened to interview and consider officers holding junior appointments in the Ministry/Extra-Ministerial Department/Agency who may be recommended to the State Civil Service Commission or any other such body for promotion.

020604: Effective Date

The effective date of all promotions shall normally be 1st of January or 1st of July or as may be determined by the State Civil Service Commission.

020605

The Permanent Secretary/Head of Extra-Ministerial Department/Agency is authorised to fill his departmental vacancies in posts on GL. 06 and below on the recommendation of the Junior Staff Committee.

020606: Notional promotion

(a) Notional promotion may be granted to restore an officer's seniority, vis-à-vis his colleagues, if during his absence from duty on any of the following grounds, he was not considered for promotion, provided that on return to duty the officer is considered suitable for such a promotion:

- (i) where an officer is on approved study course or leave of absence on grounds of public policy;
- (ii) where an officer is on secondment to another Government Agency or approved body; and
- (iii) where an officer is granted study leave without pay for less than two (2) years, however this would be on the basis of performance.

(b) When an officer is granted notional promotion, he shall not be entitled to the salary of the higher post until he actually assumes duty in the post, but the effective date of notional promotion shall be used in determining the point at which the officer enters the new salary scale, his future incremental date and seniority in the grade.

020607: Promotion of a Contract Officer

Under normal circumstances, no contract officer shall be considered for promotion. He could, however, be considered for an enhanced appointment during the re-negotiation of his contract.

SECTION 7—EXIT FROM THE SERVICE

020701: Termination of appointment during probationary period

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 shall be granted only if his conduct has been good. Provided the termination is not due to misconduct on the officer's part, it shall be effected by means of a month's 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.

020702: Relinquishment of Appointment during probationary period

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 him, his family, domestic staff and baggage to or from the place or places at which he has been employed and he shall not be eligible for any facilities from Government towards transport from the station at which he is then serving. The position regarding the refund of the cost of any training given the officer is governed by the bond relating to such training.

020703: Termination

The appointment of an officer on probation who fails to secure confirmation in the established post at the expiration of his probationary period, including such extension as prescribed under Rule 020301, may be terminated in the manner specified in Rule 020701 by the State Civil Service Commission or any other such body.

020704: Resignation

- (a) An officer who resigns shall be liable to:
 - (i) forfeit all claims to vacation leave and any vacation leave or passage privileges granted will be ex-gratia;
 - (ii) 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 his not discharging the obligations set out in such an agreement; provided that any or all of such refunds may be waived at the discretion of the Government.

020705: Leaving the Service during a leave year

(a) An officer who leaves the Service other than by resignation or dismissal shall be eligible for proportionate leave in accordance with Rule 130221. 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 and is being treated as leave without pay for pension purposes. This provision shall be waived in the case of an officer who has died in the Service.

(b) No female Civil/Public Servant shall be required to resign her appointment or retire by reason of pregnancy alone, but if her condition, interferes with the performance of her duties, she may, at the discretion of the Management, based on medical advice, be given lighter duties.

(c) A female Public Servant shall not be required to resign or retire on or after marriage.

020706: Leaving the Service on grounds of failing an examination or abolition of office or re-organisation

(i) Officers who fail the promotion examination on three (3) consecutive attempts on the same grade and whose on-the-job performance has been assessed to be below average shall be required to leave the Service.

(ii) An officer whose service is no longer required in the event of abolition of office, re-organisation, redundancy or adverse security report shall be required to leave the Service and treated in accordance with extant laws.

020707: Compulsory pension Contribution

All officers shall participate in the Contributory Pension Scheme as provided for in the Lagos State Pension Reform Law (2007) and relevant circulars.

020708: Processing of terminal benefits: guidelines

To ensure prompt processing of terminal benefits, Ministries and Extra-Ministerial Departments/Agencies shall—

- (i) ensure that the Record of Service of each officer is up-to-date;

(ii) forward in the month of January every year the names of officers due to retire during the year to the Agency responsible for such matters;

(iii) ensure that a pension form is given to each retiring officer in good time to enable him complete and submit to the Personnel Management Department of his Ministry/Department/Agency at least six (6) months before he is due to proceed on retirement;

(iv) ensure that the completed pension form, together with an up-to-date certified Record of Service, a statement of the officer's indebtedness to Government and other prescribed documents are forwarded to the Pensions Office at least three (3) months before the officer is due to retire.

020709: Statutory Retirement

(i) The statutory retirement age for all grades in the Service shall be sixty (60) years or thirty-five (35) years of pensionable service, whichever is earlier.

(ii) No officer shall be allowed to remain in the Service after attaining the retirement age of sixty (60) years or thirty-five (35) years of pensionable service, whichever is earlier.

(iii) The relevant Human Resources Information Management Unit shall report the names and dates of officers due for statutory retirement while taking further necessary and approved action.

(iv) The provision is without prejudice to prevailing requirements for Judicial Officers and Academic Staff of Universities and other Tertiary Institutions.

020710: Ways of leaving the Service

There are four ways in which an officer in any of the established grades and in regular appointment may leave the State Civil/Public Service apart from dismissal, termination, abolition of office, incapacitation, invalidation and death. They are:

(i) Resignation: Where an officer has not served for five (5) years, but he decides to leave the State Civil/Public Service, he shall be required to give one (1) month's notice of his intention to leave or pay one (1) month's salary in lieu of notice;

(ii) Withdrawal: Where an officer who has served for five (5) years but less than ten years decides to leave the State Civil/Public Service, he is deemed to have withdrawn from the Service. Withdrawal involves one (1) month's notice or payment of one (1) month's salary in lieu of notice;

(iii) **Retirement:** Where an officer has served for ten years or more and he decides to leave the State Civil/Public Service, he is deemed to have retired; the period of notice required is six (6) months or payment of three (3) months' salary in lieu of notice;

(iv) **Redundancy:** where an officer's service is no longer required by reason of redundancy, that is, where the need for a specific job diminishes or ceases completely, that officer shall be required to leave the Service. Officers confirmed as redundant shall be paid three (3) months' salary in lieu of notice and would receive a redundancy payment in line with the statutory requirements.

020711

If an office in the permanent establishment, which is one of a number of similar public offices, is abolished but one more such office remains, the Permanent Secretary/Head of Extra-Ministerial Department/Agency shall make recommendations to the Commission or the Governor, giving his reasons as to which substantive holder of such office shall be re-deployed.

020712: Attendance at mandatory pre-retirement seminar

Officers are required to give six (6) months' notice before the effective date of retirement from Service. Within the six-month period, the officers should benefit from the mandatory one-month pre-retirement workshop/seminar. Retiring officers are expected to take necessary measures to put their records straight so as to facilitate the speedy processing of their terminal benefits.

SECTION 8—CERTIFICATE OF SERVICE

020801: Authority

All officers are eligible to receive on leaving the Service, a Certificate of Service.

020802: Forms

The Certificate of Service shall be rendered in triplicate on the approved form as follows:

For Heads of Service and Permanent Secretaries

For Officers on GL 07 and above

For Officers on GL 06 and below

020803: Purpose

The main purpose of a Certificate of Service is for use as a reference covering the holder's Civil/Public Service career when seeking other employment. Accordingly, a Permanent Secretary/Head of Extra Ministerial Department/Agency should, when completing a Certificate, give information which, if he was a prospective employer, he might fairly expect to obtain from the person who has previously employed the holder.

020804: Timing

Certificates of Service issued to officers holding senior posts on GL 07 and above, require the counter-signature of the Permanent Secretary of the retiring officer, the Permanent Secretary, State Civil Service Commission or any other such body; those to be issued to officers holding junior posts GL 06 and below, require the counter-signature of the Permanent Secretary of the retiring officer and the Permanent Secretary, in the Office in charge of Establishment Matters.

020805

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 pre-retirement leave. If it is necessary to include in the Certificate of Service of any officer, an adverse comment on his work or conduct, the Certificate of Service must be completed and handed to him in time to permit him to make, before leaving the Service, any representations on the subject that he may desire to put forward for Government's consideration.

SCHEDULE

1.

(i) The term of the engagement of an officer commences from the date of assumption of duty.

(ii) The term of the 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.

2. Duties

(i) 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.

(ii) The person engaged shall reside in such place and occupy himself in such manner as the Government, through its duly authorised officers, shall direct, and he will 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 will conform with the Public Service Regulations of the Government.

3. Emoluments

(i) The term "Emoluments" wherever it appears in this Schedule (except in clause 4) shall be deemed to include contract addition where this is payable under the Agreement.

(ii) Increments or emoluments, if any, shall be calculated as from the first day or the month in which the person engaged takes up his appointment.

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

(iv) The salary of the person engaged may be liable to deduction under Clause 8.

4.

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

5. Ill health

(i) If the person engaged is compelled by reason 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 Medical Officer employed by the Government that he is incapable by reason of any infirmity of mind or body of rendering further efficient service, 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.

(ii) A Certificate of Medical Fitness duly signed by a qualified Medical Officer employed by the Government, shall be conclusive evidence on the question whether or not the person engaged was compelled to resign his appointment by reason of ill-health within the meaning of this clause.

6. Dismissal

If the person engaged shall at any time neglect or refuse or from any cause (except ill-health not caused by his own negligence) become unable to perform any of his duties or to comply with any order, or shall disclose any information in respect of the affairs of the Government to any unauthorised person, or shall in any manner misconduct himself, Government may dismiss him and on such dismissal all rights and advantages reserved to him by this Agreement shall cease other than his own contribution.

7. Termination of Engagement

(i) Government may at any time terminate the engagement of the person engaged by giving three (3) months' notice in writing or by paying one (1) month's salary in lieu of notice.

(ii) The person engaged may, at any time after the expiration of three (3) months of service, terminate his engagement by giving to Government three (3) months' notice in writing, or by paying to Government one (1) month's salary in lieu of notice.

8. Liability to make good damage

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 Department/Agency on the recommendation of an appropriate Personnel Management Board.

9. Further employment

Four (4) months before the date of expiration of agreement, the person engaged shall give a written notice to Government stating his desire to remain in its employment and Government shall decide whether to offer him further employment on contract. If Government decides in favour, his re- engagement shall be on such terms and for such a period as may be mutually agreed.

10. Gratuity

The person engaged will be eligible for a gratuity on the satisfactory completion of a tour of service at the rate of 15 per cent of his basic salary, provided that he is not in receipt of, nor eligible for, any other terminal benefits.

11. Leave

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 clause 5 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 Civil/ Public Service permit.

APPENDIX 3

CONTRACT AGREEMENT FOR A NON-NIGERIAN MARRIED TO A NIGERIAN CITIZEN

This Agreement made the day of 20
BETWEEN the Lagos State Government, represented by Permanent Secretary, Civil Service Commission, The Secretariat, Obafemi Awolowo Way, Ikeja (hereinafter referred to as "employer"), 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 she will diligently and faithfully perform the duties of for the term of her engagement, and will act in all respects in accordance with the instructions and directives given to her by the Government through the Permanent Secretary/Head of Extra- Ministerial Department/Agency or any other duly authorised officer.
2. The basic salary of the person engaged is at the rate of Naira (₦) a year, rising by annual increment to Naira (₦) a year on Grade Level (10%/5% contract addition). The person engaged shall, however, commence to draw her basic salary at the rate of Naira (₦) a year.
3. This Agreement is subject to the conditions set out in the Schedule at the end of Chapter 2. 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 personal capacity.
5. This Agreement shall be interpreted in accordance with the Laws of Nigeria.

Signed by: On behalf of the Lagos State Government

in the presence of Occupation:

Signed by: in the presence of

Signature: Address of Witness:

..... Occupation: