NINETY-NINTH REPORT

OF THE

SALARIES REVIEW COMMISSION

OF THE

REPUBLIC OF TRINIDAD AND TOBAGO

April 29, 2014

NINETY-NINTH REPORT OF THE SALARIES REVIEW COMMISSION

Determination of the Salary and other Terms and Conditions of Service of the offices of Director and Deputy Director of Electronic Monitoring Unit

By letter dated July 25, 2013, His Excellency the President of the Republic of Trinidad and Tobago conveyed approval for the Salaries Review Commission (SRC) to determine the salary and other terms and conditions of service of the offices of Director and Deputy Director of Electronic Monitoring Unit. These offices were placed within the purview of the SRC by virtue of Legal Notice No. 83 dated June 14, 2013.

2. The Electronic Monitoring Unit (EMU) which falls under the Ministry of Justice was established under section 4(1) of the Administration of Justice (Electronic Monitoring) Act, 2012 (the Act). The Act was assented to on July 12, 2012 and is to be proclaimed by the President.

Functions and Powers of the EMU

3. In accordance with section 6(1) of the Act, the Unit's primary responsibilities are ensuring the security of the system for electronic monitoring of individuals; retrieving and analyzing information from the aforementioned system and reporting any non-compliance with a decision of the Court or competent authority and breaches related to the use of an electronic monitoring device.

4. In furtherance of the functions assigned to it, the EMU is required to:-

(a) provide real time tracking of the location of a person or a respondent;

(b) report alarm notifications, signal loss and device malfunction forthwith to the relevant state agency;

(c) exercise central control of all monitoring information;

(d) maintain a register of decisions transmitted to it by the Court or other competent authority and information relating to the subject of any decision;

(e) undertake the fitting, maintenance and removal of a device;

(f) ensure that a historic record is maintained of all electronic monitoring spatial data, including any technological equipment necessary to read and display such information;

(g) improve information technology and electronic monitoring literacy within the Ministry of Justice and advanced electronic monitoring awareness;

(h) provide technical assistance when necessary; and

(i) provide training when necessary.

Role and Function of the offices of Director and Deputy Director of EMU

5. The Director is the head of the EMU and has overall responsibility for the management and supervision of the Unit. The office holder reports to the Permanent Secretary of the Ministry of Justice. The Deputy Director provides support for the delivery of electronic monitoring services by assisting the Director, to whom he/she reports, in planning, organizing and directing the activities of the EMU.

Duties and Responsibilities of the Director and Deputy Director of EMU

Director

6. We are advised that the major duties and responsibilities of the office of Director are:-

- managing all operations and providing direct oversight of the EMU in accordance with the Act;
- determining methods of operation and/or resources needed for the electronic monitoring programme;
- establishing, implementing and modifying policies and procedures for the EMU;
- monitoring special conditions and criteria set by courts for clients who qualify for electronic monitoring;
- working closely with and maintaining open communications between the Trinidad and Tobago Police Service, the Judiciary and other stakeholders;
- completing community assessments of clients;
- receiving and collating material from stakeholders including the Trinidad and Tobago Police Service, the Judiciary and the Probation Services Division for preparation and submission of reports to the relevant authorities;
- ensuring accuracy and efficiency of electronic monitoring devices;
- overseeing the maintenance and upkeep of the electronic monitoring offenders' register;
- coordinating training for EMU staff;
- sensitizing various stakeholders with regard to the electronic monitoring programme;
- providing status and other reports as required to the Permanent Secretary and relevant authorities;
- preparing budget recommendations in respect of the Unit as required;
- assisting with the evaluation of vendor project reports;
- establishing and maintaining effective working relationships with electronic monitoring consultants/vendors;
- representing the Ministry at meetings, conferences, seminars etc.

Also, we note that section 10(5) of the Act stipulates that a Judge, Magistrate or Coroner may request a Report from the Director of EMU on whomsoever a sentence of

electronic monitoring is imposed. The Report is to be prepared in accordance with the Second Schedule to the Act.

Deputy Director

7. The Deputy Director has responsibility for:-

- assisting in the management and direct oversight of the EMU and the establishment of minimum standards, guidelines and policies for operations of the Unit;
- assisting the Director in monitoring the operation of the EMU;
- representing the Director in court by giving expert testimony on matters related to the matters pertaining to electronic monitoring;
- maintaining a register of decisions transmitted by the Court or other competent authority;
- ensuring a historic record is maintained of electronic monitoring data and maintaining and upkeeping of the electronic monitoring offenders' register;
- working closely with and maintaining open communication between the Trinidad and Tobago Police Service, the Judiciary and other stakeholders;
- assisting in retrieving and analyzing information from the electronic monitoring system in the preparation of reports on non-compliance with Court decisions and breaches related to the electronic monitoring device;
- ensuring accuracy and efficiency of electronic monitoring devices;
- assisting in the coordination of training for EMU staff;
- assisting in sensitizing various stakeholders with regard to the electronic monitoring programme;
- providing status and other reports as required to the Permanent Secretary and relevant authorities;
- assisting in the preparation of budget recommendations in respect of the Unit as required;
- representing the Unit at meetings, conferences, seminars etc.

Education Qualifications and Training

8. Section 4(3) of the Act stipulates that the Director and Deputy Director must possess tertiary level education and at least three (3) years experience in a related field. However, we are advised by officials of the Ministry of Justice that revised specifications have been agreed upon, bearing in mind the minimum requirements set out in the Act. It is now required that a holder of the office of Director possess a Masters Degree in a Social Science as well as five (5) to seven (7) years post qualification experience in a senior management position, with proficiency in Information Technology and extensive knowledge of the relevant laws pertaining to electronic monitoring.

9. In the case of the office of Deputy Director of EMU, the holder of such an office is required to possess a Masters Degree in a Social Science, with proficiency in Information Technology and considerable knowledge of the relevant laws pertaining to electronic monitoring as well as three (3) to five (5) years post qualification experience in a senior management position.

10. In our deliberations on appropriate remuneration packages for the offices of Director and Deputy Director, EMU we compared the duties, responsibilities and the qualification requirements of those offices with other offices within our purview. With regard to the Director, particularly, we took into account the scope of the job; the office holder's role in providing critical support to the Courts of Trinidad and Tobago or other competent authority and his/her responsibility for the security of the system. Also, we took into consideration that while the Director heads the EMU, the office holder reports to the Permanent Secretary.

11. We are of the view that the office of Director bears some similarity to a number of offices within Group 3 of the Top Managers in the Public Service grouping, the functions of which are largely administrative in nature and involve managing, planning and organizing the operations and activities of their respective organizations.

12. With regard to the office of Deputy Director, we took into account that the office holder reports to the Director and noted the support given to the Director in carrying out the functions of the Unit. We are of the view that the office can be compared with offices in Group 4B of the Top Managers grouping.

Recommendations

13. Having regard to the foregoing, we recommend that the office of Director of EMU be placed in Group 3B and the office of Deputy Director of EMU in Group 4B of the Top Managers in the Public Service grouping. The recommended remuneration arrangements for the offices are contained in Appendices I and II.

14. Additionally, since the offices of Director and Deputy Director of EMU are in the Civil Service, we recommend that the necessary steps be taken in accordance with section 2 of the Pensions Act, Chap. 23:52, to have the offices made pensionable under that Act.

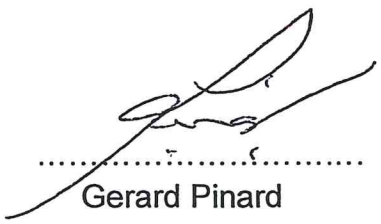
Effective Date

15. We recommend that the remuneration arrangements for the offices of Director of EMU and Deputy Director of EMU be made effective from the date the Act is proclaimed.

Dated this 29th day of April, 2014.

.....
Edward Collier
(Chairman)

.....
Haseena Ali



Gerard Pinard

Kenneth Dalip

Monica Clement

APPENDIX I

RECOMMENDED REMUNERATION ARRANGEMENTS FOR THE OFFICES OF DIRECTOR AND DEPUTY DIRECTOR OF ELECTRONIC MONITORING

DIRECTOR

Salary

$25,370 per month

Transport Facilities

(i) A maximum loan of $250,000 at a rate of interest of 6% per annum repayable over a period of six (6) years to facilitate the purchase of either:-

(a) a new motor vehicle with exemption from Motor Vehicle Tax limited to the amount payable on a vehicle with an engine capacity of 1999cc and exemption from Value Added Tax to a maximum of $45,000; or

(b) a used motor vehicle with exemption from Special Motor Vehicles Tax limited to the maximum amount payable in respect of Motor Vehicle Tax on a vehicle at (a) above and exemption from Value Added Tax to a maximum of $45,000.

(ii) A loan to cover the cost of Motor Vehicle Insurance premium at a rate of interest of 6% per annum.

(iii) A maximum loan of $20,000 at a rate of interest of 6% per annum to effect repairs to a motor vehicle.

(iv) A Transportation Allowance of $3,900 per month.

Subsistence Allowance

(i) $200 per day when travelling on official business beyond a radius of sixteen (16) kilometres from official headquarters, and where it is necessary to purchase a meal(s).

(ii) When assigned/transferred to Tobago (or to Trinidad where the office holder is stationed in Tobago), the following to be applicable:-

(a) Official duty or assignment of one (1) month or less

The office holder to be eligible for hotel accommodation and meals, as necessary. In the absence of the provision of any meal(s), to be paid $200 per day. (The provision at (i) above shall not apply.)

(b) Temporary assignments in excess of one (1) month and not exceeding six (6) months

The office holder to be responsible for his/her accommodation and meals. However, the State may, at its option, provide accommodation only for the office holder.

(i) Where accommodation only is provided by the State, to be paid a Tobago/Trinidad Duty Allowance of $2,775 per month.

(ii) Where accommodation is not provided by the State, to be paid a Tobago/Trinidad Duty Allowance of $6,750 per month.

(c) Permanent transfer to Tobago/Trinidad (periods in excess of six (6) months)

The office holder to be responsible for his/her accommodation and meals.

(i) Where the office holder is eligible for a Housing Allowance, to be paid, in addition to such allowance, a Tobago/Trinidad Duty Allowance of $2,775 per month for a period not exceeding two (2) years.

(ii) Where the office holder is not eligible for a Housing Allowance, to be paid a Tobago/Trinidad Duty Allowance of $6,750 per month for a period not exceeding two (2) years.

(iii) For travel abroad on official business, the provisions of Minister of Finance Circular No. 2 dated April 7, 2006 or other relevant Circular to apply.

Housing Allowance

$4,620 per month.

Entertainment

Actual expenses incurred for official entertainment to be met from an official Entertainment Vote under the control of the Ministry/Department to which the office holder is attached.

Vacation Leave

Thirty (30) calendar days per annum.

Telecommunication Facilities

$400 per month.

Medical Benefits

Membership in and entitlement to medical benefits as provided under the UNIMED Group Health Plan.

Pension/Gratuity

Entitlement to superannuation benefits in accordance with the provisions of the Pensions Act, Chap. 23:52.

APPENDIX II

DEPUTY DIRECTOR

Salary

$23,000 per month

Transport Facilities

(i) A maximum loan of $180,000 at a rate of interest of 6% per annum repayable over a period of six (6) years to facilitate the purchase of either:-

(a) a new motor vehicle with exemption from Motor Vehicle Tax limited to the amount payable on a vehicle with an engine capacity of 1799cc and exemption from Value Added Tax limited to the amount payable on a vehicle costing $180,000; or

(b) a used motor vehicle with exemption from Special Motor Vehicles Tax limited to the maximum amount payable in respect of Motor Vehicle Tax on a vehicle at (a) above and Value Added Tax limited to the amount payable on a vehicle costing $180,000.

(ii) A loan to cover the cost of Motor Vehicle Insurance premium at a rate of interest of 6% per annum.

(iii) A maximum loan of $20,000 at a rate of interest of 6% per annum to effect repairs to a motor vehicle.

(iv) A Transportation Allowance of $3,480 per month.

Subsistence Allowance

(i) $200 per day when travelling on official business beyond a radius of sixteen (16) kilometres from official headquarters, and where it is necessary to purchase a meal(s).

(ii) When assigned/transferred to Tobago (or to Trinidad where the office holder is stationed in Tobago), the following to be applicable:-

(a) Official duty or assignment of one (1) month or less

The office holder to be eligible for hotel accommodation and meals, as necessary. In the absence of the provision of any

meal(s), to be paid $200 per day. (The provision at (i) above shall not apply.)

(b) Temporary assignments in excess of one (1) month and not exceeding six (6) months

The office holder to be responsible for his/her accommodation and meals. However, the State may, at its option, provide accommodation only for the office holder.

(i) Where accommodation only is provided by the State, to be paid a Tobago/Trinidad Duty Allowance of $2,775 per month.

(ii) Where accommodation is not provided by the State, to be paid a Tobago/Trinidad Duty Allowance of $6,750 per month.

(c) Permanent transfer to Tobago/Trinidad (periods in excess of six (6) months)

The office holder to be responsible for his/her accommodation and meals.

(i) Where the office holder is eligible for a Housing Allowance, to be paid, in addition to such allowance, a Tobago/Trinidad Duty Allowance of $2,775 per month for a period not exceeding two (2) years.

(ii) Where the office holder is not eligible for a Housing Allowance, to be paid a Tobago/Trinidad Duty Allowance of $6,750 per month for a period not exceeding two (2) years.

(iii) For travel abroad on official business, the provisions of Minister of Finance Circular No. 2 dated April 7, 2006 or other relevant Circular to apply.

Vacation Leave

Thirty (30) calendar days per annum.

Telecommunication Facilities

$300 per month.

Medical Benefits

Membership in and entitlement to medical benefits as provided under the UNIMED Group Health Plan.

Pension/Gratuity

Entitlement to superannuation benefits in accordance with the provisions of the Pensions Act, Chap. 23:52.