



TEACHING SERVICE COMMISSION

DETERMINATION

NO: 4 of 2021

DATE: 1/12/ 2021

FILE NO: 5.6.1

TO: ALL EDUCATION AUTHORITIES

SUBJECT: CONTINUITY OF SERVICE RESIGNATION, RETIREMENT ON ACCOUNT OF INFIRMITY OR INCAPACITY, AND RE-ADMISSION AND RE-APPOINTMENT INTO THE TEACHING SERVICE

1.0 AUTHORITY

This determination is issued under Sections 9 (1a,c) Section 9 subsection 2, Sections 24, 120, 122 and 151 of the **Teaching Section Act 1988**.

2.0 PURPOSE

The purpose of this determination is to inform all the Education authorities on the legalities surrounding the "Readmission of Resigned Teachers pursuant to Section 122 of the Teaching Service

3.0 CONTINUITY OF MEMBERSHIP (Section 24)

3.1 Teachers are entitled to remain in the Teaching Service and maintain continuity within the National Education System until they reach retirement age.

3.2 The Commission may recognize study leave without pay, in-service training courses as approved by the Commission and any leave as granted by the Commission for a period of one year but may be extended from time to time for periods exceeding one year.

- 3.3 If members of the Teaching Service vacate their position without written notice, or vacate their position without securing a teaching position except with the consent of the Commission have broken the continuity of their service
- 3.3 When a member breaks the continuity of their service in such situations for period as specified in the Teaching Service Act they are deemed to have resigned from the Teaching Service.

4.0 RETIREMENT ON ACCOUNT OF INFIRMITY OR INCAPACITY (SECTION 120)

- 4.1 The Commission may retire the member from the Teaching Service where it is proven through medical report/evidence of their incapacity or infirmity

5.0 RESIGNATION FROM THE TEACHING SERVICE (SECTION 122)

- 5.1 A teacher who resigns from the Teaching Service by instrument under their own hand has decided to leave the service by choice.
- 5.2 The Commission upon receiving the request to resign from the teaching service by the member effects this resignation automatically breaks the continuity of service effective as of the date approved by the Commission.

6.0 ADMISSION, RE-APPOINTMENT AND READMISSION INTO THE TEACHING SERVICE

6.1 RE-ADMISSION OF TEACHERS WHO RESIGNED PURSUANT TO SECTION 122 OF THE TEACHING SERVICE ACT

Members of the Teaching Service who resigned from the Teaching Service by "instrument under his hand addressed to the Commission" pursuant to Section 122 of the Teaching Service Act **will not be readmitted** into the Teaching Service as of the 01st January, 2022.

Legally there is NO provision in Sections 22 and 122 of the Teaching Service Act that allows for re-admission of teachers who resigned under this section.

6.2 READMISSION OF TEACHERS PURSUANT TO SECTION 24 OF THE TEACHING SERVICE ACT

Teachers pursuant to Section 24 of the Teaching Service Act have broken the continuity of their services by being absent from work for 12 months or more without approval from the Commission are deemed to have resigned.

Teachers who were deemed to have resigned shall not be re-admitted as a member of the Teaching Service unless the Commission is satisfied that he/she meets, or will meet the requirements of Section 22 of the Teaching Service Act and the Entry Requirements as set by TSC and NDoE and must not be at the age of voluntary retirement or above.

6.3 RE-ADMISSION OF TEACHERS PURSUANT TO SECTION 120 OF THE TEACHING SERVICE ACT

Teachers who were retired on account of infirmity and incapacity may be re-admitted provided they meet all requirements as stipulated in Section 22 of the Teaching Service Act and the Entry Requirements as set by TSC and NDoE .

Apart from the above copies of letter of retirement on account of infirmity and incapacity, copies of original medical reports which were used for retirement and 3 medical reports, declaring the member to be medically fit to be re-admitted into the Teaching Service must be submitted to be considered for re-admission. The member must not be at the age of voluntary retirement or above to be considered.

6.4 RE-ADMISSION OF CERTAIN CONVICTED PERSONS (SECTION 94)

This section applies where a person has been dismissed from the Teaching Service or reduced to a position of lower classification or to a lower salary under Section 93 (**Member Charged with Criminal Offence**)

6.4.1 Regarding a person who has been dismissed from the Teaching Service when convicted of a criminal offence but the conviction was squashed or receives a pardon, or the conviction is nullified or is released from prison as a result of an inquiry into the conviction may be readmitted to the Teaching Service or re-instated into the Teaching Service by the Commission pursuant to Section 94 of the Teaching Service Act.

6.4.2 Members of the Teaching Service who are convicted with a criminal offence are imprisoned for two (2) years or more will not be re-admitted into the Teaching Service

7.0 IMPLEMENTATION

This determination should be implemented effective as of the 01st January 2022.

8.0 RESPONSIBILITY OF APPOINTING AUTHORITIES

Appointing authorities are to understand this and have it implemented without delay.

15.0 QUERIES OR ISSUES

Any queries or issues regarding the determination can be addressed to the Principal Advisor – Legal – TSC, Mr. Jerome Sawin on telephone number (+675) 79228562 Or email: Jerome.Sawin@education.gov.pg


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