

TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN (AB 2010, GT no. 14)

EXPLANATORY MEMORANDUM accompanying Regulation on the Legal status of staff of the Department of the Clerk to Parliament

General Section

This national ordinance regulates the Legal status of the staff of the Department of the Clerk to Parliament. In order to keep the regulation simple, it is consistent with the general regulations on the Legal status of civil servants in the employ of the government.

Article by Article Section

Article 1 has a dual objective. Firstly, it makes clear that the staff of the Department of the Clerk to Parliament are appointed, suspended and dismissed by the Parliamentary Presidium. The Presidium is therefore the competent authority. The Clerk to Parliament is assigned a weightier role in this by assigning him responsibility for preparing the proposal for decision-making by the Presidium. Consistency is also sought with the regulation of the Legal status of other civil servants, by using the same terminology, in particular the term 'civil servant'.

As stated above, the Parliamentary Presidium is the competent authority with regard to appointment, suspension and dismissal. However, the Clerk to Parliament exercises the other powers relating to the Legal status. This may include implementing a regulation on working hours, monitoring leave and implementing the assessment cycle.

Article 3 includes the grounds for the adoption of a remuneration regulation differing from that for civil servants employed by the government. The remuneration for civil servants employed by Parliament is laid down in a regulation. This regulation is similar to the regulation for the staff of the Second House of Parliament. The Performance Manual for the Department of the Clerk to Parliament, which was prepared and adopted by the managing board as part of the preparation of the design and organisation of that Department, may be used for the adoption of this regulation. The Performance Manual is also reflected in the regulation on the design and organisation of the Department of the Clerk to Parliament, in a separate national ordinance for the implementation of Article 57(4).

The Island Ordinance for the adoption of the text of the draft regulation on the Legal status includes a transitional regulation, so that the regulation could be adopted by the managing board for the first time. Within a year of the new status taking effect, Parliament must have adopted a regulation itself. In principle, this is a formal action, as it is assumed that the same regulation will be maintained. This also promotes the legal security of the staff.

Final version: 1 September 2010