



Gazette of the Democratic Socialist Republic of Sri Lanka

Extraordinary

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(Declared under the authority of the government.)

Section IV (a) – Provincial Councils

Provincial Council Notifications

Announcement under the Cooperative Employees Commission Statute No. 14 of 1990

I, Herath Mudiyansele's Lucky Jayawardena Dissanayake, Minister of Transport, Highways, Co-operative, Housing and construction, Power and Energy, and Cultural Affairs, hereby inform that the following regulations compiled by the Cooperative Employees' Commission, Central Province as per the powers vested in paragraph 32 (1) of the Cooperative Employees Commission Statute No. 14 of 1990 have been approved as per the powers vested in me under paragraph 32 (2) of the said Statute.

H. M. L. J. Dissanayake,
Minister of Transport, Highways, Co-operative, Housing and
construction, Power and Energy and Cultural Affairs.

On this day of 09th March 1994,
In the Central Province/

Regulations made under the Central Provincial Cooperative Employees Commission Statute No. 14 of 1990

Chapter I

General

1. These regulations may be cited as the Central Provincial Cooperative Employees' Commission (General) Regulations.
2. Excluding Co-operative Societies which are specifically exempted under Section (2) of the Central Provincial Cooperative Employees' Commission Statute, all other cooperative societies shall be governed by these regulations and the rules imposed by the Commission.
3. The Co-operative Society, which pays the salaries and wages of its employees during the relevant period, shall be treated as the employer of such employee; such employees shall be considered as co-operative employees under these regulations.
4. The decision of the Central Provincial Co-operative Employees Commission shall be final in respect of any matter arising out of these Regulations.

Chapter 11

Appointments, Transfers, Termination of Service, Emoluments, Terms and Conditions of Service

Recruitment

5. All permanent appointments in a cooperative society, shall be done as determined by the commissioner under the powers vested in him by section 29 (1) of the Central Provincial Cooperative Employees Commission Statute, to only a class as he may determine according to the number of employees of that grade or class. Except to as provided for in Article 34 of the Charter, it is an offense to give permanent employment to any person by whatever the union in violation of the decisions made by the Commissioner under section 29 (1).

6. When a post of a Co-operative Society is vacant, it shall be examined whether there really is a need to continuously keep that position and whether there really is a need to fill it considering the income status of the Society and the nature of its business activities before taking action to fill that position.

7. Subject to the order that the Commission may specify different age limits for different employment categories, no employee below the age of 18 years or over 58 years shall be appointed to a permanent post in a Co-operative Society.

8. Except a person qualified in such manner as the Commission determines to be required for any post in accordance with Article 30 of the Charter, no person without such qualifications shall be appointed to the post. The Commission may order the termination of employment of any person appointed in violation of these Regulations. Where a Society fails to terminate his service within two weeks from the date of issue of the order, the person appointed as above shall cease to be an employee of that Society. If any salary or allowance is paid to him after that date, the money will be recovered from those responsible.

09. When appointing an employee by a co-operative society, that employee should be issued an appointment letter with details of the manner specified in Appendix 1.

10. A copy of the letter of appointment should be obtained by the Society and submitted to the Commission when requested.

11. In general every appointment by a co-operative society to a permanent post should be subjected to a probation period of not more than two years. However, in a special case where further testing is required of the candidate's capabilities and efficiency, the period can be extended up to another year. Any further extension required beyond this period shall be made with the prior approval of the Commission.

12. The Commission may determine the procedure and principles to be followed by the Society during probation so that the Probationer can study his work.

13. When an employee appointed on probation is confirmed in his / her appointment, the confirmation must be effective from the date of his appointment on probation.

14. An employee who has been appointed to a co-operative society and confirmed in that appointment has been transferred to another co-operative society or due to promotion to a higher rank no further probation shall be permitted to serve. However, this rule does not prevent the employee from being appointed to a higher position on acting basis before considering his/her permanent appointment.

15. Any person who has not already held a permanent post in a co-operative society when selected to fill vacancies of permanent employees in a society, such candidate should go to a government or co-operative hospital for a medical examination and obtain a certificate prepared in the prescribed form. The cost of the medical examination shall be borne by the person who is to be appointed.

16. If the medical examination reveals that the selected candidate's health condition is not good enough to appoint him, he should be informed so by registered post or by a letter personally delivered to him/her prior to his service being terminated. However, he should be paid wages for the period he has served.

17. Applications shall be called through a public notification indicating the salary scale and qualifications of the position before making a permanent appointment.

18. The Committee shall make all permanent appointments after considering the recommendations of the Selection Board for that purpose. When an appointment is made to a salary scale with a starting salary of not less than Rs. 1,105 per month, qualifications of the person so appointed and other details prescribed by the Commission shall be sent to reach the Commission within four weeks from the date of appointment.

19. Notwithstanding the terms of the above Regulations, at instances considered appropriate by the Commission, the Commission may call for applications through Public Notices for certain vacancies in certain grades or grades of a particular Society or Societies.

20. The Commission may conduct hearings on behalf of the Co-operative Societies on the request of the Co-operative Societies to recruit employees to any Grade or Class.

21. The Commission may enact legislation on the procedure to be followed when promoting or appointing an employee to a higher rank of a Society.

Transfers

22. When an employee of a co-operative society requests a mutual transfer with an employee holding a similar position in another co-operative society and if the consent of the relevant employers is obtained in advance, the Commission has the power to transfer such employees.

23. The Co-operative Society shall have the power to transfer any employee of the Co-operative Society from one place of work of the Society to another. There shall be no disadvantage in respect of the wages of any such employee when such transfer is made on matters other than disciplinary matters.

24. When any employee of any Co-operative Society becomes an employee of any other Co-operative Society as a result of the transfer, that transfer should not hinder his continuation of service period. The reason of the change of employer shall have no adverse effect concerning the employees past service period and salary on the date of such transfer.

25. When an employee of one co-operative society becomes an employee of another co-operative society due to a transfer, the first society shall send the employee's service record and all relevant salary particulars to the other society.

26. When an employee who is transferred from one co-operative society to another as a result of a transfer has made a security deposit in the first society, and if he owes nothing to the Society, the first society shall release such surety and send it to the other Society.

27. When an employee of a co-operative society has to change his residence because he has been appointed to a new position or due to promotion to another position or due to a transfer made within the society from one workplace to another, the reasonable expenses borne by such employee shall be paid as approved by the society. In case of transfers made on request of an employee, all expenses shall be borne by the employee himself.

Termination of service

28. An employee may resign from his post by submitting a one-month notice to the Committee through his nearest supervisor, or by paying a monthly gross salary.

29. If the Committee refuses to acknowledge his resignation and the employee does not return to duty thereafter, he shall be considered to have vacated the post from such date.

30. Acknowledgment of resignation should be communicated in writing to the relevant officer. However, resignation shall not be accepted when there is a pending disciplinary action.

31. An employee who resigns shall not receive any benefits arising out of his or her service prior to resignation. If he/she is re-employed at a later stage he/she shall not be entitled to any such benefits.

32. When an employee reaches the age of 60, he or she must retire. The employee must be notified at least three months before the date of his retirement. However, failure to notify should not be a reason for the service to be extended over 60 years of age.

33. When a corporation medical board decides that an employee is no longer fit to serve due to ill health, the Society shall order the employee to retire immediately. However, he should retire once all his entitled leave are obtained.

Vacation of Post

34. An employee who has been out of service for three consecutive days without obtaining leave or without a reasonable cause, shall be informed by a letter delivered to him personally or by registered post that he is considered to have vacated his post from the date of not reporting to work. No charges should be framed against him. There is also no need to ask him for reason for not reporting to work. However, if he voluntarily provides reasons within 21 days from the first day of his absence, the Society shall consider it. After such consideration, he may be allowed or refused to resume work.

Reduction of the number of employees

35. If one or more employees of a co-operative society are required to be reduced due to lack of financial resources or inadequate income, or cancellation of post or a re-grading is intended which may result in the retirement of a current position holder, the society shall inform the Commission before the reduction of one or more such employees.

36. It should be clearly stated that every proposal to cancel or to re-grade a post, so that the person holding the present post should retire, is not made on an allegation that the holder is unable to perform the duties assigned to him.

37. The Commission shall decide on gratuity or other relief granted to such employees who are terminated from their services under regulation 35 after taking into consideration the relevant facts.

38. If there's anything contrary, any employee shall be terminated by the Co-operative Society on the order of the Commissioner, who exercises his specific powers under the law of the Co-operative Societies regardless of what is contained in these regulations.

Payment of salaries and salary advances

39. Every employee who receives the monthly salary of a co-operative society shall be paid such salary on or before the tenth day of the month following the month on which such salary is due.

40. An employee may be paid a salary advance not more than one-third of his monthly salary between the tenth and fifteenth (both days included) of the same month for which one expects for an advance at the discretion of the Committee of the Society.

41. Deduction for the amount of such employee's advance paid to him for a month and except for a deduction authorized by the Commission under any applicable law or the Commission, even with the consent of such an employee, no co-operative society shall deduct from his salary that month more than fifty percent of his total salary.

Bonus paid to employees

42. After a co-operative society contributes to the reserve fund and the co-operative fund with the net proceeds, the lesser amount from the amount equal to 20% or the equivalent of the gross salary of a month may be paid to the employees as an annual bonus.

43. In the event of the amount allocated for the payment of annual bonus being 20% of the distributable profits, the amount of bonus paid per employee should be proportional to the gross salary earned by the employee in that year.

Incentive Allowance

44. After adequately informing all its employees of a co-operative society, an incentive scheme can be initiated to improve the level of service and quality of service of its employees in order to increase the operational efficiency of the Society.

45. Each such scheme shall be submitted to the Commissioner and shall be executed only with his approval.

46. When submitting a proposal by a cooperative society to the Commissioner for approval of any scheme, the purposes for which incentive grants should be given, what are the proposed changes, how these changes relate to the improvement of employees' work, how the effectiveness of the scheme is decided, how these supportive incentives are calculated and any other information deemed necessary by the Commissioner of Co-operative Development should be reported in detail.

Employees Provident Fund

47. Every employee should be a contributor to the Employees Provident Fund. Every Co-operative Society and every employee employed therein shall pay a certain amount to the Fund in accordance with the provisions of the Employees Provident Fund Act.

Employees' Guarantee

48. A co-operative society may require that any employee acting in charge of the property of a cooperative society or who pays for that union or approves payments to deposit a surety. Such surety deposited by cash shall not be used for any business purpose by the Society. The surety amount shall be deposited in the name of the society as a fixed deposit in a bank approved by the Commissioner and shall be allowed to accumulate interest. Or else if that employee wishes, it shall be paid annually to that employee.

49. The surety ordered to be paid by an employee shall not be more than five times the monthly salary paid to such employee.

50. The Commission may make rules specifying the conditions and circumstances that will affect when deducting the security that could be paid by the employee in installments from the employee's salary.

51. When a Co-operative Society requests that an employee of the Co-operative Society to produce another surety in addition to the cash surety, such surety can be produced as mortgage of property by such employee or by a surety guarantee issued by Sri Lanka Insurance Corporation or National Insurance Corporation or any other insurer approved by the Commission.

52. Any amount that the employee has to pay for such a bond is payable by the employee.

Salary increments

53. An employee working on a salary increment system is not entitled to receive any increment as a right. Payment of salary increment is based on a certificate issued by the relevant authority stating that the employee has performed his duties efficiently, diligently and reliably and earned his salary increment.

54. When the salary increment is not allowed, it can be implemented in one of the following ways, namely: Withholding increment, suspending the increment and delaying the increment.

55. "Withholding increment" means the non-payment of a salary increment for a specified period of time and the pay increment will be repaid at the end of that period. Such payment shall be paid to the officer from the date on which the salary increment was due. The suspension of the salary increment may mean the suspension of the last annual increment already awarded. Or it could be the suspension of a due salary increment.

56. "Suspending the salary increment" means not paying the salary increment for a period of time and paying that increment by reducing the unpaid amount during the period when the increment was suspended if the salary increment is approved at the end of such period,

57. "Cancelling the increment" means not paying a salary increase permanently or postponing such payment. In this case, the loss on salary continues until the officer reaches the maximum salary in his or her post.

58. "Deducting the increment" does not refer to an increment to be paid, it means suspending an increment already paid.

Efficiency Bar

59. Before any employee is promoted to any efficiency bar, the General Manager or Manager of the Society or any other authorized person in the absence of such officer shall ensure that such employee is eligible for such promotion. The salary certificate should be attached to the first salary register when the increment is paid.

60. The certificate should state that the person has passed an approved examination as a condition of passing a performance barrier or has passed the exam when special eligibility is considered or that he/she possesses special qualifications.

61. When it is decided that an employee is ineligible to be promoted from the efficiency bar, this decision and the reasons for it should be informed to him in writing. These facts should be submitted for reconsideration at the end of twelve months. Unless the committee approves of considering this decision in a different way, it shall act as a delay in the increment.

62. The employee is free to appeal to the Commission against the decision of the Society that he is not eligible for promotion by the efficiency bar. No appeal can be filed, when the promotion of the employee by the efficiency bar is suspended due to his / her failure to pass an examination prescribed by the Commission to the efficiency bar or due to his / her Failure to meet some other requirement.

Name registers and records to be maintained by the society regarding its employees

63. The Society shall maintain a service record in respect of each employee as set out in form "A" of Appendix II.

64. The Society may maintain another form of service record with the approval of the Commission.

65. The Society shall maintain a record of attendance and remuneration of employees as set out in Form "B" of Appendix II.

66. The Society shall maintain a document indicating deductions made by the Society for "various things" of its employees each month and amounts paid by such employees as set out in Form "C" of Appendix II.

Regulations regarding office hours, entitled leave and other concessions

67. Decisions of the Trade and Office Employees Act, the Salary Boards Ordinance, the Maternity Act or the relevant Salary Boards shall apply with respect to office hours, weekly holidays, annual leave, entitled holidays, government holidays and maternity benefits. The Commission determines the conditions of service for employees who do not fall into the above categories.

Chapter III General behavior of employees

General

68. -Each employee

(a) shall perform his assigned duties properly, impeccably, courteously and efficiently

(b) shall follow the orders and instructions given by his superior officers.

(c) shall behave in a manner that does not discredit the society.

(d) shall do everything required to protect the property and rights of the Society.

(e) shall do everything possible to ensure that the services undertaken by the Society are successfully carried out.

69. Employees should be courteous to the public and should be able to assist anyone arriving at the society or any of its branches to receive services.

Declaration of assets

70. Every employee belonging to the categories decided by the Commission must produce Particulars of assets and liabilities of his / her spouse and dependents to the Society in a form prescribed by the Commission to be included in the personal file by the date of their first appointment. Thereafter a report should be submitted once in every three years.

71. The type of dependents should include children, parents of husband or wife, and siblings who are actual dependents.

72. An employee shall provide information if he/she is ordered to do so regarding the accuracy of the statement of assets and liabilities of an employee or about periodic fluctuation of assets and liabilities in case of any investigation by the Society. Insufficient information and Inability to provide information shall be a considerable reason for disciplinary action against the employee.

Property acquisition or investment

73. No employee should be directly or indirectly involved in any investment or business which may conflict with or seem to conflict in performing his/her duties as a co-operative worker or in any way affecting the performance of such duties.

74. The Society shall be reported on every investment made by the employee or by the wife / husband or by dependents or on behalf of them within a period of three months from the date of such investment.

75. The Commission may occasionally enact legislation to maintain a high standard of integrity and trust among persons who are affiliated with or working in co-operative societies. This may include the arrest of employees on debt or stating one's bankruptcy.

Utilization of union funds for personal use

76. For an employee who is in charge of the Society's money, it is an offense to use such money for personal purposes. If found guilty for such offense, he/she can be prosecuted or he/she may also be dismissed from the Society.

Chapter IV Disciplinary Procedure

General matters

77. The Committee of the Society has the power to dismiss the co-operative workers and to control their discipline. If there are any general or specific orders issued from time to time by the Commission, following regulations should be read with them.

78. For any misconduct or delay in any form of punitive damages done by co-operative employees, action should be taken as soon as possible under these regulations. Any matter not covered by these regulations shall be communicated to the Commission and the Commission shall issue necessary orders in respect of such matters.

79. The Appellate Officer for the examination of appeals arising out of a disciplinary order issued by any Committee against an employee of a co-operative society is the Central Provincial Cooperative Employees Commission.

Procedures for disciplinary action to be taken by the Committee

80. If there's an intention to take a disciplinary action against any employee, the Committee shall make arrangements for preliminary investigations.

81. If at first sight it is found that there are reasons to take action against the employee, the employer shall send a charge sheet to the employee, ordering that excuses be provided within reasonable periods of not more than six weeks. If the employee fails to make an excuse within the stipulated time period, he will be deemed to have no excuse.

82. The Committee shall appoint an inspector to investigate the charges from the date of receipt of employees' answer or from the date of expiration of the prescribed period or within 30 days when the employee makes excuses or when the employee fails to make an excuse before the deadline or If the Committee decides that the employee has not been acquitted of the charge, or when the offense falls under appendix III of statute, or In the event of a similar offense, impose appropriate punishment.

Preliminary Investigations

83. The type of inquiry referred to in the 80th Regulation is merely a matter of fact finding. These investigations seek to uncover the offense and to find evidence of charges against a suspected employee. This requires recording the statements of witnesses and searching for documents. It is not unnecessary for the employee or any other person on his or her behalf to be in doubt when reporting a statement. It is usually not wise to allow him to be present at this time, or to reveal anything to him. Nevertheless, this means that at instances where he should be made to feel that the goods or other belongings of the Society in his custody have been checked in front of him, he should not be there.

84. It shall be the duty of the Committee to conduct such an investigation as early as possible. Regulation 125 applies if the investigation is on a suspected criminal offense or bribery or such is revealed.

Charges and Answers to charges

85. The charge sheet should include the following facts and statements in addition to the statement of charges.

It shall state whether the offense falls under appendix III or appendix IV.

It should include a list of documents that contain evidence of what is being investigated and how and where the accused employee or his agent can inspect the documents. These documents may also include statements made by witnesses during a preliminary investigation as required.

86. The employee or his representative shall be entitled to obtain copies or notes of such documents or publications under the inspection of a competent officer.

87. An employee who is ordered to answer an allegation must submit a fully completed answer. He does not have the right to request further investigation to prove his innocence after Just stating only "not guilty."

The Document

88. Originals are not required to be submitted to the Official Register for any investigation or proceedings under these Regulations. If the inspection officer does not intend to read the original document, only a certified copy of that document is sufficient.

89. Originals of non-official documents should be submitted at the examination.

90. In order to be fair, a witness is not required to submit documents in a formal manner unless the investigating officer wishes to obtain oral testimony from any witness. In such a case it is sufficient that the investigating officer may mark down the relevant documents and may mention in the report that he did so after showing it to the defending inspector.

91. An employee shall be permitted to inspect any document intended to be used against him. He should also be given a reasonable amount of time to search the documents intended to be used against him. If any such document is submitted within the period of investigation, the accused worker should be given further time to examine the document which is intended to be used against him.

Appointment of Inspection Officers

92. Inspection Officers appointed by the Committee under Rule 82 shall be in service or retired, Public Officers, Public Corporation Officers and senior employees of the Co-operative Societies or any of the officers appointed by the Commission. When more than one Inspection Officer is appointed, the Committee shall appoint one of them as Chairman.

93. The Commission shall have the power to decide whether or not it is appropriate to appoint any person to conduct an inquiry.

94. A person involved in a preliminary investigation into an offense shall not be appointed as an Investigating Officer to conduct a formal investigation.

95. The officer appointed as an Investigating Officer shall submit in two copies a certificate indicating the date and time of the inquiry and the duration of the inspection. That information should also be included in the voucher being submitted to the Committee.

Presentation of agents for inspections

96. The Commission may appoint a suitable person who is not an important witness in the inquiry to make a complaint. If the person is an employee of the Society, he should at all times be senior than the accused employee.

97. The investigating officer can grant permission to an employee who is in the co-operative service or a retired employee, a public servant or a retired employee of a public corporation to represent the society or the accused employee. However, in cases where the inspection officer permits the representation of relevant Society, he shall not refuse to permit representation of employee.

98. The investigating officer may at any time revoke the permission granted under regulation No. 97. He must, however, record the reasons for this decision. In such a case, the accused may ask for permission for another person to represent.

Conducting investigations

99. As much as possible, the test should be continued daily until the end. Except for special reasons, the examination should not take more than three months. In such cases of prolonging, the approval of the Commission should be obtained. It should not be allowed to postpone for minor reasons and when it becomes apparent that the inquiry is being purposely delayed to jeopardize the inquiry.

100. If the accused employee does not come to the inquiry without giving an acceptable reason, the investigation should be postponed. He/she shall be warned that the test will be carried out unilaterally. If the accused employee is no longer present when the investigation is resumed, the inquiry shall be conducted unilaterally.

101. The investigating officer can make a decision on the basis of documentary evidence only when appropriate. It should be done only with regard to an inquiry where a decision can be made based on the evidence from the documents only. When making a decision, oral evidence is required to cross-examine the veracity of the statement. The accused employee shall also have the right to cross-examination and he should be given such opportunity.

102. The decision of the investigating officer shall be final in respect of a matter relating to the conduct of inquiries or of objections raised regarding the conduct of the inquiry. The principle that guides the investigating officer is that the purpose of the investigation is to arrive at truth quickly and not to interfere with the investigation by procedural or otherwise legal matters.

103. Whether or not it is acceptable before a court of law, the investigating officer must act according to the best evidence he can obtain or lead before him.

104. All the objections raised and the decision taken by the investigating officers in this regard (Citing reasons where necessary) should be indicated within square brackets when they arise.

105. The accused employee can testify on their behalf, and he would be able to be cross-examined. He shall answer any question asked by the Inquiring Authority to clarify matters arising during the investigation.

106. All the evidence presented at the inquiry should be recorded by the investigating officer and must be signed with the date by the witness and the investigating officer.

107. Increase the number of witnesses by the investigating officer or The investigating officer is entitled to his discretion to refuse to call a witness or not to inspect witnesses called if he/she feels that that their evidence is not relevant to the allegations or that their presence was unnecessary or that there are too many witnesses. The same principle can be applied in cases where an accused employee requests to present documents of excuse.

108. No witness shall be permitted to remain in the same place when the testimony of any witness is recorded.

109. Once all the evidence has been recorded, the accused employee may be willing to make a statement. There is no cross-examination of him at that time, but it should be taken into account when assessing the testimony's value.

110. Any written submissions should be sent to the Inspection Officer within two weeks from the date of completion of the examination. The submissions will also be part of the report.

111. Any objections raised at the conclusion of the inquiry regarding the manner in which the inquiry was conducted and the statements made by the investigating officer should be recorded. The inspection officer should then sign it.

112. The investigating officer should not, at any time, give any indication as to what his conclusions are. He shall report his conclusions only to the Committee along with his report.

113. Once the inquiry is over, the investigating officer should send the report of the inspection report along with all relevant documents and reports to the committee as soon as possible. The report should include the following:

(a) The exact conclusion of each allegation and on what grounds and arguments the investigating officer made these conclusions.

(b) Opinion of the investigating officer on any matter including his/her observations on facts that could ease the penalty for consideration by the Committee when imposing a penalty

Penal orders

114. The Committee may accept or reject any or all the conclusions of the Inquiry Officer when making a decision.

115. If the Committee wishes to clarify any matter further such matter can be sent back to the investigating officer for the submission of a report.

116. If the offense committed according to the charge sheet is stated as can be considered under Appendix III, only a minor punishment can be given.

117. When imposing penalties the Committee shall make a definite statement whether or not it is concluded that the employee is guilty or not.

118. When imposing a penalty lesser than the dismissal of an employee who has been suspended, the penal order must include an order stating whether he be paid in full the suspended amount, Or whether to pay a fixed portion. Particularly In cases where it is not possible to say for certain that there are extraordinary delays because of some action by the accused employee, Consideration should be given when issuing such an order for the period during which the employee was suspended and Time required to conclude the disciplinary action against him.

Penalties

119. Penalties fall into two categories: petty and severe. Minor penalties are appropriate for offenses prescribed in Appendix III and those similar to such offenses. Serious penalties are appropriate for offenses prescribed in Appendix IV and those similar to such offenses.

120. Along with other penalties following penalties are considered minor penalties. Rebuking, strictly rebuking or criticizing is not punishment. Stop or reduce or defer increments for a period not exceeding one year. Transferring him to another location as a disciplinary transfer. Surcharge after disciplinary inquiry
Impose a fine of not more than one week's salary

121. Among other penalties following are some of the serious penalties

Dismissal

Termination of service (after a disciplinary inquiry)

Compulsory retirement

Downgrading seniority (downgrading the officer's grade by several steps)

Downgrading from official position (reinstatement at the next lower salary scale of his service)

Stop, reduce or defer one or more increments for more than one year

Deferment of promotions until a specified period has elapsed

Disqualification to appear for any promotion examination within the stipulated time

Termination of service due to general inefficiency

122. In the event of failure to make specific allegations and act accordingly in accordance with the above regulations, if the Committee considers that an employee should be terminated due to general inefficiency, the Committee shall inform the employee to provide reasons for not acting against him by termination of such employee on general ineffectiveness without regard to the above regulations or in any other way.

123. No charge shall be made against an employee on such general inefficiency unless he/she has been advised in writing at least three times within twelve months prior to the date on which an employee is accused of incompetence.

124. After an employee makes an excuse under regulation 122, the committee may terminate him or impose a lesser penalty on him.

Criminal offenses and bribery charges

125. if it appears that a criminal offense has taken place or that there is a bribery charge while the preliminary investigation is ongoing or an investigation is underway or at the end of a disciplinary inquiry, the police or the Commissioner of Bribery shall be reported to act appropriately regarding cases relating to such matter, after the Committee has taken note of the conclusion made at the disciplinary procedure and after the imposition of penalties that may be imposed under the powers vested in the Society.

126. If an employee is punished in court, he/she shall be deemed to have been suspended from the date on which he was convicted and until such matters are considered by the competent authority appointed to act on such matters under these regulations, No employee shall be entitled to any remuneration From the day he was convicted Although appealed to a higher court As opposed to being convicted. The Committee shall take necessary action to stop the payment of his salary from the date the employee was convicted.

127. No employee shall be entitled to request to ease the punishment levied against him for violation of discipline or to be reappointed to service or to be re-employed because he/she has been acquitted or released or not been punished in any criminal law.

128. If an employee is convicted by a court, the Committee may look into the court case report on the allegation leveled against him and decide whether to dismiss the employee or impose a lesser penalty against him if he is found guilty of any offense. In such a case, disciplinary action is not required under this IVth authority.

129. When the final decision of the Committee is less penalty than dismissal, if a portion of his unpaid wages for the period during which the officer was suspended has to be paid, it should include an order indicating on which rate it should be paid.

130. For the purposes of these Regulations, "Conviction" means the conviction of any offense that includes Character Corruption or being charged a Fine of not less than Rs. 50 and / or imprisonment for being convicted of an offense of violation of any law relating to business affairs of a co-operative society

Suspension and compulsory leave

131. In the following cases –

(A) if proven, to take disciplinary action on charges that are serious enough to dismiss or begun to file a criminal case or when ready to start such.

(B) The Committee shall not suspend an employee except when a report is received from a court or statutory authority on a serious matter that leads to dismissal or when it is revealed that the offense has been committed.

132. In the event of an employee's investigation or inspection, if the employee mist not to carry out his duties for its benefit, but suspension is not accepted, such employee shall be transferred or given compulsory leave.

133. If an employee is suspended, the Committee shall ensure that disciplinary inquiries against him are carried out as early as possible.

134. If an employee who has been suspended is charged with a penalty lesser than dismissal or retirement on inefficiency, such employee shall be reinstated with immediate effect.

Appeals

135. All appeals to the Commission against an order issued by any committee following disciplinary action instituted against its employees, shall be prepared and submitted within 60 days from the date of issue of the Order as specified in Appendix V by the employee itself in writing. An appeal by someone else on his behalf may or may not be accepted. The employee shall send a copy of such appeal to the Committee by registered mail. If the Commission is satisfied that there are new and relevant issues that may have influenced the decision as it appears on appeal and that there is ample reason not to reveal those facts beforehand, A second appeal shall be allowed within 60 days from the date of the decision of the said appeal.

136. Within 14 days from receipt of a copy of such appeal to the Society, a brief report relating to the matters described in such appeal and if there are any documents related to it shall also be submitted to the Commission by the Committee.

137. Except for an appeal against termination or dismissal order, the Commission may decide on all other appeals based on the written material contained therein.

138. The Commission may make its own decision in connection with an appeal against termination or dismissal order. Otherwise, a person nominated to hear such an appeal (hereinafter referred to as the Appellate Inquiry Officer) may be ordered to hear the appeal and report it to the Commission.

139. The Appellate Inquiry Officer may, at his discretion, authorize a co-worker or a person associated with the co-operative business to represent the union or employee. However, in cases where the Appellate Inquiry Officer is permitted to represent the Society he should not refuse to allow the employee to represent himself.

140. No evidence not presented at the time of the disciplinary inquiry shall be accepted on appeal. Nevertheless, such evidence may be accepted by the Appellate Inquiry Officer if there is sufficient reason why such evidence could not be presented at the time of the inquiry.

141. The Commission may affirm, revoke or modify an order issued by a Committee, and the committee may also decide Gratuity and other benefits payable to an employee in accordance with the general policies of the Commission. Failure to comply with any directive issued by the Commission on this regard shall be an offense punishable under the Central Provincial Cooperative Employees' Charter.

Definition:

- Unless otherwise indicated in these terms, in these regulations –

“Commission” means the Cooperative Employees Commission of the Central Province.

"Commissioner" means the Commissioner of Co-operative Development and Registrar of Co-operative Societies in the Central Province.

"Co-operative Societies" means a society in the Central Province registered under the laws of the Co-operative Societies.

"Employee" means an employee of a Central Province Co-operative Society.

"Charter" means the Charter of the Cooperative Employees Commission of the Central Province. "Committee" shall mean a Governing Body entrusted with the management of the affairs of a registered society. The Board of Directors of a Registered Society shall include persons appointed by the Registrar under section 48 of the Co-operative Societies Code of the Central Province. This includes a liquidator appointed by the Registrar under section 52 of the Charter.

Appendix I

Facts to be included in the letter of appointment

1. Name, designation and duties of the employee
2. Date of Appointment
3. Grade of Employee -----
4. Base salary and salary scale
5. Whether the salaries are paid once a week, bi-weekly or monthly.
6. Marital allowances or other allowances
7. Period of probation or inspection -----
8. (A) Terms of Service-----

(B) The circumstances and conditions leading to termination of service-----

Appendix II
Documents and records to be kept for employees of a cooperative society
Form "a" - service records
Part I

1. Employee's Full Name ----
2. Age ----
3. Gender ----
4. Date of appointment letter
5. Nationality (If a Sri Lankan, whether a descendant or by registration) ----
6. Civil Status (In case of a change of status as married, unmarried, widow, etc. the date of such should be indicated under following part ii)
7. Date of commencement of service
8. Designation, class, grade or type of appointment should be mentioned ----
9. Period of probation or inspection
10. Initial basic salary and if there are other allowances -

Part II

Date	If there are any changes in the employee's service status, they Should be specified chronologically with complete with details and dates	Signature of the employee

Appendix III Offenses

1. Not reporting to work without a valid reason
2. Arriving late for no valid reason
3. Irritability and neglect during work
4. Willful failure to comply with orders regarding his service
5. Be rude to people who come to the work place for business
6. Neglect work pretending to be ill
7. Distribution or display of leaflets, promotional books, posters etc. which are not relevant to the work without the prior approval of the employer.
8. Violation of instructions given to keep the workplace clean
9. Smoking in any part of the workplace where smoking is prohibited by the employer

Appendix IV Serious offenses

1. Loss or damage of goods in the possession of the employer that is directly convinced of the employee's negligence, will, or wrongdoing
2. Willful disobedience or violation of discipline
3. Theft of goods within the territory of the Co-operative Society and fraud and dishonesty of the employer's business
4. Punishment for an offense of tarnishing one's image
5. Receiving or offering Bribery or any other illegal gift
6. Be rude or aggressive during work hours in the organization
7. Sleeping at work (In case of guards and security personnel, sleeping while in or being out of workplace)
8. Get drunk during work hours
9. Improper interference with security equipment installed in the workplace
10. Failure to provide accurate and true information on the business affairs of the Society
11. Account misrepresentation
12. Covering up fraud
13. Criminal breach of trust
14. Conduct in a manner that discredits the Society. Breach of rules or regulations imposed under Price Control or Food Control Rules or Material Conduct, or to assist or support such action.

Appendix V

Address-----

Date-----

Secretary.
Central Provincial Cooperative Employees Commission,
District Secretariat,
Kandy.

Appeal under Rule 135 of the Cooperative Employees Commission Regulations Series

I, ----- the undersigned, request a relief by presenting the following details to the Co-operative Employees Commission in relation to the decision of the disciplinary inquiry against me with the.

1. Full Name -----
2. Residential Address-----
3. Position held at the time of handing over of charge sheet-----
4. Is it permanent or temporary?-----
5. Date of Appointment -----
6. Date of Promotion-----
7. Name of the Society-----
8. Reasons for Punishment-----
9. Whether disciplinary inquiry was held in this regard.-----
10. If so, the date-----
11. Name and designation of the officer who conducted the disciplinary inquiry -----
12. The decision taken by the union and the date on which the decision was informed?-----
13. On what grounds is the appeal filed? -----
 - 1.
 - 2.
 - 3.
 - 4.
14. What concession does the applicant request? -----

Examples –

- (I) Re-employment? (ii) to receive arrears of salaries and (iii) to withdraw imposed fines? (iv) Any other relief? (Explain)

I am aware that the above facts are correct and that if there is anything false, this appeal will be dismissed

Name of the Society
Copy - General Manager

Name of the applicant