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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN PEGAWAI AWAM (KELAKUAN DAN TATATERTIB) (PINDAAN) 2015

PUBLIC OFFICERS (CONDUCT AND DISCIPLINE) (AMENDMENT) REGULATIONS 2015



DISIARKAN OLEH/
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PERLEMBAGAAN PERSEKUTUAN

PERATURAN-PERATURAN PEGAWAI AWAM (KELAKUAN DAN TATATERTIB) (PINDAAN) 2015

PADA menjalankan kuasa yang diberikan oleh Fasal (2) Perkara 132 Perlembagaan Persekutuan, Yang di-Pertuan Agong membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pegawai Awam (Kelakuan dan Tatatertib) (Pindaan) 2015**.

(2) Peraturan-Peraturan ini disifatkan telah mula berkuat kuasa pada 1 Julai 2015.

Pindaan peraturan 21

2. Peraturan-Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993 [*P.U. (A) 395/1993*], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini, dipinda dalam subperaturan 21(2A) dengan menggantikan perkataan “Kementerian Pelajaran” dengan perkataan “Kementerian Pendidikan Malaysia”.

Pindaan peraturan 41

3. Peraturan 41 Peraturan-Peraturan ibu dipinda—

(a) dengan menggantikan perenggan (1)(a) dengan perenggan yang berikut:

“(a) gaji itu hanya boleh diturunkan secara mendatar dalam peringkat gaji yang sama dalam jadual gaji pegawai;”;

- (b) dengan menggantikan subperaturan (5) dengan subperaturan yang berikut:

“(5) Bagi maksud perenggan (1)(b), “pergerakan gaji” adalah bersamaan amaun satu kenaikan gaji tahunan daripada gaji hakiki.”;

- (c) dengan menggantikan subperaturan (6) dengan subperaturan yang berikut:

“(6) Hukuman turun gaji tidak terpakai ke atas pegawai yang berada di mata gaji minimum.”; dan

- (d) dengan memasukkan selepas subperaturan (6) subperaturan yang berikut:

“(7) Sekiranya hukuman turun gaji yang dilaksanakan di bawah Peraturan-Peraturan ini menyebabkan pegawai menerima gaji kurang daripada gaji minimum yang ditentukan bagi gred jawatan yang disandang oleh pegawai, maka gaji pegawai hendaklah diturunkan setakat gaji minimum pegawai di gred jawatan disandang itu.”.

Pindaan peraturan 42

4. Peraturan 42 Peraturan-Peraturan ibu dipinda—

- (a) dalam subperaturan (2) dengan menggantikan perenggan (a), (b) dan (c) dengan perenggan yang berikut:

“(a) tertakluk kepada perenggan (b) dan (c), gaji baharu pegawai hendaklah dikurangkan terlebih dahulu amaunnya sebanyak satu kenaikan gaji tahunan di gred sebelum turun pangkat dan jumlah itu hendaklah menjadi gaji bagi pegawai itu di gred turun pangkat;

- (b) sekiranya gaji itu lebih tinggi daripada gaji maksimum di gred turun pangkat, gaji maksimum di gred turun pangkat itu hendaklah menjadi gaji pegawai itu di gred turun pangkat; atau
 - (c) sekiranya gaji itu lebih rendah daripada gaji minimum di gred turun pangkat, gaji minimum di gred turun pangkat itu hendaklah menjadi gaji pegawai itu di gred turun pangkat.”; dan
- (b) dalam subperaturan (3) dengan memasukkan selepas perkataan “serentak” perkataan “dan perenggan (a), (b) dan (c) hendaklah terpakai mengikut mana yang berkenaan”.

Kecualian dan peralihan

5. Walau apa pun apa-apa jua yang terkandung dalam Peraturan-Peraturan ini, pemakaian Peraturan-Peraturan ini hendaklah tertakluk kepada keadaan yang berikut:

- (a) sekiranya apa-apa kesalahan dilakukan dari 1 Januari 2012 sehingga tarikh Peraturan-Peraturan ini berkuat kuasa yang prosidingnya belum dimulakan atau yang prosidingnya telah dimulakan tetapi keputusan mengenainya belum diputuskan, hukuman turun pangkat yang dilaksanakan berdasarkan peraturan-peraturan yang terpakai sebelum Peraturan-Peraturan ini berkuat kuasa adalah sah tetapi gaji pegawai di gred turun pangkat itu hendaklah ditentukan berdasarkan Peraturan-Peraturan ini;
- (b) sekiranya apa-apa kesalahan dilakukan dari 1 Januari 2012 sehingga tarikh Peraturan-Peraturan ini berkuat kuasa dikenakan hukuman turun gaji dan dilaksanakan terhadap pegawai dalam Kumpulan Pengurusan Tertinggi berdasarkan peraturan-peraturan yang terpakai sebelum Peraturan-Peraturan ini berkuat kuasa, hukuman turun gaji yang dikenakan itu adalah sah dan hendaklah dilaksanakan berdasarkan

peraturan-peraturan yang terpakai sebelum Peraturan-Peraturan ini berkuat kuasa;

- (c) sekiranya hukuman yang diperuntukkan dalam Peraturan-Peraturan ini lebih berat daripada hukuman sebelum Peraturan-Peraturan ini berkuat kuasa, pelaksanaan hukuman tersebut hendaklah dilaksanakan mengikut peraturan-peraturan yang terpakai sebelum Peraturan-Peraturan ini berkuat kuasa; dan
- (d) tertakluk kepada perenggan 5(a) dan (b), Peraturan-Peraturan ini hendaklah terpakai kepada apa-apa kesalahan yang dilakukan dari 1 Januari 2012 sehingga tarikh Peraturan-Peraturan ini berkuat kuasa yang prosiding bagi kesalahan itu belum dimulakan atau yang prosidingnya telah dimulakan tetapi keputusan mengenainya belum diputuskan.

Dibuat 9 September 2015
[JPA.BK(S)223/8/2-3]ld.5(30); PN(PU2)76/XI]

Dengan Titah Perintah

TAN SRI DR ALI BIN HAMSA
Setiausaha Jemaah Menteri

FEDERAL CONSTITUTION

PUBLIC OFFICERS (CONDUCT AND DISCIPLINE) (AMENDMENT) REGULATIONS 2015

IN exercise of the powers conferred by Clause (2) of Article 132 of the Federal Constitution, the Yang di-Pertuan Agong makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Public Officers (Conduct and Discipline) (Amendment) Regulations 2015**.

(2) These Regulations are deemed to have come into operation on 1 July 2015.

Amendment of regulation 21

2. The Public Officers (Conduct and Discipline) Regulations 1993 [*P. U. (A) 395/1993*], which are referred to as the “principal Regulations” in these Regulations, are amended in subregulation 21(2A) by substituting for the words “Ministry of Education” the words “Ministry of Education Malaysia.”

Amendment of regulation 41

3. Regulation 41 of the principal Regulations is amended—

(a) by substituting for paragraph (1)(a) the following paragraph:

“(a) the salary can only be reduced horizontally in the same salary level in the officer’s salary schedule;”;

(b) by substituting for subregulation (5) the following subregulation:

“(5) For the purpose of paragraph (1)(b), a “salary movement” is equal to the amount of one annual salary increment of basic salary.”;

(c) by substituting for subregulation (6) the following subregulation:

“(6) The punishment of reduction of salary does not apply to an officer who is on the minimum salary point.”; and

(d) by inserting after subregulation (6) the following subregulation:

“(7) If the punishment of reduction of salary imposed under these Regulations renders the officer to receive a salary less than the minimum salary determined by the grade for the post held by the officer, the officer’s salary shall be reduced to the minimum salary of an officer in the grade of the post held by him.”.

Amendment of regulation 42

4. Regulation 42 of the principal Regulations is amended—

(a) in subregulation (2) by substituting for paragraphs (a), (b) and (c) the following paragraphs:

“(a) subject to paragraphs (b) and (c), the new salary of the officer shall first be reduced its amount by one annual salary increment at the grade before his reduction in rank and that amount shall be the officer’s salary at the reduced grade;

(b) if the salary is higher than the maximum salary at the reduced grade, the maximum salary at the reduced grade shall be the salary of the officer at the reduced grade; or

(c) if the salary is less than the minimum salary at the reduced grade, the minimum salary at the reduced grade shall be the salary of the officer at the reduced grade.”; and

- (b) in subregulation (3) by inserting after the word “simultaneously” the words “and paragraphs (a), (b) and (c) shall be applied according to whichever is appropriate”.

Savings and transitional

5. Notwithstanding anything contained in these Regulations, the application of these Regulations shall be subject to the following conditions:

- (a) if any offence is committed from 1 January 2012 until the date these Regulations come into operation of which the proceedings are still pending or the proceedings have commenced but the decision on it has not been made, the reduction in rank made in accordance with the regulations applicable before these Regulations come into operation is valid but the salary of the officer at the reduced grade shall be determined in accordance with these Regulations;
- (b) if any offence is committed from 1 January 2012 until the date these Regulations come into operation of which the punishment is a reduction of salary imposed against an officer in the Top Management Group in accordance with the regulations applicable before these Regulations come into operation, the punishment of reduction of salary is valid and shall be implemented in accordance with the regulations applicable before these Regulations come into operation;
- (c) if the punishments provided in these Regulations are more severe than the punishments before these Regulations come into operation, the implementation of the punishments shall follow the regulations applicable before these Regulations come into operation; and

- (d) subject to paragraphs 5(a) and (b), these Regulations shall be applied to any offence committed from 1 January 2012 until the date these Regulations come into operation of which the proceedings for the offence are still pending or the proceedings have commenced but the decision on it has not been made.

Made 9 September 2015

[JPA.BK(S)223/8/2-3]ld.5(30); PN(PU2)76/XI]

By Command

TAN SRI DR ALI BIN HAMSA
Secretary to the Cabinet