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Warta Kerajaan

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AKTA KERAJAAN TEMPATAN 1976

**KAEDAH-KAEDAH PEGAWAI MAJLIS BANDARAYA SUBANG JAYA
(KELAKUAN DAN TATATERTIB) 2023**

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AKTA KERAJAAN TEMPATAN 1976

KAEDAH-KAEDAH PEGAWAI MAJLIS BANDARAYA SUBANG JAYA
(KELAKUAN DAN TATATERTIB) 2023

PADA menjalankan kuasa yang diberikan oleh subseksyen 17(1) Akta Kerajaan Tempatan 1976 [*Akta 171*], Majlis Bandaraya Subang Jaya membuat, dan menurut seksyen 103 Akta 171, Pihak Berkuasa Negeri mengesahkan kaedah-kaedah yang berikut:

BAHAGIAN I

PERMULAAN

Nama dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Pegawai Majlis Bandaraya Subang Jaya (Kelakuan dan Tatatertib) 2023**.

(2) Kaedah-Kaedah ini hendaklah mula berkuat kuasa pada tarikh ia disiarkan dalam *Warta*.

Tafsiran

2. Dalam Kaedah-Kaedah ini, melainkan jika konteksnya menghendaki makna yang lain—

“Akta” ertinya Akta Kerajaan Tempatan 1976 [*Akta 171*];

“anak” ertinya anak bagi seseorang pegawai yang di bawah tanggungannya, termasuk—

- (a) anak yang lahir selepas kematian, anak tiri tanggungan dan anak tak sah taraf pegawai itu;
- (b) anak yang diambil sebagai anak angkat oleh pegawai itu di bawah mana-mana undang-undang bertulis yang berhubungan dengan pengangkatan atau di bawah mana-mana adat atau kelaziman, dengan keterangan yang memuaskan mengenai pengangkatan itu; dan
- (c) anak, tidak kira apa jua umurnya, yang cacat otak atau hilang upaya dari segi jasmani dan secara kekal dan yang tidak berupaya untuk menanggung dirinya sendiri;

“Datuk Bandar” ertinya Datuk Bandar Majlis Bandaraya Subang Jaya;

“disabitkan” atau “sabitan”, berhubung dengan seseorang pegawai, ertinya suatu dapatan oleh mahkamah di bawah mana-mana undang-undang bertulis bahawa pegawai itu bersalah atas suatu kesalahan jenayah;

“emolumen” ertinya segala saraan dalam bentuk wang yang kena dibayar kepada seseorang pegawai dan termasuklah gaji pokok, imbuhan tetap, bayaran insentif dan elaun bulanan lain;

“gaji” ertinya gaji pokok seseorang pegawai;

“institusi kewangan” ertinya bank atau institusi kewangan yang dilesenkan di bawah Akta Perkhidmatan Kewangan 2013 [*Akta 758*] atau bank Islam yang dilesenkan di bawah Akta Perkhidmatan Kewangan Islam 2013 [*Akta 759*] atau mana-mana bank yang ditubuhkan di bawah mana-mana undang-undang bertulis;

“Kerajaan” ertinya Kerajaan Persekutuan atau Kerajaan Negeri Selangor;

“kesalahan jenayah” ertinya apa-apa tindakan atau peninggalan yang boleh dihukum di bawah mana-mana undang-undang bertulis yang berkuat kuasa;

“Ketua Jabatan” ertinya seseorang pegawai yang bertanggungjawab bagi sesuatu jabatan atau mana-mana pegawai yang diberi kuasa oleh Datuk Bandar untuk menjalankan tugas sebagai Ketua Jabatan;

“koperasi” ertinya koperasi yang didaftarkan di bawah Akta Koperasi 1993 [*Akta 502*];

“Lembaga Tatatertib” ertinya Lembaga Tatatertib yang ditubuhkan di bawah kaedah 3;

“Majlis” ertinya Majlis Bandaraya Subang Jaya;

“mahkamah” ertinya mahkamah, termasuklah Mahkamah Syariah, yang mempunyai bidang kuasa wibawa untuk membicarakan seseorang bagi sesuatu kesalahan jenayah;

“pegawai” ertinya seseorang yang dilantik secara tetap, sementara, kontrak atau sambilan oleh Majlis;

“penanggung insurans” ertinya penanggung insurans yang dilesenkan di bawah Akta Perkhidmatan Kewangan 2013 [*Akta 758*] atau pengendali takaful yang didaftarkan di bawah Akta Perkhidmatan Kewangan Islam 2013 [*Akta 759*];

“Pengerusi Lembaga Tatatertib” ertinya Datuk Bandar yang dilantik di bawah subkaedah 3(2) atau seorang Ahli Majlis yang ditetapkan di bawah subkaedah 3(3); dan

“Setiausaha” ertinya Setiausaha Majlis Bandaraya Subang Jaya.

BAHAGIAN II

LEMBAGA TATATERTIB

Penubuhan Lembaga Tatatertib

3. (1) Maka adalah dengan ini ditubuhkan Lembaga Tatatertib yang terdiri daripada anggota yang berikut:

- (a) Datuk Bandar, yang akan menjadi pengerusi;
- (b) Setiausaha; dan
- (c) seorang Ahli Majlis yang dilantik oleh Majlis untuk menganggotai Lembaga Tatatertib.

(2) Setiap mesyuarat Lembaga Tatatertib hendaklah dipengerusikan oleh Datuk Bandar.

(3) Sekiranya Datuk Bandar tidak dapat mempengerusikan mesyuarat Lembaga Tatatertib, mesyuarat hendaklah dipengerusikan oleh seorang wakilnya yang mana hendaklah seorang Ahli Majlis.

Bidang kuasa Lembaga Tatatertib

4. Tertakluk kepada proviso di bawah subseksyen 16(4) Akta, Lembaga Tatatertib hendaklah mempunyai bidang kuasa—

- (a) dalam semua perkara yang diperuntukkan dalam Kaedah-Kaedah ini yang berhubung dengan kelakuan dan tatatertib semua pegawai; dan
- (b) mengenakan apa-apa hukuman tatatertib yang diperuntukkan dalam Kaedah-Kaedah ini dan keputusannya adalah muktamad.

Mesyuarat Lembaga Tatatertib

5. (1) Bagi maksud menjalankan fungsi-fungsinya, Lembaga Tatatertib hendaklah bermesyuarat pada tarikh, tempat dan masa yang ditentukan oleh Pengerusi Lembaga Tatatertib.

(2) Segala perkara yang dibangkitkan dalam mesyuarat Lembaga Tatatertib hendaklah diputuskan mengikut kelebihan undi, dan sekiranya bilangan undi itu sama banyak maka Pengerusi Lembaga Tatatertib hendaklah mempunyai undi pemutus.

(3) Pengerusi Lembaga Tatatertib hendaklah memastikan bahawa rekod setiap prosiding tatatertib dan minit-minit setiap mesyuarat Lembaga Tatatertib itu disimpan dengan sempurna.

BAHAGIAN III

KEWAJIPAN MEMATUHI KAEDAH-KAEDAH

Kewajipan mematuhi Kaedah-Kaedah

6. (1) Seseorang pegawai hendaklah mematuhi peruntukan-peruntukan Kaedah-Kaedah ini.

(2) Pelanggaran mana-mana peruntukan Kaedah-Kaedah ini oleh seseorang pegawai boleh menyebabkannya dikenakan tindakan tatatertib menurut Kaedah-Kaedah ini.

Kegagalan memberi dan mematuhi aku janji

7. (1) Seseorang pegawai yang gagal memberi aku janji sebagaimana yang ditetapkan dalam Jadual Pertama dan setelah dikehendaki berbuat demikian oleh Majlis, melakukan suatu pelanggaran tatatertib dan boleh dikenakan tindakan tatatertib menurut Kaedah-Kaedah ini.

(2) Tanpa menjejaskan subkaedah 6(2) seseorang pegawai yang, setelah diberikan aku janji yang dirujuk dalam subkaedah (1), gagal mematuhi terma-terma aku janji itu melakukan suatu pelanggaran tatatertib dan boleh dikenakan tindakan tatatertib menurut Kaedah-Kaedah ini.

BAHAGIAN IV

TUGAS KAWALAN DAN PENGAWASAN TATATERTIB

Tugas untuk menjalankan kawalan dan pengawasan tatatertib

8. (1) Maka menjadi tugas tiap-tiap pegawai untuk menjalankan kawalan dan pengawasan tatatertib ke atas pegawai bawahannya dan mengambil tindakan yang sesuai dengan seberapa segera yang mungkin bagi apa-apa pelanggaran mana-mana peruntukan Kaedah-Kaedah ini.

(2) Seseorang pegawai yang gagal untuk menjalankan kawalan dan pengawasan ke atas pegawai bawahannya, atau untuk mengambil tindakan terhadap pegawai bawahannya yang melanggar mana-mana peruntukan Kaedah-Kaedah ini hendaklah disifatkan cuai dalam melaksanakan tugasnya dan tidak bertanggungjawab, dan dia boleh dikenakan tindakan tatatertib.

BAHAGIAN V

TATAKELAKUAN

Tatakelakuan

9. (1) Seseorang pegawai hendaklah pada setiap masa memberikan taat setianya kepada Yang di-Pertuan Agong, Duli Yang Maha Mulia Sultan Selangor, Kerajaan Negeri Selangor dan Majlis.

(2) Seseorang pegawai tidak boleh—

- (a) membelakangkan tugas awamnya demi kepentingan peribadinya;
- (b) berkelakuan dengan sedemikian cara yang mungkin menyebabkan kepentingan peribadinya bercanggah dengan tugas awamnya;
- (c) berkelakuan dengan apa-apa cara yang mungkin menyebabkan syak yang munasabah bahawa—
 - (i) dia telah membiarkan kepentingan peribadinya bercanggah dengan tugas awamnya sehingga menjejaskan kebergunaannya sebagai seorang pegawai Majlis; atau
 - (ii) dia telah menggunakan kedudukan sebagai seorang pegawai Majlis bagi faedahnya sendiri;
- (d) berkelakuan dengan sedemikian cara sehingga memburukkan nama atau mencemarkan nama Majlis;
- (e) kurang cekap atau kurang berusaha;
- (f) tidak jujur atau tidak amanah;
- (g) tidak bertanggungjawab;
- (h) membawa atau cuba membawa apa-apa bentuk pengaruh atau tekanan luar untuk menyokong atau memajukan apa-apa tuntutan berhubung dengan atau terhadap Majlis, sama ada tuntutan itu ialah tuntutannya sendiri atau tuntutan mana-mana pegawai lain;
- (i) ingkar perintah atau berkelakuan dengan apa-apa cara yang boleh ditafsirkan dengan munasabah sebagai ingkar perintah; dan
- (j) cuai dalam melaksanakan tugas-tugasnya.

Gangguan seksual

10. (1) Seseorang pegawai tidak boleh melakukan gangguan seksual terhadap orang lain, iaitu, seseorang pegawai tidak boleh—

- (a) membuat cubaan untuk merapati orang lain secara seksual, atau meminta layanan seksual daripada orang itu; atau
- (b) melakukan apa-apa perbuatan yang bersifat seksual berhubung dengan orang lain, dalam keadaan yang, setelah mengambil kira segala hal keadaan, akan menyebabkan seseorang yang waras tersinggung, terhina atau terugut.

(2) Sesuatu perbuatan yang bersifat seksual kepada orang lain yang dirujuk dalam subkaedah (1)—

- (a) termasuklah perbuatan sesuatu pernyataan yang bersifat seksual kepada, atau di hadapan, orang lain itu sama ada pernyataan itu dibuat secara lisan, bertulis atau dengan apa-apa lain; dan
- (b) tidak terhad kepada pelaksanaan perbuatan itu di tempat kerja atau dalam waktu kerja sahaja selagi pelaksanaan itu memburukkan atau mencemarkan nama Majlis.

Pekerjaan luar

11. (1) Melainkan jika dan setakat yang dia dikehendaki atau dibenarkan untuk berbuat demikian dalam perjalanan tugasnya sebagai seorang pegawai Majlis, seseorang pegawai tidak boleh—

- (a) mengambil bahagian sama ada secara langsung atau tidak langsung dalam pengurusan atau urusan apa-apa pengusahaan komersial, pertanian atau perindustrian;
- (b) mengusahakan bagi mendapatkan upah apa-apa kerja dengan mana-mana institusi, syarikat, firma atau individu persendirian;
- (c) sebagai seorang pakar, memberikan apa-apa laporan atau memberikan apa-apa keterangan, sama ada secara percuma atau dengan dibayar upah; atau
- (d) bertugas sebagai seorang wasi, pentadbir atau penerima.

(2) Walau apa pun subkaedah (1), seseorang pegawai boleh, dengan terlebih dahulu mendapat kebenaran bertulis daripada Datuk Bandar, menjalankan mana-mana aktiviti atau melaksanakan mana-mana perkhidmatan yang dinyatakan dalam subkaedah itu, sama ada bagi faedahnya atau bagi faedah saudara-maranya yang dekat atau mana-mana badan tidak mencari keuntungan yang baginya dia menjadi seorang pemegang jawatan.

(3) Dalam menimbangkan sama ada atau tidak kebenaran patut diberikan kepada mana-mana pegawai di bawah subkaedah (2), Datuk Bandar hendaklah memberikan perhatian kepada tatakelakuan yang ditetapkan dalam kaedah 9 dan hendaklah memastikan bahawa aktiviti atau perkhidmatan itu—

- (a) tidak dilakukan dalam waktu pejabat dan semasa pegawai itu dikehendaki melaksanakan tugas rasminya;
- (b) tidak akan dengan apa-apa cara cenderung menjejaskan kebergunaan pegawai itu sebagai seorang pegawai Majlis; dan
- (c) tidak akan dengan apa-apa cara cenderung bercanggah dengan kepentingan Majlis atau menjadi tidak selaras dengan kedudukan pegawai itu sebagai seorang pegawai Majlis.

(4) Kecuali sebagaimana yang ditetapkan selainnya oleh Majlis, segala jumlah wang yang diterima oleh seseorang pegawai sebagai saraan kerana menjalankan mana-mana aktiviti atau melaksanakan mana-mana perkhidmatan yang disebut dalam subkaedah (1) hendaklah didepositkan dengan Majlis sementara menunggu keputusan Lembaga Tatatertib tentang amaun, jika ada, yang boleh disimpan oleh pegawai itu sendiri dan oleh mana-mana pegawai lain yang membantu pegawai itu dalam menjalankan aktiviti atau melaksanakan perkhidmatan itu.

Etiket pakaian

12. (1) Seseorang pegawai semasa bertugas hendaklah sentiasa berpakaian dengan sepatutnya mengikut apa-apa cara yang ditentukan oleh Majlis melalui arahan yang dikeluarkan oleh Datuk Bandar dari semasa ke semasa.

(2) Seseorang pegawai yang dikehendaki menghadiri sesuatu upacara rasmi hendaklah berpakaian sebagaimana yang ditentukan bagi upacara itu, dan jika etiket pakaian bagi upacara itu tidak ditentukan, dia hendaklah berpakaian yang sesuai bagi upacara itu.

Dadah

13. (1) Seseorang pegawai tidak boleh menggunakan atau mengambil apa-apa dadah berbahaya, kecuali sebagaimana yang dipreskripsikan untuk kegunaannya bagi maksud perubatan oleh pengamal perubatan yang didaftarkan di bawah Akta Perubatan 1971 [*Akta 50*] atau menyalahgunakan atau menagih apa-apa jenis dadah berbahaya.

(2) Jika seseorang Pegawai Perubatan Kerajaan memperakui dalam borang yang ditetapkan dalam Jadual Kedua bahawa seseorang pegawai menggunakan atau mengambil, selain bagi maksud perubatan, suatu dadah berbahaya atau menyalahgunakan atau menagih suatu dadah berbahaya, pegawai itu boleh dikenakan tindakan tatatertib dengan tujuan buang kerja.

(3) Walau apa pun subkaedah (2), perkhidmatan seseorang pegawai yang telah diperakui oleh seorang Pegawai Perubatan Kerajaan menggunakan atau mengambil, selain bagi maksud perubatan, suatu dadah berbahaya atau menyalahgunakan atau menagih suatu dadah berbahaya boleh ditamatkan demi kepentingan awam di bawah kaedah 60 jika pegawai itu telah mencapai umur persaraan pilihan yang ditentukan oleh Kerajaan pada masa itu.

(4) Bagi maksud kaedah ini, “dadah berbahaya” ertinya apa-apa dadah atau bahan yang disenaraikan dalam Jadual Pertama kepada Akta Dadah Berbahaya 1952 [Akta 234].

Hadiah, dsb.

14. (1) Tertakluk kepada kaedah ini, seseorang pegawai tidak boleh menerima atau memberikan dan tidak boleh membenarkan isteri atau suaminya atau mana-mana orang lain untuk menerima atau memberikan bagi pihaknya apa-apa hadiah, sama ada dalam bentuk zahir atau selainnya, daripada atau kepada mana-mana orang, persatuan, badan atau kumpulan orang jika penerimaan atau pemberian hadiah itu dalam apa-apa segi mempunyai kaitan, sama ada secara langsung atau tidak langsung, dengan tugas rasminya.

(2) Datuk Bandar boleh, jika difikirkannya patut, membenarkan pegawai itu untuk menerima suatu surat pujian daripada mana-mana orang, persatuan, badan atau kumpulan orang sempena persaraan atau pertukaran pegawai itu asalkan surat pujian itu tidak terkandung dalam suatu bekas yang bernilai.

(3) Datuk Bandar boleh membenarkan pemungutan sumbangan secara spontan oleh pegawai-pegawai di bawah jagaannya bagi maksud pemberian hadiah kepada seseorang pegawai dalam jabatannya sempena persaraan, pertukaran atau perkahwinan pegawai itu atau apa-apa peristiwa lain yang sesuai.

(4) Jika hal keadaan menyebabkan sukar bagi seseorang pegawai untuk menolak sesuatu hadiah atau cenderamata yang bernilai, yang penerimaannya dilarang oleh kaedah ini, hadiah itu bolehlah diterima secara rasmi tetapi pegawai itu hendaklah, dengan seberapa segera yang praktik, mengemukakan suatu laporan bertulis kepada Datuk Bandar yang mengandungi perihalan lengkap dan anggaran nilai hadiah itu dan hal keadaan hadiah itu diterima.

(5) Apabila diterima laporan yang dibuat di bawah subkaedah (4), Datuk Bandar hendaklah memutuskan sama ada untuk—

- (a) membenarkan pegawai itu menyimpan hadiah itu; atau
- (b) mengarahkan supaya hadiah itu dikembalikan, melalui Ketua Jabatan itu, kepada pemberinya.

Keraian

15. Seseorang pegawai boleh memberi atau menerima daripada mana-mana orang apa-apa jenis keraian jika—

- (a) keraian itu tidak dalam apa-apa cara mempengaruhi pelaksanaan tugas-tugasnya sebagai seorang pegawai Majlis untuk kepentingan orang itu; dan
- (b) pemberian atau penerimaan keraian itu tidak dalam apa-apa cara menjadi tidak selaras dengan kaedah 9.

Pemunyaan harta

16. (1) Seseorang pegawai hendaklah, apabila dilantik menjadi pegawai Majlis atau pada bila-bila masa selepas itu sebagaimana yang dikehendaki oleh Majlis mengisytiharkan secara bertulis kepada Datuk Bandar, segala harta yang dipunyai olehnya atau oleh isteri atau suaminya atau anaknya atau yang dipegang oleh mana-mana orang bagi pihaknya atau bagi pihak isteri atau suaminya atau anaknya.

(2) Seseorang pegawai yang tidak mempunyai apa-apa harta hendaklah membuat suatu perisytiharan secara bertulis yang menyatakan sedemikian.

(3) Jika, selepas membuat suatu perisytiharan di bawah subkaedah (1), seseorang pegawai atau isteri atau suaminya atau anaknya memperoleh apa-apa harta, sama ada secara langsung atau tidak langsung, atau apa-apa harta yang diperolehi oleh seseorang pegawai atau isteri atau suaminya atau anaknya telah dilupuskan, pegawai itu hendaklah dengan segera mengisytiharkan pemerolehan atau pelupusan harta itu kepada Datuk Bandar.

(4) Jika seseorang pegawai atau isteri atau suaminya atau anaknya bercadang hendak memperoleh apa-apa harta, dan pemerolehan itu adalah tidak selaras dengan kaedah 9, pemerolehan itu tidak boleh dibuat tanpa terlebih dahulu mendapat kebenaran bertulis daripada Datuk Bandar.

(5) Dalam memutuskan sama ada atau tidak hendak memberikan kebenaran di bawah subkaedah (4), Datuk Bandar hendaklah mengambil kira perkara-perkara yang berikut:

- (a) saiz, amaun atau nilai harta itu berbanding dengan emolumen pegawai itu dan apa-apa pendapatan persendirian yang sah;
- (b) sama ada pemerolehan atau pemegangan harta itu akan atau mungkin akan bercanggah dengan kepentingan Majlis, atau dengan kedudukan pegawai itu sebagai seorang pegawai Majlis, atau dengan apa-apa cara menjadi tidak selaras dengan kaedah 9; dan
- (c) apa-apa faktor lain yang dianggap perlu oleh Datuk Bandar bagi menjaga keutuhan dan kecekapan pegawai Majlis.

(6) Datuk Bandar hendaklah, jika dia berpuas hati dengan perisytiharan harta yang dibuat oleh pegawai itu, mengarahkan supaya ia dicatatkan di dalam rekod perkhidmatan pegawai itu bahawa perisytiharan sedemikian telah dibuat.

(7) Tiap-tiap perisytiharan di bawah subkaedah (1) hendaklah dikategorikan sebagai terperingkat dan tiap-tiap orang yang memperoleh maklumat di bawah kaedah ini tentang apa-apa perisytiharan sedemikian hendaklah mematuhi prosedur dan peraturan-peraturan berkenaan dengan pengurusan dokumen terperingkat Kerajaan.

(8) Dalam kaedah ini, “harta” termasuklah harta daripada apa-apa perihalan, sama ada harta alih atau harta tak alih, yang ditetapkan dari semasa ke semasa oleh Majlis.

Menyenggara taraf kehidupan yang melebihi emolumen dan pendapatan persendirian yang sah

17. (1) Jika Setiausaha berpendapat bahawa seseorang pegawai adalah atau tampaknya—

- (a) menyenggara suatu taraf kehidupan yang melebihi emolumen dan pendapatan persendiriannya yang lain yang sah, jika ada; atau
- (b) mengawal atau memiliki sumber-sumber kewangan atau harta, sama ada harta alih atau harta tak alih, yang nilainya tidak seimbang dengan, atau yang tidak boleh semunasabahnya dijangka telah diperoleh oleh pegawai itu dengan emolumennya dan apa-apa pendapatan persendiriannya yang lain yang sah,

Setiausaha hendaklah, melalui notis bertulis, menghendaki pegawai itu supaya memberikan penjelasan bertulis dalam tempoh tiga puluh hari dari tarikh penerimaan notis itu tentang bagaimana dia dapat menyenggara taraf kehidupan sedemikian atau bagaimana dia telah mendapat sumber-sumber kewangannya atau harta itu.

(2) Setiausaha hendaklah, apabila menerima penjelasan di bawah subkaedah (1) atau, jika pegawai itu tidak memberikan apa-apa penjelasan dalam tempoh yang ditentukan, apabila tempoh itu tamat, melaporkan fakta ini kepada Lembaga Tatatertib berserta dengan penjelasan pegawai itu, jika ada.

(3) Apabila laporan di bawah subkaedah (2) diterima, Lembaga Tatatertib boleh mengambil tindakan tatatertib terhadap pegawai itu atau mengambil apa-apa tindakan lain terhadap pegawai itu sebagaimana yang difikirkan patut oleh Lembaga Tatatertib.

Meminjam wang

18. (1) Tiada pegawai boleh meminjam daripada mana-mana orang atau menjadi penjamin kepada mana-mana peminjam, atau dengan apa-apa cara meletakkan dirinya di bawah suatu obligasi kewangan kepada mana-mana orang—

- (a) yang secara langsung atau tidak langsung tertakluk kepada kuasa rasminya;
- (b) yang dengannya pegawai itu ada atau mungkin ada urusan rasmi;
- (c) yang tinggal atau memiliki tanah atau menjalankan perniagaan di dalam kawasan Majlis; atau
- (d) yang menjalankan perniagaan pemberian pinjaman wang.

(2) Walau apa pun subkaedah (1), seseorang pegawai boleh meminjam wang daripada, atau menjadi penjamin kepada mana-mana orang yang meminjam wang daripada, mana-mana institusi kewangan, penanggung insurans atau koperasi, atau menanggung hutang dengan cara pemerolehan barang-barang melalui perjanjian sewa beli, jika—

- (a) institusi kewangan, penanggung insurans atau koperasi yang daripadanya pegawai itu meminjam tidaklah secara langsung tertakluk kepada kuasa rasminya;
- (b) pinjaman itu tidak dan tidak akan membawa kepada skandal awam atau tidak boleh ditafsirkan sebagai suatu penyalahgunaan oleh pegawai terhadap kedudukannya sebagai seorang pegawai Majlis untuk faedah peribadinya; dan
- (c) agregat hutangnya tidak atau tidak mungkin menyebabkan pegawai itu berada dalam keterhutangan kewangan yang serius sebagaimana yang ditakrifkan di bawah subkaedah 19(7) dan (8).

(3) Tertakluk kepada subkaedah (2), seseorang pegawai boleh menanggung hutang yang berbangkit daripada—

- (a) jumlah wang yang dipinjam atas cagaran tanah yang digadaikan atau digadaijanjikan, jika jumlah wang yang dipinjam itu tidak melebihi nilai tanah itu;
- (b) overdraf atau kemudahan kredit lain yang diluluskan oleh institusi kewangan;
- (c) jumlah wang yang dipinjam daripada penanggung insurans atas cagaran polisi insurans;
- (d) jumlah wang yang dipinjam daripada Kerajaan, Majlis atau mana-mana koperasi; atau
- (e) jumlah wang yang kena dibayar atas barang-barang yang diperoleh melalui perjanjian sewa beli.

Keterhutangan kewangan yang serius

19. (1) Seseorang pegawai tidak boleh dengan apa-apa cara menyebabkan dirinya berada dalam keterhutangan kewangan yang serius.

(2) Keterhutangan kewangan yang serius kerana apa-apa jua pun sebab, selain akibat malang yang tidak dapat dielakkan yang tidak disebabkan dengan apa-apa cara oleh pegawai itu sendiri, hendaklah dianggap sebagai memburukkan nama Majlis dan hendaklah menyebabkan pegawai itu boleh dikenakan tindakan tatatertib.

(3) Jika keterhutangan kewangan yang serius telah berlaku akibat malang yang tidak dapat dielakkan, Majlis boleh memberi pegawai itu apa-apa bantuan sebagaimana yang wajar mengikut hal keadaan.

(4) Jika seseorang pegawai mendapati bahawa hutangnya menyebabkan atau mungkin menyebabkan keterhutangan kewangan yang serius kepadanya, atau suatu prosiding sivil berbangkit daripada hutang itu telah dimulakan terhadapnya, dia hendaklah dengan serta-merta melaporkan fakta ini kepada Setiausaha.

(5) Seseorang pegawai yang gagal atau lengah melaporkan keterhutangan kewangannya yang serius atau yang melaporkan keterhutangan kewangannya yang serius tetapi tidak mendedahkan takat keberhutangannya itu dengan sepenuhnya atau memberikan keterangan yang palsu atau yang mengelirukan mengenai keterhutangannya adalah melakukan suatu pelanggaran tatatertib dan boleh dikenakan tindakan tatatertib.

(6) Tanpa menjejaskan peruntukan-peruntukan lain dalam kaedah ini, jika hutang pegawai itu terjumlah kepada suatu keterhutangan kewangan yang serius tetapi dia belum diisytihar bankrap, Setiausaha hendaklah memantau dan, dari semasa ke semasa, mengkaji semula kes itu.

(7) Bagi maksud kaedah ini, ungkapan “keterhutangan kewangan yang serius” ertinya keadaan keterhutangan seseorang pegawai yang, setelah diambil kira amaun hutang yang ditanggung olehnya, telah sebenarnya menyebabkan kesusahan kewangan yang serius kepadanya.

(8) Tanpa menjejaskan pengertian am ungkapan “keterhutangan kewangan yang serius” yang dinyatakan dalam subkaedah (7), seseorang pegawai hendaklah disifatkan sebagai berada dalam keterhutangan kewangan yang serius jika —

- (a) agregat hutang dan nilai tanggungan tidak bercagarnya pada bila-bila masa tertentu melebihi sepuluh kali emolumen bulanannya;
- (b) dia ialah seorang penghutang penghakiman dan hutang penghakiman itu tidak dijelaskan dalam tempoh satu bulan dari penerimaan perintah bermeterai penghakiman itu; atau

- (c) dia ialah seorang bankrap, atau seorang pemakan gaji tak solven, mengikut mana-mana yang berkenaan, selagi apa-apa penghakiman terhadapnya yang memihak kepada Ketua Pengarah Insolvensi masih belum dijelaskan, atau selagi tidak ada pembatalan penghukuman kebankrapannya.

(9) Walau apa pun peruntukan di bawah subkaedah (7), seseorang pegawai boleh berhutang bagi maksud pinjaman pendidikan selagi dia tidak diisytiharkan bankrap.

Laporan mengenai keterhutangan kewangan yang serius

20. (1) Jika seseorang pegawai melaporkan di bawah subkaedah 19(4) bahawa prosiding sivil berkaitan tuntutan hutang telah dimulakan terhadapnya atau jika Pendaftar, Timbalan Pendaftar atau Penolong Kanan Pendaftar Mahkamah Tinggi dan Pendaftar Mahkamah Sesyen dan Mahkamah Majistret hendaklah, berkenaan dengan apa-apa prosiding dalam mahkamah masing-masing, melaporkan kepada Ketua Jabatan yang berkenaan tiap-tiap kes mengenai pegawai—

- (a) yang selaku seorang penghutang penghakiman, didapati daripada fail guaman tidak menjelaskan hutangnya dalam tempoh satu bulan dari penerimaan perintah bermeterai penghakiman itu;
- (b) yang telah memfailkan petisyen dalam kebankrapannya sendiri atau untuk mendapatkan perintah pentadbiran pemakan gaji; atau
- (c) yang terhadapnya suatu petisyen pemiutang dalam kebankrapan telah diserahkan.

(2) Ketua Pengarah Insolvensi hendaklah, sebaik sahaja dia telah menyiasat dengan secukupnya tentang hal ehwal seseorang pegawai yang menjadi seorang bankrap atau pemakan gaji tak solven, menyampaikan kepada Ketua Jabatan yang berkenaan suatu laporan yang mengandungi perkara-perkara yang berikut:

- (a) pernyataan hal ehwal yang difailkan oleh si bankrap atau pemakan gaji tak solven itu mengikut undang-undang kebankrapan yang sedang berkuat kuasa;
- (b) amaun bayaran ansuran yang diperintahkan atau yang dicadangkan dibuat;
- (c) sama ada atau tidak Ketua Pengarah Insolvensi bercadang untuk memulakan apa-apa prosiding selanjutnya dan, jika demikian, suatu pertanyaan ringkas mengenai jenis prosiding selanjutnya itu;
- (d) sebab utama kebankrapan itu;
- (e) sama ada pada pendapatnya kes itu melibatkan malang yang tidak dapat dielakkan, kelakuan hina atau apa-apa hal keadaan lain yang khas, yang memihak atau tidak memihak kepada pegawai itu; dan
- (f) apa-apa perkara lain yang difikirkannya patut.

(3) Setiausaha hendaklah menghantar laporan yang diterima di bawah subkaedah (1) dan (2) berserta dengan laporannya mengenai kerja dan kelakuan pegawai itu sebelum dan sejak keterhutangan kewangannya yang serius kepada Lembaga Tatatertib.

(4) Setelah menimbangkan semua laporan itu, Lembaga Tatatertib hendaklah memutuskan sama ada hendak mengambil tindakan tatatertib dan jenis hukuman yang hendak dikenakan terhadap pegawai yang berkenaan.

(5) Jika tindakan tatatertib yang diambil di bawah subkaedah (4) berkeputusan dengan hukuman tangguh pergerakan gaji, Lembaga Tatatertib boleh, apabila habis tempoh penangguhan pergerakan gaji itu, memerintahkan supaya suatu amaun yang sama banyak dengan amaun yang diterima daripada pergerakan gaji yang dipulihkan itu ditambahkan kepada ansuran-ansuran yang kena dibayar kepada Ketua Pengarah Insolvensi atau kepada mana-mana pemiutang penghakiman.

(6) Seseorang pegawai yang mendapat pembatalan kebankrapannya bolehlah dikira sebagai telah memulihkan kedudukan kewangannya dengan sepenuhnya.

Meminjamkan wang

21. (1) Seseorang pegawai tidak boleh meminjamkan wang dengan faedah, sama ada dengan atau tanpa cagaran.

(2) Penyimpanan wang secara deposit tetap atau ke dalam suatu akaun dalam mana-mana institusi kewangan atau koperasi atau dalam bon yang diterbitkan oleh Kerajaan atau oleh mana-mana badan berkanun tidak boleh dianggap sebagai peminjaman wang dengan faedah bagi maksud kaedah ini.

Penglibatan dalam pasaran niaga hadapan

22. Tiada pegawai boleh melibatkan dirinya sebagai pembeli atau penjual atau selainnya dalam pasaran niaga hadapan tempatan atau luar negara.

Cabutan bertuah, loteri, dsb.

23. Seseorang pegawai tidak boleh mengadakan atau menganjurkan atau mengambil bahagian dalam apa-apa cabutan bertuah atau loteri selain bagi maksud kebajikan.

Penerbitan buku, dsb.

24. Seseorang pegawai tidak boleh menerbitkan atau menulis apa-apa buku, makalah atau karya lain yang berasaskan maklumat rasmi terperingkat.

Membuat pernyataan awam

25. (1) Seseorang pegawai tidak boleh, secara lisan atau bertulis atau dengan apa-apa cara lain—

- (a) membuat apa-apa pernyataan awam yang boleh memudaratkan apa-apa dasar, rancangan atau keputusan Kerajaan atau Majlis tentang apa-apa isu;
- (b) membuat apa-apa pernyataan awam yang boleh memalukan atau memburukkan nama Kerajaan atau Majlis;
- (c) membuat apa-apa ulasan tentang kelemahan apa-apa dasar, rancangan atau keputusan Kerajaan atau Majlis; atau
- (d) mengedarkan apa-apa pernyataan atau ulasan, sama ada yang dibuat olehnya atau mana-mana orang lain.

(2) Seseorang pegawai tidak boleh, sama ada secara lisan atau bertulis atau dengan apa-apa cara lain—

- (a) membuat apa-apa ulasan tentang kelebihan apa-apa dasar, rancangan atau keputusan Kerajaan atau Majlis;
- (b) memberikan apa-apa maklumat berdasarkan fakta berhubung dengan penjalanan fungsi Kerajaan atau Majlis;
- (c) memberikan apa-apa penjelasan berkenaan dengan apa-apa peristiwa atau laporan yang melibatkan Kerajaan atau Majlis; atau
- (d) menyebarkan apa-apa ulasan, maklumat atau penjelasan sedemikian sama ada dibuat olehnya atau mana-mana orang lain,

melainkan jika kebenaran bertulis, sama ada secara am atau khusus, telah diperoleh terlebih dahulu daripada Datuk Bandar.

(3) Subkaedah (2) tidaklah terpakai bagi apa-apa ulasan, maklumat atau penjelasan yang dibuat, diberikan atau disebarkan jika kandungan ulasan, maklumat atau penjelasan itu telah diluluskan oleh Datuk Bandar.

(4) Bagi maksud kaedah ini, “pernyataan awam” termasuklah apa-apa pernyataan atau ulasan yang dibuat kepada pihak akhbar atau orang ramai atau semasa memberikan apa-apa syarahan atau ucapan awam atau dalam apa-apa penyiaran atau penerbitan, tanpa mengambil kira caranya.

Larangan bertindak sebagai seorang penyunting, *dsb.* dalam mana-mana penerbitan

26. Seseorang pegawai tidak boleh bertindak sebagai penyunting bagi, atau mengambil bahagian secara langsung atau tidak langsung dalam pengurusan, atau dengan apa-apa cara membuat apa-apa sumbangan kewangan atau selainnya kepada, mana-mana penerbitan, termasuk mana-mana surat khabar, majalah atau jurnal, tanpa mengambil kira cara surat khabar, majalah atau jurnal itu diterbitkan, kecuali penerbitan yang berikut:

- (a) penerbitan Majlis;
- (b) penerbitan profesional;
- (c) penerbitan organisasi sukarela yang tidak bercorak politik; dan
- (d) penerbitan yang diluluskan secara bertulis oleh Datuk Bandar bagi maksud kaedah ini.

Mengambil bahagian dalam politik

27. (1) Kecuali sebagaimana yang diperuntukkan dalam subkaedah (3), seseorang pegawai dalam Kumpulan Pengurusan dan Profesional adalah dilarang mengambil bahagian dalam aktiviti politik atau memakai mana-mana lambang sesuatu parti politik, dan khususnya dia tidak boleh—

- (a) membuat apa-apa pernyataan awam, sama ada secara lisan atau bertulis, yang memberikan suatu pandangan yang berat sebelah atas apa-apa perkara yang menjadi isu antara parti-parti politik;
- (b) menerbitkan atau mengedar buku, makalah atau risalah yang mengemukakan pandangannya yang berat sebelah atau pandangan orang lain, tentang apa-apa perkara yang berkaitan dengan mana-mana parti politik;
- (c) terlibat dalam merayu undi bagi menyokong mana-mana calon pada suatu pilihan raya umum, pilihan raya kecil, atau apa-apa pilihan raya untuk apa-apa jawatan dalam mana-mana parti politik;
- (d) bertindak sebagai ejen pilihan raya atau ejen tempat mengundi atau atas apa-apa sifat untuk atau bagi pihak seseorang calon dalam sesuatu pilihan raya bagi Dewan Rakyat atau bagi mana-mana Dewan Undangan Negeri;
- (e) masuk bertanding untuk apa-apa jawatan dalam mana-mana parti politik; atau
- (f) memegang apa-apa jawatan dalam mana-mana parti politik.

(2) Seseorang pegawai dalam Kumpulan Sokongan boleh bertanding atau memegang jawatan atau dilantik ke dalam apa-apa jawatan dalam suatu parti politik setelah terlebih dahulu mendapatkan kelulusan bertulis Datuk Bandar.

(3) Walau apa pun peruntukan subkaedah (1), seseorang pegawai yang dibenarkan bercuti sehingga ke tarikh persaraannya bagi maksud menghabiskan cutinya yang terkumpul boleh mengambil bahagian dalam aktiviti politik dengan syarat bahawa—

(a) pegawai itu terlebih dahulu mendapatkan kelulusan bertulis Datuk Bandar; dan

(b) dengan penglibatan sedemikian itu tidak melanggar peruntukan Akta Rahsia Rasmi 1972 [*Akta 88*].

(4) Sesuatu permohonan bagi kelulusan di bawah subkaedah (3)(a) hendaklah dibuat sekurang-kurangnya tiga bulan sebelum tarikh pegawai itu dibenarkan bercuti sebelum persaraannya.

(5) Tiada apa-apa jua dalam kaedah ini boleh menghalang seseorang pegawai daripada menjadi anggota biasa mana-mana parti politik.

(6) Seseorang pegawai yang telah diterima menjadi anggota biasa mana-mana parti politik hendaklah memberitahu fakta ini dengan seberapa segera yang mungkin kepada Datuk Bandar.

Memulakan prosiding undang-undang dan bantuan guaman

28. (1) Jika seseorang pegawai berkehendakkan bantuan guaman sebagaimana yang diperuntukkan di bawah subkaedah (3) pegawai itu tidak boleh memulakan prosiding undang-undang bagi kepentingan peribadinya berkaitan dengan perkara-perkara yang berbangkit daripada tugasnya sebagai pegawai Majlis tanpa persetujuan terlebih dahulu daripada Datuk Bandar.

(2) Seseorang pegawai yang menerima notis mengenai permulaan prosiding undang-undang atau permulaan prosiding undang-undang yang dicadangkan terhadapnya berkaitan dengan perkara-perkara yang berbangkit daripada tugasnya sebagai pegawai Majlis atau yang menerima apa-apa proses mahkamah berhubungan dengan prosiding undang-undang tersebut hendaklah dengan segera melaporkan perkara itu kepada Datuk Bandar bagi mendapat arahan tentang sama ada dan bagaimana notis atau, mengikut mana-mana yang berkenaan, proses mahkamah itu hendaklah diakui terima, dijawab atau dibela.

(3) Seseorang pegawai yang berkehendakkan bantuan guaman untuk mengambil dan mengarah seseorang peguam bela dan peguam cara bagi maksud prosiding undang-undang berkaitan dengan perkara-perkara yang berbangkit daripada tugasnya sebagai pegawai Majlis boleh membuat permohonan kepada Datuk Bandar.

(4) Permohonan di bawah subkaedah (3) hendaklah mengandungi segala fakta dan hal keadaan kes itu berserta dengan pendapat Ketua Jabatan yang telah dipertimbangkan tentang jenis penglibatan pegawai itu dan hendaklah dialamatkan dan dikemukakan kepada Datuk Bandar.

(5) Apabila diterima permohonan itu di bawah subkaedah (3), Datuk Bandar boleh melulus atau menolak permohonan itu, tertakluk kepada nasihat pegawai undang-undang Majlis tentang—

- (a) amaun bantuan guaman yang hendak diluluskan;
- (b) peguam bela dan peguam cara yang hendak diambil dan diarahkan oleh pegawai itu; atau
- (c) apa-apa syarat lain yang pegawai undang-undang Majlis fikirkan baik,

dan kepada syarat tersirat selanjutnya bahawa, sekiranya pegawai itu diawardkan kos oleh mahkamah apabila selesai prosiding undang-undang tersebut, tiada bayaran berkenaan dengan bantuan guaman yang diluluskan demikian akan dibuat oleh Majlis melainkan jika amaun kos yang diawardkan demikian kepadanya itu tidak mencukupi untuk membayar caj-caj mengambil dan mengarah seseorang peguam bela dan peguam cara.

(6) Caj untuk mengambil, tanpa kelulusan Datuk Bandar, khidmat seorang peguam bela dan peguam cara yang diambil dan diarah oleh atau bagi pihak seseorang pegawai dalam suatu prosiding undang-undang berkaitan dengan perkara-perkara yang berbangkit daripada tugasnya sebagai pegawai Majlis tidak akan dibayar oleh Majlis.

BAHAGIAN VI

KETIDAKHADIRAN TANPA CUTI

Tidak hadir untuk bertugas

29. Dalam Bahagian ini, “tidak hadir”, berhubung dengan seseorang pegawai, termasuklah gagal untuk hadir bagi apa-apa jua tempoh masa pada masa dan di tempat pegawai itu dikehendaki hadir bagi pelaksanaan tugas-tugasnya.

Tindakan tatatertib kerana tidak hadir tanpa cuti

30. Ketidakhadiran untuk bertugas oleh seseorang pegawai tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah boleh menyebabkan pegawai itu dikenakan tindakan tatatertib.

Prosedur dalam hal ketidakhadiran tanpa cuti

31. (1) Jika seseorang pegawai tidak hadir bertugas tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah, Setiausaha hendaklah, seberapa segera yang mungkin, melaporkan perkara itu berserta dengan tarikh-tarikh, hal keadaan ketidakhadiran itu dan apa-apa maklumat selanjutnya berkenaan dengan ketidakhadiran itu kepada Lembaga Tatatertib.

(2) Lembaga Tatatertib boleh, setelah menimbangkan laporan Setiausaha di bawah subkaedah (1), memulakan tindakan tatatertib terhadap pegawai itu.

Prosedur jika pegawai tidak hadir tanpa cuti dan tidak dapat dikesan

32. (1) Jika seseorang pegawai tidak hadir bertugas tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah selama tujuh hari bekerja berturut-turut dan tidak dapat dikesan, Setiausaha hendaklah menyebabkan suatu surat diserahkan kepada pegawai itu sendiri atau dihantar melalui pos berdaftar Akuan Terima kepada pegawai itu di alamatnya yang akhir diketahui, mengarahkan pegawai itu supaya segera melaporkan diri untuk bertugas.

(2) Jika, selepas surat itu diserahkan—

(a) pegawai itu melaporkan diri untuk bertugas; atau

(b) pegawai itu tidak melaporkan diri untuk bertugas atau tiada khabar didengar daripadanya,

Setiausaha hendaklah mengemukakan suatu laporan kepada Lembaga Tatatertib dan Lembaga Tatatertib hendaklah memulakan tindakan tatatertib terhadap pegawai itu.

(3) Jika surat itu tidak dapat diserahkan kepada pegawai itu sendiri disebabkan pegawai itu tidak lagi tinggal di alamatnya yang akhir diketahui atau jika surat pos berdaftar Akuan Terima telah dikembalikan tidak terserah, Setiausaha hendaklah melaporkan perkara itu kepada Lembaga Tatatertib.

(4) Lembaga Tatatertib hendaklah, apabila menerima laporan yang disebut dalam subkaedah (3) mengambil langkah untuk menyiarkan suatu notis dalam sekurang-kurangnya satu surat khabar harian yang diterbitkan dalam bahasa kebangsaan dan mempunyai edaran di seluruh negara sebagaimana yang ditentukan oleh Lembaga Tatatertib itu—

(a) fakta bahawa pegawai itu telah tidak hadir bertugas dan tidak dapat dikesan; dan

(b) menghendaki pegawai itu melaporkan diri untuk bertugas dalam masa tujuh hari dari tarikh penyiaran itu.

(5) Jika pegawai itu melaporkan diri untuk bertugas dalam masa tujuh hari dari tarikh penyiaran notis yang disebut dalam subkaedah (4), Setiausaha hendaklah melaporkan perkara itu kepada Lembaga Tatatertib dan Lembaga Tatatertib itu hendaklah memulakan prosiding tatatertib terhadap pegawai itu.

(6) Jika pegawai itu tidak melaporkan diri untuk bertugas dalam masa tujuh hari dari tarikh penyiaran notis yang disebut dalam subkaedah (4), pegawai itu hendaklah disifatkan telah dibuang kerja daripada perkhidmatan berkuat kuasa mulai dari tarikh dia tidak hadir bertugas.

(7) Pembuangan kerja seseorang pegawai menurut kuasa subkaedah (6) hendaklah disiarkan dalam *Warta*.

Pelucuthakan emolumen kerana tidak hadir untuk bertugas

33. (1) Jika seseorang pegawai telah didapati bersalah kerana tidak hadir untuk bertugas tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah, pegawai itu tidak berhak kepada apa-apa emolumen bagi tempoh ketidakhadirannya dan segala emolumen sedemikian hendaklah disifatkan telah terlucut hak walaupun Lembaga Tatatertib tidak mengarahkan pelucuthakan itu.

(2) Seseorang pegawai yang emolumennya telah terlucut hak di bawah subkaedah (1) hendaklah diberitahu secara bertulis mengenai pelucuthakan itu dialamatnya yang akhir diketahui.

(3) Pelucuthakan emolumen oleh sebab subkaedah (1) bukanlah suatu hukuman tatatertib.

BAHAGIAN VII**PEGAWAI YANG TERTAKLUK KEPADA PROSIDING JENAYAH, *DSB*.****Prosedur jika prosiding jenayah telah dimulakan terhadap seseorang pegawai**

34. (1) Seseorang pegawai hendaklah dengan segera memaklumkan Setiausaha jika apa-apa prosiding jenayah telah dimulakan terhadapnya dalam mana-mana mahkamah.

(2) Jika prosiding jenayah dimulakan terhadap seseorang pegawai, Pendaftar mahkamah yang dalamnya prosiding itu dimulakan hendaklah menghantar kepada Datuk Bandar—

(a) pada permulaan prosiding itu, suatu laporan yang mengandungi maklumat-maklumat yang berikut:

- (i) pertuduhan atau pertuduhan-pertuduhan terhadap pegawai itu;
- (ii) jika pegawai itu telah ditangkap, tarikh dan waktu penangkapannya;
- (iii) sama ada pegawai itu diikat jamin; dan
- (iv) apa-apa maklumat lain yang berkaitan; dan

(b) di akhir prosiding itu, keputusan mahkamah itu dan apa-apa maklumat yang berhubungan dengan apa-apa rayuan, jika ada, yang telah difailkan oleh mana-mana pihak.

(3) Jika Datuk Bandar tidak mendapat laporan di bawah subkaedah (2) tetapi dia mengetahui dari mana-mana punca bahawa prosiding jenayah telah dimulakan dalam mana-mana mahkamah terhadap seseorang pegawai yang sedang berkhidmat dibawahnya, Datuk Bandar hendaklah mendapatkan suatu laporan yang mengandungi maklumat yang disebutkan dalam perenggan (2)(a) dan (b) daripada Pendaftar mahkamah.

(4) Setelah laporan yang disebut dalam subkaedah (2) dan (3) diterima, Datuk Bandar hendaklah mengemukakan laporan itu kepada Lembaga Tatatertib berserta dengan perakuan Datuk Bandar tentang sama ada pegawai itu patut ditahan daripada kerja.

(5) Setelah menimbangkan laporan dan perakuan Datuk Bandar yang dikemukakan kepadanya di bawah subkaedah (4), Lembaga Tatatertib boleh, jika difikirkannya sesuai, menahan pegawai itu daripada menjalankan tugasnya.

(6) Sebaik sahaja selesai prosiding jenayah terhadap pegawai itu, Setiausaha hendaklah mendapatkan daripada Pendaftar mahkamah yang dihadapannya kes itu diselesaikan dan mengemukakan kepada Lembaga Tatatertib—

(a) keputusan mahkamah itu; dan

(b) maklumat berhubung dengan rayuan, jika ada, yang telah difailkan oleh pegawai itu atau Pendakwa Raya.

(7) Jika prosiding jenayah terhadap seseorang pegawai itu berkeputusan dengan pensabitannya, Lembaga Tatatertib hendaklah, sama ada atau tidak pegawai itu merayu terhadap sabitan itu, menggantung pegawai itu daripada menjalankan tugasnya berkuat kuasa mulai dari tarikh sabitannya sementara menunggu keputusan Lembaga Tatatertib di bawah kaedah 35.

(8) Jika prosiding jenayah terhadap seseorang pegawai berkeputusan dengan pembebasannya, dan tiada rayuan dibuat oleh atau bagi pihak Pendakwa Raya terhadap pembebasan itu, pegawai itu hendaklah dibenarkan menjalankan semula tugasnya dan pegawai itu berhak untuk menerima apa-apa emolumen yang telah tidak dibayar dalam tempoh penahanan kerjanya, serta juga cuti rehat tahunan dan segala kelayakan yang pegawai itu berhak kepadanya dalam tempoh penahanan kerjanya.

(9) Jika prosiding jenayah terhadap pegawai itu berkeputusan dengan pembebasannya dan rayuan difailkan oleh Pendakwa Raya, Lembaga Tatatertib hendaklah memutuskan sama ada pegawai itu patut terus ditahan kerja sehingga rayuan itu diputuskan.

(10) Jika prosiding jenayah terhadap seseorang pegawai berkeputusan dengan pensabitannya tetapi atas rayuan pegawai itu telah dibebaskan, pegawai itu hendaklah dibenarkan menjalankan semula tugasnya dan pegawai itu berhak untuk menerima apa-apa emolumen yang telah tidak dibayar dalam tempoh penahanan kerja atau penggantungan kerjanya atau kedua-duanya, serta juga cuti rehat tahunan dan segala kelayakan yang pegawai itu berhak kepadanya dalam tempoh penahanan kerja atau penggantungan kerjanya atau kedua-duanya.

(11) Jika prosiding jenayah terhadap seseorang pegawai berkeputusan dengan pembebasannya tetapi atas rayuan pegawai itu telah disabitkan, Lembaga Tatatertib hendaklah menggantung pegawai itu daripada menjalankan tugasnya berkuat kuasa mulai dari tarikh sabitannya sementara menunggu keputusan Lembaga Tatatertib di bawah kaedah 35.

(12) Bagi maksud kaedah ini, perkataan “pembebasan” termasuklah pelepasan yang tidak terjumlah kepada pembebasan.

Tanggungjawab Setiausaha jika pegawai telah disabitkan kerana kesalahan jenayah

35. (1) Jika prosiding jenayah terhadap seseorang pegawai berkeputusan dengan pensabitannya dan pegawai itu tidak merayu terhadap sabitan itu, atau jika rayuannya terhadap sabitan itu telah ditolak atau jika rayuan oleh Pendakwa Raya terhadap pembebasannya berkeputusan dengan pensabitannya, Setiausaha hendaklah dengan segera mendapatkan suatu salinan keputusan mahkamah itu daripada Pendaftar mahkamah yang olehnya pegawai itu telah disabitkan atau rayuannya telah ditolak.

(2) Apabila keputusan yang disebut dalam subkaedah (1) diterima, Setiausaha hendaklah mengemukakan keputusan itu kepada Lembaga Tatatertib berserta dengan rekod perkhidmatan pegawai itu dan perakuan Setiausaha bahawa—

- (a) pegawai itu patut dibuang kerja atau diturunkan pangkat;
- (b) pegawai itu patut dihukum dengan apa-apa hukuman selain buang kerja atau turun pangkat;
- (c) perkhidmatan pegawai itu patut ditamatkan demi kepentingan awam; atau
- (d) tiada hukuman patut dikenakan,

bergantung kepada jenis dan keseriusan kesalahan yang telah dilakukan berbanding dengan takat sabitan itu telah memburukkan nama Majlis.

Tindakan tatatertib tidak boleh diambil sehingga prosiding jenayah selesai

36. (1) Jika prosiding jenayah telah dimulakan terhadap seseorang pegawai dan masih belum selesai, tiada apa-apa tindakan tatatertib boleh diambil terhadap pegawai itu berasaskan alasan yang sama dengan pertuduhan jenayah dalam prosiding jenayah itu.

(2) Tiada apa-apa jua dalam subkaedah (1) boleh ditafsirkan sebagai menghalang tindakan tatatertib diambil terhadap pegawai itu sementara menunggu penyelesaian prosiding jenayah itu jika tindakan itu diasaskan pada apa-apa alasan lain yang berbangkit daripada kelakuannya dalam pelaksanaan tugasnya.

Akibat pembebasan

37. (1) Seseorang pegawai yang telah dibebaskan daripada suatu pertuduhan jenayah dalam mana-mana prosiding jenayah tidak boleh dikenakan tindakan tatatertib atas pertuduhan yang sama.

(2) Tiada apa-apa jua dalam subkaedah (1) boleh ditafsirkan sebagai menghalang tindakan tatatertib diambil terhadap pegawai itu atas apa-apa alasan lain yang berbangkit daripada kelakuannya berhubung dengan pertuduhan jenayah itu, sama ada atau tidak berkaitan dengan pelaksanaan tugasnya, selagi alasan-alasan bagi tindakan tatatertib itu tidak membangkitkan secara substantial isu-isu yang sama dengan isu-isu dalam prosiding jenayah yang berhubung dengan pertuduhan jenayah yang daripadanya pegawai itu telah dibebaskan.

Prosedur jika terdapat suatu perintah tahanan, buang negeri, dsb.

38. (1) Jika—

- (a) suatu perintah tahanan selain suatu perintah tahanan reman sementara menunggu perbicaraan atau bagi maksud penyiasatan;
- (b) suatu perintah pengawasan, kediaman terhad, buang negeri atau deportasi; atau
- (c) suatu perintah yang mengenakan apa-apa bentuk sekatan atau pengawasan, sama ada dengan bon atau selainnya,

telah dibuat terhadap seseorang pegawai di bawah mana-mana undang-undang yang berhubung dengan keselamatan Malaysia atau mana-mana bahagian Malaysia, pencegahan jenayah, tahanan pencegahan, kediaman terhad, buang negeri, imigresen atau perlindungan wanita dan gadis atau perlindungan kanak-kanak, Setiausaha hendaklah memohon untuk mendapatkan suatu salinan perintah itu daripada pihak berkuasa yang berkenaan.

(2) Apabila suatu salinan perintah yang disebut dalam subkaedah (1) diterima, Setiausaha hendaklah mengemukakannya kepada Lembaga Tatatertib berserta dengan rekod perkhidmatan pegawai itu dan perakuan Setiausaha bahawa—

- (a) pegawai itu patut dibuang kerja atau diturunkan pangkat;
- (b) pegawai itu dihukum dengan apa-apa hukuman selain buang kerja atau turun pangkat;
- (c) perkhidmatan pegawai itu patut ditamatkan demi kepentingan awam; atau
- (d) tiada hukuman patut dikenakan,

bergantung kepada takat keburukan yang telah dibawa oleh pegawai itu kepada Majlis.

Pertimbangan Lembaga Tatatertib dalam kes sabitan dan tahanan

39. (1) Jika, setelah menimbangkan laporan, rekod perkhidmatan dan perakuan Setiausaha yang dikemukakan kepadanya di bawah subkaedah 35(2), Lembaga Tatatertib berpendapat bahawa—

- (a) pegawai itu patut dibuang kerja atau diturunkan pangkat, Lembaga Tatatertib itu hendaklah mengenakan hukuman buang kerja atau turun pangkat, sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib;
- (b) kesalahan yang kerananya pegawai itu disabitkan tidak mewajarkan hukuman buang kerja atau turun pangkat tetapi mewajarkan pengenaan suatu hukuman yang lebih ringan, Lembaga Tatatertib itu hendaklah mengenakan ke atas pegawai itu mana-mana satu atau lebih hukuman selain buang kerja atau turun pangkat yang dinyatakan dalam kaedah 48 sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib; atau
- (c) tiada hukuman patut dikenakan ke atas pegawai itu, Lembaga Tatatertib itu hendaklah membebaskannya.

(2) Jika, setelah menimbangkan laporan, rekod perkhidmatan dan perakuan Setiausaha yang dikemukakan kepadanya di bawah subkaedah 38(2), Lembaga Tatatertib berpendapat bahawa—

- (a) pegawai itu patut dibuang kerja atau diturunkan pangkat, Lembaga Tatatertib itu hendaklah mengenakan hukuman buang kerja atau turun pangkat, sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib;
- (b) alasan yang berdasarkannya perintah itu telah dibuat terhadap pegawai itu tidak mewajarkan hukuman buang kerja atau turun pangkat tetapi mewajarkan pengenaan suatu hukuman yang lebih ringan, Lembaga Tatatertib itu hendaklah mengenakan ke atas pegawai itu mana-mana satu atau lebih hukuman selain buang kerja atau turun pangkat yang dinyatakan dalam kaedah 48 sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib; atau
- (c) tiada hukuman patut dikenakan ke atas pegawai itu, Lembaga Tatatertib itu hendaklah membebaskannya.

(3) Jika hukuman selain buang kerja telah dikenakan ke atas seseorang pegawai atau jika tiada hukuman telah dikenakan keatasnya, Lembaga Tatatertib hendaklah mengarahkan pegawai itu supaya menjalankan tugasnya semula.

BAHAGIAN VIII

PROSEDUR TATATERTIB

*Bab 1 - Am***Syarat-syarat bagi pembuangan kerja atau penurunan pangkat**

40. (1) Tertakluk kepada subkaedah (2), tiada seorang pegawai pun boleh dibuang kerja atau diturunkan pangkat dalam apa-apa prosiding tatatertib di bawah Bahagian ini, melainkan jika pegawai itu telah terlebih dahulu diberitahu secara bertulis mengenai alasan-alasan yang berdasarkannya tindakan itu dicadangkan dan pegawai itu telah diberi peluang yang munasabah untuk didengar.

(2) Subkaedah (1) tidak terpakai dalam hal yang berikut:

- (a) jika seseorang pegawai telah dibuang kerja atau diturunkan pangkat atas alasan kelakuan yang berkenaan dengannya suatu pertuduhan jenayah telah dibuktikan terhadapnya;
- (b) jika Lembaga Tatatertib berpuas hati bahawa kerana sesuatu sebab, yang hendaklah direkodkan olehnya secara bertulis, tidaklah semunasabahnya praktik untuk menjalankan kehendak subkaedah (1);
- (c) jika Duli Yang Maha Mulia Sultan Selangor berpuas hati bahawa demi kepentingan keselamatan Negeri atau mana-mana bahagiannya tidaklah suai manfaat untuk menjalankan kehendak subkaedah (1); atau
- (d) jika apa-apa perintah tahanan, pengawasan, kediaman terhad, buang negeri atau deportasi telah dibuat terhadap pegawai itu atau jika apa-apa bentuk sekatan atau pengawasan dengan bon atau selainnya telah dikenakan ke atas pegawai itu, di bawah mana-mana undang-undang yang berhubungan dengan keselamatan Negeri atau mana-mana bahagiannya, pencegahan jenayah, tahanan pencegahan, kediaman terhad, buang negeri, imigresen, atau perlindungan wanita dan gadis atau perlindungan kanak-kanak.

Pengerusi Lembaga Tatatertib hendaklah menentukan jenis pelanggaran tatatertib

41. Jika seseorang pegawai dikatakan telah melakukan suatu kesalahan tatatertib, Pengerusi Lembaga Tatatertib hendaklah, sebelum memulakan apa-apa prosiding tatatertib berkenaan dengan pegawai itu, menimbangkan dan menentukan sama ada kesalahan tatatertib yang diadukan itu adalah daripada jenis yang patut dikenakan hukuman buang kerja atau turun pangkat atau suatu hukuman yang lebih ringan daripada buang kerja atau turun pangkat.

Bab 2 - Prosiding tatatertib tidak dengan tujuan buang kerja atau turun pangkat

Prosedur dalam kes tatatertib tidak dengan tujuan buang kerja atau turun pangkat

42. (1) Jika ditentukan di bawah kaedah 41 bahawa kesalahan tatatertib yang diadakan terhadap seseorang pegawai adalah daripada jenis yang patut dikenakan suatu hukuman yang lebih ringan daripada buang kerja atau turun pangkat, Pengerusi Lembaga Tatatertib yang disebut dalam kaedah 41, setelah berpuas hati bahawa wujud suatu kesalahan tatatertib, hendaklah memaklumkan pegawai itu melalui notis di bawah kaedah 63 fakta kesalahan tatatertib yang dikatakan telah dilakukan olehnya dan hendaklah memberi pegawai itu peluang untuk membuat representasi bertulis dalam tempoh dua puluh satu hari dari tarikh dia dimaklumkan mengenai fakta itu.

(2) Jika Lembaga Tatatertib berpendapat bahawa representasi pegawai itu menghendaki penjelasan lanjut, Lembaga Tatatertib itu boleh menghendaki pegawai itu supaya memberikan penjelasan lanjut dalam suatu tempoh sebagaimana yang ditetapkan oleh Lembaga Tatatertib.

(3) Jika, setelah menimbangkan representasi pegawai itu dan penjelasan lanjut pegawai itu (jika penjelasan lanjut diberikan), Lembaga Tatatertib—

- (a) mendapati pegawai itu bersalah atas kesalahan tatatertib yang dikatakan telah dilakukan olehnya, Lembaga Tatatertib itu hendaklah mengenakan ke atas pegawai itu mana-mana satu atau lebih hukuman selain buang kerja atau turun pangkat yang dinyatakan dalam kaedah 48 sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib; atau
- (b) mendapati pegawai itu tidak bersalah, Lembaga Tatatertib itu hendaklah membebaskannya.

Bab 3 - Prosiding tatatertib dengan tujuan buang kerja atau turun pangkat

Prosedur dalam kes tatatertib dengan tujuan buang kerja atau turun pangkat

43. (1) Jika ditentukan di bawah kaedah 41 bahawa kesalahan tatatertib yang diadakan terhadap seseorang pegawai adalah daripada jenis yang patut dikenakan hukuman buang kerja atau turun pangkat, Pengerusi Lembaga Tatatertib hendaklah menimbangkan segala maklumat yang ada.

(2) Jika didapati oleh Pengerusi Lembaga Tatatertib bahawa wujud suatu kes *prima facie* terhadap pegawai itu, Pengerusi Lembaga Tatatertib hendaklah—

- (a) mengarahkan supaya suatu pertuduhan yang mengandungi fakta kesalahan tatatertib yang dikatakan telah dilakukan oleh pegawai itu dan alasan-alasan yang berdasarkannya pegawai itu dicadangkan supaya dibuang kerja atau diturunkan pangkatnya dihantar kepada pegawai itu; dan

(b) menghendaki pegawai itu untuk membuat, dalam tempoh dua puluh satu hari dari tarikh dia dimaklumkan pertuduhan itu melalui notis di bawah kaedah 63, suatu representasi bertulis yang mengandungi alasan-alasan yang padanya dia bergantung untuk membebaskan dirinya.

(3) Jika, setelah menimbangkan representasi yang dibuat menurut subkaedah (1), Lembaga Tatatertib berpendapat bahawa kesalahan tatatertib yang dilakukan oleh pegawai itu tidak mewajarkan hukuman buang kerja atau turun pangkat, Lembaga Tatatertib boleh mengenakan ke atas pegawai itu apa-apa hukuman yang lebih ringan yang dinyatakan dalam kaedah 48 sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib.

(4) Jika pegawai itu tidak membuat apa-apa representasi dalam tempoh yang dinyatakan dalam perenggan (2)(b), atau jika pegawai itu telah membuat representasi sedemikian tetapi representasi itu tidak dapat memuaskan hati Lembaga Tatatertib, Lembaga Tatatertib itu hendaklah terus menimbangkan dan membuat keputusan tentang pembuangan kerja atau penurunan pangkat pegawai itu.

(5) Jika Lembaga Tatatertib berpendapat bahawa kes terhadap pegawai itu menghendaki penjelasan lanjut, Lembaga Tatatertib boleh menubuhkan suatu Jawatankuasa Penyiasatan bagi maksud mendapatkan penjelasan lanjut sedemikian.

Jawatankuasa Penyiasatan

44. (1) Jawatankuasa Penyiasatan hendaklah terdiri daripada tidak kurang daripada dua orang pegawai Majlis.

(2) Anggota-anggota Jawatankuasa Penyiasatan hendaklah berpangkat lebih tinggi daripada pegawai yang disiasat itu tetapi Ketua Jabatan pegawai yang disiasat itu tidak boleh menjadi anggota Jawatankuasa Penyiasatan.

(3) Jika, dalam keadaan tiada pegawai yang berpangkat lebih tinggi dari pegawai yang disiasat, Pengerusi Lembaga Tatatertib boleh memohon kepada Setiausaha Kerajaan Negeri untuk Setiausaha Kerajaan Negeri melantik pegawai daripada Pihak Berkuasa Negeri yang berpangkat lebih tinggi dari pegawai dalam siasatan untuk menjadi anggota Jawatankuasa Penyiasatan tersebut.

Prosedur yang hendaklah diikuti oleh Jawatankuasa Penyiasatan

45. (1) Jawatankuasa Penyiasatan—

(a) hendaklah memberitahu pegawai yang disiasat itu tarikh persoalan mengenai pembuangan kerja atau penurunan pangkatnya akan dibawa di hadapan Jawatankuasa Penyiasatan; dan

(b) boleh memanggil dan memeriksa mana-mana saksi atau mengambil apa-apa tindakan sebagaimana yang difikirkan perlu atau patut oleh Jawatankuasa Penyiasatan untuk mendapatkan penjelasan lanjut mengenai kes itu.

(2) Jika Jawatankuasa Penyasatan berpandangan bahawa pegawai itu patut dibenarkan hadir di hadapan Jawatankuasa Penyasatan untuk membela dirinya, pegawai itu hendaklah menghadirkan dirinya di hadapan Jawatankuasa Penyasatan bagi maksud itu.

(3) Jika saksi-saksi telah dipanggil dan diperiksa oleh Jawatankuasa Penyasatan, pegawai itu hendaklah diberi peluang untuk hadir dan untuk menyoal balas saksi-saksi bagi pihak dirinya.

(4) Tiada keterangan dokumentasi boleh digunakan terhadap seseorang pegawai melainkan jika pegawai itu telah sebelum itu dibekalkan dengan satu salinan keterangan itu atau telah diberi akses kepada keterangan itu.

(5) Jawatankuasa Penyasatan boleh membenarkan Majlis atau pegawai itu diwakili oleh seorang pegawai Majlis, atau dalam hal yang luar biasa, oleh seorang peguam bela dan peguam cara, tetapi Jawatankuasa Penyasatan boleh menarik balik kebenaran itu tertakluk kepada apa-apa penangguhan yang munasabah dan perlu bagi membolehkan pegawai itu untuk membentangkan kesnya sendiri.

(6) Jika Jawatankuasa Penyasatan membenarkan Majlis diwakili, Jawatankuasa Penyasatan hendaklah juga membenarkan pegawai yang disiasat itu diwakili dengan cara yang sama.

(7) Jika pegawai yang disiasat yang dikehendaki hadir di hadapan Jawatankuasa Penyasatan gagal untuk hadir pada tarikh dan masa yang ditetapkan dan jika tiada alasan yang mencukupi diberikan bagi suatu penangguhan, Jawatankuasa Penyasatan boleh terus menimbang dan membuat keputusan tentang aduan itu atau boleh menangguhkan prosiding itu ke suatu tarikh yang lain.

(8) Setelah tamat penyiasatannya, Jawatankuasa Penyasatan hendaklah mengemukakan suatu laporan tentang penyiasatan itu kepada Lembaga Tatatertib.

(9) Jika Lembaga Tatatertib berpendapat bahawa laporan yang dikemukakan kepadanya di bawah subkaedah (8) tidak jelas tentang perkara-perkara tertentu atau bahawa penyiasatan lanjut adalah perlu, Lembaga Tatatertib boleh merujuk perkara itu semula kepada Jawatankuasa Penyasatan bagi penyiasatan lanjut.

Alasan lanjut bagi pembuangan kerja

46. (1) Jika, semasa sesuatu penyiasatan dijalankan oleh Jawatankuasa Penyasatan, alasan-alasan lanjut bagi pembuangan kerja pegawai yang disiasat itu telah diperolehi, Jawatankuasa Penyasatan hendaklah memberitahu Lembaga Tatatertib mengenai alasan-alasan lanjut itu.

(2) Jika Lembaga Tatatertib fikirkan patut diteruskan tindakan terhadap pegawai itu berdasarkan alasan-alasan lanjut itu, pegawai itu hendaklah diberi suatu pernyataan bertulis mengenai alasan-alasan itu, dan prosedur yang dinyatakan dalam kaedah 43, 44 dan 45 hendaklah terpakai berkenaan dengan alasan lanjut itu sebagaimana prosedur itu terpakai berkenaan dengan alasan asal.

Kuasa Lembaga Tatatertib

47. (1) Jika, setelah menimbang representasi pegawai dan laporan Jawatankuasa Penyiasatan, jika ada, Lembaga Tatatertib—

- (a) mendapati pegawai itu bersalah atas kesalahan tatatertib yang dikatakan telah dilakukan olehnya dan pegawai itu patut dibuang kerja atau diturunkan pangkat, Lembaga Tatatertib itu hendaklah mengenakan hukuman buang kerja atau turun pangkat, sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib;
- (b) mendapati pegawai itu bersalah atas kesalahan tatatertib yang dikatakan telah dilakukan olehnya tetapi, setelah mengambil kira dalam pertimbangan hal keadaan dalam mana kesalahan tatatertib itu telah dilakukan dan faktor peringanan yang lain, kesalahan itu tidak mewajarkan hukuman buang kerja atau turun pangkat tetapi mewajarkan pengenaan suatu hukuman yang lebih ringan, Lembaga Tatatertib hendaklah mengenakan ke atas pegawai itu mana-mana satu atau lebih hukuman selain buang kerja atau turun pangkat yang dinyatakan dalam kaedah 48 sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib; atau
- (c) mendapati pegawai itu tidak bersalah, Lembaga Tatatertib itu hendaklah membebaskannya.

(2) Walau apa pun perenggan (1)(a), pembuangan kerja atau penurunan pangkat seseorang Ketua Jabatan atau timbalannya tidak boleh berkuat kuasa sehingga pembuangan kerja atau penurunan pangkat itu telah disahkan oleh Pihak Berkuasa Negeri.

BAHAGIAN IX**HUKUMAN TATATERTIB****Jenis hukuman tatatertib**

48. Jika seseorang pegawai didapati bersalah atas suatu kesalahan tatatertib, mana-mana satu atau apa-apa gabungan dua atau lebih hukuman boleh dikenakan ke atas pegawai itu, bergantung kepada keseriusan kesalahan itu seperti yang berikut:

- (a) amaran;
- (b) denda;
- (c) lucut hak emolumen;
- (d) tangguh pergerakan gaji;

- (e) turun gaji;
- (f) turun pangkat; atau
- (g) buang kerja.

Denda atau lucut hak emolumen

49. (1) Hukuman denda atau lucut hak emolumen hendaklah dibuat mengikut subkaedah (2), (3), (4), (5) dan (6).

(2) Apa-apa denda yang dikenakan pada mana-mana satu masa tidak boleh melebihi amaun yang sama banyak dengan emolumen bagi tujuh hari pegawai berkenaan.

(3) Jika seseorang pegawai didenda lebih daripada sekali dalam mana-mana bulan kalendar, agregat denda yang dikenakan ke atasnya dalam bulan itu tidak boleh melebihi amaun yang sama banyak dengan empat puluh lima peratus daripada emolumen bulanannya.

(4) Jika hukuman yang dikenakan adalah kerana pegawai tidak hadir untuk bertugas tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah, apa-apa pelucuthakan emolumen pegawai itu hendaklah, melainkan jika diputuskan selainnya oleh Lembaga Tatatertib, dihitung dengan mengambil kira tempoh sebenar pegawai itu tidak hadir.

(5) Pelaksanaan hukuman denda atau lucut hak emolumen tidak boleh dijalankan ke atas seseorang pegawai yang tidak hadir tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah jika emolumen pegawai itu telah dilucuthakkan, berkenaan dengan ketidakhadiran untuk bertugas itu, di bawah kaedah 33.

(6) Segala denda atau lucut hak emolumen hendaklah dipotong daripada emolumen bulanan pegawai itu dan hendaklah dimasukkan ke dalam hasil Majlis.

Tanggung pergerakan gaji

50. (1) Hukuman tanggung pergerakan gaji boleh dikenakan oleh Lembaga Tatatertib bagi tempoh—

- (a) tiga bulan;
- (b) enam bulan;
- (c) sembilan bulan; atau
- (d) dua belas bulan,

sebagaimana yang difikirkan sesuai oleh Lembaga Tatatertib itu.

(2) Hukuman tangguh pergerakan gaji yang dikenakan ke atas seseorang pegawai hendaklah dilaksanakan pada tarikh ulang tahun pergerakan gaji yang berikutnya bagi pegawai itu selepas tarikh penganan hukuman itu oleh Lembaga Tatatertib.

(3) Seseorang pegawai yang ke atasnya hukuman tangguh pergerakan gaji dikenakan tidak berhak untuk menerima apa-apa pergerakan gaji bagi dan dalam tempoh hukuman itu sedang berkuat kuasa.

(4) Sesuatu hukuman tangguh pergerakan gaji hendaklah mempunyai akibat-akibat yang berikut pada pegawai yang atasnya hukuman itu dikenakan:

- (a) pergerakan gajinya hendaklah diubah ke tarikh pergerakan gaji yang paling hampir selepas tamat tempoh hukuman itu; dan
- (b) tarikh pergerakan gajinya hendaklah kekal pada tarikh yang diubah di bawah perenggan (a) sehingga pegawai itu mencapai tangga maksimum dalam jadual gajinya.

Turun gaji

51. (1) Tertakluk kepada subkaedah (6), Lembaga Tatatertib boleh mengenakan hukuman turun gaji ke atas seseorang pegawai mengikut peruntukan-peruntukan yang berikut:

- (a) gaji itu hanya boleh diturunkan dalam jadual gaji yang sama bagi pegawai yang diperuntukkan mata gaji dalam jadual gaji pegawai;
- (b) penurunan gaji itu tidak boleh melebihi tiga pergerakan gaji, dengan syarat hukuman turun gaji tidak boleh menyebabkan pegawai menerima gaji kurang daripada gaji minimum yang ditentukan bagi gred jawatan yang disandang oleh pegawai; dan
- (c) tempoh hukuman itu tidak boleh kurang daripada dua belas bulan tetapi tidak boleh lebih daripada tiga puluh enam bulan pada mana-mana satu masa.

(2) Hukuman turun gaji yang dikenakan ke atas seseorang pegawai hendaklah dilaksanakan pada tarikh yang ditetapkan oleh Lembaga Tatatertib atau jika tiada tarikh ditetapkan, pada tarikh hukuman itu dijatuhkan.

(3) Tarikh pergerakan gaji seseorang pegawai yang keatasnya hukuman turun gaji dikenakan hendaklah diubah ke tarikh pergerakan gaji yang berikutnya selepas hukuman itu tamat.

(4) Seseorang pegawai yang keatasnya hukuman turun gaji dikenakan tidak berhak untuk menerima apa-apa pergerakan gaji bagi dan dalam tempoh hukuman itu sedang berkuat kuasa.

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

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

(7) Sekiranya hukuman turun gaji yang dilaksanakan di bawah Kaedah-Kaedah 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.

Turun pangkat

52. (1) Tertakluk kepada subkaedah (3), Lembaga Tatatertib boleh mengenakan hukuman turun pangkat ke atas seseorang pegawai dan hukuman itu hendaklah dikenakan dengan—

- (a) menurunkan gred pegawai itu ke satu gred yang lebih rendah dalam skim perkhidmatan yang sama; dan
- (b) menentukan gaji pegawai itu menggunakan kaedah dalam subkaedah (2).

(2) Kaedah bagi menentukan gaji pegawai yang dikenakan hukuman turun pangkat adalah seperti 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
- (d) bagi pegawai yang tidak diperuntukkan dengan mata gaji tetapi telah diturunkan pangkat ke gred yang diperuntukkan dengan mata gaji, gaji hakikinya di gred sebelum hukuman dikenakan hendaklah dikurangkan terlebih dahulu sebanyak lima belas peratus dan kemudiannya gajinya hendaklah ditentukan pada suatu mata gaji yang lebih rendah, tetapi paling hampir, dalam jadual gaji bagi gred turun pangkat, dan sekiranya mata gaji yang paling hampir itu adalah sama atau kurang daripada gaji minimum di gred turun pangkat, gaji pegawai itu hendaklah ditentukan pada mata gaji minimum gred turun pangkat itu.

(3) Sekiranya hukuman turun pangkat digabungkan dengan hukuman turun gaji, kedua-dua hukuman itu hendaklah dilaksanakan serentak dan perenggan (a), (b) dan (c) hendaklah terpakai mengikut mana yang berkenaan.

(4) Hukuman turun pangkat tidak terpakai ke atas pegawai lantikan terus dan lantikan kontrak.

BAHAGIAN X

PENAHANAN KERJA DAN PENGGANTUNGAN KERJA

Penahanan kerja bagi maksud penyasatan

53. (1) Tanpa menjejaskan kaedah 34 dan 54, jika seseorang pegawai dikatakan atau semunasabahnya disyaki telah melakukan suatu kesalahan jenayah atau suatu kesalahan tatatertib yang serius, Lembaga Tatatertib itu boleh menahan kerja pegawai itu bagi suatu tempoh tidak melebihi dua bulan bagi maksud memudahkan penyasatan terhadap pegawai itu.

(2) Dalam memutuskan sama ada hendak menahan kerja seseorang pegawai di bawah subkaedah (1), Lembaga Tatatertib hendaklah mengambil kira faktor-faktor yang berikut:

- (a) sama ada pengatahan itu atau kesalahan yang disyaki itu adalah secara langsung berhubungan dengan tugas pegawai itu; dan
 - (b) sama ada kehadiran pegawai itu di pejabat akan menggendalakan penyasatan.
- (3) Jika, dalam tempoh seseorang pegawai itu ditahan kerja—
- (a) prosiding jenayah telah dimulakan terhadap pegawai itu di mana-mana mahkamah; atau
 - (b) tindakan tatatertib telah diambil terhadapnya dengan tujuan pembuangan kerja atau penurunan pangkatnya,

perintah penahanan kerja yang dibuat di bawah subkaedah (1) hendaklah terhenti berkuat kuasa mulai dari tarikh prosiding jenayah itu dimulakan atau tindakan tatatertib itu diambil terhadap pegawai itu; dan Lembaga Tatatertib hendaklah mengambil apa-apa tindakan selanjutnya sebagaimana yang difikirkannya patut di bawah kaedah 54.

(4) Seseorang pegawai yang telah ditahan kerja di bawah kaedah ini berhak menerima emolumen penuhnya dalam tempoh penahanan kerjanya.

Penahanan kerja

54. (1) Lembaga Tatatertib boleh, jika difikirkannya sesuai dan patut, dengan mengambil kira perkara-perkara yang dinyatakan dalam subkaedah (4), menahan seseorang pegawai daripada menjalankan tugasnya jika—

- (a) prosiding jenayah telah dimulakan terhadap pegawai itu; atau
- (b) prosiding tatatertib dengan tujuan supaya hukuman buang kerja atau turun pangkat dikenakan ke atasnya telah dimulakan terhadap pegawai itu.

(2) Jika seseorang pegawai telah ditahan kerja di bawah perenggan (1)(a), penahanan kerjanya boleh dijadikan berkuat kuasa mulai dari tarikh pegawai itu telah ditangkap atau dari tarikh saman telah disampaikan kepadanya.

(3) Jika seseorang pegawai telah ditahan kerja di bawah perenggan (1)(b), penahanan kerjanya boleh dijadikan berkuat kuasa dari tarikh sebagaimana yang ditetapkan oleh Lembaga Tatatertib.

(4) Dalam memutuskan sama ada hendak menahan kerja seseorang pegawai di bawah subkaedah (1), Lembaga Tatatertib hendaklah mengambil kira faktor-faktor yang berikut:

- (a) sama ada jenis kesalahan yang dengannya pegawai itu dipertuduh adalah secara langsung berhubungan dengan tugasnya;
- (b) sama ada kehadiran pegawai itu di pejabat akan menggendalakan penyiasatan;
- (c) sama ada kehadiran pegawai itu di pejabat untuk menjalankan tugas dan tanggungjawabnya yang biasa boleh memalukan, atau boleh menjejaskan nama atau imej jabatan pegawai itu; atau
- (d) sama ada, dengan mengambil kira jenis kesalahan yang dengannya pegawai dipertuduh, penahanan kerja pegawai itu akan menyebabkan Majlis menanggung kerugian.

(5) Jika Lembaga Tatatertib memanggil balik seseorang pegawai yang telah ditahan kerja di bawah subkaedah (1) untuk menjalankan semula tugasnya sedangkan prosiding jenayah atau prosiding tatatertib dengan tujuan pembuangan kerja atau penurunan pangkatnya masih belum selesai, maka—

- (a) perintah penahanan kerja itu hendaklah terhenti berkuat kuasa mulai dari tarikh pegawai itu menjalankan semula tugasnya;
- (b) pegawai itu hendaklah dibayar emolumen penuhnya mulai tarikh pegawai itu menjalankan semula tugasnya; dan
- (c) apa-apa bahagian emolumennya yang telah tidak dibayar semasa penahanan kerjanya tidak boleh dibayar sehingga prosiding jenayah atau prosiding tatatertib dengan tujuan pembuangan kerja atau penurunan pangkatnya selesai dan suatu keputusan berkaitan dengan emolumen itu dibuat oleh Lembaga Tatatertib.

(6) Dalam tempoh penahanan kerjanya di bawah kaedah ini, seseorang pegawai berhak, melainkan jika dan sehingga pegawai itu digantung kerja atau dibuang kerja, untuk menerima tidak kurang daripada setengah emolumennya sebagaimana yang difikirkan patut oleh Lembaga Tatatertib.

(7) Tanpa menjejaskan subkaedah 34(8), jika seseorang pegawai telah dibebaskan daripada pertuduhan jenayah atau telah dilepaskan tetapi pelepasan itu tidak terjumlah kepada suatu pembebasan atau telah dibebaskan daripada apa-apa pertuduhan tatatertib, apa-apa bahagian emolumennya yang telah tidak dibayar kepadanya semasa pegawai itu ditahan kerja hendaklah dibayar kepadanya.

Penggantungan kerja

55. (1) Lembaga Tatatertib boleh menggantung seseorang pegawai daripada menjalankan tugasnya jika —

- (a) pegawai itu telah disabitkan oleh mana-mana mahkamah jenayah; atau
- (b) suatu perintah sebagaimana yang dinyatakan dalam kaedah 38 telah dibuat terhadap pegawai itu.

(2) Tempoh penggantungan kerja di bawah kaedah ini hendaklah mula berkuat kuasa dari tarikh sabitan atau tarikh kuat kuasa perintah itu, mengikut mana-mana yang berkenaan.

(3) Seseorang pegawai yang telah digantung daripada menjalankan tugasnya —

- (a) tidak boleh dibenarkan untuk menerima apa-apa bahagian emolumennya yang telah tidak dibayar dalam tempoh penahanan kerjanya di bawah kaedah 54; dan
- (b) tidak berhak untuk menerima apa-apa emolomen sepanjang tempoh penggantungan kerjanya.

(4) Keputusan oleh Lembaga Tatatertib untuk menggantung kerja seseorang pegawai hendaklah dimaklumkan kepadanya secara bertulis.

Emolomen yang tidak dibayar

56. (1) Jika prosiding tatatertib terhadap seseorang pegawai berkeputusan dengan pegawai itu dibuang kerja, pegawai itu tidak berhak kepada apa-apa bahagian emolumennya yang telah tidak dibayar kepadanya dalam tempoh penahanan kerja atau penggantungan kerjanya.

(2) Jika prosiding tatatertib terhadap seseorang pegawai berkeputusan dengan suatu hukuman selain buang kerja dikenakan ke atas pegawai itu, pegawai itu berhak untuk menerima apa-apa bahagian emolumennya yang telah tidak dibayar kepadanya dalam tempoh penahanan kerja atau penggantungan kerjanya.

Penjalanan semula tugas

57. Jika seseorang pegawai telah ditahan kerja di bawah kaedah 54 atau digantung kerja di bawah kaedah 55, dan prosiding tatatertib terhadap pegawai itu berkeputusan dengan suatu hukuman selain buang kerja dikenakan ke atas pegawai itu, Lembaga Tatatertib hendaklah mengarahkan pegawai itu supaya menjalankan semula tugasnya.

Prosedur tata tertib bagi seseorang pegawai yang sedang berkhidmat di luar Malaysia

58. Jika prosiding tata tertib telah dimulakan terhadap seseorang pegawai di luar Malaysia, pegawai itu hendaklah ditahan kerja mengikut kaedah 54, dan jika pegawai itu telah disabitkan, tindakan tata tertib hendaklah diambil di bawah Kaedah-Kaedah ini terhadapnya.

Pegawai tidak boleh meninggalkan Malaysia tanpa kebenaran bertulis

59. (1) Seseorang pegawai yang telah ditahan kerja atau digantung daripada menjalankan tugasnya tidak boleh meninggalkan Malaysia tanpa terlebih dahulu mendapat kebenaran bertulis daripada Pengerusi Lembaga Tata tertib.

(2) Jika pegawai yang telah ditahan kerja atau digantung daripada menjalankan tugasnya sedang berkhidmat di luar Malaysia, pegawai itu hendaklah segera dipanggil balik ke Malaysia dan pegawai itu tidak boleh meninggalkan Malaysia tanpa terlebih dahulu mendapat kebenaran bertulis daripada Pengerusi Lembaga Tata tertib.

(3) Walau apa pun peruntukan subkaedah 54(6), Lembaga Tata tertib hendaklah mengambil segala langkah yang perlu untuk menghentikan pembayaran apa-apa emolumen kepada seseorang pegawai yang telah ditahan kerja tetapi telah meninggalkan Malaysia tanpa terlebih dahulu mendapat kebenaran bertulis daripada Pengerusi Lembaga Tata tertib.

BAHAGIAN XI**PENAMATAN DEMI KEPENTINGAN AWAM****Penamatan demi kepentingan awam**

60. (1) Walau apa pun apa-apa peruntukan dalam Kaedah-Kaedah ini, jika Majlis mendapati atau jika representasi dibuat kepada Majlis bahawa adalah wajar perkhidmatan seseorang pegawai ditamatkan demi kepentingan awam, Majlis bolehlah meminta laporan penuh daripada Ketua Jabatan di mana pegawai itu sedang berkhidmat atau telah berkhidmat.

(2) Laporan yang disebut dalam subkaedah (1) hendaklah mengandungi butir-butir berhubungan dengan kerja dan kelakuan pegawai itu dan ulasan-ulasan Ketua Jabatan, jika ada.

(3) Jika, setelah menimbang laporan yang diterima di bawah subkaedah (1), Majlis berpuas hati bahawa, memandangkan syarat-syarat perkhidmatan, kegunaan pegawai itu kepada perkhidmatan, kerja dan kelakuan pegawai itu dan segala hal keadaan lain kes itu, adalah wajar demi kepentingan awam untuk berbuat demikian, Majlis bolehlah menamatkan perkhidmatan pegawai itu mulai dari tarikh yang hendaklah ditentukan oleh Majlis.

(4) Adalah sah di sisi undang-undang bagi Lembaga Tatatertib untuk mengesyorkan kepada Majlis bahawa perkhidmatan seseorang pegawai itu ditamatkan demi kepentingan awam walaupun prosiding tatatertib belum dijalankan di bawah mana-mana peruntukan Kaedah-Kaedah ini; dan Majlis boleh dengan demikian menamatkan perkhidmatan pegawai tersebut.

(5) Walau apa pun apa-apa jua dalam Kaedah-Kaedah ini dan mana-mana undang-undang lain yang berlawanan, apabila menamatkan perkhidmatan mana-mana pegawai demi kepentingan awam di bawah kaedah ini, pegawai itu boleh tidak diberikan apa-apa peluang untuk didengar dan seseorang pegawai yang perkhidmatannya telah ditamatkan demi kepentingan awam di bawah kaedah ini tidak boleh, bagi maksud Akta Kerajaan Tempatan 1976 [*Akta 171*], dianggapkan telah dibuang kerja, tidak kira sama ada penamatan perkhidmatan pegawai itu melibatkan suatu elemen hukuman atau yang berkaitan dengan kelakuan berhubungan dengan jawatannya yang Majlis menganggap tidak memuaskan atau patut disalahkan.

BAHAGIAN XII

PELBAGAI

Butir-butir kesalahan dan hukuman hendaklah dicatatkan

61. Tiap-tiap tindakan tatatertib yang diambil terhadap seseorang pegawai yang berkeputusan dengan suatu hukuman dikenakan ke atas pegawai itu di bawah Kaedah-Kaedah ini hendaklah dicatatkan dalam rekod perkhidmatan pegawai itu dengan menyatakan butir-butir kesalahan yang telah dilakukan dan hukuman yang telah dikenakan.

Surcaj

62. (1) Walau apa pun apa-apa jua yang terkandung dalam Kaedah-Kaedah ini, Lembaga Tatatertib boleh mengenakan surcaj terhadap mana-mana pegawai mengikut apa-apa tatacara kewangan yang berkuat kuasa atau terpakai kepada Majlis.

(2) Tiap-tiap pengenaan surcaj di bawah subkaedah (1) hendaklah direkodkan dalam rekod perkhidmatan pegawai itu.

Penyampaian notis, dokumen, dsb.

63. (1) Tiap-tiap pegawai hendaklah memberi Datuk Bandar alamat kediamannya atau apa-apa perubahan alamat itu dan alamat itu hendaklah menjadi alamatnya bagi maksud menyampaikan kepadanya apa-apa notis atau dokumen yang dikehendaki disampaikan di bawah Kaedah-Kaedah ini atau bagi maksud berkomunikasi dengannya mengenai apa-apa perkara yang berhubungan dengan Kaedah-Kaedah ini.

(2) Apa-apa notis, dokumen atau komunikasi yang ditinggalkan atau diposkan atau dihantar dengan apa-apa cara lain yang munasabah ke alamat bagi penyampaian yang diberikan di bawah subkaedah (1) hendaklah disifatkan telah disampaikan atau diberitahu dengan sempurna kepada pegawai itu.

Tandatangan pada surat dan persuratan lain

64. Apa-apa surat-menyurat antara Lembaga Tatatertib dengan pegawai yang tertakluk kepada tindakan tatatertib hendaklah ditandatangani oleh Pengerusi Lembaga Tatatertib atau oleh mana-mana anggota Lembaga Tatatertib bagi pihak Pengerusi Lembaga Tatatertib.

Pembatalan dan kecualian

65. (1) Kaedah-Kaedah Pekerja (Kelakuan dan Tatatertib) (Majlis Daerah Petaling) 1995 [*Sel.P.U.37*], kemudian daripada ini disebut “Kaedah-Kaedah yang dibatalkan”, adalah dengan ini dibatalkan.

(2) Jika pada tarikh mula berkuatkuasanya Kaedah-Kaedah ini, prosiding tatatertib belum selesai di hadapan Lembaga Tatatertib, prosiding itu hendaklah diteruskan di bawah dan dengan menepati Kaedah-Kaedah ini; tetapi jika pada mula berkuatkuasanya Kaedah-Kaedah ini, mana-mana perkara tatatertib sedang didengar, atau telah didengar tetapi tiada perintah atau keputusan telah dibuat mengenainya, prosiding itu hendaklah diteruskan di bawah Kaedah-Kaedah yang dibatalkan.

(3) Bagi maksud menyelesaikan suatu pendengaran di hadapannya, atau membuat sesuatu perintah atau memberi sesuatu keputusan mengenai perkara yang didengar sebelum mula berkuatkuasanya Kaedah-Kaedah ini, Lembaga Tatatertib hendaklah menyelesaikan pendengaran itu mengikut kuasa yang terletak hak padanya sebelum sahaja mula berkuatkuasanya Kaedah-Kaedah ini dan boleh membuat apa-apa perintah atau keputusan yang boleh dibuat olehnya di bawah kuasa yang terletak hak padanya sebelum sahaja mula berkuatkuasanya Kaedah-Kaedah ini.

(4) Bagi maksud Kaedah-Kaedah ini, “Lembaga Tatatertib” hendaklah mempunyai makna yang diberikan kepadanya di bawah Kaedah-Kaedah yang dibatalkan.

JADUAL PERTAMA

KAEDAH-KAEDAH PEGAWAI MAJLIS BANDARAYA SUBANG JAYA
(KELAKUAN DAN TATATERTIB) 2023

[Subkaedah 7(1)]

SURAT AKU JANJI

Saya,....., No. Kad Pengenalan yang beralamat di, dengan sesungguhnya berjanji bahawa saya akan mematuhi Kaedah-Kaedah Pegawai Majlis Bandaraya Subang Jaya (Kelakuan dan Tatatertib) 2023, Perintah-Perintah Am, Pekeliling dan Surat Pekeliling serta peraturan dan arahan lain yang dikeluarkan dan dikuatkuasakan oleh Majlis dari semasa ke semasa sepanjang perkhidmatan saya dengan Majlis. Maka dengan ini saya berjanji sebagaimana yang dikehendaki di bawah kaedah 9, Kaedah-Kaedah Pegawai Majlis Bandaraya Subang Jaya (Kelakuan dan Tatatertib) 2023 bahawa saya—

- (i) akan sentiasa taat kepada Yang di-Pertuan Agong, Duli Yang Maha Mulia Sultan Selangor, Negara, Kerajaan dan Majlis;
- (ii) akan sentiasa melaksanakan tugas dengan cermat, bersungguh-sungguh, cekap, jujur, amanah dan bertanggungjawab;
- (iii) tidak akan membelakangkan tugas rasmi demi kepentingan peribadi saya;
- (iv) tidak akan berkelakuan dengan cara yang mungkin menyebabkan kepentingan peribadi bercanggah dengan tugas rasmi saya;
- (v) tidak akan berkelakuan dengan cara yang boleh menimbulkan syak yang munasabah bahawa saya telah membiarkan kepentingan peribadi saya bercanggah dengan tugas rasmi sehingga menjejaskan tugas saya sebagai pegawai Majlis;
- (vi) tidak akan menggunakan kedudukan saya sebagai pegawai Majlis bagi faedah diri saya sendiri;
- (vii) tidak akan berkelakuan dengan cara yang boleh memburukkan dan mencemarkan nama perkhidmatan Majlis;
- (viii) tidak akan membawa sebarang bentuk pengaruh atau tekanan luar untuk menyokong atau memajukan tuntutan saya atau pegawai lain berhubung dengan perkhidmatan Majlis; dan
- (ix) tidak akan ingkar perintah atau berkelakuan dengan cara yang boleh ditafsirkan sebagai ingkar perintah.

Berdasarkan pemeriksaan fizikal dan mental yang dijalankan dan keputusan ujian dadah pegawai yang tersebut di atas, saya memperakui bahawa**—

- (a) dia ialah seorang penagih dadah sebagaimana yang ditakrifkan dalam Akta Penagih Dadah (Rawatan dan Pemulihan) 1983 [Akta 283].
- (b) dia ialah seorang yang menggunakan atau mengambil, selain bagi maksud perubatan, suatu dadah berbahaya atau menyalahgunakan suatu dadah berbahaya yang disenaraikan dalam Jadual Pertama kepada Akta Dadah Berbahaya 1952 [Akta 234].
- (c) dia bukan seorang penagih dadah sebagaimana yang ditakrifkan dalam Akta Penagih Dadah (Rawatan dan Pemulihan) 1983 [Akta 283] atau menggunakan dadah yang disenaraikan dalam Jadual Pertama kepada Akta Dadah Berbahaya 1952 [Akta 234].

Jenis dadah/dadah-dadah berbahaya* sebagaimana yang disenaraikan dalam Jadual Pertama kepada Akta Dadah Berbahaya 1952 [Akta 234] yang dilaporkan positif dalam keputusan ujian dadah pegawai yang tersebut di atas ialah:

.....

Bersama ini dikemukakan keputusan ujian dadah pegawai yang tersebut di atas bertarikh dan Nombor Rujukan Makmal

.....

.....
 (Tandatangan Pegawai Perubatan Kerajaan
 dan Cap Rasmi)

.....
 (Tarikh)

*Sila potong mana-mana yang tidak berkenaan.

**Sila tanda (/), di mana berkenaan.

Dibuat 3 Februari 2023

[MBSJ.JUU(T).500-4/9/1 Jilid 2; P.U. Sel. ADV. PS(S) 05/5/1 Jld.2]

DATO' JOHARY BIN ANUAR
 Datuk Bandar
 Majlis Bandaraya Subang Jaya

Disahkan 2 Mac 2023

[IPKSEL.UMMKNS.(R)600-3/2/12/4/2022 JLD.3(13)]

MOHD REIZAL BIN SUMAIRI
 Setiausaha
 Majlis Mesyuarat Kerajaan Negeri
 Selangor

LOCAL GOVERNMENT ACT 1976

SUBANG JAYA CITY COUNCIL OFFICERS
(CONDUCT AND DISCIPLINE) RULES 2023

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LOCAL GOVERNMENT ACT 1976

SUBANG JAYA CITY COUNCIL OFFICERS
(CONDUCT AND DISCIPLINE) RULES 2023

In exercise of the powers conferred by subsection 17(1) of the Local Government Act 1976 [Act 171] the Subang Jaya City Council makes, and pursuant to section 103 of Act 171, the State Authority confirms the following rules:

PART I

PRELIMINARY

Citation and commencement

1. (1) These rules may be cited as the **Subang Jaya City Council Officers (Conduct and Discipline) Rules 2023**.

(2) These Rules shall come into operation on the date it is published in the *Gazette*.

Interpretation

2. In these Rules, unless the context otherwise requires—

“Act” means Local Government Act 1976 [Act 171];

“child” means a child of an officer who is dependent on him, including—

- (a) a posthumous child, a dependent step-child and an illegitimate child of the officer;
- (b) a child adopted by the officer under any written law relating to adoption or under any custom or usage, upon satisfactory evidence of that adoption; and
- (c) a child of any age, who is mentally retarded or physically and permanently incapacitated and is incapable of supporting himself;

“Mayor” means Mayor of Subang Jaya City Council;

“convicted” or “conviction”, in relation to an officer, means a finding by the court under any written law that the officer is guilty for a criminal offence;

“emolument” means all remuneration in money due to an officer and includes basic pay, fixed rewards, incentive payments and other monthly allowances;

“salary” means the basic pay of an officer;

“financial institution” means a bank or financial institution licensed under the Financial Services Act 2013 [Act 758] or an Islamic bank licensed under the Islamic Financial Services Act 2013 [Act 759] or any bank established under any written law;

“Government” means Federal Government or State Government of Selangor;

“criminal offence” means any act or omission punishable under any written law in force;

“Head of Department” means the person who is in charge of a department or any person authorized by the Mayor to carry out his duties as Head of Department;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act 1993 [Act 502];

“Disciplinary Board” means the Disciplinary Board established under rule 3;

“Council” means the Subang Jaya City Council;

“court” means a court, including a Syariah Court, which has competent jurisdiction to try a person for criminal offence;

“officer” means a person appointed by the Council on a permanent, temporary, contract or casual basis;

“insurer” means an insurer licensed under the Financial Services Act 2013 [Act 758] or a takaful operator registered under the Islamic Financial Services Act 2013 [Act 759];

“Chairman of the Disciplinary Board” means a Mayor appointed under subrule 3(2) or a Councillor specified under subrule 3(3); and

“Secretary” means the Secretary of Subang Jaya City Council.

PART II

DISCIPLINARY BOARD

Establishment of the Disciplinary Board

3. (1) It is hereby established a Disciplinary Board consisting the following members:

- (a) the Mayor, who will be the Chairman;
- (b) the Secretary; and
- (c) a Councillor appointed by the Council to be a member of the Disciplinary Board.

(2) Each meeting of the Disciplinary Board shall be chaired by the Mayor.

(3) If the Mayor is unable to chair the Disciplinary Board meeting, the meeting shall be chaired by his representative who shall be a Councillor.

Jurisdiction of the Disciplinary Board

4. Subject to the proviso under subsection 16(4) of the Act, the Disciplinary Board shall have jurisdiction-

(a) in all matters provided for in these Rules relating to the conduct and discipline of all officers; and

(b) to impose any disciplinary punishment provided in these Rules and the decision shall be final.

Meeting of the Disciplinary Board

5. (1) For the purpose of carrying out its functions, the Disciplinary Board shall meet on such date, place and time as the Chairman of the Disciplinary Board may determine.

(2) All matters raised in the meeting of the Disciplinary Board shall be decided by majority of vote, and in the event of an equality of votes the Chairman of the Disciplinary Board shall have a casting vote.

(3) The Chairman of the Disciplinary Board shall ensure that the records of each disciplinary proceeding and the minutes of each Disciplinary Board meeting are kept properly.

PART III

DUTY TO COMPLY WITH RULES

Duty to comply with Rules

6. (1) An officer shall comply with the provisions of these Rules.

(2) The breach of any provision of these Rules shall render an officer liable to disciplinary action in accordance with these Rules.

Failure to give and to comply with undertaking

7. (1) An officer who fails to give the undertaking provided for in First Schedule and after being required to do so by the Council, commits a breach of discipline and shall be liable to disciplinary action in accordance with these Rules.

(2) Without prejudice to subrule 6(2) an officer who, having given the undertaking referred to in subrule (1), fails to comply with the terms of such undertaking commits a breach of discipline and shall be liable to disciplinary action in accordance with these Rules.

PART IV

DUTY OF DISCIPLINARY CONTROL AND SUPERVISION

Duty to exercise disciplinary control and supervision

8. (1) It is the duty of every officer to exercise disciplinary control and supervision over his subordinates and to take appropriate action as soon as possible for any breach of the provisions of these Rules.

(2) An officer who fails to exercise disciplinary control and supervision over his subordinates, or to take action against his subordinate who breaches any provision of these Rules shall be deemed to have been negligent in the performance of his duties and to be irresponsible, and he shall be liable to disciplinary action.

PART V

CODE OF CONDUCT

Code of conduct

9. (1) An officer shall at all times give his loyalty to the Yang di-Pertuan Agong, His Royal Highness the Sultan of Selangor, the State Government of Selangor and the Council.

(2) An officer shall not—

- (a) subordinate his public duty to his private interests;
- (b) conduct himself in such manner as is likely to bring his private interests into conflict with his public duty;
- (c) conduct himself in any manner likely to cause a reasonable suspicion that—
 - (i) he has allowed his private interests to come into conflict with his public duty so as to impair his usefulness as an officer of the Council; or
 - (ii) he has used his position as an officer of the Council for his personal advantage;
- (d) conduct himself in such a manner as to bring the Council into disrepute or to bring discredit to the Council;

- (e) lack efficiency or industry;
- (f) be dishonest or untrustworthy;
- (g) be irresponsible;
- (h) bring or attempt to bring any form of outside influence or pressure to support or advance any claim relating to or against the Council, whether the claim is his own claim or that of any other officers;
- (i) be insubordinate or conduct himself in any manner which can be reasonably construed as being insubordinate; and
- (j) be negligent in performing his duties.

Sexual harassment

10. (1) An officer shall not subject another person to sexual harassment, that is, an officer shall not—

- (a) make any sexual advance towards a person, or request for sexual favours from that person; or
- (b) do any act of a sexual nature in relation to another person, in circumstances where reasonable person, having regard to all the circumstances, would be offended, humiliated or intimidated.

(2) An act of a sexual nature to another person as referred in subrule (1)—

- (a) includes the making of a statement of a sexual nature to, or in the presence of, that other person whether the statement is made orally, or in writing or in any other manner; and
- (b) is not limited to the doing of such act at workplace or during working hours only as long as the doing of such act brings disrepute or bring discredit to the Council.

Outside employment

11. (1) Unless and to the extent that he is required or authorized to do so in the course of his duties as an officer of the Council, an officer shall not—

- (a) take part either directly or indirectly in the management or dealings of any commercial, agricultural or industrial undertaking;
- (b) undertake for reward any work with any institution, company, firm or private individual;

(c) as an expert, furnish any report or give any evidence, whether gratuitously or for reward; or

(d) function as an executor, administrator or receiver.

(2) Notwithstanding subrule (1), an officer may, with the prior written permission of the Mayor, carry on any of the activities or perform any of the service specified on that subrule, either for his benefit or for the benefit of his close relatives or any non-profit making body of which he is an office bearer.

(3) In considering whether or not permission should be granted to any officer under subrule (2), the Mayor shall have regard to the code of conduct as laid down in rule 9 and shall ensure that the activity or service—

(a) does not take place during office hours and during such time when the officer is required to perform his official duties;

(b) does not in any way tend to impair the officer's usefulness as an officer of the Council; and

(c) does not in any way tend to conflict with the interests of the Council or be inconsistent with the officer's position as an officer of the Council.

(4) Except as may otherwise be determined by the Council, all sums of money received by an officer as remuneration for carrying on any activities or performing any of the services mentioned in subrule (1) shall be deposited with the Council pending the decision of the Disciplinary Board on the amount, if any, which may be retained by the officer personally and by any other officer who assist such officer in carrying on the activity or performing the service.

Dress etiquette

12. (1) An officer on duty shall always be properly attired in such manner as may be specified by the Council through directives issued by the Mayor from time to time.

(2) An officer who is required to attend an official function shall be attired as specified for such function, and if the dress etiquette for such function is not specified, he shall be appropriately attired for such function.

Drugs

13. (1) An officer shall not use or consume any dangerous drug, except as may be prescribed for his use or consumption for medicinal purposes by a medical practitioner who is registered under the Medical Act 1971 [Act 50] or abuse or be dependent on any dangerous drug.

(2) If a Government Medical Officer certifies in the form as prescribed in the Second Schedule that an officer is using or consuming, other than for medicinal purposes, a dangerous drug or is abusing or dependent on a dangerous drug, that officer shall be liable to disciplinary action with a view to dismissal.

(3) Notwithstanding subrule (2), the service of an officer whom a Government Medical Officer has certified to be using or consuming, other than for medicinal purposes, a dangerous drug or abusing or dependent on a dangerous drug may be terminated in the public interest under rule 60 if the officer has attained the optional retirement age specified by the Government at that time.

(4) For the purposes of this rule, “dangerous drug” means any drug or substance listed in the First Schedule to the Dangerous Drugs Act 1952 [Act 234].

Presents, etc.

14. (1) Subject to the provisions of this rule, an officer shall not receive or give nor shall he allow his spouse or any other person to receive or give on his behalf any present, whether in a tangible form or otherwise, from or to any person, association, body, or group of persons if the receipt or giving of such present is in any way connected, either directly or indirectly, with his official duties.

(2) The Mayor may, if he thinks fit, permit the officer to receive a letter of recommendation from any person, body or group of persons on the occasion of the officer’s retirement or transfer so long as such letter of recommendation is not enclosed in a receptacle of value.

(3) The Mayor may permit the collection of spontaneous contributions by officers under his charge for the purpose of making a presentation to an officer in his department on the occasion of the officer’s retirement, transfer or marriage or any other appropriate occasion.

(4) If the circumstances make it difficult for an officer to refuse a present or token of value, the receipt of which is prohibited by this rule, such present may be formally accepted but the officer shall, as soon as practicable, submit to his Mayor a written report containing a full description and the estimated value of the present and the circumstances under which it was received.

(5) Upon receipt of a report made under subrule (4), the Mayor shall decide whether to—

(a) permit the officer to retain the present; or

(b) direct that the present to be returned, through the Head of Department, to the giver.

Entertainment

15. An officer may give or accept from any person any kind of entertainment if—

- (a) the entertainment does not in any manner influence the performance of his duties as an officer of the Council in the interest of that person; and
- (b) the giving or acceptance of such entertainment is not in any way inconsistent with rule 9.

Ownership of property

16. (1) An officer shall, on his appointment as an officer of the Council or at any time thereafter as may be required by the Council declare in writing to his Mayor, all properties owned by him or by his spouse or child or held by any person on his behalf or on behalf of his spouse or child.

(2) An officer who does not own any property shall make a declaration in writing to that effect.

(3) Where, after making a declaration under subrule (1), an officer or his spouse or child acquires any property, either directly or indirectly, or any property acquired by him or by his spouse or child is disposed of, that officer shall immediately declare such acquisition or disposal of property to the Mayor.

(4) Where an officer or his spouse or child intends to acquire any property, and the acquisition is inconsistent with rule 9, the acquisition shall not be made without the prior written permission of the Mayor.

(5) In deciding whether or not to grant permission under subrule (4), the Mayor shall have regard to the following matters:

- (a) the size, amount or value of the property in relation to the officer's emoluments and any legitimate private means;
- (b) whether the acquisition or holding of such property will or is likely to conflict with the interest of the Council, or with the officer's position as an officer of the Council, or be in any way inconsistent with rule 9; and
- (c) any other factor which the Mayor may consider necessary for upholding the integrity and efficiency of the officer of the Council.

(6) The Mayor shall, if he is satisfied with the declaration of property made by the officer, direct that it be recorded in the officer's records of service that the declaration has been made.

(7) Every declaration under subrule (1) shall be categorised as classified and every person who gains information under this rule of any such declaration shall comply with the procedure and regulations pertaining to the management of the Government's classified documents.

(8) In this rule, "property" includes property of any description, whether moveable or immovable, as prescribed by the Council from time to time.

Maintaining a standard of living beyond emoluments and legitimate private means

17. (1) Where the Secretary is of the opinion that an officer is or appears to be—

- (a) maintaining a standard of living which is beyond his emoluments and other legitimate private means, if any; or
- (b) in control or in possession of pecuniary resources or property, movable or immovable, the value of which is disproportionate to, or which could not reasonably be expected to have been acquired by the officer with his emoluments and other legitimate private means,

the Secretary shall, by notice in writing, requires the officer to give a written explanation within a period of thirty days from the date receipt of such notice on how he is able to maintain such standard of living or how he obtained such pecuniary resources or property.

(2) The Secretary shall, upon receipt of the explanation under subrule (1) or, where the officer fails to give any explanation within the specified period, upon the expiry of such period, report this fact to the Disciplinary Board together with the officer's explanation, if any.

(3) Upon receipt of the report under subrule (2), the Disciplinary Board may take disciplinary action against the officer or take such other action against the officer as the Disciplinary Board deems fit.

Borrowing money

18. (1) No officer may borrow from any person or stand as surety to any borrower, or in any manner place himself under a pecuniary obligation to any person—

- (a) who is directly or indirectly subject to this official authority;
- (b) with whom the officer has or is likely to have official dealings;
- (c) who resides or possesses land or carries on business within the Council area; or
- (d) who carries on the business of money lending.

(2) Notwithstanding subrule (1), an officer may borrow money from, or stand as surety to any person who borrows money from, any financial institution, insurer or co-operative society, or incur debt through the acquisition of goods by means of hire purchase agreement, if—

- (a) the financial institution, insurer or co-operative society from which the officer borrows is not directly subject to his official authority;
- (b) the borrowing does not and will not lead to public scandal or cannot be construed as an abuse by the officer of his position as an officer of the Council to his private advantage; and
- (c) the aggregate of his debts does not or is not likely to cause the officer to be in serious pecuniary indebtedness as defined under subrule 19(7) and (8).

(3) Subject to subrule (2), an officer may incur debts arising from—

- (a) sums borrowed on the security of land charged or mortgaged, where the sums borrowed do not exceed the value of the land;
- (b) overdrafts or other credit facilities approved by financial institutions;
- (c) sums borrowed from insurers on the security of insurance policies;
- (d) sums borrowed from the Government, Council or any co-operative society; or
- (e) payment due on goods acquired by means of hire purchase agreements.

Serious pecuniary indebtedness

19. (1) An officer shall not in any manner cause himself to be in a serious pecuniary indebtedness.

(2) Serious pecuniary indebtedness from whatever cause, other than as a result of unavoidable misfortune not contributed to in any way by the officer himself, shall be regarded as bringing disrepute to the Council and shall render the officer liable to disciplinary action.

(3) Where serious pecuniary indebtedness has occurred as a result of unavoidable misfortune, the Council may give to the officer such assistance as the circumstances may warrant.

(4) If an officer finds that his debts cause or are likely to cause serious pecuniary indebtedness to him, or civil proceedings arising from the debt have been instituted against him, he shall immediately report the fact to the Secretary.

(5) An officer who fails or delays in reporting his serious pecuniary indebtedness or who reports his serious pecuniary indebtedness but fails to disclose its full extent or gives a false or misleading account of such indebtedness commits a breach of discipline and shall be liable to disciplinary action.

(6) Without prejudice to the other provisions of this rule, where an officer's debt amounts to serious pecuniary indebtedness but he has not been declared a bankrupt, the Secretary shall monitor and, from time to time, review the case.

(7) For the purposes of this rule, the expression "serious pecuniary indebtedness" means the state of an officer's indebtedness which, having regard to the amount of debts incurred by him, has actually caused a serious financial hardship to him.

(8) Without prejudice to the general meaning of the expression "serious pecuniary indebtedness" set out in subrule (7), an officer shall be deemed to be in serious financial indebtedness if—

- (a) the aggregate of his unsecured debts and liabilities at any given time exceeds ten times his monthly emoluments;
- (b) he is a judgement debtor and the judgement debt has not been settled within the period of one month upon receipt of the sealed order of the judgement; or
- (c) he is a bankrupt, or an insolvent wage earner, as the case may be, for so long as any judgement against him in favor of the Director General of Insolvency remains unsatisfied, or for so long as there is no annulment of his adjudication of bankruptcy.

(9) Notwithstanding subrule (7), an officer may incur debts for the purpose of education loan so long as he is not declared a bankrupt.

Reports of serious pecuniary indebtedness

20. (1) If an officer reports under subrule 19(4) that a civil proceeding in matter of a debt claim has been filed against him or if the Registrar, Deputy Registrar or Senior Assistant Registrar of the High Court and the Registrar of the Sessions Court and Magistrates Court shall in respect of civil proceedings in their courts, report to the appropriate Head of Department every case of an officer—

- (a) who, being a judgement debtor, does not appear from the file of the suit to have settled the debt within the period of one month upon receipt of the sealed order of the judgement;
- (b) who has filed his own petition in bankruptcy or for a wage earner's administration order; or
- (c) against whom a creditor's petition in bankruptcy has been presented.

(2) The Director General of Insolvency shall, as soon as he has sufficiently investigated the affairs of an officer who is a bankrupt or an insolvent wage earner, communicate to the appropriate Head of Department a report containing the following matters:

- (a) the statement of affairs filed by the bankrupt or an insolvent wage earner in accordance with the bankruptcy law for the time being in force;
- (b) the amount of installment payment ordered or proposed to be made;
- (c) whether or not the Director General of Insolvency proposes to initiate any further proceedings and, if so, a brief indication relating to the nature of those further proceedings;
- (d) the main cause of the bankruptcy;
- (e) whether in his opinion the case involves unavoidable misfortune, dishonorable conduct or any other special circumstances, favorable or unfavorable to the officer; and
- (f) any other matter which he thinks fit.

(3) The Secretary shall forward the report received under subrule (1) and (2) together with his report on the officer's work and conduct before and since his serious pecuniary indebtedness to the Disciplinary Board.

(4) After considering all the reports, the Disciplinary Board shall decide whether to take disciplinary action and type of action taken against the officer concerned.

(5) If the disciplinary action taken under subrule (4) results in a punishment of deferment of salary movement, the Disciplinary Board may, on the expiry of the deferment of salary movement, order that an amount equivalent to the restored salary movement be added to the installments payable to the Director General of Insolvency or to any judgment creditor.

(6) An officer who obtains an annulment of his bankruptcy may be treated as having fully restored his credit.

Lending of money

21. (1) An officer shall not lend money with interest, whether with or without security.

(2) The placing of money on fixed deposit or into an account in any financial institution or co-operative society or in bond issued by the Government or by any statutory body shall not be regarded as lending of money with interest for the purposes of this rule.

Involvement in the futures market

22. No officer shall involve himself as a buyer or seller or otherwise in any local or foreign future markets.

Lucky draws, lotteries, etc.

23. An officer shall not hold or organize or participate in any lucky draws or lotteries other than for the purpose of charity.

Publication of books, etc.

24. An officer shall not publish or write any book, article or other work which is based on classified official information.

Making public statement

25. (1) An officer shall not, orally or in writing or in any other manner—

- (a) make any public statement that is detrimental to any policy, programme or decision of the Government or Council on any issue;
- (b) make any public statement which may embarrass or bring disrepute to the Government or Council;
- (c) make any comments on any weaknesses of any policy, programme or decision of the Government or Council; or
- (d) circulate such statement or comments, whether made by him or any other person.

(2) An officer shall not, either orally or in writing or in any other manner—

- (a) make any comments on the advantages of any policy, programme or decision of the Government or Council;
- (b) give any factual information relating to the exercise of the functions of Government or Council;
- (c) give any explanation in respect of any incident or report which involves the Government or Council; or
- (d) disseminate any such comment, information or explanation whether made by him or any other person,

unless the prior written permission, either generally or specifically, has first been obtained from the Mayor.

(3) Subrule (2) shall not apply to any comment, information or explanation made, given or disseminated where the contents of comment, information or explanation had been approved by the Mayor.

(4) For the purpose of this rule, “public statement” includes any statement or comment made to the press or to the public or in the course of any public lecture or speech or in any broadcast or publication, regardless of the means.

Prohibition on acting as editor, etc. in any publication

26. An officer shall not act as editor of, or take part directly or indirectly in the management of, or in any way make any financial contribution or otherwise to, any publication, including any newspaper, magazine or journal, regardless of the means by which it is published, except the following publications:

- (a) Council publication;
- (b) professional publication;
- (c) publication of non-political voluntary organization; and
- (d) publication approved in writing by the Mayor for the purposes of this rule.

Taking part in politics

27. (1) Except as provided in subrule (3), an officer in the Managerial and Professional Group is prohibited from taking an active part in political activities or wearing any emblem of a political party, and in particular he shall not—

- (a) make any public statement, whether orally or in writing, that would adopt partisan view on any matter which is an issue between political parties;
- (b) publish or circulate books, articles or leaflets setting forth his partisan views, or the views of others, on any matter pertaining to any political party;
- (c) engage in canvassing in support of any candidate at a general election, by-election or any election to any office in any political party;
- (d) act as an election agent or a polling agent or in any capacity for or on behalf of a candidate at an election to the Dewan Rakyat or to any State Legislative Assembly;
- (e) stand for election for any post in any political party; or
- (f) hold any post in any political party.

(2) An officer in the Support Group may stand for election or hold office or be appointed to any post in a political party after first obtaining the written approval of the Mayor.

(3) Notwithstanding subrule (1), an officer who has been granted leave until the date of his retirement for the purpose of finishing his accumulated leave may participate in political activities provided that—

(a) he has obtained the prior written approval of the Mayor; and

(b) by being so engaged does not contravene the provisions of the Official Secrets Act 1972 [Act 88].

(4) An application for approval under subrule (3)(a) shall be made at least three months prior to the date the officer is allowed to go on leave prior to retirement.

(5) Nothing in this rule shall preclude an officer from being an ordinary member of any political party.

(6) An officer who has been accepted as an ordinary member of any political party shall as soon as possible inform this fact to the Mayor.

Institution of legal proceedings and legal aid

28. (1) Where an officer desires legal aid as provided for under subrule (3) he shall not institute legal proceedings on his own personal interests in connection with matters arising out of his duties as an officer of the Council without the prior consent of the Mayor.

(2) An officer who receives a notice of the institution or intended institution of legal proceedings against him in connection with the matters arising out of his duties as officer of the Council or who receives any process of court relating to such legal proceedings shall immediately report the matter to the Mayor for instructions as to whether and how the notice or, as the case maybe, the process of court is to be acknowledged, answered or defended.

(3) An officer who desires legal aid to retain and instruct an advocate and solicitor for the purposes of legal proceedings in connection with matters arising out of duties as officer of the Council may make application to the Mayor.

(4) An application under subrule (3) shall contain all the facts and circumstances of the case together with the considered opinion of the Head of Department as to the nature of the officer's involvement and shall be addressed and submitted to the Mayor.

(5) Upon receipt of an application under subrule (3), the Mayor may approve or reject the application, subject to the advice of the legal officer of the Council as to—

(a) the amount of legal fee to be approved;

(b) an advocate and solicitor to be retained and instructed by the officer;
or

(c) any other condition which the legal officer of the Council may consider advisable,

and to a further implied condition that, in the event the officer being awarded costs by the court at the conclusion of the legal proceedings, no payment in respect of the legal aid so approved will be made by the Council unless the amount of costs so awarded to him is insufficient to meet charges for retaining and instructing an advocate and solicitor.

(6) Charges for employing, without the approval of the Mayor, an advocate and solicitor retained and instructed by or on behalf of an officer in a legal proceeding connected with matters arising out of his duties as an officer of the Council shall not be paid for by the Council.

PART VI

ABSENCE WITHOUT LEAVE

Absence from duty

29. In this Part, “absence”, in relation to an officer, includes a failure to be present for any length of time at a time and place where the officer is required to be present for the performance of his duties.

Disciplinary action for absence without leave

30. An officer’s absence from duty without leave or without prior permission or without reasonable cause shall render him liable to disciplinary action.

Procedure in cases of absence without leave

31. (1) Where an officer is absent from duty without leave or without prior permission or without reasonable cause, the Secretary shall, as soon as possible, report that matter together with the dates, circumstances of such absence and any further information in respect of such absence to the Disciplinary Board.

(2) The Disciplinary Board may, after considering the report of the Secretary under subrule (1), institute disciplinary action against the officer.

Procedure where officer is absent without leave and cannot be traced

32. (1) Where an officer is absent from duty without leave or without prior permission or without reasonable cause for seven consecutive working days and cannot be traced, the Secretary shall cause a letter to be delivered personally or sent by A.R. registered post to the officer at his last known address, directing the officer to immediately report for duty.

(2) If, after the letter is delivered—

(a) the officer reports for duty; or

(b) the officer fails to report for duty or no news is heard from him,

the Secretary shall submit a report to the Disciplinary Board and the Disciplinary Board shall institute disciplinary action against the officer.

(3) If the letter cannot be delivered in person to the officer by reason of the fact that he is no longer residing at his last known address or if the A.R. registered letter is returned undelivered, the Secretary shall report the matter to the Disciplinary Board.

(4) The Disciplinary Board shall, upon receiving the report referred to in subrule (3) take steps to publish a notice in at least one daily newspaper published in the national language and having national circulation as determined by the Disciplinary Board—

(a) of the fact that the officer has been absent from duty and cannot be traced; and

(b) requiring the officer to report for duty within seven days from the date of such publication.

(5) If the officer reports for duty within seven days from the date of publication of the notice referred to in subrule (4), the Secretary shall report the matter to the Disciplinary Board and the Disciplinary Board shall institute disciplinary proceedings against the officer.

(6) If the officer fails to report for duty within seven days from the date of the publication of the notice referred to in subrule (4), the officer shall be deemed to have been dismissed from the service with effect from the date he was absent from duty.

(7) The dismissal of an officer by virtue of subrule (6) shall be published in the *Gazette*.

Forfeiture of emoluments due to absence from duty

33. (1) Where an officer has been found guilty for being absent from duty without leave or without prior permission or without reasonable cause, he shall not be entitled to any emolument for the period of his absence and all such emoluments shall be deemed to have been forfeited notwithstanding that the Disciplinary Board may not have ordered such forfeiture.

(2) An officer whose emoluments are forfeited under subrule (1) shall be notified in writing of the forfeiture at his last known address.

(3) The forfeiture of emoluments by virtue of subrule (1) is not a disciplinary punishment.

PART VII

OFFICER SUBJECT TO CRIMINAL PROCEEDINGS, *ETC.***Procedure where criminal proceedings are instituted against an officer**

34. (1) An officer shall immediately inform the Secretary if any criminal proceedings are instituted against him in any court.

(2) Where criminal proceedings are instituted against an officer, the Registrar of the court in which the proceedings are instituted shall send to the Mayor—

(a) at the commencement of the proceedings, a report containing the following information:

- (i) the charge or charges against the officer;
- (ii) if the officer was arrested, the date and time of his arrest;
- (iii) whether the officer is on bail; and
- (iv) other such information as is relevant; and

(b) at the end of the proceedings, the decision of the court and any information relating to any appeal, if any, filed by either party.

(3) Where the Mayor does not receive the report under subrule (2) but he has knowledge from any source that criminal proceedings have been instituted in any court against an officer serving under him, he shall obtain a report containing the information referred to in paragraph (2)(a) and (b) from the Registrar of the court.

(4) Upon receipt of the report pursuant to subrule (2) and (3), the Mayor shall forward the report to the Disciplinary Board together with his recommendation as to whether the officer should be interdicted from his duty.

(5) Upon consideration of the report and the Mayor's recommendation forwarded to it under subrule (4), the Disciplinary Board may, if it deems fit, interdict the officer from the exercise of his duties.

(6) Upon the completion of the criminal proceedings against the officer, the Secretary shall obtain from the Registrar of the court before whom the case was disposed of and forward to the Disciplinary Board—

- (a) the decision of that court; and
- (b) information relating to appeals, if any, filed by that officer or the Public Prosecutor.

(7) Where criminal proceedings against an officer result in his conviction, the Disciplinary Board shall, whether or not the officer appeals against the conviction, suspend the officer from the exercise of his duties with effect from the date of his conviction pending the decision of the Disciplinary Board under rule 35.

(8) Where criminal proceedings against an officer result in his acquittal and there is no appeal by or on behalf of the Public Prosecutor against such acquittal, the officer shall be allowed to resume his duties and he shall be entitled to receive any emoluments which had not been paid during the period of his interdiction, as well as the annual leave and other entitlements to which he was entitled during the period of his interdiction.

(9) Where the criminal proceedings against the officer result in his acquittal and an appeal is filed by the Public Prosecutor, the Disciplinary Board shall decide whether the officer should continue to be interdicted until the appeal is determined.

(10) Where criminal proceedings against an officer result in his conviction but on appeal the officer is acquitted, the officer shall be allowed to resume his duties and he shall be entitled to receive any emoluments which had not been paid during the period of his interdiction or suspension or both, as well as the annual leave and other entitlements to which he was entitled to during the period of his interdiction or suspension or both.

(11) Where criminal proceedings against an officer result in his acquittal but on appeal the officer is convicted, the Disciplinary Board shall suspend the officer from the exercise of his duties with effect from the date of his conviction pending the decision of the Disciplinary Board under rule 35.

(12) For the purpose of this rule, the word “acquittal” includes a discharge not amounting to acquittal.

Responsibility of the Secretary if officer is convicted of criminal offence

35. (1) Where criminal proceedings against an officer result in his conviction and he does not appeal against such conviction, or where his appeal against the conviction has been dismissed or where the Public Prosecutor’s appeal against his acquittal results in his conviction, the Secretary shall immediately obtain a copy of the court’s decision from the Registrar of the court by which he was convicted or his appeal is dismissed.

(2) Upon receipt of the decision referred to in subrule (1), the Secretary shall forward it to the Disciplinary Board together with the officer’s records of service and the recommendation of the Secretary that—

(a) the officer should be dismissed or reduced in rank;

(b) the officer should be punished with any punishment other than dismissal or reduction in rank;

- (c) the service of the officer should be terminated in the public interest;
or
- (d) no punishment should be imposed,

depending on the nature and seriousness of the offence committed in relation to the degree of disrepute which the conviction has brought to the Council.

Disciplinary action shall not be taken until criminal proceedings are complete

36. (1) Where criminal proceedings have been instituted against an officer and are still pending, no disciplinary action shall be taken against the officer based on the same grounds as the criminal charge in the criminal proceedings.

(2) Nothing in subrule (1) shall be construed so as to prevent disciplinary action from being taken against the officer during the pendency of such criminal proceedings if the action is based on any other ground arising out of his conduct in the performance of his duties.

Consequences of an acquittal

37. (1) An officer who is acquitted of a criminal charge in any criminal proceedings shall not be subject to disciplinary action on the same charge.

(2) Nothing in subrule (1) shall be construed so as to prevent disciplinary action from being taken against the officer on any other ground arising out of his conduct in relation to the criminal charge, whether or not connected to the performance of his duties, as long as the grounds for the disciplinary action do not raise substantially the same issues as those in the criminal proceedings in relation to the criminal charge of which the officer was acquitted.

Procedure where there is an order of detention, banishment, etc.

38. (1) Where—

- (a) an order of detention other than an order of remand pending trial or for purposes of investigation;
- (b) an order of supervision, restricted residence, banishment or deportation;
or
- (c) an order which imposes any form of restriction or supervision, whether with bond or otherwise,

has been made against an officer under any law relating to the security of Malaysia or any part of Malaysia, the prevention of crime, preventive detention, restricted residence, banishment, immigration or the protection of women and girls or protection of children, the Secretary shall apply for a copy of the order from the appropriate authority.

(2) Upon receipt of a copy of the order referred to in subrule (1), the Secretary shall forward it to the Disciplinary Board together with the officer's records of service and the recommendation of the Secretary that—

- (a) the officer should be dismissed or reduced in rank;
- (b) the officer should be punished with any punishment other than dismissal or reduction in rank;
- (c) the service of the officer should be terminated in the public interest; or
- (d) no punishment should be imposed,

depending on the degree of disrepute which the officer has brought to the Council.

Consideration of Disciplinary Board in cases of conviction and detention

39. (1) If, after considering the report, the records of service and the Secretary's recommendation forwarded to it under subrule 35(2), the Disciplinary Board is of the opinion that—

- (a) the officer should be dismissed or reduced in rank, the Disciplinary Board shall impose the punishment of dismissal or reduction in rank, as the Disciplinary Board deems fit;
- (b) the offence of which the officer was convicted does not warrant a punishment of dismissal or reduction in rank but warrants the imposition of a lesser punishment, the Disciplinary Board shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in rule 48 as the Disciplinary Board deems fit; or
- (c) no punishment should be imposed on the officer, the Disciplinary Board shall acquit him.

(2) If, after considering the report, the records of service and the Secretary's recommendation forwarded to it under subrule 38(2), the Disciplinary Board is of the opinion that—

- (a) the officer should be dismissed or reduced in rank, the Disciplinary Board shall impose the punishment of dismissal or reduction in rank, as the Disciplinary Board deems fit;

- (b) the grounds on which the order was made against the officer do not warrant a punishment of dismissal or reduction in rank but warrant the imposition of a lesser punishment, the Disciplinary Board shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in rule 48 as the Disciplinary Board deems fit; or
- (c) no punishment should be imposed on the officer, the Disciplinary Board shall acquit him.

(3) Where a punishment other than dismissal has been imposed on an officer or where there is no punishment has been imposed on him, the Disciplinary Board shall direct the officer to resume his duties.

PART VIII

DISCIPLINARY PROCEDURES

Chapter 1 – General

Conditions for dismissal or reduction in rank

40. (1) Subject to subrule (2), no officer shall be dismissed or reduced in rank in any disciplinary proceedings under this Part, unless he has first been informed in writing of the grounds on which such action is proposed and he has been afforded a reasonable opportunity of being heard.

(2) Subrule (1) shall not apply in the following cases:

- (a) where an officer is dismissed or reduced in rank on the ground of conduct in respect of which a criminal charge has been proved against him;
- (b) where the Disciplinary Board is satisfied that for some reason, to be recorded by it in writing, it is not reasonably practicable to carry out the requirements of subrule (1);
- (c) where His Royal Highness the Sultan of Selangor is satisfied that in the interest of the security of the State or any part thereof it is not expedient to carry out the requirements of subrule (1); or
- (d) where there has been made against the officer any order of detention, supervision, restricted residence, banishment or deportation, or where there has been imposed on such officer any form of restriction or supervision by bond or otherwise, under any law relating to the security of the State or any part thereof, prevention of crime, preventive detention, restricted residence, banishment, immigration, or protection of women and girls or protection of children.

Chairman of the Disciplinary Board to determine nature of breach of discipline

41. Where an officer is alleged to have committed a disciplinary offence, the Chairman of the Disciplinary Board shall, before commencing any disciplinary proceedings in respect of the officer, consider and determine whether the disciplinary offence complained of is of a nature which warrants a punishment of dismissal or reduction in rank or a punishment lesser than dismissal or reduction in rank.

Chapter 2 – Disciplinary proceeding not with a view to dismissal or reduction in rank

Procedure in disciplinary cases not with a view to dismissal or reduction in rank

42. (1) If it is determined under rule 41 that the disciplinary offence complained of against an officer is of a nature that warrants a punishment lesser than dismissal or reduction in rank, the Chairman of the Disciplinary Board referred to in rule 41, on being satisfied that there exists a disciplinary offence, shall inform the officer by notice in accordance with rule 63 of the facts of the disciplinary offence alleged to have been committed by him and shall give to the officer an opportunity to make a written representation within a period of twenty one days from the date he is informed of the facts.

(2) If the Disciplinary Board is of the opinion that the officer's representation requires further clarification, the Disciplinary Board may require the officer to furnish further clarification within such period as specified by the Disciplinary Board.

(3) If, after considering the officer's representation and his further clarification (if further clarification is furnished), the Disciplinary Board—

(a) finds the officer guilty of the disciplinary offence alleged to have been committed by him, the Disciplinary Board shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in rule 48 as the Disciplinary Board deems fit; or

(b) finds the officer not guilty, the Disciplinary Board shall acquit him.

Chapter 3 – Disciplinary proceeding with a view to dismissal or reduction in rank

Procedure in disciplinary cases with a view to dismissal or reduction in rank

43. (1) If it is determined under rule 41 that the disciplinary offence complained of against an officer is of a nature that warrants a punishment of dismissal or reduction in rank, the Chairman of the Disciplinary Board shall consider all the available information.

(2) If it appears to the Chairman of the Disciplinary Board that there exists a *prima facie* case against the officer, the Chairman of the Disciplinary Board shall—

- (a) direct that a charge containing the facts of the disciplinary offence alleged to have been committed by the officer and the grounds on which it is proposed to dismiss the officer or reduce his rank be sent to the officer; and
- (b) require the officer to make, within a period of twenty-one days from the date he is informed by notice in accordance with rule 63 of the charge, a written representation containing the grounds upon which he relies to exculpate himself.

(3) If, after considering the representation made pursuant to subrule (1), the Disciplinary Board is of the opinion that the disciplinary offence committed by the officer does not warrant a punishment of dismissal or reduction in rank, the Disciplinary Board may impose upon the officer any of the lesser punishments specified in rule 48 as the Disciplinary Board deems fit;

(4) If the officer does not make any representation within the period specified in paragraph (2)(b), or if the officer makes such a representation but the representation does not satisfy the Disciplinary Board, the Disciplinary Board shall then proceed to consider and decide on the dismissal or reduction in rank of the officer.

(5) If the Disciplinary Board is of the opinion that the case against the officer requires further clarification, the Disciplinary Board may establish an Investigation Committee for the purpose of obtaining such further clarification.

Investigation Committee

44. (1) The Investigation Committee shall consist of not less than two officers of the Council.

(2) Members of the Investigation Committee shall be higher in rank than the officer under investigation but the Head of Department of the officer under investigation shall not be a member of the Investigation Committee.

(3) If, in the event that there is no officer of higher in rank than the officer being investigated, the Chairman of the Disciplinary Board may request to the State Secretary for the State Secretary to appoint officers from the State Authority who are higher in rank than the officer under investigation to be a member of the Investigation Committee.

Procedure to be followed by the Investigation Committee

45. (1) The Investigation Committee—

- (a) shall inform the officer under investigation of the date when the question of his dismissal or reduction in rank will be brought before the Investigation Committee; and

(b) may call and examine any witness or take any action as the Investigation Committee deems necessary or proper to obtain further clarification regarding the case.

(2) If the Investigation Committee is of the view that the officer should be allowed to be present before the Investigation Committee to defend himself, the officer shall present himself before the Investigation Committee for such purpose.

(3) If witnesses are called and examined by the Investigation Committee, the officer shall be given an opportunity to be present and to cross-examine the witnesses on his own behalf.

(4) No documentary evidence shall be used against an officer unless the officer has previously been supplied with a copy of the evidence or given access to the evidence.

(5) The Investigation Committee may permit the Council or the officer to be represented by another officer of the Council, or in exceptional cases, by an advocate and solicitor, but the Investigation Committee may withdraw such permission subject to any reasonable and necessary adjournment to enable the officer to present his case in person.

(6) If the Investigation Committee permits the Council to be represented, it shall also permit the officer under investigation to be similarly represented.

(7) If the officer under investigation who is required to appear before the Investigation Committee fails to appear on the fixed date and time and if insufficient ground is given for an adjournment, the Investigating Committee may proceed to consider and decide on the complaint or may adjourn the proceeding to another date.

(8) Upon the completion of its investigation, the Investigation Committee shall submit a report of the investigation to the Disciplinary Board.

(9) If the Disciplinary Board is of the opinion that the report submitted to it under subrule (8) is vague in certain matters or that further investigation is required, the Disciplinary Board may refer the matter back to the Investigation Committee for further investigation.

Further grounds for dismissal

46. (1) If, in the course of an investigation by the Investigation Committee, further grounds for the dismissal of the officer under investigation are obtained, the Investigation Committee shall inform the Disciplinary Board of such further grounds.

(2) If the Disciplinary Board thinks fit to proceed against the officer on such further grounds, the officer shall be given a written statement of those grounds, and the procedures set out in rules 43, 44 and 45 shall apply in respect of the further grounds as they apply in respect of the original grounds.

Powers of the Disciplinary Board

47. (1) If, after considering the officer's representation and the report of the Investigation Committee, if any, the Disciplinary Board—

- (a) finds the officer guilty of the disciplinary offence alleged to have been committed by him and that the officer should be dismissed or reduced in rank, the Disciplinary Board shall impose the punishment of dismissal or reduction in rank, as the Disciplinary Board deems fit;
- (b) finds the officer guilty of the disciplinary offence alleged to have been committed by him but that, after taking into consideration the circumstances in which the disciplinary offence was committed and other mitigating factors, such offence does not warrant a punishment of dismissal or reduction in rank but warrants the imposition of a lesser punishment, the Disciplinary Board shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in rule 48 as the Disciplinary Board deems fit; or
- (c) finds the officer not guilty, the Disciplinary Board shall acquit him.

(2) Notwithstanding paragraph (1)(a), the dismissal or reduction in rank from office of any Head of Department or his deputy shall not take effect until such dismissal or reduction in rank has been confirmed by the State Authority.

PART IX**DISCIPLINARY PUNISHMENTS****Types of disciplinary punishments**

48. If an officer is found guilty of a disciplinary offence, any one or any combination of two or more punishments may be imposed on the officer, depending on the seriousness of the offence as follows:

- (a) warning;
- (b) fine;
- (c) forfeiture of emoluments;
- (d) deferment of salary movement;
- (e) reduction of salary;
- (f) reduction in rank; or
- (g) dismissal.

Fine or forfeiture of emoluments

49. (1) A punishment of fine or forfeiture of emoluments shall be made in accordance with subrules (2), (3), (4), (5) and (6).

(2) Any fine imposed on any occasion shall not exceed an amount equivalent to the seven day emoluments of the officer concerned.

(3) If an officer is fined on more than one occasion in any calendar month, the aggregate of the fines imposed on him in that month shall not exceed an amount equivalent to forty-five percent of his monthly emoluments.

(4) Where the punishment is imposed as a consequence of the officer being absent from duty without leave or without prior permission or without reasonable cause, any forfeiture of the officer's emoluments shall, unless otherwise decided by the Disciplinary Board, be calculated by having regard to the actual period the officer is absent.

(5) The implementation of the punishment of a fine or forfeiture of emoluments shall not be carried out against an officer who was absent without leave or without prior permission or without reasonable cause where the officer's emoluments have been forfeited, in respect of such absence from duty, under rule 33.

(6) All fines or forfeitures of emoluments shall be deducted from the officer's monthly emoluments and shall be paid into the revenue of the Council.

Deferment of salary movement

50. (1) The punishment of deferment of salary movement may be imposed by the Disciplinary Board for a period of—

- (a) three months;
- (b) six months;
- (c) nine months; or
- (d) twelve months,

as the Disciplinary Board deems appropriate.

(2) The punishment of deferment of salary movement imposed on an officer shall be executed on the next anniversary of the salary movement of that officer after the date of imposition of the punishment by the Disciplinary Board.

(3) An officer on whom the punishment of deferment of salary movement is imposed shall not be entitled to receive any salary movement for and during the period in which the punishment is in force.

(4) A punishment of deferment of salary movement shall have the following consequences on the officer on whom the punishment is imposed:

- (a) his salary movement shall be altered to the nearest date of salary movement after the expiry of the period of punishment; and
- (b) the date of his salary movement shall remain at the date altered under paragraph (a) until the officer reaches the maximum step in his salary schedule.

Reduction of salary

51. (1) Subject to subrule (6), the Disciplinary Board may impose a punishment of reduction of salary on an officer in accordance with the following provisions:

- (a) the salary can only be reduced in the same salary schedule for an officer provided with a salary point in the officer's salary schedule;
- (b) the reduction of salary shall not exceed three salary movements, provided that the punishment of reduction of salary shall not render the officer to receive a salary less than the minimum salary determined by the grade for the post held by the officer; and
- (c) the duration of the punishment shall not be less than twelve months but shall not exceed thirty-six months on any one occasion.

(2) The punishment of reduction of salary imposed on an officer shall be implemented on the date as specified by the Disciplinary Board or if no date is specified, on the date the punishment is imposed.

(3) The date of salary movement of an officer upon whom the punishment of reduction of salary is imposed shall be altered to the date of the next salary movement after the punishment expires.

(4) An officer upon whom the punishment of reduction of salary is imposed is not entitled to receive any salary movement for and during the period in which the punishment is in force.

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

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

(7) If the punishment of reduction of salary imposed under these Rules render 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.

Reduction in rank

52. (1) Subject to subrule (3), the Disciplinary Board may impose the punishment of reduction in rank on an officer and such punishment shall be imposed by—

- (a) reducing the grade of the officer to one lower grade in the same scheme of service; and
- (b) determining the salary of the officer using the method in subrule (2).

(2) The methods to determine the salary of the officer who is imposed with the punishment of reduction in rank are as follows:

- (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
- (d) for an officer who is not provided with a salary point but was reduced in rank to a grade which is provided with a salary point, his basic salary before the punishment is imposed shall be first reduced by fifteen percent and thereafter his salary shall be determined at a salary point which is lower, but nearest, in the salary schedule for the reduced grade, and if the nearest salary point is equal to or less than the minimum salary of the reduced grade, the salary of the officer shall be determined at the minimum salary point of the reduced grade.

(3) If the punishment of reduction in rank is combined with the punishment of reduction of salary, both punishments shall be carried out simultaneously and paragraphs (a), (b) and (c) shall be applied according to whichever is appropriate.

(4) The punishment of reduction in rank is not applicable to an officer on lateral appointment and contract appointment.

PART X

INTERDICTION AND SUSPENSION

Interdiction for the purpose of investigation

53. (1) Without prejudice to rule 34 and 54, if an officer is alleged or reasonably suspected of having committed a criminal offence or a serious disciplinary offence, the Disciplinary Board may interdict the officer for a period not exceeding two months for the purpose of facilitating investigation against the officer.

(2) In deciding whether to interdict an officer under subrule (1), the Disciplinary Board shall take into account the following factors:

- (a) whether the allegation or the suspected offence is directly related to the officer's duties; and
- (b) whether the presence of the officer in the office would hamper investigation.

(3) If, during the period an officer is under interdiction—

- (a) criminal proceedings are instituted against the officer in any court;
or
- (b) disciplinary action is taken against him with a view to his dismissal or reduction in rank,

the interdiction order made under subrule (1) shall cease to have effect from the date such criminal proceedings are instituted or disciplinary action is taken against the officer; and the Disciplinary Board shall take such further action as it deems fit under rule 54.

(4) An officer who has been interdicted under this rule shall be entitled to receive full emoluments during the period of his interdiction.

Interdiction

54. (1) The Disciplinary Board may, if it thinks fit and proper, having regard to the matters specified in subrule (4), interdict an officer from the exercise of his duties if—

- (a) criminal proceedings have been instituted against the officer; or
- (b) disciplinary proceedings with a view that a punishment of dismissal or reduction in rank be imposed on him have been instituted against the officer.

(2) If an officer is interdicted under paragraph (1)(a), his interdiction may be made effective from the date he was arrested or from the date summons were served on him.

(3) If an officer is interdicted under paragraph (1)(b), his interdiction may be made effective on the date as specified by the Disciplinary Board.

(4) In deciding whether to interdict an officer under subrule (1), the Disciplinary Board shall take into account the following factors:

- (a) whether the nature of the offence with which the officer is charged is directly related to his duties;
- (b) whether the presence of the officer in the office would hamper investigation;
- (c) whether the presence of the officer in the office exercise his normal duties and responsibilities may be a source of the embarrassment to, or may adversely affect the name or image of his department; or
- (d) whether, taking into account the nature of the offence with which the officer is charged, the interdiction of the officer would result in the Council incurring loss.

(5) If the Disciplinary Board recalls an officer who has been interdicted under subrule (1) to resume his duties whilst criminal proceedings or disciplinary proceedings with a view to his dismissal or reduction in rank are still pending, then—

- (a) the order of interdiction shall cease to have effect from the date the officer resumes his duties;
- (b) the officer shall be paid his full emoluments from the date he resumes his duties; and
- (c) any part of his emoluments which has not been paid during his interdiction shall not be paid until the criminal proceedings or disciplinary proceedings with a view to his dismissal or reduction in rank have been completed and a decision as regards to such emoluments has been made by the Disciplinary Board.

(6) During the period of his interdiction under this rule, an officer shall be entitled, unless and until he has been suspended or dismissed, to receive not less than half of his emoluments as the Disciplinary Board deems fit.

(7) Without prejudice to subrule 34(8), where an officer has been acquitted of a criminal charge or has been discharged but such discharge does not amount to an acquittal or has been acquitted of any disciplinary charge, any part of his emoluments which has not been paid to him while he was interdicted shall be paid to him.

Suspension

55. (1) The Disciplinary Board may suspend an officer from the exercise of his duties if—

- (a) the officer has been convicted by any criminal court; or
- (b) an order as specified in rule 38 has been made against the officer.

(2) The period of suspension under this rule shall commence from the date of conviction or the effective date of the order, as the case may be.

(3) An officer who is suspended from the exercise of his duties—

- (a) shall not be allowed to receive any part of his emoluments which has not been paid during the period of his interdiction under rule 54; and
- (b) shall not be entitled to receive any emolument throughout the period of his suspension.

(4) The decision by the Disciplinary Board to suspend an officer shall be notified to him in writing.

Unpaid emoluments

56. (1) Where disciplinary proceeding against an officer result in the officer being dismissed, he shall not be entitled to any part of the emoluments which has not been paid to him during the period of his interdiction or suspension.

(2) Where disciplinary proceeding against an officer result in punishment other than dismissal being imposed on the officer, he shall be entitled to receive any part of his emoluments which has not been paid to him during the period of his interdiction or suspension.

Resumption of duties

57. Where an officer is interdicted under rule 54 or suspended under rule 55, and the disciplinary proceedings against the officer result in a punishment other than dismissal being imposed on the officer, the Disciplinary Board shall order the officer to resume his duties.

Disciplinary procedures for an officer serving outside Malaysia

58. Where criminal proceedings have been instituted against an officer who is serving outside Malaysia, the officer shall be interdicted in accordance with rule 54, and if he is convicted, disciplinary action shall be taken under these Rules against him.

Officer shall not leave Malaysia without written permission

59. (1) An officer who has been interdicted or suspended from the exercise of his duties shall not leave Malaysia without the prior written permission of the Chairman of the Disciplinary Board.

(2) If the officer who has been interdicted or suspended from the exercise of his duties is serving outside Malaysia, he shall be immediately recalled to Malaysia and he shall not leave Malaysia without the prior written permission of the Chairman of the Disciplinary Board.

(3) Notwithstanding the provision of subrule 54(6), the Disciplinary Board shall take all necessary steps to stop the payment of any emoluments to an officer who has been interdicted but has left Malaysia without the prior written permission from the Chairman of the Disciplinary Board.

PART XI**TERMINATION FOR THE PUBLIC INTEREST****Termination for the public interest**

60. (1) Notwithstanding any provision in these Rules, where the Council finds or where representations are made to the Council that it is desirable that the service of an officer be terminated for the public interest, the Council may request for a full report from the Head of Department in which the officer is or has been serving.

(2) The report referred to in subrule (1) shall contain particulars relating to the work and conduct of the officer and the comments of the Head of Department, if any.

(3) If, after considering the report received under subrule (1), the Council is satisfied that, having regard to the conditions of the service, the usefulness of the officer to the service, the work and conduct of the officer and all the other circumstances of the case, it is desirable for the public interest so to do, the Council may terminate the service of the officer with effect from such date as the Council shall specify.

(4) It shall be lawful for the Disciplinary Board to recommend to the Council that the service of an officer be terminated for the public interest notwithstanding that disciplinary proceedings have not been carried out under any of the provisions of these Rules; and the Council may so terminate the service of such officer.

(5) Notwithstanding anything in these Rules and any other law to the contrary, in terminating the service of any officer for the public interest under this rule, such officer may not be given any opportunity of being heard and an officer whose service has been terminated for the public interest under this rule shall not for the purpose of Local Government Act 1976 [Act 171], be regarded as having been dismissed, regardless of whether such termination of the service of the officer involved an element of punishment or was in connection with conduct in relation to his office which the Council regards as unsatisfactory or blameworthy.

PART XII

MISCELLANEOUS

Particulars of the offence and punishment to be recorded

61. Every disciplinary action taken against an officer which results in a punishment being imposed upon the officer under these Rules shall be recorded in the officer's records of service by stating the particulars of the offence committed and the punishment imposed.

Surcharge

62. (1) Notwithstanding anything contained in these Rules, the Disciplinary Board may impose a surcharge on any officer in accordance with any financial procedure in force or applicable to the Council.

(2) Every imposition of a surcharge under subrule (1) shall be recorded in the officer's record of service.

Service of notice, documents, etc.

63. (1) Every officer shall furnish to the Mayor the address of his residence or any change of that address and that address shall be his address for the purpose of serving on him any notice or document required to be served under these Rules or for the purpose of communicating with him on any matter in relation to these Rules.

(2) Any notice, document or communication left at or posted or sent by any other reasonable means to the address for service furnished under subrule (1) shall be deemed duly served upon or communicated to the officer.

Signature on letters and other correspondence

64. Any correspondence between the Disciplinary Board and the officer who is subject to disciplinary action shall be signed by the Chairman of the Disciplinary Board or by any member of the Disciplinary Board on behalf of the Chairman of the Disciplinary Board.

Revocation and savings

65. (1) The Petaling District Council Employees (Conduct and Discipline) Rules 1995 [*Sel. P.U. 37*] hereinafter referred to as "the revoked Rules", are hereby revoked.

(2) Where on the date of coming into operation of these Rules, disciplinary proceeding is pending before the Disciplinary Board, the proceeding shall be continued under and in conformity with these Rules; but where on the coming into operation of these Rules, any disciplinary matter was in the course of being heard, or had been heard but no order or decision had been made thereon, the proceeding shall continue under the revoked Rules.

(3) For the purpose of completing a hearing before it, or making an order or rendering a decision on a matter heard before the coming into operation of these Rules, the Disciplinary Board shall complete the hearing in accordance with the authority vested in it immediately before the coming into operation of these Rules and may make such order or decision as it could have made under the authority vested in it before the coming into operation of these Rules.

(4) For the purpose of these Rules, “Disciplinary Board” shall have the meaning assigned to it under the revoked Rules.

FIRST SCHEDULE

SUBANG JAYA CITY COUNCIL OFFICERS (CONDUCT AND DISCIPLINE) RULES 2023

[*Subrule 7(1)*]

LETTER OF UNDERTAKING

I,....., Identity Card No. having an address at, do solemnly take oath that I will abide and observe these Subang Jaya City Council Officers (Conduct and Discipline) Rules 2023, General Orders, Circulars and Circular Letters and other regulations and regulations issued and enforced by the Council from time to time during my service with the Council. I hereby undertake as required under rule 9 of the Subang Jaya City Council Officers (Conduct and Discipline) Rules 2023 that I—

- (i) shall at all times be loyal to the Yang di-Pertuan Agong, His Royal Highness the Sultan of Selangor, the Country, the Government and the Council;
- (ii) will continue to carry out my duty carefully, earnestly, efficiently, honestly, diligently and responsibly;
- (iii) shall not abandon my official duties for my personal interest;
- (iv) shall not behave in any manner that is likely to give rise to my personal interest in conflict with my official duties;
- (v) shall not behave in any manner that may give rise to reasonable suspicion that I have allowed my personal interests to conflict with my official duties so to render me to abandon my duty as an officer of the Council;
- (vi) shall not use my position as an officer of the Council for my own;
- (vii) shall not behave in a way that may humiliate and bring disrepute to the Council;

(viii) shall not use any form of external influence or pressure to support or promote any claims in respect of myself or other officers of the Council; and

(ix) shall not disobey order or behaving in a way that could be construed as disobeying order.

I am fully aware that if I have been found to have violated any term of the undertaking above, I may be subject to disciplinary action in accordance to the Subang Jaya City Council Officers (Conduct and Discipline) Rules 2023.

.....
(Officer's Signature) (Officer's Designation)

In front of:

.....
(Head of Department's Signature)
on behalf of Mayor

.....
(Name and Identity Card No. of Head of Department)

.....
(Date) (Department Official Stamp)

SECOND SCHEDULE

SUBANG JAYA CITY COUNCIL OFFICERS
(CONDUCT AND DISCIPLINE) RULES 2023

[Subrule 13(2)]

CERTIFICATION BY THE GOVERNMENT MEDICAL OFFICER

To.....
.....

I, a Government Medical Officer certify that I have carried out a physical and mental examination on the following officer:

Name:.....
Identity Card No.:.....
Address:.....
On:..... at:.....

Based on the physical and mental examination that was carried out and the drug testing result of the above-mentioned officer, I certify that** –

- (a) he/she is a drug dependent as defined in the Drug Dependents (Treatment and Rehabilitation) Act 1983 [Act 283].
- (b) he/she is using or consuming, other than for medicinal purposes, a dangerous drug or abusing a dangerous drug which is listed in the First Schedule to the Dangerous Drugs Act 1952 [Act 234].
- (c) he/she is not a drug dependent as defined in the Drug Dependents (Treatment and Rehabilitation) Act 1983 [Act 283] or a drug user of any drug that is listed in the First Schedule to the Dangerous Drug Act 1952 [Act 234].

The type of dangerous drug/drugs* as listed in the First Schedule to the Dangerous Drug Act 1952 [Act 234] that was found to be positive in the drug test result of the abovementioned officer is:

.....

.....

Enclosed herewith the drug tests result on the above-mentioned officer dated and the Laboratory Reference Number

.....
(Government Medical Officer's Signature
and Official Stamp)

.....
(Date)

*Please delete whichever is inapplicable.
**Please tick (/), where applicable.

Made 3 February 2023
[MBSJ.JUU(T).500-4/9/1 Jilid 2; P.U. Sel.ADV.PS(S)05/5/1 Jld.2]

DATO' JOHARY BIN ANUAR
Mayor
Subang Jaya City Council

Confirmed 2 March 2023
[IPKSEL.UMMKN.(R)600-3/2/12/4/2022 JLD.3(13)]

MOHD REIZAL BIN SUMAIRI
Clerk
State Executive Council
Selangor

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA
WJW23/0388 19-04-2023