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# WARTA KERAJAAN PERSEKUTUAN

## *FEDERAL GOVERNMENT GAZETTE*

### PERATURAN-PERATURAN PEGAWAI AWAM (KELAKUAN DAN TATATERTIB) (PINDAAN) 2011

### *PUBLIC OFFICERS (CONDUCT AND DISCIPLINE) (AMENDMENT) REGULATIONS 2011*



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PERLEMBAGAAN PERSEKUTUAN

PERATURAN-PERATURAN PEGAWAI AWAM (KELAKUAN DAN  
TATATERTIB) (PINDAAN) 2011

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

**Nama dan permulaan kuat kuasa**

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pegawai Awam (Kelakuan Dan Tatatertib) (Pindaan) 2011**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Januari 2012.

**Pindaan peraturan 41**

2. Peraturan-Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993 [*P.U. (A) 395/1993*], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini, dipinda dalam peraturan 41–

(a) dalam subperaturan (1)–

(i) dengan menggantikan perkataan “Pihak Berkuasa Tatatertib” dengan perkataan “Tertakluk kepada subperaturan (6), Pihak Berkuasa Tatatertib”;

(ii) dalam perenggan (a), dengan menggantikan perkataan “secara mendatar dalam peringkat gaji yang sama” dengan perkataan “dalam jadual gaji yang sama bagi pegawai yang diperuntukkan mata gaji”; dan

(iii) dalam perenggan (b), dengan memasukkan perkataan “, dengan syarat hukuman turun gaji tidak boleh menyebabkan pegawai menerima gaji kurang daripada gaji minimum yang ditentukan

bagi gred jawatan yang disandang oleh pegawai” selepas perkataan “tiga pergerakan gaji”; dan

(b) dengan memasukkan selepas subperaturan (4) subperaturan yang berikut:

“ (5) Bagi maksud perenggan (1)(b), pegawai yang gajinya tidak diperuntukkan mata gaji, “pergerakan gaji” adalah bersamaan amaun lima peratus daripada gaji hakiki.

(6) Hukuman turun gaji tidak terpakai ke atas pegawai yang berada di mata gaji minimum atau pegawai lantikan kontrak yang tidak diperuntukkan mata gaji tetapi tidak termasuk pegawai lantikan kontrak yang diberi kenaikan gaji berdasarkan peratusan.”.

### **Penggantian peraturan 42**

3. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 42 dengan peraturan yang berikut:

“Turun pangkat. 42. (1) Tertakluk kepada subperaturan (3), Pihak Berkuasa Tatatertib yang berkenaan 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 subperaturan (2).

(2) Kaedah bagi menentukan gaji pegawai yang dikenakan hukuman turun pangkat adalah seperti yang berikut:

- (a) bagi pegawai yang diperuntukkan dengan mata gaji, gaji pegawai itu hendaklah terlebih dahulu diturunkan sebanyak tiga mata gaji daripada gaji terakhir yang diterima oleh pegawai itu dalam gred hakikinya sebelum hukuman dikenakan, dan kemudian gajinya hendaklah ditentukan pada suatu mata gaji yang lebih rendah, tetapi paling hampir, dalam jadual gaji bagi gred turun pangkat tersebut;
- (b) bagi pegawai yang diperuntukkan dengan mata gaji tetapi berada pada mata gaji tiga atau kurang semasa hukuman dikenakan, gaji terakhir di gred hakikinya sebelum hukuman itu hendaklah ditolak dengan suatu amaun yang bersamaan dengan amaun tiga kali pergerakan gaji di gred hakikinya itu, dan berdasarkan amaun yang diperoleh, gaji pegawai itu hendaklah ditentukan pada suatu mata gaji yang lebih rendah, tetapi paling hampir, dalam jadual gaji bagi gred turun pangkat, atau pada gaji minimum gred turun pangkat jika mata gaji yang paling hampir itu adalah sama atau kurang daripada gaji minimum di gred turun pangkat tersebut;
- (c) bagi pegawai yang tidak diperuntukkan dengan mata gaji, gaji terakhir di gred hakikinya sebelum hukuman dikenakan hendaklah dikurangkan terlebih dahulu amaunnya sebanyak lima belas peratus tanpa mengira sama ada amaun yang telah dikurangkan itu menjadi sama atau kurang daripada gaji minimum di gred sebelum pegawai dikenakan hukuman dan jumlah itu hendaklah menjadi gaji bagi pegawai itu di gred turun pangkat, dengan syarat 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

(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 kemudian 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.

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

### **Kecualian dan peralihan**

4. Jika sesuatu kesalahan itu berlaku sebelum Peraturan-Peraturan ini mula berkuat kuasa, tidak kira sama ada prosiding tatatertib berkenaan dengannya telah dimulakan atau tidak, prosiding bagi kesalahan itu hendaklah dimulakan atau diteruskan di bawah dan dengan menepati Peraturan-Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993 sebelum dipinda oleh Peraturan-Peraturan ini.

Dibuat 29 Disember 2011 [JPA(R).TT.193/43  
Jld. 7(48); PN(PU2)76/X]

Dengan Titah Perintah

TAN SRI MOHD SIDEK BIN  
HASSAN  
*Setiausaha Jemaah Menteri*

FEDERAL CONSTITUTION

PUBLIC OFFICERS (CONDUCT AND DISCIPLINE) (AMENDMENT)  
REGULATIONS 2011

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

**Citation and commencement**

1. (1) These regulations may be cited as the **Public Officers Regulations (Conduct and Discipline) (Amendment) 2011**.

(2) These Regulations come into operation on 1 January 2012.

**Amendment of regulation 41**

2. The Public Officers (Conduct and Discipline) Regulations 1993 [*P.U. (A) 395/1993*], which are referred to as the “principal Regulations” in these Regulations, is amended in regulation 41–

(a) in subregulation (1)–

- (i) by substituting for the words “The appropriate Disciplinary Authority” the words “Subject to subregulation (6), the appropriate Disciplinary Authority”;
- (ii) in paragraph (a), by substituting for the words “horizontally in the same salary level” the words “in the same salary schedule for an officer provided with a salary point”; and
- (iii) in paragraph (b), by inserting the words “, 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” after the words “three salary movements”; and

(b) by inserting after subregulation (4) the following subregulations:

“ (5) For the purpose of paragraph (1)(b), an officer whose salary is not provided with a salary point, a “salary movement” is equal to the amount of five percent of basic salary;

(6) The punishment of reduction of salary does not apply to an officer who is on the minimum salary point or to a contract officer who is not provided with the salary point but does not include a contract officer who is given a salary increment based on percentage.”.

**Substitution of regulation 42**

3. The principal Regulations are amended by substituting for regulation 42 the following regulation:

“Reduction in rank. 42. (1) Subject to subregulation (3), the appropriate Disciplinary Authority 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 subregulation (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) for an officer who is provided with a salary point, the salary of the officer shall be first reduced by three salary points from the last drawn salary received by the officer in his substantive grade before the punishment is imposed, and thereafter his salary shall be determined on a salary point which is lower, but nearest, in the salary schedule of the such reduced grade;
- (b) for an officer who is provided with a salary point but is at a salary point of three or less when the punishment is imposed, the last drawn salary at his substantive grade before the punishment shall be deducted by an amount which is equivalent to the amount of three times the salary movement at that substantive grade, and based on the amount obtained, the salary of the officer shall be determined at a salary point which is lower, but nearest, in the salary schedule of the reduced grade, or at the minimum salary of the reduced grade if the nearest salary is equal to or less than the minimum salary in the reduced grade;
- (c) for an officer who is not provided with a salary point, his last drawn salary before the punishment is imposed shall be first reduced by an amount of fifteen percent regardless of whether the reduced amount becomes equal to or less than the minimum salary of the grade before the officer is imposed with the punishment and the amount shall be the salary for the officer at the reduced grade, provided that 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

(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 substantive 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.

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

**Savings and transitional**

4. If an offence occurs before these Regulations come into operation, regardless of whether the disciplinary proceedings relating to it has commenced or not, the proceeding for the offence shall commence or continue under and in compliance with the Public Officers (Conduct and Discipline) Regulations 1993 before being amended by these Regulations.

Made 29 December 2011  
[JPA(R).TT.193/43 Jld. 7(48); PN(PU2)76/X]

By Command

TAN SRI MOHD SIDEK BIN  
HASSAN  
*Secretary to the Cabinet*