



To His Excellency the Governor of Sint Maarten
drs. E.B. Holiday
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Harbour View
Sint Maarten

RvA No. SM/15-14-LB

Subject: Draft National Decree containing general measures amending the Public Housing, Spatial Development, Environment and Infrastructure Performance Manual as a result of changes within the workforce plan (your reference number LV-14/0017).

Advice: With reference to your request dated September 9, 2014 for the advice of the Council of Advice on the abovementioned subject and the discussion thereof at the meeting of the Council on January 20, 2015, and the adoption thereof at the meeting of the Council on January 20, 2015, the Council informs you as follows.

The purpose of the draft National Decree is to introduce changes of positions within three executive organizations of the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (abbreviated in Dutch as “VROMI”), because, according to the Explanatory Memorandum, there is a need for more general functions. The changes of positions will take place within the executive agencies Management Department, Licenses Department and Inspection Department.

1. General comments

The Council endorses the purpose of the draft, but notes that the executive office Management Department should be divided into divisions, before any division heads can be appointed. Furthermore, the Council is of the opinion that the Explanatory Memorandum contains insufficient reasons and explanations to properly justify the proposed changes. Therefore, the Council is of the opinion that it is desirable to adjust the proposal and the Explanatory Memorandum.



2. Policy analytical assessment

2.1 Necessary division

The purpose of the proposal is to add the position of senior management employee for two FTEs, as well as three division heads: Operations Division Head, Project Coordinator Division Head and Contract Management Division Head. One FTE will be made available for each division head. The Explanatory Memorandum does not state why it is desirable to add these positions, and what the hierarchical relationships will be between the department head, the senior management employees, the division heads and the team leaders. The Explanatory Memorandum also does not indicate which employees will be supervised by aforementioned executives. The Council advises to correct the Explanatory Memorandum on aforementioned points in order to better justify and substantiate the need for the proposed changes.

The Council notes that it is not possible to appoint division heads without dividing the department into divisions.¹ The Council advises to divide the executive office Management Department into divisions to allow for the appointment of division heads. The National Decree containing general measures of August 26, 2014 amending the General Affairs Organization Decree because of the division of the Department of Legal Affairs and Legislation into divisions ("AB" [*Official Gazette*] 2014, No. 63) can be used as an example.

2.2 Management Department

The purpose of the proposal is to eliminate the position of Operations Manager and the position of Project Coordinator at the Management Department. The Explanatory Memorandum does not state why these positions will cease to exist, and who will take over the duties belonging to these positions. The Council advises to correct the Explanatory Memorandum on this point in order to better substantiate the need for the proposed changes.

¹The Organization Memorandum of the country of Sint Maarten provides that a department can only be divided into divisions, if the divisions will consist of at least four employees charged with policy-related, legislative and supervisory duties.



It is also proposed to make available 27 FTEs less for the position of Employee and to add eight FTEs for the position of Contract Manager to the performance manual. These seemingly drastic changes are not further explained or justified in the Explanatory Memorandum. It is not clear why it is necessary to appoint contract managers, nor why the need for the position of employees has decreased so much.

The Explanatory Memorandum does not state what consequences this amendment will have for the current employees. The Council advises to add these points to the Explanatory Memorandum.

The training requirements for the diesel mechanics, team leaders and maintenance employees are changed without explanation. Diesel mechanics and team leaders are required to have had training at the level of secondary vocational education instead of the current training level of pre-vocational education. The maintenance employee is required to have had training at the level of junior secondary vocational education instead of the current training level of pre-vocational education. The Council advises to indicate why these changes in training requirements are desirable, and what consequences these changes will have for the current staff.

2.3 Licenses Department and Inspection Department

It is proposed to eliminate the positions of Secretary, Senior Employee Licensing Policy, Senior Employee Building Plan Assessment and the position of Licensing Employee and to add the positions of Technical Administrator and Senior Employee Licenses at the executive office Licenses Department. These changes are not fully explained, so that it is not clear which employees will take over the duties of the eliminated positions, nor what the motivation is for eliminating and adding the respective positions. Moreover, the Council notes that the Licenses Department is small in size (nine FTEs), but will have four heads in the form of three Senior Employees Licenses and one Department Head. The Council advises to provide further explanation of the points mentioned above.

It is proposed to eliminate the position of Secretary from the performance manual for the Inspection Department. The Council advises to explain why this position is eliminated, and who will take over the duties of the secretary.



The position of Chief Inspector is added at the Inspection Department for three FTEs, and three FTEs less are made available for the position of Inspector. The Chief Inspectors are required to have a higher level of education (“HBO” [*higher professional education*]) than the inspectors (“MBO” [*senior secondary vocational education*]). The Council advises to indicate in the

Explanatory Memorandum what consequences the aforementioned changes will have for the current inspectors.

Finally, the Council advises to indicate in the financial section of the Explanatory Memorandum whether the proposed staff changes at the departments of the Ministry of VROMI have been taken into account in the budget of the country for the year 2015.

3. Comments of an editorial nature

The annex states the comments of an editorial nature. These comments are deemed to form an integral part of this advice.

4. Conclusion

In conclusion, the Council asks the Government to adopt the draft National Decree, containing general measures, until the observations of the Council have been considered.

Thus adopted at the meeting of the Council of January 20, 2015.

The Secretary

[was signed:]

Mr. *mr.* A.G. Baly

The Vice-Chair

[was signed:]

Ms. *mr. drs.* M.C.C. Brooks-Salmon



ANNEX to the advice of January 20, 2015, RvA No. SM/15-14-LB

Comments of an editorial nature

- The Council asks the Government to consider providing the performance manual with page numbers.