

# Public Service Policy and Instructions 2010 as amended

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# PRELIMINARY

## 1. Short title and commencement

- (1) These Instructions may be cited as the Public Service Policy Instructions.
- (2) These Instructions shall come into force on the same date as the Public Service Policy 2010.

## 2. Interpretation

In these Instructions, unless the context otherwise requires —

“**Activity**” means a sub-set of a sub-program that covers service delivery of a particular type;

“**appointing authority**” means the agency or person with the legal authority to appoint employees;

“**basic salary**” means the salary earned by the employee at the time redundancy of that employee was approved;

“**casual employee**” means a person who is employed for a non-continuous period for a specific short-term event;

“**Chief Executive Officer of the Commission**” means the Chief Executive Officer of the Office of the Public Service Commission appointed under the Public Service Act;

“**Commission**” means the Public Service Commission established under the Public Service Act 2002;

“**Corporate Services**” means the aggregation, generally a unit (division or section) that is responsible for providing services such as finance, human resource management, Information Technology (IT), procurement, administration of property and fleet. It must not be used to hold budgets for other activities;

“**employee**” means all persons employed in the Public Service;

“**family**” means a husband, wife and dependent children;

“**Government Scholarship**” means any scholarship awarded through the Scholarship Committee, or scholarships awarded to Ministries and were approved by the Chief Executive Officer, e.g. WHO Scholarships;

“**lateral transfer**” means moving from one post to another in the Public Service that is placed on the same salary scale;

**“married employee”** means an employee who is still married to his spouse at his permanent station prior to the date of posting or a widow or widower providing full time care for dependent children;

**“Ministry”** means any ministry, department or office listed in Schedule I of the Public Service (Amendment) Act 2010;

**“New scholar”** means a person who held a Government Scholarship and successfully completed the scholarship before being appointed to the Public Service for the first time;

**“Pre-termination Leave”** is the balance of annual leave due to the employee at the date of resignation or retirement;

**“Redeployment”** means moving of an employee from one post to another (either within the same Ministry or from one Ministry to another) because of restructuring, revision of activities or redundant post;

**“Redundancy and Redeployment Management Plan”** means a formal plan that must be developed by a Chief Executive Officer to manage the full process of nominating redundant posts and implementing the action to redeploy the staff involved or manage their separation from the public service;

**“Redundant Post”** means a post that is allocated to an Activity or function that is evaluated as no longer required, and which will be abolished and not filled [also referred to as a post being made redundant];

**“Retrenchment”** means the process of terminating the employment of an employee in a redundant post;

**“Returning Scholar”** means a serving employee who completed further studies on Government Scholarship and Scholarships awards which are confirmed to be in line with the Government priority areas as determined by the Government Scholarship Committee;

**“Separation Package”** means the collection of payments that is to be provided to a person;

**“Tribunal”** means the Public Service Tribunal established under the Public Service (Amendment) Act 2010.

### **3. Purpose**

The purpose of these Instructions is to set out the procedures for implementing Public Service policies stated in the Public Service Policy 2010.

#### **4. Application**

- (1) These Instructions apply to all permanent employees, daily paid labourers, casual employees and contract employees, of the Public Service as defined in the Public Service Act 2002.
- (2) Persons who are appointed to fill designated posts on a contractual basis are subject to these Instructions, except that, where the individual's contract is in conflict with these Instructions, the terms of the contract shall apply.

#### **5. Copy of Policy and Policy Instructions to be provided**

A copy of the Policy 2010 and Policy Instructions shall be given by the Commission to every Chief Executive Officer<sup>1</sup> who shall advise all employees in his Ministry of their existence, ensure employees understand relevant Policies and Instructions and make it available for them to read. All employees shall familiarize themselves with the relevant parts of these Policies and Instructions.

#### **6. Instructions**

Instructions issued by the Commission shall be followed unless specific approval from the Commission has been obtained to vary the Instructions.

#### **7. Varying Instructions**

The Commission may vary Instructions in ways not inconsistent with the Act, Regulations or Policies.

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<sup>1</sup> List of Chief Executive Officers:

1. Auditor General
2. Chief Executive Officer of the Commission
3. Chief Secretary and Secretary to Cabinet
4. Commissioner of Revenue
5. Director of Agriculture and Forestry, Food and Fisheries
6. Director of Education, Women's Affairs and Culture
7. Director of Environment and Climate Change
8. Director of Health
9. Director of Public Enterprises
10. Director of Tourism
11. Director of Training, Employment, Youth and Sports
12. Director of Works
13. Private Secretary to His Majesty
14. Secretary for Finance and National Planning
15. Secretary for Foreign Affairs and Defence
16. Secretary for Information and Communication
17. Secretary for Justice
18. Secretary for Lands, Survey & Natural Resources
19. Secretary for Labour, Commerce & Industries
20. Secretary for Transport
21. Solicitor General

# **INSTRUCTION I: STAFFING**

## **1A. Introduction**

### **1A.1 Objectives**

The objectives of these Instructions are to:

- (a) Provide guidance to the public service for implementing the provisions regarding recruitment in the Public Service Policy 2010, and relevant Cabinet decisions regarding employment in the public service; and
- (b) establish uniform compliance by the public service as a whole, for consistency, fairness and efficiency.

### **1A.2 Principles**

These Instructions are made based on the following principles:

- (a) A Ministry's Salaries and Wages budget estimate for the full financial year is the chief measure for monitoring and controlling the cost of labour or labour expenditure within Government.
- (b) There is a need for flexibility and accountability to determine and source critical employees in accordance with a Ministry's approved programs, subject to maintaining the aggregate Salaries and Wages budget for the full year.
- (c) There will be some flexibility to allow employee numbers to fluctuate to cope with New Scholars, Returning Scholars and needs of various programs, in the sure knowledge that this will be off-set with employee exits throughout the year.
- (d) The Ministry of Finance will, with the endorsement of the Cabinet's Expenditure Review Committee, determine the appropriate percentage of Government's total annual estimates that will be allocated for expenditure for labour costs;
- (e) The total allocation for labour costs by all Ministries in every financial year shall not exceed the percentage determined under sub-section (d);
- (f) The total actual expenditure for labour costs by all Ministries in every financial year shall not exceed the percentage determined under sub-section (d);
- (g) Each Ministry shall allocate a percentage of its allocated budget for labour expenditure, and such percentage shall be within the percentage determined under sub-section (d);
- (h) Each Ministry shall allocate a percentage of its allocated budget for operational expenditure;
- (i) A Ministry may utilise any savings it makes from its labour expenditure allocation for operational expenditure and vice versa;
- (j) The number of, and expenditure for, public servants will be gradually downsized in future; and
- (k) Employment contracts shall be used in the public service to employ specialist and professional employees, casual employees and daily paid labourers. This will be gradually adopted over the coming years as the public service transitions to more performance based systems.

### **1A.3 Categories of Employees**

#### **1A.3.1 Permanent employees**

Permanent employees are appointed to permanent posts funded by the annual estimates.

### **1A.3.2 Contract employees**

- (1) Contract Employees are appointed for a fixed term on an individual contract.
- (2) All appointments are made or processed by the Commission.

## **1A.4 Reviewing, Modifying and Creating Posts**

### **1A.4.1 Effective and Efficient Structures**

Ministries are accountable to ensure the way work is organized is appropriate to optimize the effective and efficient operations of the Ministry.

### **1A.4.2 Procedures**

The Commission shall issue procedures on how Ministries are to create or change posts.

### **1A.4.3 All posts to have a job description**

All posts in Ministries shall have a description of the duties of the post and a person specification in a form prescribed by the Commission.

### **1A.4.4 Job description to be reviewed**

Each Ministry shall ensure that job descriptions shall be reviewed and updated at not more than three (3) years intervals, and in line with the Commission's direction.

### **1A.4.5 Re-designation of posts**

The Chief Executive Officer may re-designate titles of posts to ensure relevance of the role to the Ministry, subject to the current Classification of Posts and the approval of the Commission.

## **1A.5 Job Classification and Grade**

### **1A.5.1 Classification, Grade and Remuneration Level**

To ensure a fair and equitable remuneration system the Commission shall determine classification, grade and remuneration of all posts.

### **1A.5.2 Determining Grade and Remuneration**

The Commission shall utilize an appropriate system applicable to all posts to determine grade and remuneration.

### **1A.5.3 Post Classifications**

All posts shall be classified as shown in the Classification of Posts, unless otherwise approved by the Commission.

## **1B. Appointments and Recruitment**

### **1B.1 New Appointments and Recruitment Process**

#### **1B.1.1 New Employees**

No new employee shall be recruited by a Ministry, unless the recruitment is due to:

- (a) recruitment of new scholars;
- (b) Government restructuring, involving any changes made to the structure of a ministry, including the splitting or amalgamation of a ministry;
- (c) obligations on a ministry to contribute to an aid donor project particular employees, including professional or administrative employees; or

- (d) recruitment of administrative or clerical employees due to:
  - (i) the necessary skills for administrative or clerical activity not being available within the public service;
  - (ii) redeployment from another Ministry;
  - (iii) recruitment which is required by the Ministry of Health or Ministry of Education; or
  - (iv) recruitment being of an emergency nature in the opinion of the Commission.

### **1B.1.2 Merit Principle**

All appointments and promotions shall be based on the merit principle.

#### **1B.1.2.1 Definition and application**

- (1) Merit refers to the relative suitability of a person to perform the tasks and duties attached to a specific post.
- (2) For different posts, the relative importance of the necessary qualities varies, but an employee's balance of technical and professional skills, work experience, academic qualifications, personality, leadership and administrative abilities shall determine his competency and suitability.
- (3) In broad terms, it implies that the most suitable person is selected for appointment.
- (4) When there are two (2) or more persons with equal merit then the most senior person takes priority.

### **1B.1.3 Recruitment Process**

- (1) Prior to advertising a vacant position, the recruiting Ministry shall:
  - (i) obtain written confirmation from the Secretary for Finance that funding is available;
  - (ii) submit the job description(s) of the vacant position(s) to the Chief Executive Officer of the Commission for endorsement.
- (2) All vacancies shall be advertised within the public service unless approved by the Commission to be advertised outside of the public service.
- (3) All posts are to be advertised in a way to attract the maximum suitable applicants unless specific approval is obtained from the Commission.
- (4) All vacancies shall be advertised for a minimum of two (2) weeks.
- (5)
  - (i) All interview panel members shall be approved by the Chief Executive Officer of the Commission prior to the interview;
  - (ii) Any panel member shall declare conflict of interest (real or apparent) to the Chief Executive Officer of the Commission prior to appointment.
- (6) The Commission shall ensure that as far as possible panel members shall have had training on interviewing and selection of candidates to the public service;
- (7) The Interview Panel shall comprise of three (3) members: one (1) from the Office of the Commission, one (1) from the recruiting Ministry and one (1) from another Ministry who possesses similar skills, qualifications or experience with those of the advertised position and subject to sub-section (5)(i) above. For technical positions where no panel member from another Ministry possesses the skills required for the position, a technical expert

may be engaged from outside of the Public Service, subject to sub-section (5)(i) above.

**(8) Shortlisting Applicants**

- (a) Where more than one (1) applicant meets the minimum requirements, the Interview Panel shall shortlist the candidates.
  - (b) The Interview Panel shall ensure that all shortlisted applicants meet the minimum requirements of the advertised position.
  - (c) Where the Interview Panel shortlists more than five (5) applicants, only the top five (5) applicants shall be further assessed by the Interview Panel.
  - (d) Where it is difficult to determine the top five (5) applicants the Interview Panel may decide to interview the appropriate number of applicants.
- (9) The Interview Panel shall use the recruitment checklist and form provided by the Office of the Commission for interviews.
- (10) All panel members must participate in obtaining referee reports for shortlisted applicants. It is at the discretion of the panel members on whether this reference check can be delegated.
- (11) The Human Resource Officer for the Ministry is to compile a report on the results of the Interview and circulate for endorsement of the relevant Interview Panel prior to submission to the Chief Executive Officer concerned and the Commission for approval.
- (12) If the relevant Chief Executive Officer does not agree with the recommendation of the panel then the Chief Executive Officer shall give reasons in writing as to why he does not agree, together with the panel report, to the Chief Executive Officer of the Commission.
- (13) Staffing for the Office of the Minister**
- a) Once a Minister assumes duty, he may, with the consent of the Commission, appoint on contract a VIP Driver and a Personal Assistant remunerated up to Level 9, for the duration of his term in office.
  - b) Persons appointed under paragraph (a) shall be remunerated from the Ministry's budget.

**1B.1.4 Offer of appointment letter**

The appointing authority shall arrange for an offer of appointment letter to be sent to the successful candidate.

**1B.1.5 Content of appointment letters**

The Commission shall specify the minimum content of appointment letters.

**1B.1.6 Appointee to sign**

The appointing authority shall ensure that all appointees acknowledge in writing that they have received and understood the appointment conditions.

**1B.1.7 Prerequisite before Employment**

Before being formally employed, all new employees shall be required to provide to the Commission the following at their own cost –

- (1) a medical examination;
- (2) a current police record from the country he was last resident for a period of one (1) year or more.

#### **1B.1.8 Establish personal file**

The appointing authority shall establish a personal file for each category of new employees, whether permanent or contract, for the inclusion and retention of all matters relating to that employee.

#### **1B.1.9 Advising the Commission of assumption of duty**

The Chief Executive Officer shall ensure the Commission and Ministry of Finance are advised of all new employees' date of assumption of duty, within five (5) working days of date of assumption of duty.

#### **1B.1.10 Official Secrets Act**

- (1) All employees to the Public Service are required to take the oath set forth in the Schedule to the Official Secrets Act, within one (1) month of appointment.
- (2) It is the responsibility of Chief Executive Officers to ensure that all its employees have taken their oaths.

#### **1B.1.11 Appointments to be gazetted**

Once it is known that an employee has assumed duty as a permanent employee, the Chief Executive Officer of the Commission shall arrange for this information to be published in the Tonga Government Gazette.

#### **1B.1.12 Date of Appointment**

- (1) An employee's date of appointment as a permanent employee shall be the date of his first assumption of duty in a permanent post.
- (2) In the case of a daily paid labourer appointed to a permanent post, the effective date shall be the date of the assumption of duty in the permanent post.
- (3) The Commission must approve the appointment before the employee assumes duty in the permanent post.

#### **1B.1.13 Induction**

- (1) Chief Executive Officers shall ensure all employees undergo an induction to facilitate their productive adaptation to the public service and a written record shall be maintained of the induction.
- (2) The Office of the Commission shall conduct an induction programme on a quarterly basis for all new employees pertaining to regulations and policies governing employment in the Tonga Public Service.

### **1B.2 Promotion**

#### **(1) Principles of Promotion:**

The considerations governing all promotions shall be the advancement of the efficiency of the public service, and this can only be secured by determining promotions on grounds of merit and suitability.

- (2) Any attempt by individuals to secure promotion by the exercise of influence shall result in disqualification.



- (3) All promotion shall be with the approval of the Commission.
- (4) An employee who has been recently promoted shall be eligible for another promotion after completing one (1) year at the post to which he was last promoted.
- (5) **Appeals procedure:**  
Any employee has the right to appeal to the Tribunal against a promotion decision in which he may be involved or which affects a post to which he could have been promoted. Such appeals shall be lodged within fourteen (14) days after the person making the application has been served with written notice of the Commission's decision, through the Secretariat to the Tribunal. The Tribunal's decision on such appeals shall be final.
- (6) **Effective Date of Promotion:**  
All promotions are to be effective from the date of assumption of duty in the approved position.
- (7) **Staff Boards:**  
Where the staff numbers in any professional, specialist or technical grade within a Ministry are so large that it is impractical for anyone to be familiar with the qualities of every member of that grade, the institution of a staff board appointed by the Chief Executive Officer as a recommending body shall be required. A Staff Board shall normally include the Chief Executive Officer of the Commission or his representative.
- (8) **Probationary Period Upon Promotion**  
All promotions shall be on six (6) months probationary period before confirmation to the position.

### **1B.3 Seniority**

Seniority is based on:

- (a) date of first appointment to a post; or
- (b) date of promotion to a more senior post or rank.

### **1B.4 Lateral transfer**

An employee may be laterally transferred to another post provided he meets the requirements for that post.

### **1B.5 Re-employment**

#### **1B.5.1 Employees who previously resigned**

Employees who resigned may be re-employed if they meet the requirements for appointment.

#### **1B.5.2 Employees who were previously dismissed**

The following rule applies to employees who were previously dismissed:

- (a) no employee previously dismissed may be re-appointed, even on a temporary basis, without the prior approval of the Commission.

#### **1B.5.3 Applicants who have been compulsorily retired through ill-health**

Any employee who has been compulsorily retired on grounds of ill-health shall not be re-employed without a medical report from the Director of Health.

#### **1B.5.4 Re-employment of Employees who have Retired on Pension**

Where Government considered it necessary to re-employ in an established post an employee who has already retired on pension, such employee shall be entitled to all the privileges and benefits of such post.

### **1B.6 Provisional Employment Contracts**

- (a) Any employee who entered into a provisional employment contract may elect, with consent of the Chief Executive Officer, to either continue to be employed under an employment contract, on no lesser terms or conditions which they enjoyed under the provisional employment contracts, or be employed to a permanent post.

### **1B.7 Private Practice**

Employees shall obtain the approval of their Chief Executive Officer and Cabinet to have a private practice.

### **1B.8 Reclassification**

All Student Nurses who successfully obtained a Diploma in Nursing from the Queen Salote School of Nurses (QSSN) shall be reclassified into the positions of Staff Nurse Diplomate effective from the date of official notification from the Institution.

## **1C. Probation**

### **1C.1 Period of Probation**

The period of probation for all employees including Chief Executive Officers shall be six (6) months.

### **1C.2 Performance assessed**

- (1) Employees' performance, acceptance and discharge of responsibility shall be assessed during and at the end of their probationary period.
- (2) An interim report shall be completed by the Ministry after three (3) months and the Ministry shall determine whether performance is acceptable to continue for the full period. If unsatisfactory performance is reported, probation should cease and employment be terminated in accordance with the principles of natural justice.

### **1C.3 Confirmation of Appointment**

- (1) At the end of the probationary period and provided that the performance is assessed to be satisfactory, the employee's appointment shall be confirmed by the Chief Executive Officer.
- (2) Probationary period may be extended only once, and such extension shall not exceed three (3) months.

### **1C.4 Not confirmed**

Employees with unsatisfactory performance shall not be confirmed and their appointment shall be terminated, in accordance with the principles of natural justice.

### **1C.5 Termination during probation**

An employee may be terminated at any time during the probationary period by the appointing authority for failure to comply with any applicable Act, regulation, instruction, procedure or lawful direction after following due process in accordance with the Public Service (Disciplinary Procedures) Regulations 2003 as amended.

### **1C.6 Period of notice for Termination**

Termination shall require the giving of one (1) month notice or pay in lieu of notice to the employee.

### **1C.7 Right to terminate**

Nothing in this instruction shall diminish the Commission's right to terminate an employee.

### **1C.8 Acting Appointment and Applications for other posts**

An employee on probation except where the employee was recently promoted shall not be eligible for an acting appointment or to apply for other posts until they have completed their probationary period and have been confirmed to their current post.

### **1C.9 Study Leave**

An employee on probation shall not be eligible for study leave until they have completed their probationary period and have been confirmed to their current post.

## **1D. Acting Appointment**

### **1D.1 Acting Appointments**

- (1) Acting appointment occurs when an employee is designated to carry out the full range of duties of another employee in a higher grade in the Public Service who is
  - 
  - (a) absent on vacation leave, special leave, study leave, sick leave, secondment or maternity leave;
  - (b) absent on internal (in-service) or external training courses (other than accredited scholarship courses overseas which are normally followed by re-posting), at conferences, meetings or for other similar purposes; or
  - (c) promoted, resigned, retired or dismissed.
- (2) An employee on acting appointment shall take all the terms and conditions of the higher grade.
- (3) When an employee is appointed to act in a higher post, that employee is expected to also perform the duties of his substantive post. The only exception is cases where, on acting appointment, he is required to move to another locality, in which case another employee may be appointed to act in his substantive post. Such acting appointment requires approval by the Commission.
- (4) Acting appointment requires the approval of the Chief Executive Officer.

## **INSTRUCTION II: WORKING CONDITIONS AND ENTITLEMENTS**

## **2A. Hours of Work and Attendance**

### **2A.1 General**

This instruction applies to all employees except:

- (a) school teachers whose attendance is stipulated by the Ministry of Education, Women's Affairs and Culture; or
- (b) sea-going crews of fishing and research vessels, who are remunerated on a salary plus bonus system and are not subject to conditioned hours or paid overtime.

### **2A.2 Attendance**

- (1) Attendance records shall record the name of all employees, the time of arrival at work and the time the employee left work.
- (2) Where employees are absent from their normal place of work this shall be recorded by the supervisor (e.g. annual leave, sick leave) in the Attendance Record.

### **2A.3 Record of Attendance**

- (1) All employees are required to record their attendance when reporting for duty.
- (2) Where an attendance book is not in use, other similar means shall be used.
- (3) Attendance records shall be kept by the Ministry for inspection.
- (4) Weekly attendance records are to be prepared for all employees and reviewed by the supervisor and Chief Executive Officer.

### **2A.4 Hours of Work**

- (1) The condition and minimum hours of attendance for employees are 40 hours per week, Monday to Friday. The normal working day is from 8.30am to 4.30pm with a meal break of one (1) hour.
- (2) During the Week of Prayer observed in January each year, the working day shall end at 4.00p.m.
- (3) Where employees are employed on a roster, shift or under other special arrangements, working hours shall be an average of 40 hours per week.
- (4) The five-day week is the standard arrangement throughout the Public Service, though Ministries have the right to call on employees at any time.
- (5) Under certain circumstances an employee may be allowed, by contract or otherwise, to work flexi-hours which may be up to 40 hours per week, with Chief Executive Officer's and Commission's prior written approval.

### **2A.5 Employee's Responsibility**

An employee is required to understand and comply with working hours instructions wherever they work.

### **2A.6 Supervisor's Responsibility**

Each supervisor shall ensure that all employees comply with attendance instructions and shall provide counselling for, or discipline, those who do not.

### **2A.7 Overtime**

#### **2A.7.1 General**

- (1) Employees may be required to work additional hours subject to the needs of the Ministry.
- (2) Overtime is payable to employees who worked in excess of the conditioned hours (40 hours per week).

- (3) Conditioned hours are expressed as gross (including meal breaks) for all employees.
- (4) Payment of overtime shall be subject to Chief Executive Officer approval and evidence of instituted overtime management controls.
- (5) Overtime rate shall be paid as follows –
  - (a) time and a half (1.5 hours pay) per one (1) hour worked during overtime on weekdays; and
  - (b) double time (2 hours pay) per one (1) hour worked overtime on public holidays and weekends.
- (6) This instruction does not apply to Teachers of the Ministry of Education unless specifically mentioned.

#### **2A.7.2 Authorization and Supervision of Overtime**

- (1) All overtime work shall receive written approval of the Chief Executive Officer prior to the actual overtime work commencing.
- (2) The approval shall nominate a supervisor to ensure that overtime work claimed is in order.
- (3) Proper time sheet record shall be used in the recording of overtime, and time limits of overtime shall be specifically stated.

#### **2A.7.3 Eligibility for overtime**

Overtime is payable only to employees whose basic salary is less than the salary of the Chief Executive Officer.

#### **2A.7.4 Time Off in Lieu of Overtime Payment**

- (1) Employees may choose to take time off in lieu of overtime with the consent of the Chief Executive Officer.
- (2) Time off in lieu constitutes as working days.
- (3) Time off in lieu of overtime shall be calculated as follows;
  - a) time and a half (1.5 hours) per one (1) hour worked during overtime on weekdays; and
  - b) double time (2 hours) per one (1) hour worked overtime on public holidays and weekends.

#### **2A.7.5 Accumulation of Overtime**

Overtime payments may be allowed to accumulate for a period of no more than one (1) month.

#### **2A.7.6 Essential Overtime on Saturdays**

Where the functions of a Ministry do not require Saturday working, but the volume of work is such that it cannot be performed in conditioned hours on the other five (5) days, Saturday working may be allowed but as a last resort.

#### **2A.7.7 Hours worked in times of Natural Disasters**

- (1) Where the functions of a Ministry requires working in times of Natural Disasters (i.e. Tropical Cyclones etc), such periods of work shall be counted as overtime and shall be calculated as follows;

- (a) time and a half (1.5 hours pay) per one (1) hour worked during overtime on weekdays; and
- (b) double time (2 hours pay) per one (1) hour worked overtime on Public Holidays and weekends.

(2) Periods of hours worked in times of Natural Disasters shall be effective from the time as declared by the relevant authority (e.g. Natural Disaster Committee).

## **2B. Leave**

### **2B.1 Leave Entitlements as from 1 January 2016**

(1) All employees appointed to a post on the permanent establishment of the Public Service shall be eligible for the following (where applicable):

<b>Leave Type</b>	<b>WD</b>	<b>Comments on policy changes</b>
Annual Leave	20	Policy to allow accumulation
Sick Leave (out patient)	15	For non hospitalisation. Sick Leave (out patient) may be utilized as sick leave (in patient) subject to the recommendation from the Director of Health and approval of the Chief Executive Officer of the Commission.
Sick Leave (in patient)	30	New Policy for hospitalisation only (not expected to be high usage)
Maternity Leave	3 months (calendar days)	Policy focuses on duration for health of working mother and child
Paternity Leave	5	Policy recognises role of both mother and father at birth of child
Leave Without Pay	20	This is different to 'study leave' which will continue to be reviewed

- (2) Under special/ exceptional/ emergency circumstances, the annual leave of an employee may be carried forward to the next year with the approval of the Commission.
- (3) Subject to paragraph (2), the number of annual leave per annum shall not exceed 40 working days.

### **2B.2 Authority for Leave**

- (1) Grant of leave to employees is vested in the Chief Executive Officer.
- (2) Grant of leave for Chief Executive Officers is vested in the Minister.

### **2B.3 Recall from Leave**

- (1) An employee may be recalled from annual leave by the same authority who granted the leave.
- (2) The outstanding annual leave of an employee who was recalled shall be taken as soon as the circumstances of the Ministry permit.

### **2B.4 Form for Application**

All applications for leave shall be in the form prescribed by the Commission. [**Annex 1**]

### **2B.5 Taking leave not of Right**

An employee shall take leave at a time and for a duration that shall not adversely affect the efficient and effective operation of the ministry as approved by the Chief Executive Officer.

### **2B.6 Salary may be paid in lieu of leave**

- (1) No employee shall be entitled to receive salary instead of leave due, except when –
  - (a) an employee who is entitled to leave immediately preceding resignation or retirement may receive his salary for such period of leave in one lump sum in lieu of such leave;
  - (b) an employee who is at Level 5 or above has completed three (3) years of service at that level is considered by his Minister and approved by the Commission that because of the exigencies of the service may receive a cash payment equivalent to his salary for up to 20 working days, subject to the Ministry's budget.
  - (c) an employee who is stationed at Niuatoputapu or Niuafu'ou, subject to the approval of the Chief Executive Officer and the Commission.
- (2) The cash payment paid under paragraph (1) (b); shall not exceed 10% of the total amount in the appropriate program of that Ministry's Annual Estimates.

### **2B.7 Leave to be in working days**

Leave shall be expressed in working days with the exception of maternity leave.

### **2B.8 Leave Credits**

Leave credits for sick leave, casual leave and maternity leave shall be awarded on commencement of duty.

### **2B.9 Leave Management**

The Chief Executive Officer has the discretion to:

- a) Approve for an employee to take annual leave within the 12 months calendar year;
- b) Approve for the old leave approval to cease at the end of December 2009 to carry forward to 30 June 2011, and the new leave policy takes effect from January 2010;
- c) Chief Executive Officer must ensure that all employees utilize their full year's annual leave by end of December annually.

### **2B.10 Leave Entitlement and Calculation**

As of 4 January 2010, an employee shall be entitled to:

- a) Twenty (20) working days annual leave which is not accrued from year to year;
- b) Employees appointed during the year will receive the pro rata leave entitlement from the month they assumed duty until end of December, calculated as one annual leave day for every 12 working days worked;
- c) Employees who exit the service before completion of 12 months shall be deducted the pro rata leave entitlement for the months not yet worked.

### **2B.11 Non-reckonable Periods**

The following periods shall not be reckonable for leave purposes –

- (a) unauthorized absences;
- (b) attendance on any overseas course or conference in excess of one month;
- (c) duration of any leave in excess of one month;
- (d) periods of leave without pay.

### **2B.12 Leave without pay**

- (1) All accumulated leave shall be utilized prior to taking leave without pay.
- (2) No accumulation of paid leave occurs during leave without pay.
- (3) In circumstances where the employee has taken leave without pay until the end of the previous calendar year, any continued leave in the new calendar year shall be on a without pay basis until the officer resumes duty.
- (4) Under special circumstances the Commission may approve additional leave without pay.

### **2B.13 Absence without Permission**

- (1) An employee who is absent without the proper authorisation shall be liable for disciplinary action.
- (2) No salary shall be payable for the period during which an employee is absent without permission.
- (3) After five (5) working days from the date the employee was due to resume duty, the Chief Executive Officer may recommend dismissal of that employee.

### **2B.14 The Commission to be informed**

Chief Executive Officers shall inform the Commission, of all details relevant to leave allowances for recording purposes and shall maintain a record in the personal file of each employee.

### **2B.15 Leave for Chief Executive Officers**

<b>Leave</b>	<b>Duration</b>
Vacation (Annual)	20 working days per annum which could be accumulated up to a period of 40 working days.
Casual Leave	5 working days per annum and to be taken one day at a time.
Sick Leave	10 working days per annum. Under exceptional circumstances the Commission may grant additional paid sick leave upon receipt of a written application supported by written advice/recommendation of the Director of Health.
Maternity	30 working days.

### **2B.16 Annual Leave**

- (1) School teachers and lecturers (with the exception of those listed in (a) – (f) below) are entitled to school holidays. The exceptions, who are treated for leave purposes as other employees in the public service, are as follows –
  - (a) at Tonga Institute of Education: all full time teachers;
  - (b) at Tonga College: The Principal and Deputy Principal; the Woodwork, Metalwork and Agricultural Instructors; Farm Manager, Assistant Farm Manager and the Senior Tutor;
  - (c) at Tonga High School: The Principal, Deputy Principal, Senior Tutor and Senior Mistress, Counsellor



- (d) other Government High Schools: Principal, Deputy Principal, Senior Mistress, Senior Tutor;
- (e) Tonga Institute of Higher Education: all full time teachers;
- (f) Community Development and Training Centre: all full time teachers.

### **2B.17 Daily Paid Labour**

Employees engaged as “daily paid labourers” are remunerated on a day-to-day basis and as such are not entitled to any leave benefits.

### **2B.18 Sick Leave**

#### **2B.18.1 General**

Sick leave with pay is a concessionary allowance, which must not be carried forward from any one calendar year to any subsequent year.

#### **2B.18.2 Sick Leave while on Leave**

- (1) Sick leave during any leave period taken shall be included in the leave period unless if the officer is hospitalised at which case the approval of the Chief Executive Officer and the Commission shall be required.
- (2) No salary shall be payable for the period of sick leave that occurs while an officer is on leave without pay or immediately after the completion of this period of leave without pay.

#### **2B.18.3 Authorization of Sick Leave**

- (1) The authorization of all paid sick leave is vested in the Chief Executive Officer who shall be guided by the medical certificate submitted by an employee.
- (2) The medical certificate shall be from the country the employee was in at the time.
- (3) Chief Executive Officers shall ensure all medical certificates and medical reports are retained on personal files unless directed otherwise by the Commission.

#### **2B.18.4 Injury in the Course of Duty**

If an employee who sustains injury in the course of duty without his own default and in circumstances specifically attributable to the nature of his duty, he may be granted sick leave on full pay until such time as he is able to resume duty on the recommendation of the Director of Health and the approval of the Commission.

#### **2B.18.5 Medical Certificate**

- (1) (a) If the employee is ill in Tonga, illness necessitating the grant of paid sick leave shall be duly certified by a Medical Officer registered under the Medical and Dental Practice Act 2001 within 48 hours of the employee first absenting himself from duty.  
(b) The Chief Executive Officer may identify a registered Medical Doctor/Officer in Tonga to issue or verify sick leave certificates of employees within his Ministry.
- (2) If the employee is ill in another country, illness necessitating the grant of paid sick leave shall be duly certified by a Medical Doctor from the country in which the employee is in, within 72 hours of the employee first absenting himself from duty.

- (3) Any employee who fails to do so may be considered as absent without authority, unless he is on field duty or on an island where it is not possible to obtain a medical certificate, and provided that the Chief Executive Officer is satisfied that the illness is genuine.

#### **2B.18.6 Confidentiality**

All medical certificates and medical reports shall be regarded as strictly confidential documents.

#### **2B.18.7 Medical Referral Overseas**

- (1) Employees who are ill and could not be treated locally may be referred overseas for medical treatment.
- (2) In all cases requesting medical referral, the Director of Health shall submit a full medical report on the employee concerned together with appropriate recommendation to the Minister of Health for a final decision.
- (3) In such cases Government shall meet the costs of the following –
  - (a) return airfare to New Zealand for the employee;
  - (b) medical investigations, treatment and hospitalisation;
  - (c) return airfare of one relative to accompany the employee.

#### **(4) Local Medical Referral**

Subject to the approval of the Director of Health, employees posted in outer islands who are ill and could not be treated at local hospital may be referred to Tongatapu or the nearest hospital that can provide medical treatment for the employees and in such cases Government shall meet costs involved.

#### **2B.18.8 Sick While Abroad**

Any employee who is selected to go on an in-service training course abroad shall qualify for the full sick leave benefits on the production of satisfactory medical evidence from the country he is in, that the employee is sick and unfit for work.

#### **2B.18.9 Medical Emergencies whilst on Official Duties Abroad**

- (1) Employees may be eligible for the cost of emergency medical treatment and other allowances while abroad on official duties.
- (2) The Director of Health shall make such recommendations on each case as appropriate to the Commission and the Public Service Commission decision shall be final.

#### **2B.19 Maternity Leave**

- (1) An employee who is about to give birth shall be granted three (3) months (calendar days) maternity leave.
- (2) An application for a maternity leave shall be supported by a medical certificate.
- (3) Where further absence is required and on production of a medical certificate the employee may be granted leave without pay.
- (4) Once an employee resumes duty, the maternity leave is deemed to be completed.
- (5) That in the event the mother has a miscarriage or stillbirth, the duration for the maternity leave shall be as recommended by the Director of Health and approved by the Commission.

## **2B.20 Paternity Leave**

The spouse of the mother of a newly born baby shall be entitled to five (5) working days paternity leave which must be taken consecutively immediately after birth.

## **2B.21 Casual Leave**

- (1) Chief Executive Officers have discretion to grant casual leave, half day or one day at a time, to any employee who may require leave of absence for unforeseen circumstances.
- (2) Casual leave shall not be utilised consecutively.
- (3) Casual leave shall not be recorded against the employee's normal leave entitlement unless a maximum of seven (7) working days is exceeded in any calendar year.

## **2B.22 Special Leave with and without Pay**

### **2B.22.1 Sporting Tours Leave**

Employees who are selected to be a manager, official or team member of overseas national sporting tours may be granted special leave of absence for up to 40 working days per annum. Such period shall not be deducted from annual leave entitlement be approved to be effective on 01 January, 2015.

### **2B.22.2 Spouse Leave on Posting to Outlying Islands or Overseas**

- (1) Where the spouse of an employee is posted to an outlying island or overseas by Government, that employee may be granted special leave without pay to accompany the spouse in the posting provided that any earned leave due is taken at the same time.
- (2) Spouse leave requires the approval of the employee's Chief Executive Officer and also the Commission.

### **2B.22.3 Special Leave on Compassionate or Personal Grounds**

Special leave without pay on compassionate grounds or any other personal reasons may be granted with the approval of the Chief Executive Officer and the Commission.

### **2B.22.4 Special Leave for Employees on Government Boards**

Employees who are members of a Government Board may be granted a special leave of absence for period not exceeding 10 working days per annum to attend an official training, conference or meeting locally or overseas as a member of the official delegation representing the Board subject to the endorsement of the Chief Executive Officer and the approval of the Public Service Commission. Such period shall not be deducted from annual leave entitlements.

## **2B.23 Study Leave**

### **2B.23.1 Study Leave with Pay**

- (1) Only recipients of Government Scholarships and Scholarship awards who are confirmed to be in line with the Government priority areas as determined by the Government Scholarship Committee shall receive salary as follows:
  - (a) 1<sup>st</sup> year – fifty (50) percent of salary
  - (b) 2<sup>nd</sup> year – twenty five (25) percent of salary

- (c) After second year of study no salary portion of salary shall be paid.
- (2) If the employee chooses to utilise his vacation leave in the first year of study, the benefits under paragraph (1) commence at the end of the leave taken.
- (3) If the employee resumes duty on full pay whilst on study leave for a period not exceeding two months, this period shall not be considered a break in the duration of his study leave for the purposes of paragraph (1).
- (4) For serving employees studying while at post, time spent attending classes during working hours should be compensated by working after-hours as approved by the Chief Executive Officer.

### **2B.23.2 Study Leave without Pay**

Where a course of study does not qualify for a study leave with pay, study leave without pay may be granted at Chief Executive Officer discretion. The following rules apply –

- (a) the employing Ministry shall release the employee, and without undue difficulty, find a replacement in his absence and employ him on return;
- (b) employees shall serve for at least 2 years in an established capacity before they may be granted study leave without pay;
- (c) the course shall be of recognized academic standing;
- (d) study leave without pay shall not be allowed on more than one occasion;
- (e) the maximum leave for any one period of study leave shall be 2 years, but this may be extended subject to the academic performance of the employee and the recommendation from the Chief Executive Officer;
- (f) an employee whose study or conduct while on study leave proves unsatisfactory may have these privileges withdrawn and be asked to return or resign from the Public Service;
- (g) any accumulated annual leave shall be taken first.

### **2B.24 Public Holidays**

- (1) The Public Holidays are those prescribed under the Public Holidays Act (Cap. 51).
- (2) An employee who is required to be on duty on a Public Holiday shall be granted time off which shall be calculated as double time (2 hours) per one (1) hour worked.

### **2B.25 Christmas Vacation**

- (1) The Christmas vacation shall be the period prescribed by Cabinet.
- (2) Where an employee cannot be granted the whole or part of the Christmas vacation, he may be granted at the discretion of the Chief Executive Officer, a period of leave calculated as time and a half (1.5 hours) per one (1) hour worked during weekdays and double time (2 hours) per one (1) hour worked during weekends and public holidays (i.e. Christmas Day, Boxing Day and New Year's Day).

## **2C. Daily Paid Labour and Casual Employees**

### **2C.1 Daily paid labourers and casual employees**

- (1) No employee shall be employed by a Chief Executive Officer on a daily paid or casual basis for a specified term unless:
  - (a) the Commission agrees that such recruitment is of a casual nature and for the purposes of achieving the core roles of the ministry; and
  - (b) the Ministry of Finance confirms that:
    - (i) there is sufficient funds for wages; and
    - (ii) the recruitment will not affect the percentage of total labour expenditure determined under paragraph 1A.2(d).
- (2) Subject to sub-section (1), a daily paid or casual employee shall be deemed an employee with effect from the date of approval of the Minister responsible for the Ministry.
- (3) All existing employees who are employed in the public service as daily paid labourers before 1 July 2010, shall be employed under contract in the form set out in **Schedule I**, with:
  - (i) the same terms and conditions offered to a daily paid labourer;
  - (ii) a specified time period not exceeding 2 years; and
  - (iii) any other term or condition which the Chief Executive Officer deems as necessary and expedient for achieving the core roles of the Ministry.

### **2C.2 Replacement of daily paid labourers and casual employees**

- (1) The Chief Executive Officer shall be entitled to appoint a replacement of any daily paid or casual employee who ceases to be a daily paid or casual employee before the expiry of the daily paid or casual employee's employment contract.
- (2) The Chief Executive Officer shall not be required to comply with the appointment requirements under section 2C.1 when appointing a replacement under sub-section (1).
- (3) The Chief Executive Officer shall be entitled to appoint any person whom he deems fit and qualified to perform the role of a daily paid or casual employee, provided that:
  - (a) the Chief Executive Officer shall advise the Office of the Commission and the Ministry of Finance of the relevant information of the replacement daily paid or casual employee;
  - (b) such replacement shall only be employed for the remainder of the term of appointment of the daily paid or casual employee who has ceased to be a public servant; and
  - (c) the Chief Executive Officer and the replacement daily paid or casual employee shall sign a new daily paid or casual employee contract for the remainder of the term of appointment.

### **2C.3 Entitlements of daily paid labourers**

- (a) A daily paid labourer will be entitled only to the wages they are paid as specified by the Chief Executive Officer.
- (b) Daily paid labourers are not entitled to overseas travel and acting appointment.

## **2D. Transfers**

### **2D.1 Filling posts by lateral transfer**

Posts filled through lateral transfer must be advertised and filled through the normal recruitment procedures.

### **2D.2 Permanent transfers**

A permanent transfer is a posting within a Ministry to a new station in a substantive capacity (not in an acting or temporary capacity).

### **2D.3 Settling-in allowance on permanent transfer**

- (1) A settling-in allowance shall be payable when an employee is permanently transferred to the island where the post is located.
- (2) The settling-in allowance shall be payable as a lump sum within 14 days of departure to where the post is located.
- (3) A settling-in allowance is payable at the rate determined by the Commission and approved by Cabinet.
- (4) Payment of settling-in allowance is the responsibility of the receiving Ministry.

### **2D.4 Secondment**

- (1) Employees in the Public Service may be seconded to an Organisation within Tonga, regional or international for a maximum period of 1 year supported by the Chief Executive Officer and approved by the Commission as relevant to the government's interest as distinct from those initiated by the employees. However in cases of Government projects whereby the Government is obligated to staff the said project, further consideration may be given by the Commission for further extension up to a maximum of three (3) years as appropriate.
- (2) Host Employer is required to provide a copy of the draft contract outlining the purpose, location and duration of the secondment.
- (3) All secondments require the endorsement of the Chief Executive Officer and the Minister and the approval of the Commission.
- (4) The effective date of the secondment should be the date of commencement of the contract. Annual leave entitlements must be taken first and the balance of the duration shall be without pay.
- (5) The secondees' Civil Servant Terms and Conditions is temporarily put on hold and is only bound by the secondment's terms and conditions.
- (6) The Ministry may fill the employee's post following the effective date of secondment.
- (7) When the secondees return to the Public Service they will have to take the appropriate post offered, at no less terms and conditions than he had prior to commencing his secondment.

- (8) The employee should notify the Ministry and the Commission if contract is terminated early and they should agree on a date for the seconded to resume duty no later than the date originally approved for end of secondment.
  - (i) The three parties may agree for the officer to be seconded to another organisation during the original period of secondment.
- (9) The employee is required to work in Government for a duration of two (2) years after the completion of the secondment (bond so that government can benefit from experience gained).
- (10) If the employee fails to satisfy the requirement stipulated in (9) above, or to pay the shortfall to the Government, his request for resignation will be processed as a dismissal.

## **2D.5 Short-Term Consultancy with Outside Organizations**

1. An employee may be allowed to take a short – term consultancy with outside organizations which shall not exceed two months (i.e. 40 working days) in a calendar year and shall seek endorsement of Chief Executive Officer and approval of the Commission.
2. The effective date of the short-term consultancy should be the date of commencement of the contract. Annual leave entitlements must be taken first and the balance of the duration shall be without pay.

## **2E. Redeployment**

### **2E.1 Redeployment**

A redeployment from one Ministry to another Ministry shall be:

- (1) Agreed to by the Chief Executive Officers concerned, if on a temporary basis;
- (2) Also approved by the Commission, if on a permanent basis;
- (3) All permanent redeployments shall involve the transfer of an employee from one post to another without the functions of the post. Redeployments may be made with the appropriate funding unless otherwise agreed to by the relevant CEOs.

### **2E.2 Compassionate Redeployment**

- (1) An employee who has genuine compassionate grounds for seeking redeployment to a post in some other locality (or in an exceptional case, in some other Department) shall submit an application to his Chief Executive Officer.
- (2) Chief Executive Officers may, if satisfied about the compassionate grounds, follow the redeployment procedures to effect the compassionate redeployment.
- (3) Any expenses associated with the relocation shall be paid by the employee.

## **2F. Government Transport**

### **2F.1 General**

- (1) All Government vehicles and vessels are the property of His Majesty's Government.
- (2) The Commission with consultation with relevant Chief Executive Officers may withdraw from any Ministry and may transfer to any other Ministry at any time any vehicle or vessel allocated to any Ministry.
- (3) Ministries are provided with vehicles and vessels to enable them to discharge their public responsibilities effectively and efficiently.

## **2F.2 Identification**

Ministries are required to identify the vehicles and vessels in their charge with an appropriate sign, take responsible care of them and use them only for the proper Government purposes.

## **2F.3 Requirements of the Act**

A Chief Executive Officer shall ensure that all the Ministry's vehicles and vessels including ones provided under aid programme fulfil the requirements of the Traffic Act and Regulations.

## **2F.4 Employees who are permitted to drive Government Vehicles**

The following employees are permitted to drive a government vehicle on official duties –

- (a) employees appointed either permanently or on a daily paid basis to posts of driver;
- (b) employees assigned by the Chief Executive Officer to assist where required with driving duties.

## **2F.5 Driver shall keep log book**

All drivers and employees assigned to assist with driving duties shall keep a log book for the purpose of recording the relevant information associated with the movement of the vehicles under their care.

## **2F.6 Authorised Use**

- (1) Those employed in Ministries providing essential services where and when no public transport is available may use Government vehicles subject to the prior approval of the Chief Executive Officer.
- (2) The authorisation given under paragraph (1) shall be in writing and shall be carried by the drivers of such vehicle.
- (3) Where a vehicle is required for Government business outside regular office hours the Chief Executive Officer shall authorise such a journey in writing and such authorisation shall be carried by the driver concerned.

## **2F.7 Transport Privileges**

Chief Executive Officers may use government vehicles for private purposes outside official hours subject to –

- (a) the needs and requirements of the Minister and of the Ministry shall always be of top priority;
- (b) the vehicles used outside official hours by Chief Executive Officers shall be returned to the Ministerial vehicle pool and be available for the use of the Ministry during official hours; and
- (c) only the Chief Executive Officer may drive the vehicle if he is using such vehicle for private purposes and outside official hours.

## **2F.8 Outer Islands**

The Head of the Governor's Office or Government representative may grant permission in writing to the Officer-In-Charge at Ministry branches in the outlying islands with the exception of the Ministry of Health and Ministry of Education, Women's Affairs and Culture to use government vehicles outside official hours under conditions he considers appropriate.

## **2F.9 Garaging**

The Chief Executive Officer is responsible for the safe garaging of the Ministry's vehicle.



Government vehicles are forbidden to be garaged at private homes unless written approval is given by the Chief Executive Officer.

#### **2F.10 Private Hire**

Government vehicles, except those of a specialist nature, which have been exempted by Government, cannot be hired for private use.

#### **2F.11 Misuse and Penalties**

- (1) Any employee or Aid Personnel shall not damage any government vehicle without reasonable cause
- (2) An employee shall not be entitled to use a government vehicle for any purpose other than government purpose or as authorised by government.
- (3) Disciplinary action may also be taken by the Commission against the Chief Executive Officer concerned for any case of misuse as set out in this paragraph.

#### **2F.12 Accidents involving Government Vehicles**

When there is an accident involving a government vehicle the following procedures shall be followed:

- (a) the responsible employee shall report the accident as soon as possible to the Chief Executive Officer and the Ministry of Police;
- (b) the Chief Executive Officer shall submit a full report of the accident, including the Police report and representation of the employee with appropriate recommendations to the Chief Executive Officer of the Commission promptly for forwarding to the Commission

## **2G. Government Housing**

### **2G.1 Allocation**

- (1) The allocation of Government quarters in Tongatapu shall be decided by a Housing Committee whose membership shall be as follows:

Director of Works	-	<i>Chairman</i>
Secretary of Finance and National Planning	-	<i>Member</i>
Chief Executive Officer of the Commission	-	<i>Member</i>
Deputy Director of Works	-	<i>Secretary</i>

- (2) Government Quarters must be occupied by the person whom the quarters is allocated to.
- (3) Employees of Public Enterprises and non-employees with the exception of Ministers, are not entitled to Government quarters.
- (4) Allocation shall be made in accordance with the following priorities and conditions:

#### **2G.1.1 First Priority**

Ministers of the Crown. Length of tenancy shall be the period he occupies the post as a Minister.

#### **2G.1.2 Second Priority**

Chief Executive Officers and Expatriates whose terms of appointment include the provision of housing. The length of tenancy shall be the duration of their contract.

#### **2G.1.3 Third Priority**

Senior employees if housing is available after meeting the first and second priorities above with the following conditions –

- (a) if an employee has a town allotment and is building a house thereon, he shall vacate the Government quarter on completion of his own house;
- (b) an employee who has a house in Tongatapu shall not be entitled to Government housing unless he is required to live within the vicinity of his place of employment for performing duties outside the normal office hours, and his own house is too far away from his place of employment.
- (c) An employee shall vacate the Government quarter within one (1) month from the effective date of their resignation from the service, retirement, dismissal, or termination of appointment.
- (d) On Vava'u and Ha'apai the responsibility for allocation of Government quarters shall be with the Governor and elsewhere with the Government representative.

### **2G.2 Terms and conditions**

The terms and conditions of occupation of Government housing shall be laid down by Government. Any employee failing to comply with such terms and conditions shall vacate the quarter.

### **2G.3 Rent**

Rental for Government quarters shall be deductible from the employee's (occupant's) fortnightly salary. An employee failing to pay rent for two months shall be obliged to vacate the quarter and pay outstanding arrears.

## **INSTRUCTION III: MONITORING AND EVALUATION**

### **3A. Performance Management**

#### **3A.1 Performance Agreements**

##### **3A.1.1 Agreement with Minister**

- (1) Performance agreement of the Chief Executive Officer shall be prepared annually by the Chief Executive Officer and agreed with the Minister.
- (2) The Commission shall assist the Minister in reviewing and assessing performance agreements.

##### **3A.1.2 Basis for Annual Assessment**

Performance Agreements shall formally specify achievements in key result areas expected of the post holder and provide the basis for annual performance assessment.

##### **3A.1.3 Procedures and Format**

The procedures and format of performance agreements shall be as specified by the Commission.

#### **3A.2 Annual Appraisals**

The Commission shall establish procedures to be used to assess the annual performance of employees.

### **3A.3 Performance Increments**

#### **3A.3.1 Guidelines for Increments**

The Commission shall set guidelines for Ministries to determine those employees eligible for salary increments.

#### **3A.3.2 Increments to be based on Job Performance**

The adjustment of individual salaries within a salary scale shall be dependent upon the annual performance assessment after the assessment has been formally approved by the Chief Executive Officer.

### **3A.4 Performance Improvement**

#### **3A.4.1 Low performance**

Employees whose job performance is considered significantly below average shall be given counseling and a development program by the Chief Executive Officer to improve the level of job performance.

#### **3A.4.2 Development Programs**

- (1) Development programs shall be in writing and discussed and signed by the employee.
- (2) Development programs shall specify the areas in need of improvement and the initiatives that the employee shall take to improve his performance.

#### **3A.4.3 Re-assessment of job performance**

Employees shall be given three (3) months to improve their job performance and shall be re-assessed at that time.

#### **3A.4.4 Grounds for termination for low performance**

Failure to improve job performance shall be considered sufficient grounds for termination.

## **3B. Activities Review**

### **3B.1 How Activities Reviews are to be conducted**

- 1) Each Chief Executive Officer must review the activities carried out by their Ministry at least once a year in preparation for developing the annual budget or as required by Government. The annual review must be completed in sufficient time to enable the Ministry to update Corporate/Annual Management Plans and to include the report in their budget proposal submitted to Cabinet's Expenditure Review Committee.
- 2) The Commission's Guidelines for Organizational Structure Review provides a standard approach to conducting a holistic review of Government Ministries (refer [Annex 2](#)).
- 3) The Ministry's review of its activities must rigorously examine the allocations by activity and evaluate the need for each. [Annex 3](#) is a template with list of information to be included in the report to document the review process, leading to the evaluation of activities to give a list of activities in priority order and a

recommendation on changes to the Ministry's allocations to activities for the coming year.

- 4) In the case where the Office of the Commission had conducted a review of the Organizational Structure for a Ministry within the preceding six (6) months, the output will assist the Chief Executive Officer determine those activities that should be discontinued or organized differently.

### **3B.2 Corporate Services**

Where a Ministry has used this category as a basis for holding all of certain allocations [e.g. salaries, donor funds], this approach must cease and the specific allocations made to the activity involved.

For all but the largest Ministries, this will be an activity on its own, but only comprise of the costs associated with the outputs it delivers. While the costs must be allocated to service delivery activities, savings must be sought.

### **3B.3 Interim Provisions for May of each year**

The action required follows on from Ministries' submissions to the Expenditure Review Committee rather than preceding them as provided for in these Instructions. The requirements are condensed and Ministries must work quickly to identify which activities could be discontinued. The Expenditure Review Committee will use the submissions of Ministries to identify where savings must be made and the Minister of Finance will liaise with specific Ministers to ensure that action takes place.

Chief Executive Officers are required to speedily identify savings and use the foregoing to:

- a. Specify what activities should be the focus for immediate review;
- b. Check this assessment by compiling the information listed in **Annex 3**
- c. Evaluate the need for these activities;
- d. Advise the Chief Executive Officer for the Commission and the Chief Executive Officer for Finance of their initial findings
- e. Submit a Redundancy and Redeployment Management Plan (as prescribed under Section 4I.2.2) to the Commission for endorsement.

All Chief Executive Officers of the Government Ministries, except the Ministry of Health and the Ministry of Education, must provide a preliminary advice to the Commission by 30 May of each year on the details of the Activity and function, number of posts that are to be made redundant.

### **3B.4 Link to Redundancies and Redeployment Instructions**

When an activity is designated for cessation, there will be posts that must be declared redundant. The Instructions on Redundancies provide the processes necessary to ensure fair and reasonable treatment of such employees.

## **INSTRUCTION IV: CESSATION OF SERVICE**

### **4A. Preliminary**

#### **4A.1 Authority**

- (1) No permanent or contract employee's service may be terminated without the Commission's approval.
- (2) In the case of daily paid labourers, only the approval of the Minister or equivalent is required.

#### **4A.2 Notification of the Commission and Treasury**

With all terminations, the Commission and Ministry of Finance shall be immediately informed by the Ministry concerned of the employee's intention to retire or resign.

#### **4A.3 Calculating non-pensionable post service**

Services in non-pensionable post shall be taken into account in the computation of retiring benefits where the Government recognizes that service through the granting of one increment for each four years of service.

## **4B. Resignation**

#### **4B.1 Period of Notice**

- (1) The period of notice required in cases of resignation are 20 working days notice for all staff.
- (2) Under special circumstances (such as resignation to be employed by Government Agencies and other branches of Government and umbrella organisations) the period of notice may be waived or reduced with the approval of the Commission.
- (3) Once an employee's resignation letter is received by the Chief Executive Officer, the Ministry may proceed to fill the position through the normal recruitment process.

#### **4B.2 Inadequate notice forfeits entitlements**

- (1) Employees who give less than the required period of notice of resignation are required to forfeit pay for the period by which the notice given falls short of the prescribed period.
  - (i) The Office of the Commission shall write to the officer to advise the amount owing due to the shortfall and stating the deadline by which the payment must be made which is within 30 days from the date of the letter.
  - (ii) Payment should be made to the Ministry of Finance and the receipt should be forwarded to the Office of the Commission before the deadline.
  - (iii) If payment in (i) is not made within the deadline stated in (i) then the Office of the Commission shall process the case as a dismissal.
- (2) Leave entitlements due to employees who wish to resign from the Public Service may be used to cover part or the whole of the period of notice.

#### **4B.3 Entitlements on resignation**

On resignation employees are entitled to –

- (a) receive payment for pre-termination leave, less monies owed to the Government, in one lump sum; and
- (b) ceasing service benefits from the Retirement Fund.

## **4C. Retirement**

#### **4C.1 Age of Retirement**

- (1) All employees shall retire on attaining the age of 60 years.

- (2) Under special/exceptional/emergency circumstances an employee's compulsory date of retirement may be extended with the approval of the Commission, and shall be based on an exigency basis.

#### **4C.2 Entitlements on retirement**

On retirement employees are entitled to –

- (a) receive payment for pre-termination Leave, less monies owed to the Government, in one lump sum; and
- (b) ceasing service benefits from the Retirement Fund.

#### **4C.3 Period of Notice**

- (1) The period of notice required in cases of retirement are 20 working days for all employees.
- (2) Under special circumstances the period of notice may be waived or reduced with the approval of the Commission.

### **4D. Exit Interview**

- (1) An employee resigning or retiring from the Public Service shall complete the exit interview form at the Commission before leaving the service and the last payment of salaries is effected.
- (2) The Exit Interview Form shall be approved by the Commission.
- (3) The Exit Interview Form shall be submitted to the Office of the Commission together with the employee's letter of resignation or letter of retirement.

### **4E. Cessation of Services on Medical Grounds**

#### **4E.1 Cessation of Services on Medical Grounds**

- (1) Where an employee is suffering from an injury or a physical or mental illness which renders him incapable of satisfactorily performing the duties of his post, his services may be terminated.
- (2) The employee's Chief Executive Officer shall arrange for a medical report on the employee's condition to be provided by the Director of Health.
- (3) This, together with the Chief Executive Officer's report on the employee's performance, shall be forwarded to the Commission, in the first instance.

#### **4E.2 Entitlements on Cessation of Services on Medical grounds**

An employee whose services have been compulsorily terminated on medical grounds shall be granted the same entitlements as if he had retired.

### **4F. Termination of Service on the Grounds of Inefficiency**

#### **4F.1 Compulsory termination of service on the grounds of inefficiency**

Compulsory termination of service shall occur when an employee has been judged no longer able to discharge his duties efficiently.

#### **4F.2 Grounds for termination**

The grounds for termination may be unacceptable standard of performance or disciplinary issues adversely affecting the efficient operations of the office, and shall be considered a serious breach of discipline.

## **4G. Dismissal**

An employee dismissed from the Public Service shall not forfeit the following benefits;

- (1) Leave and;
- (2) Retirement benefits.

## **4H. Death of Employee or Retired Employee**

### **4H.1 Death of an Employee**

- (1) Where an employee dies during working hours, the Chief Executive Officer shall be responsible for notifying the next of kin.
- (2) The Chief Executive Officer shall also notify the Commission and the Ministry of Finance as soon as practical.

### **4H.2 Entitlements at death of an employee**

- (1) When an employee who is on official duty dies while travelling or on temporary transfer within the Kingdom, the Government shall be responsible for the transportation of the deceased to the island of residence if so required.
- (2) When an employee who is on official duty overseas dies, the Government shall be responsible for the costs of embalment, airfreight and any related costs of the deceased being returned to Tonga if so required.
- (3) When an employee dies, the Chief Executive Officer shall inform the Commission to ensure that the following entitlements are provided –
  - (a) letter of condolence from the Prime Minister to the next of kin;
  - (b) national Flag;
  - (c) wreath; and
  - (d) band.
- (4) When an employee dies, any leave entitlements shall be payable.
- (5) All monetary benefits due to the deceased shall be calculated and sent to the Registrar of the Supreme Court for the administration of his estate.

### **4H.3 Entitlements at death of retired employees**

When a retired employee dies any member of his family shall inform the Commission to ensure that the following entitlements are provided –

- (a) letter of condolences from the Prime Minister to the next of kin;
- (b) national Flag;
- (c) wreath; and
- (d) band.

### **4H.4 Entitlements at death of former Chief Executive Officers and Commissioners of the Public Service Commission**

When a former Chief Executive Officer or Commissioner who has completed his term of appointment dies, any member of his family shall inform the Commission to ensure that the following entitlements are provided;

- a) letter of condolences from the Prime Minister to the next of kin;
- b) national Flag;
- c) wreath; and
- d) band.

## **4I. Redundancy**

### **4I.1 General**

#### **4I.1.1 Redundancy of Post**

The Commission may periodically review how well public service staffing matches the ongoing needs of the public service. These reviews may lead to the redundancy of an established post and cessation of employment. Redundancy may be voluntary or involuntary.

#### **4I.1.2 Voluntary Redundancy (VR)**

Where there is a mismatch between public service staffing profiles and future needs, the Commission may:

- (i) prescribe the methods to be used to calculate severance payments, and the maximum level of payment;
- (ii) set the process by which voluntary redundancy offers and acceptances will be considered and determined;
- (iii) consider support services which will provide assistance to the employees who are affected;
- (iv) make offers of voluntary redundancy to particular defined groups within the public service or to any individual employees.

##### **4I.1.2.1 Voluntary Redundancy (VR) Process**

The Commission shall:

- (i) prepare a database of all employees who satisfy particular criteria, and determine target redundancy numbers;
- (ii) determine a schedule of appropriate severance payments;
- (iii) make an offer in writing to each employee which explains the VR offer, detail of severance payment calculations, notice provisions, and dates by which applications must be lodged;
- (iv) receive and acknowledge receipt of individual applications;
- (v) determine an appropriate process for selecting those applications which are within government policy and guidelines set for redundancy;
- (vi) advise each applicant in writing of the outcome of their application;
- (vii) for successful applicants, including in the advice (vi) above, termination date, details of severance payments and other entitlements;
- (viii) ensure Chief Executive Officers are informed in writing of the outcomes of all redundancy applications;
- (ix) coordinate access to a range of basic support services to assist with outplacement including financial planning advice, and preparation of applications for alternate employment.

##### **4I.1.3 Involuntary Redundancy**

The Commission shall, where specific posts are declared redundant to:

- (i) provide the employee, whose post is abolished and declared redundant, with three (3) months notice of redundancy or payment in lieu;
- (ii) coordinate access to a range of basic support services to assist with outplacement including financial planning advice, and preparation of applications for alternate employment;



- (iii) abolish the post at the end of the notice period;
- (iv) provide to the employee a statement detailing termination date, and a confirmation of any severance payment amounts determined as appropriate by Cabinet.

## **4I.2 Redundancy as result of Activities Reviews**

### **4I.2.1 Application**

This Instruction applies:

- (1) When a Chief Executive Officer has determined that one or more activities or functions are either no longer required or have more staff and posts than current priorities and resources support;
- (2) To employees with posts that has been declared surplus and no longer required;
- (3) Only to post holders of the redundant posts.

### **4I.2.2 Redundancy and Redeployment Management Plan (RRMP)**

#### **4I.2.2.1**

The Chief Executive Officer, working with the Commission, must establish a Plan that records all the details of how they are to manage the abolition of the redundant posts and to either pay such staff Separation Package or redeploy them. The Plan must be submitted to the Commission as part of the formal process of declaring posts redundant. The Plan must incorporate the following:

- 1) Set out the revised organizational structure and revised job description of the Ministry on any continuing posts in Activities which are being reduced rather than eliminated.
- 2) Set out the revised Budget compared to the Budget prior to the Activities Review.
- 3) Set out the specific savings and the actions to be taken to achieve them [e.g. disposal of assets no longer required].
- 4) Identify the activities and posts to be made redundant.
- 5) Estimate value of the Separation Package for each individual involved and the potential total cost of these Packages.
- 6) Set out dates for key actions to implement the planned changes, including when staff will be provided with preliminary advice and when formal notice [the date for calculation of Separation Package] is to be given.
- 7) Allocate responsibilities for all actions that must be completed as part of the plan, including:
  - a. A dedicated point of contact for employees so that information can be provided to clarify issues, and where necessary to get further information from the Commission;
  - b. Who will run any necessary selection process for continuing posts.
- 8) Arrangements for any process to select those who will fill continuing posts [i.e. voluntary and/or merit selection.
- 9) Schedule of key dates leading up to the departure of retrenched staff.
- 10) Set out an assessment of the potential to absorb the staff who are surplus to requirements within the home Ministry.

#### **4I.2.2.2**

No Chief Executive Officer can be absent [overseas travel or leave] while the Plan is put into place.

#### **4I.2.3 Responsibility of the Commission**

The Commission shall:

- (i) Consider and approve all Redundancy and Redeployment Management Plans, the specific posts to be declared redundant and the Separation Packages to be provided.
- (ii) Prepare database of all employees as specified in the RRMP, and determined target redundancy numbers;
- (iii) Determine a schedule of appropriate payments;
- (iv) Issue notice of redundancy to affected staff and determine interest in taking voluntary redundancy or exploring redeployment. Notice to staff will include an explanation of the Voluntary Redundancy offer, detail of separation payment calculations, notice provisions, and dates by when confirmation of elected option must be received by the Commission;
- (v) Receive and acknowledge acceptance of redundancy or exploration of redeployment from identified employees to be made redundant;
- (vi) If voluntary redundancy is accepted, advise employees in writing of the termination date, details of separation payments and other entitlements. Section 4I.4 below (*"The alternative of Redeployment"*) of this Instruction outlines applicable procedure for employees electing redeployment;
- (vii) Ensure Chief Executive Officers are informed in writing of the outcomes of all redundancy;
- (viii) If employee elects redundancy, coordinate access to a range of basic support services to assist with outplacement including financial planning advice, and preparation of applications for alternate employment.

#### **4I.2.4 Conditions of Separation Package**

##### **4I.2.4.1**

An employee who accepts a Redundancy package is prohibited from employment within the Public Service for a period of thirty six (36) months from the date of the termination which applies to the redundancy.

##### **4I.2.4.2**

Once the Redundancy package is accepted by the employee, it may not be withdrawn by either party.

##### **4I.2.4.3**

The Commission will ensure that advice regarding the outcome of an offer will be available to an employee within one (1) month of the date of redundancy notice.

##### **4I.2.4.4**

An employee who is eligible to retire but accepts the offer of redundancy will be entitled to the benefits for death or retired employees set out in Section 4H.

#### **4I.2.4.5**

Employees who have already reached the retirement age of 60 are NOT entitled to a Separation Package. Such employees in activities that are to be discontinued should be required to retire immediately.

#### **4I.2.4.6**

That the Redundancy package also applies to those employees who are currently on leave without pay, study leave without pay and are on secondment.

#### **4I.2.4.7**

Employees who are on leave without pay, study leave without pay and on secondment will have their Redundancy package calculated on their basic salary they last received when they left the service.

#### **4I.2.4.8**

In addition to the Separation Package, employees who are under the old Pension scheme and who are disadvantaged by the formula in the Pensions regulation may receive a payment equal to the difference if their Separation payment was computed under this paragraph.

#### **4I.2.4.9**

The Commission is authorized to withhold from the above payments any outstanding amounts that are owed to the government by the employee.

#### **4I.2.4.10**

Separation payments will be paid to employees taking voluntary redundancy no later than one (1) week after the receipt of signed acceptance letter by the Office of the Commission.

#### **4I.2.4.11**

Provision can be made through the Chief Executive Officer of Finance for the Retirement Fund Board payroll to pay the package fortnightly or monthly over a year or more to enable retrenched staff to manage their affairs. Staff who do not elect this option are to be paid the package immediately.

### **4I.3 Benefits and Support provided**

#### **4I.3.1**

The Commission will establish a dedicated point of contact for employees who are offered Redundancy packages for the purpose of responding to questions and clarifying the offer.

#### **4I.3.2**

The Commission will provide a “post Redundancy” support service for employees accepting the Redundancy package. The support services will offer to exited public servants under the Redundancy initiative, assistance to explore other employment or business opportunities in the private sector, NGOs and statutory bodies. This service may include although not exclusive to:

- (1) Post redundancy interview to determine the individual’s options and whether continued support from the PSC is required.
- (2) If required, investigate employment opportunities relevant to the individual’s skills and qualifications, provide referral and introduction service to prospective employers.

- (3) If required, investigate and refer possible Government/Donor business development support and financial industry assistance for the individual's pre determined business venture.
- (4) The post redundancy support will be offered for a period of 3 months following acceptance of the Redundancy package.

#### **4I.3.3**

Retrenched employees may choose to take an additional payment of \$1,000 in lieu of these support services.

#### **4I.3.4**

For each employee who ceases employment under a Voluntary Redundancy package, the Commission will provide within 30 days from the date of termination a certificate of employment setting out the following:

- (1) commencement and termination dates
- (2) substantive position at date of termination, and
- (3) reason for termination.

##### **4I.3.4.1 Process Steps**

The Commission will ensure that uncertainty for employees is minimized by limiting the time from identification of redundant positions to confirmation of acceptance of VR offers to eight weeks or less than 8 weeks through mutual consent between the Commission, Chief Executive Officer and the individual employee.

#### **4I.4 The alternative of Redeployment**

- (1) Employees who did not accept the offer of redundancy may elect to be considered for redeployment within Ministry or Public Service.
- (2) If there is little prospect of the staff of redundant posts being redeployed within the Ministry, the Chief Executive Officer must advise the Chief Executive Officer of the Commission within two weeks from the date of submission of the RRMP. The information provided to the Commission must include the following:
  - a) List of those placed and unplaced
  - b) For those unplaced within the Ministry, the Job Description and a short resume on each of the individuals

Based on the above information, the Commission is to assess the probability of staff in redundant posts being placed through vacancies that are likely to arise in the next two (2) months.

- (3) The Chief Executive Officer of the Commission will:
  - (i) Circulate to all Chief Executive Officers the details of public servants available for redeployment, with a requirement that they respond within five (5) working days on whether or not there are prospects of them being placed within the next two (2) months.
  - (ii) Assess the probability of redeploying such staff by reference to the responses of other Chief Executive Officers, and recent and expected advertising within the public service as a whole.

(iii) If after two (2) months, there is little probability of such placements, the Chief Executive Officer of the Commission will recommend to the Commission that the individuals in the redundant posts be retrenched and receive Separation Package.

**(4) When not all posts in an Activity are to be declared redundant**

When some staff within an Activity or function is to be retained, or where there are alternatives for different staff taking the Separation Package, the Ministry may call for volunteers or set up a merit based process to enable such staff to declare interest in the posts that are continuing. In these circumstances, a Chief Executive Officer must revise the job descriptions of those continuing to ensure that they reflect requirements [e.g. there may be specific references that must change, if the nature of the work is changing with greater use of information technology this must be included in the job description].

The Chief Executive Officer has two options to manage the necessary reduction in the number of posts:

1. To run a merit based selection process to identify those staff who should be appointed to continuing posts; **OR**
2. To advertise for volunteers among the affected staff [*e.g. if a Ministry is to reduce the number of drivers from 7 to 4, all could be offered the opportunity to volunteer for the Severance Package*]. If there are more or fewer volunteers than are required, there will still be a requirement for a merit based selection process to choose those who are best equipped to fill the continuing posts.

## **INSTRUCTION V: REMUNERATION AND ALLOWANCES**

### **5A. Salary, Wages and Related Allowances**

#### **5A.1 Control of salaries and wages costs**

- (1) Chief Executive Officers shall ensure that there is an adequate system of control over the employment and the extent of all salaries and wages costs.
- (2) Chief Executive Officers shall ensure that detailed instructions are issued to accounting officers, time-keepers and supervisors, on the method to be used for the recording and checking of attendance and of overtime authorized and worked.

#### **5A.2 Salary and wages scales**

The Commission, with the approval of Cabinet, shall set scales of salary and wages for –

- (a) all classifications and all grades;
- (b) daily paid workers; and
- (c) contract employees.

#### **5A.3 Salary on appointment**

An employee taking up a new appointment shall be paid at the minimum point of the salary scale of the post appointed to, except where the employee:

- (a) holds additional qualifications higher than the minimum qualifications required by the post, in which case the relevant increments on appointment shall be awarded in accordance with section 5A.11 (“*Incremental Credits*”).
- (b) has previous teaching experience from outside of the public service and is being appointed to a Teaching position of the Ministry of Education, in which case one (1) increment shall be awarded for every two (2) years of previous teaching experience.

#### **5A.4 Salary on promotion**

- (1) If the salary of the employee was less than the minimum of the new grade he shall receive the minimum and his new incremental date will be determined as in section 5A.7 (“*Incremental dates*”) below. And if the difference between his salary and the minimum of the new grade is less than the first full increment in the salary for the new grade then he will receive one (1) increment.
- (2) If the employee was qualifying for the final increment in the salary scale of his former post and if the maximum of that scale is the same as the minimum of his new scale, then he will receive the minimum but will retain his incremental date.
- (3) If the employee is promoted to a post the minimum of the salary scale of which is equal to or lower than his substantive salary immediately prior to promotion he will receive one (1) increment in the new scale and his incremental date will be determined as in section 5A.7 (“*Incremental dates*”) below.
- (4) If an employee is promoted to a post he is presently acting in, he will be paid at the salary he is receiving during the acting appointment and his incremental date will be the date that he started acting.

#### **5A.5 Salary on re-employment**

A re-employed employee shall normally be paid at the rate of pay he was receiving when he exited the service except -

- (a) if the employee is re-employed in a higher grade, his pay shall be calculated under the normal rules for starting pay, i.e. at the minimum of the appropriate salary scale;
- (b) if the employee is re-employed in a lower grade, he shall re-enter at the point closest to that at which he left;
- (c) if the employee is re-employed in his old scale, and if the scale of the grade has been improved since his termination, he shall re-enter the scale at the point at which he left it, and be paid at the new rate for that point of the scale;
- (d) if the employee was previously dismissed, ceased service on medical grounds or took redundancy, his starting pay shall be at the minimum point of the appropriate salary scale.

#### **5A.6 Increments**

- (1) An increment is an increase in salary of a specified amount which, provided certain conditions are fulfilled, is granted with the approval of the Chief Executive Officer at regular intervals until a stated maximum is reached.
- (2) If the conditions are not fulfilled, an employee’s increment may be deferred or withheld on the recommendation of the Chief Executive Officer and with the approval of the Commission.
- (3) The granting of annual increment shall be linked only to performance of duties at post.

### **5A.7 Incremental Dates**

- (1) For employees whose date of appointment or promotion is in the first half of the month, their incremental date is the first day of that month.
- (2) For employees whose date of appointment or promotion is in the second half of the month, their incremental date is the first day of the following month.

### **5A.8 Double Increments**

- (1) In cases where an employee has consistently rendered services of exceptional and extraordinary merit in terms of diligence and fidelity over a period of several years upon recommendation of the Chief Executive Officer, the Commission may approve the award to that employee of a double increment.
- (2) Recommendations for a double increment shall be submitted only when increment is due.

### **5A.9 Computing and Payment of Salaries**

The computation and payment of salaries shall be made in accordance with the instructions issued by the Ministry of Finance.

### **5A.10 Withholding or Cessation of Salary Payment**

Chief Executive Officer shall ensure that payment of salaries is suspended immediately when

–

- (a) an employee is resigning or retiring;
- (b) an employee is suspended pending investigation on alleged misconduct;
- (c) an employee fails to resume duty from leave;

until a final decision is made.

### **5A.11 Incremental Credits**

- (1) The effective dates of the granting of incremental credits are as follows –
  - (a) for employees who are away overseas or on leave at the time of successful completion of training - the date of resumption of duty;
  - (b) for serving employees - the date of official notification from the Institution.
- (2) Employees are entitled to incremental credits under the following circumstances –
  - (a) where the minimum educational qualification for appointment to a grade is the Tonga School Certificate or its equivalent, an appointee with Pacific Senior Secondary Certificate or its equivalent receives one increment and an appointee with New Zealand Bursary or its equivalent receives two increments;
  - (b) where the minimum educational qualification for appointment to a grade is Pacific Senior Secondary Certificate or its equivalent, an appointee with New Zealand Bursary or its equivalent receives one increment;
  - (c) that an employee who is holding a post in a salary scale equivalent to or higher than that for graduate is entitled to receive one increment in the event he successfully obtained a Bachelor Degree from a recognised University in a discipline relevant to the work of the Ministry;
  - (d) where the minimum educational qualification for appointment to a grade is a relevant Bachelor's degree from a recognised University an appointee with a relevant Master's degree from a recognised University receives two increments;

- (e) any appointee or returning scholar with a Master's degree from a recognised University in a discipline relevant to the work of the Ministry to which he is appointed, receives two increments;
- (f) any appointee or returning scholar with a Doctorate degree from a recognised University in a discipline relevant to the work of the Ministry to which he is appointed, receives three increments;
- (g) any appointee or returning scholar with multiple degrees (including postgraduate diplomas) from a recognised University receives one increment for each extra degree;
- (h) notwithstanding clause (f) above, an employee who received one increment for his postgraduate diploma shall receive only one additional increment upon the completion of his Master's degree in the same field;
- (i) employees who obtained a diploma the minimum period for the completion of which is at least one academic year receive one increment;
- (j) employees who obtained a diploma, the minimum period of which is less than one academic year, confirmation is required from the Tonga National Qualifications Accreditation Board (TNQAB) that the diploma is equivalent to a one year diploma;
- (k) employees on full time overseas studying on Government scholarships shall qualify only for normal annual increment subject to satisfactory performance;
- (l) incremental credits shall be payable only up to the maximum of the relevant salary scale and in the event the employee is at the maximum point of that scale, then when that employee is next promoted, the payment of such incremental credits may be made at that appropriate salary scale;
- (m) a medical officer who is a University Graduate shall be appointed at point two (2) of the appropriate salary scale with an extra increment for completion of internship.

#### **5A.12 Duty Allowance**

Where a duty allowance is attached to an appointment, this allowance shall be payable to the holder of the post only while he is actually performing the duties of that post.

#### **5A.13 Acting Allowance**

An employee on acting appointment is to be paid an allowance equivalent to the amount received by the employee if promoted to the higher grade.

#### **5A.14 Charge Allowance**

- (1) Charge allowances may be payable when an employee is asked to carry out temporarily the duties of a post which are greater than those of his/her substantive post where the employee does not possess the necessary qualifications for the post concerned or where the difference in ranks is too great to justify full acting appointment. Eligibility for charge allowance will be determined by the Chief Executive Officer.
- (2) The amount paid in addition to normal salary would be at the rate of 10% of the minimum of the scale of the post temporarily held.

#### **5A.15 Transfer Expenses and Allowances**

The Commission with the approval of Cabinet shall determine appropriate reimbursement of expenses and allowances when employees are transferred.



#### **5A.16 Not eligible for transfer allowances**

Allowance and expenses are not applicable when –

- (a) on disciplinary transfers;
- (b) on first appointment to the public service; or
- (c) the transfer is at the employee's request.

### **5B. Travel and Location Allowances**

#### **5B.1 Temporary duty**

Temporary duty shall not exceed 60 (calendar) days in a calendar year, and may be extended for a further 60 days by the authority that has approved the temporary transfer.

#### **5B.2 Travel allowance**

- (1) A travel allowance is one paid for –
  - (a) all night absences which involve travel from one island to another, including islands within the same group;
  - (b) the onshore staff of the Ministry of Fisheries who are assigned to substitute the crew in the Ministry's research vessel who are on leave.
- (2) The Commission shall determine any expenses and allowances payable to employees who travel on official duty within the Kingdom or who are posted away from their normal places of work on temporary duty and set out procedures to be used.

#### **5B.3 Period of travel allowance**

- (1) Travel allowance is payable to employees on temporary transfer up to a maximum period of 60 days at the following rates –
  - (a) for the first 28 days at the full rates;
  - (b) period in excess of 28 days at one third (1/3) of the full rates.
- (2) Employees either on duty visit or temporary transfer, obliged by unavoidable travel problems or additional official duties, to stay beyond the initial 28 days shall enjoy the full rates of travel allowance.
- (3) The approval of the Minister shall be required for a payment made under subparagraph (2).

#### **5B.4 Travel allowance not payable**

When Government meets all expenses for accommodation and meals, no travel allowance is payable.

#### **5B.5 Method of Official Travel within the Kingdom**

In all cases, travel shall require the prior approval of the Chief Executive Officer.

#### **5B.6 Overseas travel**

- (1) All proposed travel, no matter how funded, must provide a demonstrable benefit to the Kingdom as specified in the application process;
- (2) The costs of government funded travel must be able to be met from the Ministry's approved Overseas Travel budget, with any addition subject to the prior approval of the Minister of Finance and National Planning;

- (3) Each instance of travel must satisfy the application, approval and reporting procedure that is to be determined by the Commission and issued through formal instructions;
  - i. All employees travelling for official duties shall complete and forward the overseas travel form (**Annex 4**) to the Commission.
  - ii. Approval to any further travel requires adherence to the Policy and Instructions for prior travel.
- (4) Each Ministry is to keep a register of all overseas travel as it is approved, including all information required by Commission instructions, making this available to the Commission when requested and formally reported in the Ministry's annual report.

### **5B.7 Overseas Travel Allowance for Official Duties**

The Ministry of Finance, with the approval of Cabinet, shall establish procedures and determine any allowances and expenses payable to employees who travel on official duty overseas.

### **5B.8 Overseas Travel Funded by Outside Agencies**

- (1) When travel expenses, accommodation, meals, transport and incidentals are fully funded by an outside Agency, no per diem allowance shall be paid by Government.
- (2) If such travel is only partially funded, for example, when the donor pays for accommodation and meals only with no provision for incidental costs, the rates of per diem payable in such cases shall be as approved by Cabinet.

### **5B.9 Location Allowance**

- (1) A location allowance is payable at the rate determined by the Commission and approved by Cabinet.
- (2) The location allowance is payable as part of the annual salary.
- (3) The location allowance is payable at the following locations –
  - (a) 'Atata and 'Eueiki in Tongatapu
  - (b) outer islands of Vava'u (excluding 'Uta Vava'u and those that could be reached by causeways or are too close to the main island)
  - (c) outer islands of Ha'apai (excluding Lifuka and Foa), Niuatoputapu and Niuafu'ou.
- (4) No location allowance shall be payable to an employee who is on vacation leave or is away from the work station for more than 14 days.
- (5) The location allowance shall be payable only up to the 14<sup>th</sup> day of absence.

## **INSTRUCTION VI: TRAINING AND DEVELOPMENT**

### **6A. Training and Development**

#### **6A.1 Ministry operations to be maintained**

The Chief Executive Officer shall ensure that the release of an employee for training is considered within their overall staffing constraints and that the normal operation of the Ministry does not suffer.

### **6A.2 Training to be planned**

The Chief Executive Officer shall ensure that the ministry has strategies and plans so that employees have appropriate opportunities for training to maintain and increase the levels of knowledge, skills and attitudes required in the ministry to operate in an effective and efficient manner.

### **6A.3 Selection and nomination for training**

- (1) The Chief Executive Officer shall provide employees with reasonable access to training and development opportunities.
- (2) Selection for training shall be fair and equitable and based on identified needs of the Ministry.

## **6B. Training and Development Responsibilities**

### **6B.1 Primary Responsibility**

- (1) The Chief Executive Officer is accountable to ensure appropriate training of employees is undertaken by the Ministry.
- (2) Managers and supervisors in each department of the Ministry are primarily responsible for the training of their employees.
- (3) Ministerial training provides administrative support for training activities.

### **6B.2 Policy Responsibility**

The Commission shall ensure that sound and quality policy advice on generic training for employees is provided to Cabinet and is responsible for reviewing the effectiveness and impact of that policy on training and the development of skills and knowledge of employees.

### **6B.3 Trainee Responsibility**

- (1) Each trainee is expected to apply themselves to training activities and gain the maximum amount of development from them.
- (2) Trainees are expected to apply the skills and knowledge gained in training on the job.

### **6B.4 Training Delivery Responsibility**

The Ministry of Education has the responsibility for the provision and administration of training opportunities within the policy framework of the Government.

### **6B.5 Ministerial Training Officers**

Each Ministry shall appoint a Ministerial Training Officer who shall be accountable for the administration of training.

## **6C. Training Plans**

### **6C.1 The Identification of Training Needs**

All training is likely to increase the efficiency and effectiveness of performance and this shall start from the correct identification of needs and from recognition that there are short-term and long-term needs, both of which training shall try to meet and that these needs may change rapidly over time.

### **6C.2 On-the-job Training**

A Ministry may require some of its employees to provide or to undertake on-the-job training locally within or outside the Public Service to gain experience or expertise in specific areas related to the Ministry's work.

### **6C.3 Training reports - Ministry and Individual**

- (1) The Chief Executive Officer shall ensure that appropriate training reports are completed on a periodic basis.
- (2) Each employee shall complete a training report for any training over 2 weeks and include in that report the main content of the training, the appropriateness or otherwise of the training to the participant's post and the overall value of the training to the performance on the job.

## **6D. Short Term Training**

### **6D.1 In-country Training**

- (1) In-country training is funded by aid donors who are responsible for providing financial assistance for part of the costs involved in running the training.
- (2) The requesting local agency shall be responsible for meeting the local costs involved in bringing participants together for the training and any other costs that may be involved.

### **6D.2 Overseas Training and Attachments**

- (1) Overseas training and attachments are fully funded by aid donors who are responsible for all the costs involved regarding the attendance of the trainee in the training or attachments overseas.
- (2) In cases where the training is partly funded or not funded at all, the requesting agency is responsible for meeting all or the rest of the costs involved.
- (3) The trainee, at the end of the training or attachment, shall provide the Chief Executive Officer with a report on the training within two (2) weeks of his resumption of duty.

### **6D.3 Nomination for short term training**

- (1) All nominations or applications for short-term training, local, in-country or overseas, shall be based on the needs of the ministry and the identification of the most suitable candidate and recommended by the Chief Executive Officer, and where appropriate, shall be endorsed by the Minister.

### **6D.4 Authority for Attendance**

- (1) Attendance at all short term training programmes where there are no costs to Government, which also include seminars and conferences held locally or overseas requires the approval of the Chief Executive Officer.
- (2) Any employee who absents themselves from duty or who fails to return to duty and in either case, continues to be absent without permission for a period of 5 working days or more shall be deemed to have forfeited their office. Their services will be terminated on the basis of forfeiture of office.
- (3) Notwithstanding (2) above, if the employee subsequently satisfies the Chief Executive Officer that there was a valid reason, the Chief Executive Officer may

reinstate the employee. In such a case, the employee shall be deemed not to have forfeited office, but to have been on leave without pay from the Public Service during the period of absence.

## **6E. Long Term Training**

### **6E.1 Conditions for Long-Term Scholarship**

- (1) Employees selected for long-term Government scholarship training whose absence from duty shall amount to one academic year or more, are required –
  - (a) upon completion of study to continue in Government service for one year for each year of study, up to a maximum of five years;
  - (b) in the event of their failure to complete their studies owing to their own activities to repay Government any salary allowances paid by Government to them during their period of study;
  - (c) all the time spent attending training shall count towards service rights, but shall not count towards annual leave or any other leave entitlements;
  - (d) on successful completion of long term scholarship training, the employee is required to resume duty at the post at which he left and the extra qualification will only be recognized through the grant of increments;
  - (e) A returning scholar shall be promoted to a higher vacant position provided he/she meets the minimum requirements of the higher position;
  - (f) Government is obligated to create a position for a new Scholar following the completion of their studies.
- (2) Every employee to whom these conditions apply shall sign undertakings to this effect through a Bond Form prior to their release from duty.
- (3) It is the responsibility of the Scholarship Officer of the Ministry of Education to ensure that this Bond Form is signed and inform the awarding agency that a bond is involved; and
- (4) Employees who do not honour their bonds in full shall not be appointed in the Public Service or shall have their appointments revoked.
- (5) The Scholarship Committee and the Chief Executive Officer shall ensure that scholarship is not awarded to an employee who is still on probation.

### **6E.2 Scholarship Committee Members**

- (1) The Scholarship Committee shall consist of the following:
  - Chairman:* Minister of Education, Women's Affairs and Culture
  - Secretary:* Scholarships Officer
  
  - Members:* Chief Secretary and Secretary to Cabinet
  - Director of Education, Women's Affairs and Culture
  - Chief Executive Officer of the Commission
  - Chief Executive Officer of Finance and National Planning
  - Chief Executive Officer of Labour, Commerce and Industries
  - President for Secondary School
  - Representative of Mission Secondary Schools
- (2) The Committee shall have the power to co-opt such members as may be required.

### **6E.3 Nominations for Long Term Government Scholarships**

All applications for long-term scholarship training by employees shall be approved by the Chief Executive Officer before submission to the Scholarship Committee.

## **INSTRUCTION VII: MISCELLANEOUS**

### **7A. Corporate and Annual Management Planning**

#### **7A.1 Corporate Plan**

- (1) The Chief Executive Officer shall submit to the Ministry of Finance and the Commission through their Minister an updated three-year Corporate Plan on a date to be specified by Cabinet.
- (2) The Commission, with the approval of Cabinet, shall specify the procedures and format for Corporate Plans.

#### **7A.2 Annual Management Plan**

- (1) The Chief Executive Officer shall submit to his Minister an Annual Management Plan on a date to be specified by Cabinet.
- (2) The Commission and Ministry of Finance and National Planning shall specify the procedures and format for Annual Management Plans.

#### **7A.3 Annual Report by Chief Executive Officer for the Financial**

The Commission shall specify the procedures and format for Annual Reports.

## **7B. Discipline and Grievances**

#### **7B.1 Disciplinary offence**

Any breaches of the Public Service Policy 2010 and these Policy Instructions 2010 shall be deemed a breach of discipline pursuant to the Public Service (Disciplinary Procedures) Regulations 2003 as amended.

#### **7B.2 Discipline**

The Public Service (Disciplinary Procedures) Regulations 2003 as amended specifies the procedures to be followed in the case of disciplining an employee.

## **7C. Official Correspondence**

#### **7C.1 Content of Correspondences**

- (1) All correspondences shall be as courteous, brief and concise as possible.
- (2) Simple and every day words shall be used wherever possible.
- (3) Previous relevant correspondence or any relevant law, regulation, ruling shall also be quoted.
- (4) All correspondences shall carry a proper reference, date, signature and name of the signing employee.
- (5) All correspondences shall be in the name of the Chief Executive Officer, with the name of the employee who is issuing the correspondences above the Chief Executive Officer's designation.
- (6) Rubber name stamps shall not be used on originals.

#### **7C.2 Correspondence within Government**

- (1) Correspondence between Government Ministries shall normally be by Savingsram and “Dear Sir” or “Yours sincerely” are not required.
- (2) Where it is necessary to communicate the same information to more than one Ministry this shall be done by copy.
- (3) Where it is necessary to communicate information widely, Circular Savingsrams may be issued.
- (4) It shall be remembered that all internal government correspondence is of a “restricted” nature and the contents shall not be divulged to unauthorised persons or to persons who do not need to know.
- (5) Security of confidential and personal matters shall be maintained.
- (6) Internal correspondence shall not be copied outside government circles.

### **7C.3 Correspondence with the General Public**

- (1) It is important that correspondence received from public bodies, organisations and private individuals shall be dealt with promptly.
- (2) Where it is not possible to deal quickly with the subject matter, receipt of the correspondence shall be acknowledged at an early date.
- (3) Outgoing correspondence to the general public shall follow normal letter form with the appropriate opening and enclosing. (“Dear Sir, Yours sincerely, Yours faithfully”.)

### **7C.4 Correspondence with Foreign Governments and Agencies**

Correspondences with foreign Governments and Agencies shall normally be conducted through the Office of the Prime Minister or Ministry of Foreign Affairs except where express approval has been given to communicate direct.

### **7C.5 Non-Compliance**

Employees who fail to follow the above procedures may (notwithstanding the provisions of the Official Secrets Act) be liable to disciplinary action being taken against them.

## **7D. Human Resource Files**

### **7D.1 Personal files**

- (1) A file number shall be issued by the Chief Executive Officer and used for the file.
- (2) The file number shall be clearly marked on the cover of the file with the employee’s name.
- (3) Each page shall be numbered from the earliest entry.
- (4) A master copy of all files shall be maintained at the Ministry’s main office.
- (5) The personal files shall be stored so they are secure and safe from damage.

### **7D.2 File Content**

File information shall include all matter concerned with –

- (a) entitlements;
- (b) attendance and leaves;
- (c) work performance and behaviour both positive and negative;
- (d) training, qualifications and achievements; and
- (e) any other documents required by Acts or Regulations.

### **7D.3 Access to personal files**

Access to a Ministry's personal files shall be approved by the Chief Executive Officer concerned.

#### **7D.4 Transfer or cessation of employee**

- (1) On transfer, the entire personal file shall be hand carried by an approved employee to and signed for by the receiving Ministry.
- (2) On cessation of service, personal file shall be maintained by the Commission.

#### **7D.5 Human resource files**

The Commission shall from time to time instruct ministries on what minimum Human Resource records need to be maintained.

## **7E: List of Employees**

### **7E.1 List of Employees**

- (1) Each Ministry shall submit to the Commission and the Ministry of Finance a List of Employees, as at 31 December and 30 June of every year, as part of the budget preparation process for every upcoming financial year.
- (2) The List of Employees shall consist of all employees, comprising:
  - (a) Employee Name;
  - (b) Date of Birth;
  - (c) Gender; and
  - (d) Position Title;
  - (e) Level;
  - (f) Employee Category;
  - (g) Entered Service Date;
  - (h) Date of Appointment; and
  - (i) Salary or Wages;
- (3) The list of employees is to provide baseline personnel cost data for budget estimate and Human Resources information.
- (4) The Office of the Commission and the Ministry of Finance shall finalise the List of Employees in consultation with the Chief Executive Officer of the Ministry, before the Government's annual estimates is approved by Cabinet for submission to the Legislative Assembly.