

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;

“Any other duties” means any other official duties assigned by the Chief Executive Officer to be performed by an employee other than this core function. Such other duties shall be listed and mutually agreed upon by parties involved.

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

“band” means jobs of common nature/size grouped together for comparison purposes.

“basic salary” means the annual basic amount paid to an individual in a band. This does not include any fixed bonuses or other cash benefits;

“Benefits” means other guaranteed monetary or non-monetary rewards.

“casual employee” means a person who is employed on a casual basis for any work that may be temporary, seasonal, or of a special nature that does not warrant a salaried employment. It should be for a specified time period not exceeding a total accumulated contract period of 12 months in any financial year.

“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;

“Daily Paid Worker” means a person who is engaged in unskilled or semi-skilled work and such employee’s term of employment may be terminated at any time without notice by the relevant CEO. Such work requires little or no technical abilities or skills and often involve menial or repetitive tasks. It should be for a specified time period not exceeding a total accumulated contract period of 12 months in any financial year.

“Employee” means all persons employed in the Public Service;

“Extrinsic” means monetary rewards/bonuses.

“Family” means a husband, wife and dependent children;

“Government Scholarship” means a scholarship approved by the Cabinet;

“Intrinsic” means non-monetary reward such as career progression, health insurance, discounts or special allowances for vehicle or phone, overseas workshops up-skilling, service recognition or national awards including but not limited to service excellence, specific service category, medals, certificates, media releases). These can be at the discretion of Ministries/Commission which should contribute to professional profile.

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

“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;

“Professional Employee” means a person who is engaged to work in a profession (as opposed to a daily paid labourer) and has a formal qualification that meets the job requirement of the profession.

“Promotion” means moving from a position with a lower salary band to a position with a higher salary band.

“Redeployment” means moving of an employee from one post to another within the same salary band (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;

“Scarcity Allowance” means an allowance granted based on a closed list of recognised scarce skill disciplines based on certain criteria (e.g. turnover rate of a particular position/occupation – high vacancy rate, demand exceed supply, highly specialised skills)

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

“Specialist Employee” means a person highly skilled in a specific and restricted field.

“Total remuneration package” means basic salary plus other benefits such as any performance pay, employer contributions to superannuation, motor vehicles, communication, housing, medical insurance, additional annual leave and any other entitlements.

“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 Officer¹ who shall advise all employees in his Ministry of their existence,

¹ List of Chief Executive Officers:

1. Chief Executive Officer of the Commission
2. Chief Secretary and Secretary to Cabinet
3. Chief Executive Officer for the Ministry of Revenue & Customs
4. Chief Executive Officer for Agriculture, Food & Forests
5. Chief Executive Officer for Fisheries
6. Chief Executive Officer for the Ministry of Education and Training
7. Chief Executive Officer for the Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Communications and Climate Change
8. Chief Executive Officer for the Ministry of Health
9. Chief Executive Officer for the Ministry of Public Enterprises
10. Chief Executive Officer for the Ministry of Infrastructure
11. Chief Executive Officer for Tourism
12. Chief Executive Officer for the Ministry of Internal Affairs
13. Chief Executive Officer for the Ministry of Finance and National Planning
14. Secretary for Foreign Affairs
15. Chief Executive Officer for the Ministry of Justice

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.

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, 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;

16. Chief Executive Officer for the Ministry of Lands & Natural Resources

17. Chief Executive Officer for the Ministry of Commerce, Consumer, Trade, Innovation and Labour

18. Government Statistician

19. Solicitor General

20. Private Secretary to His Majesty

- (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 (including specialist and professional employees contracts) funded within the annual budget estimate² are made or processed by the Commission.
- (3) Any contract position filled by a daily paid contract provision must be advertised through the Commissioner's recruitment and approval process if the position is to become permanent.

1A.4 Reviewing, Modifying and Creating Posts

1A.4.1 Effective and Efficient Structures

Chief Executive Officers are accountable to ensure the way work is organized and duties allocated is appropriate and in line with the remuneration banding structure 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 Creating new posts

All new posts created for the next financial year shall be submitted to the PSC Office no later than the 31st January of the current financial year for vetting and evaluation (job size) before approval is granted for filling at the next financial year which shall be in line with the Ministry's organizational structure and budget approved. The Commission shall outsource the job evaluation function where appropriate.

The size of public service positions will be evaluated using a standardized job evaluation method.

New posts created during the financial year shall be considered in extenuating circumstances.

1A.4.4 All posts to have a job description

- (a) 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.

² Annual budget estimate includes recurrent and development funds.

- (b) All Chief Executive Officers, Heads of Divisions, Officers in Charge (in outer islands) and all employees in supervisory levels are expected to have undertaken a Job description writing training to be coordinated by the PSC.

1A.4.5 Job description to be reviewed

Each Ministry shall ensure that job descriptions shall be reviewed and updated annually and any changes made shall be communicated to the employee and submitted to the PSC to meet the deadline specified above for budget staff proposal preparation.

1A.4.6 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 revised Classification of Posts and the approval of the Commission.

Any proposal to re-designate titles of posts outside of the approved Classification of Posts shall be determined by the Commission with the approval of Cabinet.

1A.5 Job Classification and Band

1A.5.1 Classification and Remuneration Band

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

1A.5.2 Determining Salary Band

A banding model makes up the remuneration structure. The size of public service positions will be evaluated using the appropriate method of Job evaluation.

All public service positions will be remunerated in accordance with the banding model the job falls into and level of performance of the job holder. The evaluation process involves benchmarking with moderation inputs by employees of Hay Group or any other appropriate service providers.

1A.5.3 Post Classifications

All posts shall be classified as shown in the revised 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 remunerated up to Band 'Q' and a Personal Assistant remunerated up to Band L, 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 subject to proper recruitment and appointment process through the Commission.

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 using the Performance Management System prescribed by the Public Service Commission.
- (2) Notwithstanding subsection (1), the Siate Folau 'ae Neesi Tonga shall be the Performance Management System used to assess the performance of employees in the Nursing Profession.

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.
- (3) In the event where probation is extended, the performance areas where the employee requires improvement must be specified under Section 4 of the Performance and Planning and Appraisal Form prescribed by the Commission.
- (4) That the area of improvement under paragraph (3) must be used in the final evaluation of the employee's performance.

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.1.1 Acting Appointments made at a higher band

- 1) Acting appointment made at a higher band occurs when an employee is designated to carry out the full range of duties of another employee in a higher band in the Public Service who is—
 - (a) absent on vacation leave, special leave, study leave, sick leave, secondment or maternity/paternity 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, dismissed, redeployed, or died during service.
- 2) Acting appointment in higher positions shall be applicable only to Band "M" upward. Any vacancies at the lower levels need to be filled immediately and workload to be spread across similar positions and managed as appropriate by CEOs.
- 3) An employee on acting appointment shall take all the terms and conditions of the higher band, and is expected to also perform all the duties of his/her 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 who shall determine the appropriate acting appointment period and approve a set of agreed outputs to be performed during acting.
- 5) The CEO must evaluate the work to determine the payment to be made.
- 6) Acting appointment should be allowed for the next available and/or suitable person in post according to the organisational structure
- 7) That the rationale and purpose for any acting is to ensure that the workflow and operations are not seriously hampered.”

1D.1.2 Acting Allowance

- 1) If the basic salary of the employee on acting appointment is less than the minimum of the higher band then s/he shall receive difference between his/her basic salary and the minimum of the higher band. However, if the variance is less than 10% of the minimum of the higher band, s/he is to be treated the same with one whose basic salary is greater than or equal to the minimum of the higher band.
- 2) If the salary of the employee on acting appointment is greater than or equal to the minimum of the higher band, s/he shall receive 10% of the minimum of the higher band which is to be incorporated as his/her new basic salary in the higher band.

1D.1.3 Lateral Acting Appointments made at the same band

- 1) Lateral acting appointment made at the same band occurs when an employee is designated to carry out additional duties of another employee in the same band in the Public Service who is –

absent on vacation leave, special leave, study leave, sick leave, secondment or maternity leave;

- (a) 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;
 - (b) transferred, redeployed; or
 - (c) promoted, resigned, retired, dismissed or died during service
- 2) An employee on lateral acting appointment shall carry out responsibilities of the employee of the same band level who is away for at least twenty (20) consecutive working days to qualify for an allowance.
- 3) A lateral acting appointment allowance can be remunerated up to 10% of the salary band at the minimum level of that salary subject to an approved agreed set of outputs with the CEO and/or supervisor.
- 4) When an employee is appointed to be on lateral acting in the same banded post, that employee is expected to also perform the duties of his substantive post. The only exception is cases where, on lateral acting appointment, he is required to move to another locality, in which case another employee may be appointed to take up the lateral acting appointment in his substantive post.
- 5) Lateral acting appointment requires the approval of the Chief Executive Officer.
- 6) Acting appointment for lateral positions shall be applicable only to Band ‘M’ upward.

1D.1.4 Lateral Acting Allowance

An employee on lateral acting appointment is to be paid an allowance equivalent to the amount received by the employee if promoted to the higher band proportionate to the percentage of agreed outputs and duration of the acting.

- 1) An employee on lateral acting appointment is to be paid an allowance of up to 10% of the current basic salary of the position the acting is made on for the period concerned. The lateral acting can only be eligible for allowance at a minimum of twenty (20) consecutive working days and to agreed outputs.

For all acting allowances be paid only after the acting assignment subject to approval

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 above and beyond the conditioned hours as specified from time to time. This is subject to extenuating and unforeseen needs of the Ministry and must be pre-approved by the Chief Executive Officer.
- (2) In considering an application for overtime work the Chief Executive Officer must be mindful of;
 - (a) the health and safety of the employee,
 - (b) availability of funds,
 - (c) the reasons for the duties to be performed,
 - (d) the extenuating and unforeseen circumstances justifying the overtime work.
- (3) The Chief Executive Officer's approval on overtime work cannot be delegated.
- (4) Payment for overtime hours is only payable to eligible employees under 2A.7.3 or 2A.7.4.
- (5) Time off in lieu of cash payment for overtime is available to all employees in all salary bands, subject to these instructions.
- (6) Overtime payment OR time off in lieu is only applicable to eligible employees who have worked in excess of the conditioned hours (40 hours per week) and in excess of eight (8) hours on the day overtime work is requested.
- (7) Overtime payments OR time off in lieu cannot be claimed for more than four (4) hours overtime per day.
- (8) Overtime payments OR time off in lieu cannot be claimed for attendance in virtual meetings after working hours. Prior approval of arrangements for flexible hours must be in place before the virtual/meetings after hours and after midnight.
- (9) If the eligible employee was on annual leave or casual leave but recalled to resume duty, those hours worked shall be treated as normal work hours for the first eight (8) hours worked.
- (10) Time off in lieu must be utilised within forty-five (45) calendar days of accruing such leave.
- (11) Conditioned hours are expressed as gross forty (40) hours work week, eight (8) hour workday for all employees.
- (12) Claims for overtime hours must be processed within one (1) month of having been worked or be forfeited.
- (13) No employee shall be allowed to accrue more than twenty (20) hours of overtime work in any given two (2) week pay period **but** may be exceeded subject to the exceptional circumstances contained under 2A.7.4(1).
- (14) Payment for overtime work shall be calculated as follows –
 - (a) time and half (1.5 hours pay) per one (1) hour worked during overtime on weekends, and
 - (b) double time (2 hours pay) per one (1) hour worked overtime on public holidays and weekends.
 - (c) shift workers who are required to work on public holidays and weekends shall be paid at their normal rates for the first eight (8) hours. Hours worked overtime in excess of these eight (8) hours shall be paid at the rates set in (a) and (b) above as applicable.

- (15) This instruction does not apply to Teachers and other staff as specified by the Ministry of Education.

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 Head of Divisions, or supervisors are to ensure that overtime work claimed in the order as follows:
 - a) Head of Divisions are responsible for assessing work deadlines to determine when/if overtime is required.
 - b) In cases where overtime is required, the Head of Division must seek the approval from the Chief Executive Officer on or before the expected overtime date.
 - c) The Head of Division must ensure that the overtime work is justified and make the justification to the Chief Executive Officer.
 - d) The Head of Division must report that the proposed work was completed successfully at the end of the month and submit all paperwork with claims to the Finance Division for processing of compensation.
 - e) The approved work plan must be shared with Corporate Services for staff delivery purposes. Only staff with approved work plans will be entitled for compensation of overtime hours.
 - f) That Chief Executive Officers are to ensure that overtime spending DOES NOT exceed what was approved in the recurrent budget for the Ministry.
- (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

Payment for overtime hours worked is only payable to employees within salary band classification band “M” or lower.

2A.7.4 Eligibility for overtime payment in exceptional circumstances

- (1) All employees in salary band “L” up to and excluding CEO level may apply for payment of overtime hours worked only in exceptional circumstances where:
 - a) a true scarcity of skills and human resources exists,
 - b) there are urgent circumstances that are a matter of national interest or public security,
 - c) there is a state of natural disaster or emergency or pandemic.
- (2) Such applications shall be made on a case-by-case basis to the Chief Executive Officer subject to the limitations contained under 2A.7.1 (1) & (2).

2A.7.5 Time Off in Lieu of Overtime Payment

- (1) Where applicable and approved, employees are entitled to take time off in lieu of overtime with the consent of the Chief Executive Officer.
- (2) Time off in lieu shall be treated as a working day.
- (3) Time off in lieu of overtime shall be calculated as one (1) hour time off for one (1) hour worked overtime, regardless of when the overtime was worked.

2A.7.6 Hours worked in times of Natural Disasters/Pandemic and National Emergency

- (1) Notwithstanding the provisions of this policy, where the functions of a Ministry requires work in times of a declared Natural Disaster (e.g. Tropical Cyclones), Pandemic or National Emergency, such periods of work pay be treated as overtime

work, for which payment for overtime may be approved by the Chief Executive Officer, at the rates declared in section 2A.7.1 (14).

- (2) Overtime work claim under this section, can only be approved if it was worked within the official time period of a Public Service stand down, as may be declared by the relevant Government body or authority.

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):

Leave Type	WD	Comments on policy changes
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 a maximum of 10 annual leave days to the following year with the approval of the Commission.

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 Band I or above and has completed three (3) years of service at that level is considered by his Minister and approved by the Commission under special/exceptional circumstances, may receive a cash payment equivalent to his salary for up to 10 leave days, subject to the Ministry's budget.
- (c) an employee who is stationed at Niuatoputapu or Niuafo'ou, may receive a cash payment equivalent to his salary for up to 20 leave days 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.
- (3) With exception to the employees at the Niua, an employee shall not receive cash payment of leave days in two consecutive years.

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

- (1) All Ministries/Departments/Agencies must submit a complete Annual Leave Place to the PSC Office at the beginning of the calendar year.
- (2) The total number of leave days paid in cash and/or the number of days carried forward to the following calendar year must not exceed 10 leave days for an employee.
- (3) The Chief Executive Officer has the discretion to:
 - a) Approve for an employee to take annual leave within the 12 months calendar year;
 - b) Direct an employee to take annual leave within 12 months calendar year;
 - c) Employees who exit the service before completion of 12 months shall be deducted the pro rata annual leave entitlement for the months not yet worked.

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 including all paid public and government holidays except for Non-Reckonable periods;
- 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

Leave	Duration
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 absencing 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 absencing 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

- (1) 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.
- (2) An employee to which paragraph (1) apply shall be approved by the Tonga Sports Association (TASA) or the relevant national sporting body.
- (3) Sporting Tour Leave requires the approval of the Commission.

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.22.5 Special Leave for Employees on Jury Duty

- (1) Employees who have been summoned by the Court to be on Jury duty may be granted a special leave of absence for the period as required by the Court subject to the approval of the Chief Executive Officer in consultation with the Ministry of Justice.
- (2) The special leave in (1) above shall be with pay unless agreed to by the employee and the Chief Executive Officer.

2B.22.6 Special Leave for Voting and Polling Duties

- (1) Employees who have been summoned and approved by the Public Service Commission for polling duties need not take leave as this is part of their civic duties.
- (2) For voting purposes, employees other than teachers and health workers in critical service are allowed 2 hours to half a working day depending on the placement of the public servant. Employees who provide essential services such as teachers and health workers in critical care are to be released as appropriate to enable them to vote. This leave should be managed by CEOs according to their Ministry needs so that the Ministry services are not affected.

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) 1st year – fifty (50) percent of salary
 - (b) 2nd 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.

- (5) An employee going on Study Leave With Pay is required to work in Government for a duration not exceeding two (2) years.

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 Seconded while on secondment, is still subject to the Public Service Code of Ethics and Disciplinary procedures.
- (6) The Ministry may fill the employee's post following the effective date of secondment.
- (7) When the secondee returns 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 secondee 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) Upon completion or termination of the secondment, the employee is required to work a bond with government for the following duration:
 - (i) Full duration of the secondment where the period of secondment is more than 12 months; or
 - (ii) Twelve months (12) where the duration of the secondment is twelve (12) months or less.
- (10) The responsible CEO must ensure that the appropriate MOU (Template Annexed) is signed by the employee and the Ministry, clearly stating the requirements during and after the secondment.
- (11) Should the employee fail to satisfy the requirements stipulated in (9) and (10) above, he/she shall pay for the shortfall period to the government or be processed for 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) The temporary basis shall be up to a period of (six) 6 months to complete all agreed activities. Any extension beyond this shall be subject to the approval of the Commission and to be more than a combined total of 9 months;

- (3) Also approved by the Commission, if on a permanent basis;
- (4) The purpose of the redeployment is to be clearly defined and fully discussed with the staff concerned;
- (5) 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.

2E.3 Staff Rotation

- 1. Staff rotation may be undertaken to exchange staff among the divisions or units in a Ministry or among Ministries to perform similar or related responsibilities on a temporary basis to:
 - i. Provide the appropriate capability where it is needed to improve efficiency and effectiveness in the operation of a division or unit
 - ii. Enable the learning of new skills, work practices or methods
 - iii. Explore where the skills, qualifications and expertise of a staff will be best utilized
 - iv. Eliminate boredom and encouraging creativity and productivity by moving workers into a new work environment
 - v. Enable the division or unit to better perform responsibilities on a timely basis
- 2. Rotations are to be undertaken within the same band or from one band to another (one band below or one band above).
- 3. Staff rotation is undertaken in the interest of a Ministry or the Public Service to deliver its outputs and outcomes in an effective, efficient and productive manner.
- 4. The Chief Executive Officer with the approval of the Minister may rotate staff among the divisions and units within the Ministry
- 5. Where staff are rotated among Ministries, the Chief Executive Officers concerned shall agree to the duration of the staff rotation and responsibilities to be performed during the period, and the proposed staff rotation shall be endorsed by the Minister concerned.
- 6. Staff may be rotated for a period of up to 12 months.
- 7. The purpose of the staff rotation and responsibilities to be performed is to be clearly defined and fully discussed with the staff concerned
- 8. The entitlements of the staff are not affected while they are on staff rotation
- 9. At the end of the staff rotation, the staff may return to their substantive positions
- 10. Where it is appropriate that the staff on rotation may be permanently transferred to the new division or unit within a Ministry, the approval of the Minister is to be obtained
- 11. Where it is agreed among the Chief Executive Officers of the Ministries and endorsed by the respective Ministers that the staff on rotation may be permanent retained, instruction 2E.1 (5) shall apply.

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 outputs 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 of Public Service Employees

The Commission shall establish procedures to be used to assess the annual performance of employees. This procedure shall be referred to herein as the Performance Management System for the Public Service. This is part of a wider Performance development framework that takes an integrated approach to performance linking it to strategy and planning, workforce development, career progression, staff coaching, and rewards.

A moderation and quality assurance process for the performance planning and appraisal is to be established for all performance appraisals.

3A.2.2 Definition of Performance Management System

The Performance Management System is the mechanism to assist Chief Executive Officers and Supervisors in the assessment of an employee's periodic performance and reported in the Performance Planning and Appraisal Form. (**Annex 2**)

The Performance Management System is guided by a Performance Development Framework which provides the guidelines to implementing the performance management system. It includes the processes, tools and templates to be used in the performance management process.

3A.3 Performance Salary Reward

3A.3.1 Guidelines for salary reward

The Performance Management System and Appraisal Form approved by the Commission shall determine those employees eligible for a salary reward and movement up the salary band.

3A.3.2 Performance Pay

- (1) There should be a clear and definitive link between Performance (PMS) reviews and remuneration movement through the pay range based on a 5 point performance rating (current practice).
- (2) Any award of pay increase will be based on performance unless there is a general salary/band revision which calls for a national wide increase.
- (3) Performance pay rate is driven by affordability.
- (4) Where the maximum has been reached, a bonus can be given based on performance rating of 3 and above.
- (5) The percentage (%) for performance bonus will be determined annually by the Public Service Commission and the Ministry of Finance subject to the approval of Cabinet.
- (6) Government will identify and budget the amount of money available that is affordable for performance increases during annual budget preparation. This amount will be used solely to fund the rewards to positions identified and assessed under the PMS as deserving of a performance increase, and to meet any non-performance salary increases.
- (7) Performance related increase has to be paid out after 12 months and should be within the first three months of the new financial year (by September).
- (8) Rewards are both extrinsic and intrinsic:
- (9) The Commission will periodically review elements to recognize performance to include but not limited to recognition for service excellence, long service, as part of organizational wide and/or public sector wide improvement framework.

3A.3.3 Movement up the salary band

The adjustment of individual salaries within a salary band shall be dependent upon the annual performance assessment rating after the assessment has been formally approved by the Chief Executive Officer and the Public Service Commission.

- (1) Progression within the band/pay range is subject to performance (percentage % allocation to performance rating). A rating of 3, 4 and 5 will move up the band based on the value of percentage (%) for the rating, and subject to affordability.
- (2) The budget and percentage (%) allocated for performance payment will be reviewed on an annual basis by May each year

- (3) Those who are already in the maximum of their band will instead receive a bonus payment based on performance. The value of the bonus will be determined annually, aligned to performance rating.
- (4) Movement through the range would be based on the pay matrix in the RA report linking the Performance Management System and the range.

3A.3.4 Eligibility to be considered for a performance reward

- (1) Employees who are at post in the beginning of the Financial Year (FY) are eligible to be considered for a performance reward provided:
 - (a) The employee has completed a Mid-Year Review;
 - (b) The employee has completed an End of FY Review;
 - (c) The overall performance score of the employee has undergone moderation;
 - (d) The overall performance score of the employee (following moderation) is confirmed at a rating of 3,4 or 5;
 - (e) Served at post in a permanent position for no less than nine (9) months within a Financial Year;

Not Eligible

- (2) An employee who is newly appointed within the financial year and is currently serving under probation.
- (3) Under special circumstances, an employee under 3A.3.4.2 above may be eligible for a performance reward however the payment of their performance rewards shall follow the pro-rata principle. The conditions for consideration under special circumstance shall be in accordance with the following criteria:
 - (a) An existing employee prior to the commencement of the new financial year who has served at their current post for a minimum period of six (6) months to which the principles of pro-rata of performance reward applies;
 - (b) Absence from work in excess of three (3) months will be paid on a pro-rata basis (e.g. resumption of duty from secondment , study leave, special leave without pay, maternity leave, long service leave etc)
 - (c) New appointees who assume duty in the permanent position within the first three months of new financial year will be eligible for pro-rata payment.

3A.3.5 Performance Rewards for Chief Executive Officers

- (1) In contrast to the rest of the Public Service employees, the approved performance rewards for CEOs who are under a fixed contract is as follows:

<i>Overall Performance Score Rating</i>	<i>Performance Reward</i>
<i>Rating of 5</i>	<i>Salary increase of 10% based on basic salary as of 30th June</i>
<i>Rating of 4</i>	<i>Salary increase of 7% based on basic salary as of 30th June</i>
<i>Rating of 3</i>	<i>Salary increase of 4% based on basic salary as of 30th June</i>
<i>Rating below 3</i>	<i>No performance reward applicable as this is considered low performance</i>

3A.4 Performance Improvement

3A.4.1 Low performance

- (1) Employees whose job performance is below 100 percent based on assessment ranking criteria and procedures under the Performance Development Framework guideline, shall be given counseling and a development program by the Chief Executive Officer to improve the level of job performance.
- (2) Where an employee fails to improve job performance consecutively within a 12 months period of performance reviews, the CEO shall give the employee a written warning setting out:
 - a) Standard performance expected of the employee
 - b) The areas requiring improvement
 - c) Steps the employee must take to improve work performance
- (3) Where the employee was given a warning under sub section (2) and the CEO considers that the job performance has not improved within 6 – 12 months to the required standard, the CEO shall forward a complete report of the employee's work performance to the Commission for review. The Commission may after giving the employee an opportunity to be heard:
 - a) Transfer the employee to another post or locality
 - b) Demotion
 - c) Termination of the employee's employment
 - d) Any other action that the Commission may consider necessary

3A.4.2 Training and Development Programs

- (1) Development programs shall be in writing and discussed and agreed under Section 4 of the Performance Planning and Appraisal Form.
- (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

- (1) The re-assessment of an employee's job performance shall be conducted once every year, that is, three months following mid-year review.
- (2) Employees shall be given three (3) months to improve their job performance and shall be re-assessed at that time.

3A.4.4 Grievance against performance assessment of Supervisor

An employee who is not satisfied with the assessment of his performance by the Supervisor may follow the grievance procedures specified under the Public Service Grievance & Dispute Procedures Regulations 2006 as amended.

3A.5 Performance Appraisal Records

- (1) The Chief Executive Officer shall be responsible for ensuring that each employee's performance appraisal are properly documented and kept in his personal file.
- (2) At any time, the appraisal assessment shall be produced upon request from the Chief Executive Officer of the Commission, for the purposes of promotion, monetary or non-monetary reward for performance or any pending disciplinary matters.
- (3) The Public Service Commission or the Chief Executive Officer of the Commission may designate an appropriate Officer(s) to assess documented records and appraisals

stored in the personal files of line ministries for the purpose of Performance Management System Appraisal quality checks, analysis and reporting.

3A.6 Sanctions for Unsatisfactory performance

3A.6.1 Sanctions for unsatisfactory performance for public servants who are not Chief Executive Officers

- (1) Where an employee's performance does not fully meet (i.e. 100%) the agreed performance standards, the employee shall be given counselling as well as a written warning to help improve the level of performance during the Financial Year and is required to work against a signed performance improvement plan that s/he must meet in terms of outputs. This should include:
 - a) Standard performance expected of the employee
 - b) The areas requiring improvement
 - c) Steps the employee must take to improve work performance
- (2) Where an employee fails to improve job performance consecutively within a six (6) months period of performance review, the CEO, after discussion with the employee, shall forward a complete report of the employee's work performance to the Minister and Commission for review. The Commission, in consultation with the CEO and Minister may after giving the employee an opportunity to be heard:
 - a) Transfer the employee to another post or locality
 - b) Decide on demotion
 - c) Decide on suspension
 - d) Decide on termination
 - e) Decide on any other action that the Commission may consider necessary
- (3) Where an employee is identified as a low performer after two (2) consecutive performance cycles, even after having been afforded the sanctions provisioned for in part (3) above, will be liable to have his/her employment terminated at the discretion of the Public Service Commission.

3A.6.2 Sanctions for unsatisfactory performance during contract (after the confirmation of probation for Chief Executive Officers)

- (1) For Chief Executive Officers, sanctions on unsatisfactory performance are provided for under their contracts for performance review during probation period and throughout the contract period after the probation period has been completed.
- (2) Where under the performance review processes prescribed under Clause 22 according to Schedules A, B and C of CEO contracts the Commission in consultation with the Minister in question, deem that there is unsatisfactory performance, the Commission may,
 - (a) Discuss the assessment with the Appointee;
 - (b) Advise the appointee of the areas in which his/her work is unsatisfactory and depending on the area of unsatisfactory

performance, give the Appointee from 1 to 6 months to demonstrate competent performance.

(c) If performance continues to be unsatisfactory, give notice of termination within 1 calendar month.

(d) Terminate the appointment in writing.

(3) Nothing in these instructions shall diminish the Commission's right to terminate an employee.

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 3**).
- 3) The Ministry's review of its activities must rigorously examine the allocations by activity and evaluate the need for each. **Annex 4** 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 5**
- 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 increment³ 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.

³ This provision is currently under review since increments no longer apply.

- (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 need, or emergency circumstances, an employee's compulsory date of retirement may be extended beyond 60 years, or a person who has attained the age of 60 years may be contracted as an employee, with the endorsement of the Minister and the approval of the Commission.
- (3) In considering extending the date of retirement for an employee who has attained 60 years, or to contract a person who has attained 60 years, the Commission shall take into account the following special, exceptional need, or emergency circumstances:
 - (i) the position is in a highly specialised area, such that the inability to extend the date of retirement, or to contract such person, will be a significant loss of irreplaceable expertise and institutional knowledge, and reduce the Ministry's ability to provide an essential service to the public,
 - (ii) in the case of a permanent employee, the Ministry has demonstrated to the satisfaction of the Commission that due to unforeseen circumstances it was unable to plan for suitably skilled and qualified employees to succeed the retiree, and that there are emergency circumstances requiring the employee's retirement to be extended,
 - (iii) in the case of a contracted position, the Ministry is unable to source from its permanent staff an employee with the needed skills and specific qualifications to conduct the high priority work required by the Ministry, or the person has been deemed by the Commission as an exceptional candidate for a contracted position, or that there are emergency circumstances requiring the person to be contracted,
 - (iv) in the case of a permanent employee, there are long term Ministry high priority deliverables specified in the employee's job description, which specifically requires the employee to complete.

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.

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 bands;
 - (b) daily paid workers; and
 - (c) contract employees.
- (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 internal 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.
 - (3) Chief Executive Officers shall ensure that there is an adequate system of control to manage overpayment due to late advice of employees' exit of service, leave without pay, etc.

5A.3 Salary on appointment/promotion

- (1) An employee taking up a new appointment or has recently been promoted shall be paid at the minimum point of the salary scale of the post appointed to, except where the employee:
 - (a) holds additional relevant qualifications which is higher than the minimum qualifications and years of experience additional to that required by the post, in which case the salary on appointment shall be determined in accordance with the following:
 - (b) is currently employed permanently at one of the MDAs in Schedule 2 as listed in the Public Service Act.

Such employees will resign and exit from existing employer subject to a position offered from a Ministry/Department/Agency in Schedule 1 and be appointed to the new Ministry/Department/Agency and shall be paid the same basic salary from their former employer, if is within the Band appointed to and was paid in that band.

The office of the PSC will have to confirm the employment status of the appointee prior to the approval of the appointment such as the following:

1. Post title
2. Permanency of post
3. Band
4. Current basic Salary
5. Date of Appointment/Promotions
6. Current Leave Status

<i>Example of Minimum Requirements</i>	<i>Additional qualification AND/OR experience attained</i>	<i>Amount granted on top of the minimum point of the relevant band or on top of the basic salary of the officer prior to being promoted</i>
<i>i. Education qualification that is equivalent to a Certificate Level 5 (Diploma) in the TNQAB Framework with 3</i>	<i>Minimum requirement plus extra Educational qualification that is equivalent to Level 8 (Postgraduate Certificate,</i>	<i>3% of the minimum point of the relevant band</i>

<p>years of relevant work experience.</p> <p>OR</p> <p>ii. Educational qualification that is equivalent to a Certificate Level 7(Graduate Certificate, Graduate Diploma, Bachelor Degree) in the TNQAB Framework</p>	<p>Postgraduate Diploma, Bachelor Degree with Honours) of the Tonga National Qualification Framework with 5 – 9 years of relevant work experience</p> <p>OR</p> <p>Minimum requirement plus extra 10-14 years of relevant work experience.</p>	
	<p>Minimum requirement plus extra Educational qualification that is equivalent to Level 8 (Postgraduate Certificate, Postgraduate Diploma, Bachelor Degree with Honours) of the Tonga National Qualification Framework with 10-14 years of relevant work experience</p> <p>OR</p> <p>Minimum requirement plus extra 15 -19 years of relevant work experience.</p>	6% of the minimum point of the relevant band
	<p>Minimum requirement plus extra Educational qualification that is equivalent to Level 8 (Postgraduate Certificate, Postgraduate Diploma, Bachelor Degree with Honours) of the Tonga National Qualification Framework with 15 or more years of relevant work experience</p> <p>OR</p> <p>Minimum requirement plus extra 20 or more years of relevant work experience</p>	9% of the minimum point of the relevant band
<p>i. Educational qualification that is equivalent to a Certificate Level 7(Graduate Certificate, Graduate Diploma, Bachelor Degree) in the TNQAB Framework plus 3 years work experience</p> <p>OR</p>	<p>Minimum requirement plus extra Educational qualification that is equivalent to Level 8/9 (Postgraduate Certificate, Postgraduate Diploma, Bachelor Degree with Honours)/(Master Degree) of the Tonga National Qualification Framework with 5-9 years of relevant work</p>	3% of the minimum point of relevant band

ii. Educational qualification that is equivalent to a Certificate Level 9 (Master Degree) in the TNQAB Framework	experience OR Minimum requirement plus extra 10-14 years of relevant work experience	
	Minimum requirement plus extra Educational qualification that is equivalent to Level 8/9 (Postgraduate Certificate, Postgraduate Diploma, Bachelor Degree with Honours)/(Master Degree) of the Tonga National Qualification Framework with 10-14 years of relevant work experience OR Minimum requirement plus extra 15-19 years of relevant work experience	6% of the minimum point of the relevant band
	Minimum requirement plus extra Educational qualification that is equivalent to Level 8/9 (Postgraduate Certificate, Postgraduate Diploma, Bachelor Degree with Honours)/(Master Degree) of the Tonga National Qualification Framework with 15 or more years of relevant work experience OR Minimum requirement plus extra 20 or more years of relevant work experience	9% of the minimum point of the relevant band
i. Educational qualification that is equivalent to a Certificate Level 9 (Master Degree) or higher in the TNQAB Framework	Minimum requirement plus extra Educational qualification that is equivalent to Level 10 (Doctoral Degree) of the Tonga National Qualification Framework with 5-9 years of relevant work experience in a senior management or specialist position OR Minimum requirement plus extra 10-14 years of relevant	6% of the minimum point of the relevant band

	<i>work experience</i>	
	<i>Minimum requirement plus extra Educational qualification that is equivalent to Level 10 (Doctoral Degree) of the Tonga National Qualification Framework with 10 or more years of relevant work experience in a senior management position</i> OR <i>Minimum requirement plus extra 15 or more years of relevant work experience</i>	<i>9% of the minimum point of the relevant scale</i>

(2) Table 1 above only applies to those who had earned additional higher qualifications and/or years of experience not yet recognized in a PSC decision.

(3) That in the case of CEO recruitment and the transition from the old to the new remuneration structure, the following applies:

<i>Minimum qualification and experience for appointment</i>	<i>Additional qualification and experience attained</i>	<i>Amount granted on top of the minimum point of the relevant higher band or the last basic salary upon migration from the old remuneration scale</i>
<i>i. Bachelor's Degree relevant to the position and proven operational management experience of at least 7 years in a senior management position in a comparable organization/ministry, with proven management experience in the relevant field.</i>	<i>Postgraduate Degree (ie of 1 year or more) with/or additional years of proven operational management experience in a senior management position in a comparable organization/ministry:</i> <i>a. 3 to 4 additional years;</i> <i>b. 5 to 9 additional years;</i> <i>c. 10+ additional years;</i>	<i>a. 3% of the minimum point of the relevant salary band or 3% of the basic salary upon migration from the old remuneration scale.</i> <i>b. 6% of the minimum point of the relevant salary band or 6% of the basic salary upon migration from the old remuneration scale.</i> <i>c. 9% of the minimum point of the relevant salary band or 9% of the basic salary upon migration from the old remuneration scale.</i>

(4) **Recognition of additional higher qualifications within the same band only** Table 2 below applies to those employees who have earned additional higher qualifications ONLY within the same band not yet recognised in a PSC decision. The proposed section does not include a salary on promotion/appointment and these can only apply to the customary instruction of section 5A.3:

Table 2

Relevant Additional higher qualification ONLY within the same band The relevant field of qualification should be the same application in the current COP	Amount granted on top of the basic salary point of the employee in recognition of the relevant additional qualification within the same band size acquired through further studies
Additional academic/educational qualification that is equivalent to Level 8 (Postgraduate Diploma and Bachelor Degree with Honours) of the Tonga	3% of the minimum point of the relevant band

National Qualification Framework	
Additional academic/educational qualification that is equivalent to Level 9 (<i>Master Degree</i>) of the Tonga National Qualification Framework	6% of the minimum point of the relevant band
Additional academic/educational qualification that is equivalent to Level 10 (<i>PhD</i>) of the Tonga National Qualification	9% of the minimum point of the relevant band

5A.4 Salary on promotion

- (1) If the basic salary of the employee was less than the minimum of the higher band then s/he shall receive the minimum. However, if the variance is less than or equal to 5% of the minimum of the higher band, s/he is to be treated the same with one whose basic salary was greater than or equal to the minimum of the higher band.
- (2) If the salary of the employee was greater than or equal to the minimum of the higher band, s/he shall receive 5% of the minimum of the higher band which is to be incorporated as his/her new basic salary in the higher band

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 band, 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 band, 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, he shall re-enter the band equivalent to that of his old 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 his starting pay shall be at the minimum point of the appropriate salary scale.

5A.6 Salary reward for performance

A salary reward is an increase in salary of a specified amount which, provided certain conditions specified under the Performance Appraisal Form are fulfilled, is granted with the approval of the Chief Executive Officer at the beginning of every financial year until a stated maximum is reached.

5A.6.1 Budget allocation for performance reward

The percentage allocated in the budget for the reward of performance shall be reviewed on an annual basis by May of each year, which shall be determined by the Minister of Finance.

5A.6.2 Criteria for salary reward and movement up the band

Subject to the overall affordability percentage determined in consultation with the Hon. Minister of Finance and National Planning to allocate for the performance reward of the public service, the following criteria shall be applied:

- (1) An employee achieving an overall performance score of five (5) shall be entitled to an increase of up to 5% based on the value of percentage (%) for the rating.
- (2) An employee achieving an overall performance score of four (4) shall be entitled to an increase of up to 3% based on the value of percentage (%) for the rating.
- (3) An employee achieving an overall performance score of three (3) shall be entitled to an increase of 1.5% based on the value of percentage (%) for the rating.
- (4) An employee achieving an overall performance score of two (2) or below shall not be entitled to move up the band following annual performance review.
- (5) A deserving employee already at the maximum point of the salary band shall receive a lump sum payment (bonus) based on the maximum point of the salary band subject to (1), (2) or (3) above.

- (6) A deserving employee who was promoted to a higher position during the assessed financial year shall be rewarded based on pro-rata of the salary previously held and the salary currently holding (as of 30 June) subject to (1), (2) and (3) above.
- (7) A deserving employee who is promoted to a higher position prior to cabinet approval of rewards payout shall receive a lump sum payment (bonus) in lieu of salary subject to (1), (2) and (3) above.

5A.6.3 Non-monetary rewards

Non-monetary rewards will be used. The Commission shall determine appropriate guideline for this as they see fit.

5A.6.4 Intrinsic rewards

- (1) Intrinsic rewards are the non-monetary rewards. They are recognition of performance that do not use cash payments. Such recognition become intrinsic sources of motivation to employees. Such rewards are at the discretion of line ministries, CEO/Commission and may include, but not limited to some of the following:

- (1) Preference on Training and Development Needs
- (2) Certificates/Trophies
- (3) Commendation letters for Professional Profile
- (4) External attachments
- (5) Career Progression
- (6) Employee of the Month/Year Award

- (2) Further details are provided in the Non-Monetary Incentive Guide refer **Annex 6**.

5A.6.5: Salary Rewards on Extra Qualifications

An employee who completes additional higher qualifications not yet recognized in a Public Service Commission Decision, be recognized with an increase in salary as defined in the following table;

Relevant Additional higher qualification The relevant field of qualification should be the recognition of the relevant additional qualification	Amount granted on top of the basic salary point of the employee in recognition of the relevant additional qualification acquired through further studies
Additional academic/educational qualification that is equivalent to Level 8 (<i>Postgraduate Diploma and bachelor Degree With Honours</i>) of the Tonga National Qualification Framework	3% of the minimum point of the relevant band
Additional academic/educational qualification that is equivalent to Level 9 (<i>Master Degree</i>) of the Tonga National Qualification Framework	6% of the minimum point of the relevant band
Additional academic/educational qualification that is equivalent to Level 10 (<i>PhD</i>) of the Tonga National Qualification Assessment Board	9% of the minimum point of the relevant band

5A.7 Effective date of salary reward and movement up the band

- (1) The granting of any salary and movement up the band shall be linked only to performance of duties at post and shall be effective as from 1st July of every financial year.
- (2) Performance related increase shall be paid out after 12 months and should be within the first three months of the new financial year (by September).
- (3) This is to allow sufficient time for the Oversight and CEO Moderation processes to be completed prior to submission to APRA, Commission and Cabinet and other relevant authorities as deemed appropriate.

5A.8 Movement up/ Rewards

- (1) In cases where an employee has consistently rendered services of exceptional (5 PMS ratings) and extraordinary merit over a period of three (3) consecutive years as defined under the performance management system, and upon recommendation of the Chief Executive Officer following due diligence and quality moderation, the Commission may recognise such achievement either through a bonus payment subject to affordability or a non-monetary recognition.
- (2) Non-monetary recognition shall also be applied.
- (3) Recommendation for such recognition shall be submitted to be effective on 1st July.

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 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.12 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 there 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.13 Transfer Expenses and Allowances

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

5A.14 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 7**) 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 endorsed by Cabinet.
- (2) The location allowance is payable as part of the annual salary and the rate will be based on the level of hardship/vulnerabilities encountered at the location. The Commission will determine allowance using a formula that has a base location amount with a hardship allocation added to it. This formula will be reviewed annually.
- (3) Hardship is defined as:
 - (a) Lack of access to potable running water and lightning;
 - (b) Lack of access to basic goods and services such as basic health care, education, water and sanitation;
 - (b) Remoteness (from main island of Tongatapu, from main island)
 - (c) Access to safe and regular transportation;
 - (d) Access to secure communications;
 - (e) Lack of opportunities to participate fully in the socioeconomic activities of the community;
 - (g) Lack of basic resources (including income) to meet family and cultural obligations;
 - (h) Vulnerability to climate change
- (4) The location allowance is payable to the following locations –
 - (a) ‘Atata and ‘Eueiki in Tongatapu
 - (b) outer island 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 Niufo’ou.
- (5) Hardship factor is payable to employees relocated to remote islands in the following rates confirmed by the Tonga National Bureau of Statistics:

‘Ataata & Eueiki	2% of Basic Salary
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)	5% of Basic Salary
Outer islands of Ha’apai (excluding Lifuka and Foa)	6% of Basic Salary
Niuatoputapu	8% of Basic Salary
Niufo’ou	10% of Basic Salary

- (6) The base location allowance shall be payable to an employee who is away from work in the designated location based on an approved leave with pay subject to the leave entitlements under the Public Service Policy 2010 up to a maximum period of 40 days at the following rates:

Duration of absence from designated location	Location allowance received
The first 20 working days	Full allowance
Exceeding 20 and up to 40 working days	50% of allowance
Beyond 40 working days	No allowance

- (7) No location allowance shall be payable to an employee who is away from the designated location for more than 40 days.
- (8) Where an employee stays at the designated location during the Christmas Vacation, the employee shall be granted the full allowance.
- (9) Any Acting responsibility through this absence, is covered under section 1D.

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

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) In cases, where overseas travel is difficult or not feasible and where the training / course is to be held online, the CEO may consider other options to enable the full attendance of his/her employee(s) at the approved training / course.
- (3) Subject to No. 2 above, the CEO may grant flexible work hours or special leave to the employee(s), if the training is conducted outside normal working hours. Granting of flexible work hours or special leave must be based on the nature and conditions of the host country's mandatory requirements (such as attendance, time commitment, time difference etc).
- (4) Any hours or day(s) granted by the CEO in part (3) above shall not be deducted from the employee's earned leave entitlement, but shall count as Short Term Training leave which must not exceed a period of one (1) month.

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;⁴
 - (e) A returning scholar shall be promoted to a higher vacant position provided he/she meets the minimum requirements of the higher position;
 - (f) The vacancy created under sub-policy instruction (e) shall follow the standard recruitment process under which the returning scholar shall apply;

⁴ This provision is currently under revision since increments are no longer applicable.

- (g) The Government is obligated to create a position for a new scholar following the completion of his 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 Savingram 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) Qualifications;
 - c) Date of Birth;
 - d) Gender;
 - e) Division;
 - f) Position Title;
 - g) Band;
 - h) Date of Appointment;
 - i) Date of Last Promotion;
 - j) Salary or Wages; and
 - k) Station
- (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.

8A. Repeal and Transition

8A.1 Annual increments

- (1) Annual increments will no longer apply as of July 1st 2016.
- (2) Any reference to incremental credits in the instructions is voided.

8A.2 Special Instruction

- (1) That all employees under the Public Service Act 2002 as amended, effective as from 1st July, 2016 be migrated to the new Banding Salary Structure and be paid at the Salary Band and Salary range allocated and recommended by the Remuneration Authority, based on job size and that their salary entry point in the new structure be determined as follows except those employees who are disadvantaged which shall be recommended for a special case treatment in Part 2:
 - a. An employee who is currently paid a salary which is below the proposed new salary scale is recommended to be moved up and be paid at the minimum point of the proposed new salary scale.
 - b. An employee who is currently paid a salary which falls within the proposed new salary scale and is not disadvantaged is recommended to continue to be paid at the current salary.
 - c. An employee who is promoted to a position before the new structure, where the minimum of the new post is lower than what s/he currently earns shall maintain her/his salary as he starts in the new band.
- (2) i) That employees who are disadvantaged in the migration from the old to the new remuneration structure in the following situations be recommended to a post at a higher band that he/she will not be disadvantaged:
 - (a) Lower maximum point; or
 - (b) Lower minimum point; or
 - (c) Both lower minimum and maximum points
 - ii) That any recommendation for a placement of a disadvantaged employee to a higher band shall be endorsed by the relevant Chief Executive Officer and approved by the Commission; and
 - iii) That the above arrangement should not incur additional costs and that the employee's current basic salary should fall within the recommended higher band.
- (3) That given employees have different incremental dates in the old structure, payments are recommended to be made to all deserving employees for the period that have worked up to 30th June, 2016 and that this be calculated on a pro-rata basis;
- (4) That recommendations from line Ministries for a re-designation be approved subject to the Public Service Commission's approval.