



# TONGA GOVERNMENT GAZETTE

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## Public Service Policy and Instructions 2010

### 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) organizing shift work for employees who need to work on weekends, public holidays, and Christmas vacation in order to minimize overtime claims,
  - b) the health and safety of the employee,
  - c) availability of funds,
  - d) the reasons for the duties to be performed,
  - e) the extenuating and unforeseen circumstance 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 attendance in virtual meetings after working hours. Prior approval of arrangement for flexible hours must be in place before the virtual/meetings after hours and after midnight.
- (8) If the eligible employee was on leave, but was recalled to resume duty, those hours worked shall be treated as normal work hours for the first eight (8) hours worked.
- (9) Time off in lieu must be utilised within **twelve (12) months** of accruing such leave. **Such leave cannot be counted for encashment purposes.**

- (10) Conditioned hours are expressed as gross forty (40) hours work week, eight (8) hour workday for all employees.
- (11) Claims for overtime hours must be processed within one (1) month of having been worked or be forfeited.
- (12) No employee shall be allowed to accrue more than **forty (40) hours of overtime work in any given month but may be exceeded subject to the Commission's approval after applying the criteria contained under 2A.7.4(3).**
- (13) Payment for overtime work shall be calculated as follows –
  - a) time and a half (1.5 hours pay) per one (1) hour worked during overtime on weekdays, and
  - b) double time (2 hours pay) per one (1) hour worked overtime on public holidays and weekends.
  - 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.
- (14) 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 is 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 recording shall be used in the recording of overtime, and time limits of overtime shall be specifically stated.

### 2A.7.3 Eligibility for overtime payment

- (1) 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 to the CEO for payment of overtime hours up to forty (40) hours per month but 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 Declared National Emergency, Natural Disasters 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).
- (3) The Commission shall apply the following criteria when making any decisions under 2A7.1(12):
  - a) confirmation from the CEO that exceeding the forty (40) hours per month was unavoidable;
  - b) confirmation from the CEO that arrangements have been made to reduce the likelihood of exceeding forty (40) hours per month, including shift work and time off in lieu of overtime hours worked;
  - c) a true scarcity of skills and human resources exists;
  - d) there are urgent circumstances that are a matter of national interest or public security;
  - e) there is a state of natural disaster or emergency or pandemic.

### 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 a Declared National Emergency, Natural Disasters and Pandemic.**

- (1) Notwithstanding the provisions of this policy, where the functions of a Ministry requires work in times of a **Declared National Emergency**, Natural Disasters (e.g. Tropical Cyclones) or Pandemic, such periods of work **may** be treated as overtime work, and may **exceed forty (40) hours per month**, for which payment for overtime may be approved by the Chief Executive Officer, at the rates declared in section 2A.7.1(13).
- (2) Overtime work claimed 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

## Tu'utu'uni Ngāue 'a e Ngāue Fakapule'anga 2010

### 2A.7 Ngāue tu'ataimi

#### 2A.7.1 Angamaheni

- (1) Kuo pau ke fakangofua he 'Ofisa Pule Ngāue 'a e ngāue tu'ataimí ki mu'a pea fakahoko ha ngāue tu'ataimi, ka 'oku makatu'unga 'a e ngāue koiá 'i he ngaahi fiema'u fakatupake mo ta'e'amanekina 'a e Potungāue. Koia ai 'e malava ke ngāue tu'ataimi 'a e kau ngāue 'o lahi ange 'i he houa ngāue angamaheni.
- (2) Kuo pau ke fakapapau'i he 'Ofisa Pule Ngāue 'a e ngaahi me'á ni ki mu'a pea ne fakangofua ha ngāue tu'ataimi;
  - a) fokotu'utu'u 'o ha ngaahi taimi pau ke ngāue 'a kinautolu 'oku 'ikai ke ngāue he houa angamaheni ka 'oku fiema'u ke nau ngaue 'i he faka'osinga 'o e uike, 'aho malolo mo e malolo Kilisimasi ke fakasi'isi'i 'a e ngāue tu'ataimi 'oku 'eke'i
  - e) ko e mo'ui lelei mo e hao mo malu 'o e taha ngāue
  - f) faingamalie fakapa'anga
  - h) ngaahi 'uhinga 'oku fakahoko ai 'a e ngāue
  - i) ngaahi 'uhinga 'oku fakatupake mo ta'e'amanekina ke fiema'u ai e ngāue tu'ataimi
- (3) Ko e mafai ke fakangofua ha ngāue tu'ataimi 'oku 'a e 'Ofisa Pule Ngāue ia pea 'e 'ikai ngofua ke toe vahevahe 'a e mafai ko ía.
- (4) Ko e kau ngāue pe 'oku nau fakakakato 'a e makatu'unga 'i he 2A.7.3 pe 2A.7.4. 'e malava 'o totongi 'enau houa ngāue tu'ataimí.
- (5) Ko e liliu 'aho 'o e houa ngāue tu'ataimí 'oku 'atā ma'ae kau ngāue 'i he tu'unga vāhenga kotoa pē, 'o fakatatau ki he ngaahi fakahinohino ko ení.
- (6) Ko e totongi 'o ha ngāue tu'ataimi pe liliu 'aho 'o e houa ngāue tu'ataimí 'oku 'atā ma'ae kau ngāue 'oku lahi ange 'enau houa ngāue 'i he houa ngāue angamaheni (houa 40 'i he uike) pe lahi ange 'i he houa 'e valu (8) 'i he 'aho 'oku fakahoko ai e ngāue tu'ataimí.
- (7) Ko e totongi 'o ha ngāue tu'ataimi pē liliu 'aho 'o e houa ngāue tu'ataimí 'e 'ikai 'atā ki he kau ngāue 'oku nau kau atu ki he ngaahi fakataha 'oku fakafou 'i he 'initaneti (virtual meetings) 'a ia 'oku fakahoko tu'ataimí. Ka kuopau ke fakangofua he 'Ofisa Pule Ngāue ha ngaahi houa ngāue makehe ma'ae taha ngāue ki mu'a pea fakahoko 'a e fakataha.

- (8) Kapau na'e livi fakata'u pe faka'aho 'a e taha ngāué ka na'e tu'utu'uni ke foki 'o ngāue, ko e 'uluaki houa ngāue 'e valu (8) na'a ne ngāue'í 'e lau pe ia ko e houa ngāue angamaheni.
- (9) Ko e liliu 'aho 'o e houa ngāue tu'ataimi kuo pau ke faka'aonga'i 'i loto 'i he mahina 'e taha ua (12) mei he taimi na'e ma'u ai 'a e livi koia. 'E 'ikai ke kau 'a e ngaahi 'aho livi ko ía 'i he ngaahi livi 'oku malava ke totongi.
- (10) Ko e houa ngāue angamaheni ko e houa 'e fāngofulu (40) 'i he uike, houa 'e valu (8) 'i he 'aho ki kau ngāue kotoa pē.
- (11) Ko e 'eke 'o ha houa ngāue tu'ataimi kuo pau ke fakahoko 'i loto 'i he mahina 'e taha (1) mei he taimi na'e ngāue'í ai, ka 'ikai 'e fakata'e'aonga'i.
- (12) 'Oku 'ikai ngofua ki ha taha ngāue ke laka hake 'a 'ene houa ngaue tu'ataimi 'i he houa 'e fāngofulu (40) 'i ha fa'ahinga mahina ka 'e malava ke toe laka hake 'a e houa ngāué 'i hano fakangofua 'e he Komisoní hili 'a hono ngaue'aki 'o e ngaahi makatū'unga 'oku hā 'i he 2A.7.4(3).
- (13) Ko e totongi 'o ha ngaue tu'ataimi 'e fika'i 'o anga peheni -
- a) ko e houa 'e taha (1) 'o ha ngāue tu'ataimi 'oku tatau ia mo e houa ngāue 'e taha mo e konga (houa 1.5 totongi), pea
  - e) ko e houa 'e taha (1) 'o ha ngāue tu'ataimi lolotonga ha 'aho mālōlō mo e faka'osinga 'o e uiké, 'oku tatau ia mo e houa ngāue 'e ua (houa 2 totongi).
  - f) Ko e kau ngāue 'oku 'ikai ke ngāue he houa angamaheni tenau vahe pē 'i he 'enau 'uluaki houa ngāue 'e valu (8). Ko e houa ngāue 'e laka hake 'i he houa 'e valú (8) 'e totongi 'o fakatatau ki he fakamatala 'i he (a) mo e (e) 'i 'olungá.
- (14) Ko e tu'utu'uni ko ení 'e 'ikai ke ngāue'aki ki he kau Faiakó mo ha kau ngāue 'oku fakapapau'i mei he Potungāue Akó.

### 2A.7.2 Ko e Fakamafai'i mo hono Siofi 'o e Ngāue Tu'ataimi

- (1) Ko e ngāue tu'ataimi kotoa pē kuo pau ke fakangofua 'aki ha tohi mei he 'Ofisa Pule Ngāué kimu'a pea fakahoko ha ngāue tu'ataimi.
- (2) Kuopau ke fakapapau'i 'e he kau Taki Va'a Ngāué pe ko e kau supavaisá koe ngāue tu'ataimi 'oku 'eke'í 'oku muimui ki he ngaahi tu'utu'uni ko 'ení:
- a) Ko e fatongia 'o e kau Taki Va'a Ngāué ke nau siofi 'a e ngaahi taimi 'oku fiema'u ke fakakakato ai 'a e ngāué ke fakapapau'i pe 'oku fiema'u ke fakahoko ha ngāue tu'ataimi.
  - e) Kapau 'oku fiema'u ke fakahoko ha ngāue tu'ataimi, kuo pau ke kole 'e he Taki

Va'a Ngāuē 'a e ngofua mei he 'Ofisa Pule Ngāuē ki mu'a pe lolotonga 'a e 'aho 'oku fakahoko ai 'a e ngāue tu'ataimi ko iá.

- f) Ko e fatongia 'o e Taki Va'a Ngāuē ke nau fakapapau'i 'oku fiema'u ke fakahoko 'a e ngāue tu'ataimi ko ení, pea fakahoko 'a e ngaahi 'uhingá ki he 'Ofisa Pule Ngāuē.
- h) Kuopau ke lipooti 'a e Taki Va'a Ngāuē 'i he faka'osinga 'o e māhiná kuo kakato 'a e ngāue na'e fiema'u ke fakahokó pea ke ne fakahū 'a e ngaahi me'a fakapepa mo e ngaahi 'eke ki he Va'a Pa'angá kenau ngaue ki hono totongí.
- i) Kuopau ke vahevahe ki he Va'a Ngāuē 'a e 'Ofisí 'a e ngaahi palani ngāue kuo fakangofuá koe'uhí ke tiliva'aki 'a e ngaahi kole 'a e taha ngāuē. Ko e kau ngāue pē kuo fakangofua 'a 'enau palani ngāuē 'oku 'atā ke totongi 'a 'enau houa ngāue tu'ataimi.
- k) Kuopau ke fakapapau'i 'e he kau 'Ofisa Pule Ngāuē 'oku 'ikai laka hake 'a e fakamole ki he totongi 'o e ngāue tu'ataimí 'i he patiseti kuo tali ki he Potungāuē.
- (3) Kuo pau ke ngāue'aki 'a e ngaahi foomu totonu ke lekooti'aki 'a e ngaahi houa ngāue tu'ataimí pea ke fakahā mahino 'a e ngaahi taimi 'oku ngata ai 'a e ngāue tu'ataimí.

### 2A.7.3 Makatu'unga ki hono totongi 'o ha ngāue tu'ataimi

- (1) Ko e kau ngāue pē 'oku nau 'i he tu'unga vahenga 'M' ki lalo 'e ngofua ke totongi 'a 'enau houa ngāue tu'ataimí.

### 2A.7.4 Makatu'unga ki hono totongi 'o ha ngāue tu'ataimi 'i ha taimi fakatu'upake

- (1) Tuku kehe 'a e tu'unga 'o e 'Ofisa Pule Ngāuē, 'oku 'atā ki he kau ngāue kotoa 'i he tu'unga vahenga "L" ki 'olunga kenau kole **ki he 'Ofisa Pule Ngāuē** ke totongi 'a 'enau ngaahi houa ngāuē tu'ataimi **'o a'u ki he houa 'e fāngofulu (40) 'i he mahina** koe'uhí ko ha ngaahi makatu'unga makehe hangē ko e:
- a) tokosi'i 'a e kau ngāuē mo e taukei fakangāuē,
- e) 'oku 'i ai 'a e tu'unga fakavavevave ko e fiema'u ki he lelei 'a e fonuá pe malu 'a e kakaí,
- f) 'oku 'i ai 'a e fakatamaki fakaenatula pe tu'unga fakatu'utamaki pe mahaki faka'auha
- (2) Ko e ngaahi kole ko ení 'e fakahoko ia ki he 'Ofisa Pule Ngāuē makatu'unga 'i he fo'i kole taki taha 'o fakatatau ki he ngaahi fakangatangata 'oku hā 'i he 2A.7.1 (1) & (2).

- (3) Ko e ngaahi makatu'unga 'eni 'e ngaue'aki 'e he Komisoni ki hono fakahoko 'o ha tu'utu'uni 'i he 2A.7.1(12):
- a) fakapapau'i mei he 'Ofisa Pule Ngāue ko e ngaue oku laka hake 'i he houa 'e fa (4) 'i he 'aho pe houa 'e faāgofulu (40) 'i he mahina na'e pau ke fakahoko;
  - e) fakapapau'i mei he 'Ofisa Pule Ngāue kuo fakahoko ha fokotu'utu'u ke ne fakasi'isi'i 'a e ngaahi ngaue 'e laka hake 'i he houa 'e fāngofulu (40) 'i he mahina 'o kau ki ai 'a hono ngaue'aki 'o e ngaahi taimi pau ke ngāue 'a kinautolu 'oku 'ikai ke ngāue he houa angamaheni pea mo hono liliu 'aho 'o e ngaahi houa ngāue tu'ataimi kuo ngaue'i;
  - f) tokosi'i 'a e kau ngaue mo e taukei fakangaue;
  - h) 'oku 'i ai 'a e tu'unga fakavavevave ko e fiema'u ki he lelei 'a e fonua pe malu 'a e kakai;
  - i) 'oku 'i ai 'a e fakatamaki fakaenatula pe tu'unga fakatu'utamaki pe mahaki faka'auha

#### 2A.7.5 Liliu 'Aho 'o e houa ngāue tu'ataimi

- (1) Fakatatau ki ha fakangofua, 'oku 'atā ki he kau ngāue ke liliu 'aho 'a e houa ngāue tu'ataimi kuo ngāue'i 'i hono fakangofua 'e he 'Ofisa Pule Ngāue.
- (2) Ko e liliu 'ahó 'e lau ia ko e 'aho ngāue.
- (3) Ko hono liliu 'aho 'o ha ngāue tu'ataimi 'e fika'i 'a e houa 'e taha (1) 'o ha houa ngāue tu'ataimi 'oku tatau ia mo e houa 'e taha (1) 'oku liliú, tatau ai pē pe ko e hā 'a e 'aho na'e fakahoko ai 'a e ngāue tu'ataimi.

#### 2A.7.6 Ngaahi houa ngāue 'i ha taimi 'o ha Fakahā 'o ha Tū'unga Fakatu'utamaki, Fakatamaki Fakaenatula mo e Mahaki Faka'auha

- (1) Tukukehe 'a e ngaahi tu'utu'uni 'oku hā 'i 'olungá, kapau ko ha ngaahi fatongia 'o ha Potungāue 'oku fiema'u kenau ngāue 'i he taimi 'o ha **Fakahā 'o ha Tū'unga Fakatu'utamaki**, Fakatamaki Fakaenatula (hangē ko ha Saikolone Fakatalopiki), **pe Mahaki Faka'auha** pe Tu'unga Fakatu'utamaki Fakafonua, 'e **malava ke** lau 'a e houa ngāue ko iá ko e ngāue tu'ataimi **pea malava ke laka hake 'i he houa 'e fāngofulu (40) 'i he mahina**, pea ko hono totongi 'o e ngāue tu'ataimi 'e malava ke fakangofua 'e he 'Ofisa Pule Ngāue 'i he ngaahi totongi 'oku hā 'i he 2A.7.1(14).
- (2) Ko e ngaahi ngāue tu'ataimi 'oku totongi 'i he kupú ni 'e fakangofua pē kapau na'e fakahoko 'a e ngāue lolotonga 'a e taimi 'oku ta'ofi faka'ofisiale ai 'a e Ngāue Fakapule'angá, hangē ko ia kuo fakahā 'e he sino felave'i 'o e Pule'angá pe mafai pulé.