



TONGA GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No.183

FRIDAY 14th OCTOBER

2022

POLICY AMENDMENTS PUBLIC SERVICE POLICY INSTRUCTIONS

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.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 Niuas, an employee shall not receive cash payment of leave days in two consecutive years.

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.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 utilize 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.

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 secondee 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.

2B. Livi

2B.1 Ngaahi totonu ki he livi mei he 'aho 1 Sanuali 2016

- (1) Ko e taha ngāue 'oku fokotu'u ki ha lakanga tu'uma'u 'i he Ngāue Faka-Pule'anga kuo pau ke nau ma'u 'a e ngaahi livi ni (kapau 'oku fiema'u):

Fa'ahinga livi	'Aho Ngaue	Ngaahi fakatonutonu
Livi Fakata'u	20	'Oku malava ke tanaki atu
Livi Puke ('ikai tokoto falemahaki)	15	Ma'ae ni'ihī 'oku 'ikai tokoto falemahaki. Ko e Livi Puke 'oku malava 'o ngāue'aki ki he Livi Puke ('ikai tokoto falemahaki) ka 'oku makatū'unga 'i he fokotu'u mei he Talekita 'o e Potungāue Mo'ui mo e fakangofua mei he 'Ofisa Pule Ngāue 'o e Komisoni.
Livi Puke (tokoto falemahaki)	30	Ko e Tu'utu'uni Ngāue Fo'ou ma'ae ni'ihī pē 'oku tokoto falemahaki ('oku tonu ke si'isi'i hono ngāue'aki)
Livi Fa'ele 'a e Fa'é	Mahina 'e 3 ('aho tohi mahina)	Na'e fa'u 'a e tu'utu'uni ma'ae mo'ui lelei 'a e fa'e ngāue mo 'ene tama
Livi Fa'ele 'a e Tamai	5	'Oku fakatokanga'i 'a e fiema'u ke 'iai 'a e fa'e mo e tamai 'i he taimi 'oku fa'ele'i/fanau'i ai 'a 'ena tama
Livi ta'evahe	20	'Oku makehe 'eni mei he livi/malōlō ako he 'oku 'iai 'a e fakatonutonu kiai

- (2) 'Oku malava ki he taha ngāue ke tanaki atu 'a 'ene 'aho Livi Fakata'u 'e 10 ki he ta'u hono hoko ka 'i he ngaahi makatū'unga 'oku makehe/tu'ukimu'a/fiema'u fakavavevave pe fakatu'upake.

2B.6 Founa totongi 'o e ngaahi 'aho livi

- (1) 'E 'ikai ngofua ke totongi ki ha taha ngaue ha'ane livi tukukehe kapau ko ha -
- (a) taha ngaue 'oku fakafisi pe malōlō mei he Ngāue Faka-Pule'anga, 'a ia'e malava leva ke totongi faka'angataha 'a 'ene toenga 'aho livi;
- (e) taha ngaue 'oku 'i he tū'unga vāhenga Band I pē mā'olunga ange kuo kakato 'a e ta'u 'e tolu (3) 'a 'ene ngāue 'i he tū'unga vāhenga koia pea kuo fakapapau'i 'e he

Minisitā mo fakangofua ‘e he Komisoni ‘o makatū’unga ‘i ha ngaahi ‘uhinga ‘oku makehe/tu’ukimu’a. ‘I he’ene pehe ‘e toki malava ke totongi ‘o a’u ki he ‘aho livi’ ‘e 10 ‘o fakatatau ki he patiseti ‘a e potungāue.

(f) ‘e malava ke totongi ki ha tokotaha ngaue ‘oku ngāue ‘i Niuatoputapu pe Niuafu’ou ‘o a’u ki he ‘aho livi’ ‘e 20, makatū’unga ‘i hono fakangofua he ‘Ofisa Pule Ngāue mo e Komisoni.

- (2) Ko e totongi ‘oku hā ‘i he (1)(e) ‘i ‘olunga ‘e ‘ikai laka ange ‘i he 10% ‘a e patiseti fakava’a ‘o e Patiseti Fakaangaanga Fakata’u ‘a e Potungāue.
- (3) Tukukehe ‘a e kau ngāue ‘i he ongo Niua, he’ikai lava ke totongi ha ‘aho livi ki ha taha ngaue, ‘i ha ta’u hokohoko ‘e ua.

2B.9 Ko hono ngāue’aki ‘o e livi

- (1) ‘I he kamata’anga ‘o e ta’u, kuo pau ke fakakakato mo tanaki ki he ‘Ofisi e Komisoni e Kau Ngāue Fakapule’anga ‘a ‘enau Palani Livi Fakata’u mei he Potungāue/Va’a Ngāue/Va’a Fakafofonga.
- (2) ‘E ‘ikai laka hake ‘i he ‘aho ‘e 10 ‘a e lahi fakakātoa ‘o e ngaahi ‘aho livi ‘o ha taha ngaue ‘e totongi pe tanaki ki he ta’u hono hoko.
- (3) ‘Oku faitu’utu’uni ‘a e ‘Ofisa Pule Ngāue ki he ngaahi me’a ni:
- a) Fakangofua ‘a e taha ngāue ke ngāue’aki ‘a ‘ene livi fakata’u lolotonga e mahina ‘e 12 fakata’u;
 - e) Fekau’i ha taha ngāue ke ngāue’aki ‘a ‘ene livi fakata’u lolotonga e mahina ‘e 12 fakata’u;
 - f) Ko e taha ngāue ‘oku mavahe mei he Ngāue Fakapule’anga kimu’a pea kakato ‘a e mahina ‘e 12 ‘o ‘ene ngāue, kuo pau ke fakapapau’i ‘e he ‘Ofisa Pule Ngāue ‘oku to’o ‘a e livi fakata’u (pro rata) ki he ngaahi mahina ‘oku te’eki kene ngaue’i.

2B.23 Livi Ako

2B.23.1 Livi Ako ‘oku totongi

- (1) Ko e livi eni ma’ae ni’ihi pē ‘oku ma’u faingamalie ke ako koe’uhi kuo fakapale’i ki nautolu ‘aki ha Sikolasipi Fakapule’anga. Kuo pau ke ‘uluaki fakapapau’i mei he Komiti Sikolasipi ‘a e Pule’angá ‘oku fenapasi ‘a e akó mo e ngaahi tefito’i Ngāue Fakapule’angá ‘a ia tenau vahe ‘o fakatatau ki heni:
- a) Ta’u 1 – Peseti ‘e nimangofulu (50) ‘o ‘ene vāhenga
 - e) Ta’u 2 – Peseti ‘e uofulu mā nima (25) ‘o ‘ene vāhenga

- f) Hili e ta'u hono ua 'o e ako 'e 'ikai ke to e ma'u ha'ane vahe
- (2) Kapau 'e ngāue'aki 'e he tokotaha ngāue 'a 'ene livi fakata'ú 'i he 'uluaki ta'u 'o 'ene akó, ko e ngaahi monū'ia 'i he (1) 'e toki kamata ngāue'aki ia hili hono faka'aonga'i 'a 'ene livi fakata'u.
- (3) Kapau 'e foki 'o kamata ngāue 'a e taha ngāue ka 'oku lolotonga Livi Ako, 'e vahe kakato pē ia kā 'i ha mahina pē 'e ua 'o 'ikai laka hake ai. 'I he'ene pehē 'e 'ikai lau 'a e taimi koia ko ha malōlō mei he'ene Livi Ako 'o fakatatau ki he ngaahi makatū'unga 'i he (1).
- (4) Ko e kau ngāue 'oku ako mo ngāue ka 'oku nau ma'u kalasi lolotonga e houa ngāue angamaheni, kuo pau ke nau nofo he tuku 'a e ngāue 'o fakakakato 'a e houa ngāue na'a nau mavahe ai mei he ngāue pea kuo pau ke fakangofua 'eni he 'Ofisa Pule Ngāue.
- (5) Ko e taha ngāue 'oku Totongi 'a 'ene Livi Ako kuo pau ke ngāue ma'ae Pule'anga 'o fe'unga mo e ta'u 'e ua (2).

2D.4 Mavahe Fakataimi mei he Ngāue Fakapule'anga

- (1) 'Oku malava ke mavahe Fakataimi mei he Ngāue Fakapule'anga (Secondment) 'a e Kau Ngāue 'i ha ngaue'anga kitu'a mei he Ngāue Fakapule'anga 'i Tonga ni pē ko tu'apule'anga 'o 'ikai laka hake 'i he ta'u 'e taha (1) 'o makatū'unga 'i ha fakangofua mo e pou pou kiai 'a e 'Ofisa Pule Ngāue 'o e Potungāue pea tali 'e he Komisoni ma'ae lelei 'a e Pule'anga. Ka ko e ngaahi poloseki 'oku fiema'u he Pule'angá ha Kau Ngāue kiai, 'e malava ke fakangofua he Komisoni ke nau ngāue 'o 'ikai lahi ange 'i he ta'u 'e tolu (3).
- (2) 'Oku fiema'u ke tanaki mai he Taki Ngāue 'o e Poloseki ha tatau 'o e aleapau fakaangaangá 'o fokotu'u ai 'a e taumu'a, feitu'u mo e loloa 'o e Mavahe Fakataimi mei he Ngāue Fakapule'anga.
- (3) Koe Mavahe Fakataimi mei he Ngāue Fakapule'anga kotoa pē, kuo pau ke tali 'e he 'Ofisa Pule Ngāue 'o e Potungāue, Minisita 'o e Potungāue pea mo e ngofua mei he Komisoni.
- (4) Ko e 'aho 'oku kamata ai 'a e Mavahe Fakataimi mei he Ngāue Fakapule'anga, koe 'aho pē ia 'oku tonu ke kamata ai 'a e aleapau. Kuo pau ke 'uluaki ngāue'aki 'e he taha ngāue 'a 'ene livi fakata'u pea 'oku ikai ke vahe mei he Pule'anga lolotonga 'a 'ene Mavahe Fakataimi mei he Ngāue Fakapule'anga.
- (5) Ko e taha ngāue Mavahe Fakataimi mei he Ngāue Fakapule'anga 'oku kei 'i he malumalu 'o e Tu'utu'uni Faka'ulungaanga mo e Founga Tautea Ki he Ngaue Fakapule'anga lolotonga 'a e taimi 'oku Mavahe Fakataimi mei he Ngāue Fakapule'anga.

- (6) 'Oku malava ke fakangāue'i he Potungaue ha taha 'i he lakanga 'o e taha ngāue 'oku lolotonga Mavahe Fakataimi mei he Ngāue Fakapule'anga, 'o kamata ngāue 'i he lakanga koia mei he 'aho na'e fakangofua ai ke mavahe 'a e taha ngāue ha'ana e lakanga.
- (7) 'I he foki mai 'a e taha ngāue ki he Ngāue Fakapule'anga kuopau ke ngāue 'i he lakanga 'oku 'oange ma'ana mo 'ikai ke si'i ange 'i he ngaahi tu'utu'uni na'ane ngāue'aki ki mu'a pea kamata 'ene Mavahe Fakataimi mei he Ngāue Fakapule'anga.
- (8) 'Okapau 'oku fakangata 'a e aleapau 'o e taha ngāue ki mu'a 'i he 'aho na'e alea ke 'osi kiai 'a 'ene Mavahe Fakataimi mei he Ngāue Fakapule'anga, kuo pau ke fakahoko he taha ngāue ki he Potungāue pea mo e Komisoni. Pea 'oku fiema'u ke nau femahino'aki ki he 'aho 'e foki mai ai 'a e taha ngāue ki he Ngāue Fakapule'anga 'o 'ikai laka ange 'i he 'aho na'e fuofua alea'i ke ngata ai 'ene Mavahe Fakataimi mei he Ngāue Fakapule'anga.
- (i) 'Oku malava ke fokotu'u he 'Ofisa Pule Ngāue, Komisoni pea mo e taha ngāue 'oku lolotonga Mavahe Fakataimi mei he Ngāue Fakapule'anga ke hoko atu 'ene ngāue 'i he potungaue kehe lolotonga 'ene kei mavahe 'o fakatatau ki he taimi na'e 'uluaki tali ai ke Mavahe Fakataimi mei he Ngāue Fakapule'anga.
- (9) 'I he kakato pē fakangata 'a e Mavahe Fakataimi mei he Ngāue Fakapule'anga 'o e taha ngāue, kuo pau ke ne ngāue'i 'a 'ene aleapau (bond) ki he Pule'anga 'o fakatatau ki heni:
- (i) Kapau 'oku laka ange 'i he mahina 'e 12 'a 'ene mavahe mei he Ngāue Fakapule'anga, kuo pau ke ne ngaue'i e taimi tatau na'e mavahe ai mei he ngāue; pē
- (ii) Kapau na'e a'u 'o mahina 'e 12 pe si'isi'i ange ai 'a 'ene mavahe mei he Ngāue Fakapule'anga, kuo pau ke nau ngaue'i e mahina 'e 12 'i he Ngāue Fakapule'anga.
- (10) Koe fatongia 'a e 'Ofisa Pule Ngāue, ke ne fakapapau'i 'oku 'i he makatū'unga lelei 'a e tohi Aleapau (ko e tatau 'o e Aleapau 'oku 'ai 'i loto 'i he tu'utu'uni) na'e fakamo'oni ai e taha ngāue mo e Potungaue, 'oku hā ai 'a e ngaahi fiema'u 'i he lolotonga mo e faka'osinga e Mavahe Fakataimi mei he Ngāue Fakapule'anga.
- (11) Kapau 'oku 'ikai ke 'i he tū'unga fakafiemalie 'a e fakahoko fatongia e taha ngāue 'o fakatatau ki he kupu (9) mo e (10) 'i 'olunga, kuo pau ke ne totongi 'a e ngaahi 'aho na'e Mavahe Fakataimi ai mei he Ngāue Fakapule'anga pē ko hono kapusi ia mei he Ngāue Fakapule'anga.