

- (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 permanent employee, there are long term Ministry high priority deliverables specified in the employee's job description, which specifically requires the employee to complete.
- (4) In the case of a contracted person who has attained 60 years, the Commission shall take into account that 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.

**B. For employees who hold the position of Chief Executive Officer.**

# TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No.2

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## Public Service Policy and Instructions 2010

### 4C. Retirement

#### 4C.1 Age of Retirement

**A. For employees who hold the position of Deputy Chief Executive Officer or lower.**

- (1) Subject to the exceptions set out below, employees who hold the position of Deputy Chief Executive Officer or lower, shall retire on attaining the age of 60 years.
- (2) Under special, exceptional need, or emergency circumstances, the compulsory date of retirement for employees who hold the position of Deputy Chief Executive Officer or lower 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 employees who hold the position of Deputy Chief Executive Officer or lower, who have attained 60 years, the Commission shall take into account the following special, exceptional need, or emergency circumstances:

- (1) Subject to the exceptions set out below, employees who hold the post of Chief Executive Officer may be approved by the Commission to be employed beyond the age of 60 years based upon exigency, but shall retire upon attaining the age of 65 years.
- (2) Under special, exceptional need, or emergency circumstances, the compulsory date of retirement for employees who hold the position of Chief Executive Officer may be extended beyond 65 years, with the endorsement of the Minister and the approval of the Commission.
- (3) In considering extending the date of retirement for employees who hold the position of Chief Executive Officer, who have attained 65 years, the Commission shall take into account the following special, exceptional need, or emergency circumstances:
  - (i) the Ministry has demonstrated to the satisfaction of the Commission that the Chief Executive Officer position is in a highly specialised area, such that the inability to extend the date of retirement will be a significant loss of irreplaceable expertise and institutional knowledge, and reduce the Ministry's ability to provide essential service to the public,
  - (ii) the Ministry has demonstrated to the satisfaction of the Commission that due to unforeseen circumstances it was unable to plan for a suitably skilled and qualified Chief Executive Officer to succeed the retiree, and that there are emergency circumstances requiring the employee's retirement to be extended,

- (iii) the Ministry has demonstrated to the satisfaction of the Commission that there are long term Ministry high priority deliverables specified in the Chief Executive Officer's job description, which specifically requires the employee to complete.
- (iv) The Commission may consider an application from a candidate for a Chief Executive Officer, who has attained 65 years, if after a recruitment process, no suitable candidate was recommended by the interview panel for a Chief Executive Officer position.

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

### 4C. Malôlô

#### 4C.1 Ta'u ngâue malôlô

##### A. Kau ngâue 'i he lakanga Tokoni Pule Ngâue pe ma'ulalo ange ai.

- (1) Tukukehe ange 'a e ngaahi makatu'unga 'oku hâ atu 'i lalo, ko e kau ngâue 'i he lakanga Tokoni Pule Ngâue pe ma'ulalo ange ai, kuo pau ke nau malôlô mei he ngâue 'i he'enu a'usia 'a e ta'u motu'a ko e 60.
- (2) 'I ha ngaahi makatu'unga vivili, fiema'u makehe pe ko ha ngaahi 'uhinga fakafokifâ, ko e kau ngâue 'i he lakanga Tokoni Pule Ngâue, pe ma'ulalo ange ai, 'e malava pç ke toe fakalôloa 'enu taimi ngâue hili 'a e hokosia honau ta'u 60, pe 'e malava ke fakahoko ha tohi aleapau ngâue mo e tokotaha ngâue kuo ne a'usia hono ta'u 60, ka kuopau ke faka'atâ 'e he Ministâ pea tali 'e he Komisoni.
- (3) 'I hono fakakaukau'i ke fakalôloa ha ta'u ngâue 'o e kau ngâue 'i he lakanga Tokoni Pule Ngâue pe ma'ulalo ange ai kuo nau a'usia honau ta'u 60, kuo pau ke sio 'a e Komisoni ki he ngaahi makatu'unga vivili, fiema'u makehe pe ko ha ngaahi 'uhinga fakafokifâ 'o hange ko ia 'oku hâ atu 'i lalo;
  - (i) ko e lakangâ 'oku 'i ha tafa'aki 'oku fu'u makehe ange, 'okapau 'e 'ikai lava ke fakalôloa 'a e ta'u ngâue, pe fakangâue'i ha tokotaha 'i ha tohi aleapau ngâue, 'e hoko ia ko e mole lahi ki he

Potungâue, pea 'ikai ke toe ma'u 'a e pôto'i ngâue makehe mo e taukei ngâue ko ia 'i he Potungâue, 'o uesia ai 'a e fakahoko fatongia tefito 'a e Potungâue ki he kakai;

- (ii) fekau'aki mo ha tokotaha ngâue tu'uma'u, kuopau ke fakahâ 'e he Potungâue ke fiemalie ki ai 'a e Komisoni, koe'uhi ko e ngaahi makatu'unga ta'e'amanekina kuo 'ikai ke malava ke fokotu'u ha taha taukei fe'unga mo ma'u 'a e poto taau ki he lakanga ke fetongi 'a e tokotaha 'e malôlô, pea 'oku 'i ai mo e ngaahi 'uhinga fakatu'upake 'o hoko ai ke toe fakalôloa 'a e ta'u ngaue 'o ha tokotaha kuo a'usia 'a e ta'u motu'a ko e 60;
- (iii) fekau'aki mo ha tokotaha ngâue tu'uma'u, kuo pau ke 'i ai 'a e ngaahi palani ngâue loloa mo mahu'inga 'a e Potungâue 'oku ha 'i he tohi fakamatala ngâue 'a e tokotaha ngâue, 'a ia 'e fiema'u ke ne fakakakato.
- (4) Fekau'aki mo ha tokotaha 'oku fakangâue'i 'i ha tohi aleapau ngâue kuo ne a'usia 'a hono ta'u 60, 'e fiema'u ke sio 'a e Komisoni 'oku 'ikai malava 'a e Potungâue ke ma'u ha taha 'i he kau ngâue lolotonga, 'oku ne ma'a e taukei fe'unga mo e poto taau ke fakahoko 'a e ngaahi ngâue mahu'inga ni 'a ia 'oku fiema'u 'e he Potungâue, pç ko e tokotaha ni 'oku tui 'a e Komisoni 'oku makehe ange 'o fe'unga mo ha lakanga fou 'i ha tohi aleapau ngâue, pç ko ha 'uhinga fakafokifâ 'a ia 'e fiema'u ki ai 'a e tokotaha ni.

**E. Kau ngâue 'i he lakanga 'Ofisa Pule Ngâue.**

- (1) Tukukehe ange 'a e ngaahi makatu'unga makehe 'oku hâ atu 'i lalo, 'e malava ke tali 'e he Komisoni 'a e kau ngâue 'i he lakanga 'Ofisa Pule Ngâue, ke fakalôloa 'a 'enau taimi ngâue hili 'enau a'usia honou ta'u 60, makatu'unga 'i ha faingatamaki pea fu'u fiema'u vivili, ka kuopau ke nau malôlô mei he ngâue 'i he'enau a'usia 'a e ta'u motu'a ko e 65.
- (2) 'I ha ngaahi makatu'unga vivili, fiema'u makehe pe ko ha ngaahi 'uhinga fakafokifâ, ko e kau ngâue 'i he lakanga 'Ofisa Pule Ngâue, 'e malava pe ke toe fakalôloa 'enau taimi ngâue hili 'a e hokosia honou ta'u 65, ka kuopau ke faka'atâ 'e he Ministâ pea tali 'e he Komisoni.
- (3) 'I hono fakakaukau'i ke fakalôlôa ha ta'u ngâue 'o e kau ngâue 'i he lakanga 'Ofisa Pule Ngâue kuo nau a'usia honou ta'u 65, kuo pau ke sio 'a e Komisoni ki he ngaahi makatu'unga vivili, fiema'u makehe pe ko ha ngaahi 'uhinga fakafokifâ 'o hange ko ia 'oku hâ atu 'i lalo;
- i. kuopau ke fakahâ 'e he Potungâue ke fiemalie ki ai 'a e Komisoni, ko e lakanga 'Ofisa Pule Ngâue 'oku 'i ha tafa'aki 'oku fu'u makehe ange, 'okapau 'ikai lava ke fakalôloa 'ene ta'u ngâue, 'e hoko ia ko e mole lahi pea 'ikai ke toe ma'u 'a e poto'i ngâue makehe mo e taukei ngâue ko ia, 'o uesia ai 'a e fakahoko fatongia tefito 'a e Potungâue ki he kakai;
  - ii. kuopau ke fakahâ 'e he Potungâue ke fiemalie ki ai 'a e Komisoni, koe'uhi ko e ngaahi makatu'unga ta'e'amanekina kuo 'ikai ke

malava ke fokotu'u ha taha taukei fe'unga mo ma'u 'a e poto taau ki he lakanga 'Ofisa Pule Ngâue ke fetongi 'a e tokotaha 'e malôlô, pea 'oku 'i ai mo e ngaahi 'uhinga fakatu'upake 'o hoko ai ke toe fakalôloa ai 'a e ta'u ngâue 'a e tokotaha ngâue;

- iii. kuopau ke fakahâ 'e he Potungâue ke fiemalie ki ai 'a e Komisoni, kuo pau ke 'iai 'a e ngaahi palani ngâue loloa mo mahu'inga 'a e Potungâue 'oku ha 'i he tohi fakamatala ngâue 'a e 'Ofisa Pule Ngâue, 'a ia 'e fiema'u ke ne fakakakato.
- iv. 'E malava ke fakaukau 'e he Komisoni ha tohi kole ngâue mei ha taha kuo ne 'osi a'usia hono ta'u 65, ki ha lakanga 'Ofisa Pule Ngâue, 'okapau 'e 'ikai fokotu'u mai ha tokotaha fe'unga mo e lakanga 'Ofisa Pule Ngâue mei he kau fai faka'eke'eke, hili 'a hono fakahoko 'a e founga ngâue ki hono fakangâue'i 'o ha 'Ofisa Pule Ngâue.

