

# TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No.07

16<sup>th</sup> July

2025

## POLICY AMENDMENTS

### PUBLIC SERVICE POLICY INSTRUCTIONS

#### 2. Interpretation

In these Instructions, unless the context otherwise requires –

**“Officer-in-Charge (OIC)”** means an employee designated in writing by the Chief Executive Officer (CEO) to carry out supervisory and management responsibilities for the Ministry's operations in one of the following scenarios –

- (a) when the CEO is absent on official duties within the Kingdom; or
- (b) when the CEO delegates a defined set of functions to administer and oversee the Ministry's operations in the outer islands.

#### 2. ‘Uhinga’i lea

“Ofisa Taki Ngāue” ‘oku ‘uhinga ki ha taha ngāue kuo fokotu’u ‘i ha tohi ‘e he ‘Ofisa Pule Ngāue ke ne fakahoko ‘a hono pule’i mo tokangaekina ‘a e ngaahi fatongia ‘a e Potungāue ‘i he taha ‘o e ngaahi taimi ko ‘eni –

- (a) ‘okapau ‘oku mama’o ‘a e ‘Ofisa Pule Ngāue ki ha feitu’u fakaloto fonua pe ‘i Tonga ni, ke fakahoko ‘a e ngaahi ngafa faka’ofisiale; pe
- (b) ‘okapau ‘oku vahe’i atu ‘e he ‘Ofisa Pule Ngāue ‘a e ngaahi fatongia kuo fakamahino pau ke fakahoko mo tokanga’i ‘a e ngaahi ngāue ‘a e Potungāue ki he ngaahi ‘otumotu.

#### 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 Chief Executive Officer for the Ministry of Health.

#### 1B.5.3 Kau tohi kole ngāue ka na’a nau mālōlō mei he ngāue ‘i he makatu’unga mahamahaki

Kuo pau ke ‘ikai ke to e fakangāue’i ha taha ngāue na’e mālōlō mei he ngāue ‘i he makatu’unga ko e mahamahaki, kae’oua kuo ma’u ha lipooti fakafaito’o mei he ‘Ofisa Pule Ngāue ‘o e Potungāue Mo’ui.

#### 1B.1.7 Prerequisite before Employment

- (1) Before being formally employed, all new, and re-employed employees who have been re-appointed more than twelve (12) months after their resignation/retirement/dismissal, shall be required to provide to the Commission the following at their own cost –
  - (i) a medical examination;

- (ii) a current police record from the country he was last resident for a period of one (1) year or more.
- (2) Notwithstanding (1), the Commission may on reasonable grounds, require any re-employed employee to provide the requirements in (1) above.

### **1B.1.7 Ngaahi tu'unga 'oku fiema'u kimu'a pea fakangāue**

- (1) Kuo pau ki he taha ngāue fo'ou, toe – fakangāue kotoa kuo to e fokotu'u 'i he hili 'a e mahina 'e hongofulu mā ua (12) 'a 'enau fakafisi/mālōlō mei he ngāue/tuku ki tu'a, ke tuku atu ki he Komisoni 'a e ngaahi fiema'u ko 'eni 'i he 'enau fakamole taautaha kimu'a pea fakahoko ko e taha ngāue tu'uma'u–
  - (a) Tohi sivi mo'ui lelei;
  - (b) Polisi lekooti lolotonga mei he fonua na'e nofo ai 'i ha vaha'a taimi ko e ta'u 'e taha (1) pe lahi ange.
- (2) Neongo 'a e (1), 'e ngofua ki he Komisoni, 'i ha makatu'unga 'oku taau, ke tu'utu'ni ki ha taha 'oku to e fakangāue, ke tuku atu 'a e ngaahi fiema'u 'i he (1) 'oku hā 'i 'olunga.

## **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, suspended, 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 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 shall evaluate the work to determine the payment to be made.
- (6) Acting appointment should be allowed for the next available and/or suitable employee 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. Fokotu'u le'ole'o

### 1D.1.1 Fokotu'u Le'ole'o 'oku fakahoko 'i ha tu'unga vāhenga mā'olunga ange

- (1) 'Oku fokotu'u le'ole'o ha taha ngāue ki ha tu'unga vāhenga mā'olunga ange, 'oku fakahoko ia ki ha taha ngāue 'oku vahe'i ke ne fakahoko ha ngaahi ngafa 'o ha taha ngāue kehe 'oku vāhenga mā'olunga ange 'i he Ngāue Fakapule'anga 'a ia 'oku -
  - (a) mama'o atu 'i ha'ane mālōlō 'eve'eva, mālōlō makehe, mālōlō ako, mālōlō puke, ngāue fakataimi pe mālōlō fā'ele 'a e fa'e/mālōlō fā'ele 'a e mali (tangata) 'o e fa'ē fā'ele;
  - (b) mama'o atu 'i ha ngaahi polokalama ako ngāue 'i loto 'i he ngāue fakapule'anga pe ngaahi ako 'oku 'ikai 'i loto 'i he ngāue fakapule'anga (tukukehe 'a e ngaahi 'a e ngaahi leseni sikolasipi kuo fakamafai'i ki muli 'a ia 'oku to e tu'uaki 'i he angamaheni), 'i ha ngaahi konifelenisi, ngaahi fakataha pe ko ha ngaahi taumu'a tatau; pe
  - (c) hiki hake, fakafisi, mālōlō penisoni, fakamālōlō fakataimi, fakamālōlō 'i he ngāue, fakahiki, pe pekia lolotonga 'a e fakahoko fatongia.
- (2) Kuo pau ko e fokotu'u le'ole'o ki ha ngaahi lakanga 'oku mā'olunga ange 'oku fakahoko ki he Tu'unga "M" pe mā'olunga ange. Ko ha ngaahi lakanga 'atā 'i he ngaahi tu'unga mā'ulalo ange, 'oku fiema'u ke fokotu'u ki ai ha taha 'i he vave tahā pea ko e toenga 'o e ngāue 'e tufa pe ia ki he ni'ihī 'oku nau 'i he tu'unga tatau 'o fakatatau ki he pule taau 'a e 'Ofisa Pule Ngāue.
- (3) Kuo pau ki ha taha ngāue kuo fokotu'u le'ole'o ki ha lakanga mā'olunga ange, ke ne ma'u 'a e ngaahi tu'utu'uni mo e ngaahi makatu'unga ngāue 'o e lakanga mā'olunga ange, pea 'i he taimi tatau, 'oku fiema'u ke ne kei fakahoko pe mo e kotoa 'a e ngaahi ngafa 'i hono lakanga lolotonga. Tukukehe 'a e ngaahi taimi, 'oku fiema'u ai 'a e fokotu'u le'ole'o ke hiki 'o ngāue 'i ha feitu'u kehe, 'a ia 'e ngofua ke fokotu'u ha taha ngāue kehe ke le'ole'o ia hono lakanga totonu. Kuo pau ke fakangofua 'e he Komisoni 'a e ngaahi fokotu'u le'ole'o pehe ni.
- (4) Kuo pau ke tali 'e he 'Ofisa Pule Ngāue 'a e fokotu'u le'ole'o' mo e vaha'a taimi, pea 'oku pau ke tali 'e he 'Ofisa Pule Ngāue 'aki 'a e felotoi 'a e ngaahi ngāue ke fakahoko 'i he lolotonga 'o e taimi le'ole'o.
- (5) Kuo pau ki he 'Ofisa Pule Ngāue ke ne vakai'i 'a e ngāue mo fakapapau'i 'a e totongi 'e fakahoko.
- (6) Kuo pau ke fakangofua 'a e fokotu'u le'ole'o ki he taha ngāue pe 'oku faingamalie mo/pe taau ki he lakanga 'o fakatatau mo e hokohoko 'o e ngaahi lakanga 'i he Potungāue ke fokotu'u le'ole'o.
- (7) Ko e 'uhinga mo e taumu'a 'o e lakanga le'ole'o, ke fakapapau'i 'oku fakahoko lelei 'a e ngaahi ngāue' 'o 'ikai uesia.

### 1D.1.1.2 Acting appointment made at a Chief Executive Officer position

- (1) Acting appointment made at a Chief Executive Officer position occurs when an employee is designated to carry out the full range or defined set of duties of a Chief Executive Officer in the Public Service who is—
  - (a) absent on vacation leave, special leave, sick leave, bereavement leave 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 overseas; or
- (c) resigned, retired, suspended, dismissed, or died during service.
- (2) Acting appointment made at a Chief Executive Officer position and period requires the approval of the Minister, who shall also approve a set of agreed outputs to be performed during acting.
- (3) Acting appointment should be allowed for the next suitable employee in post according to the organisational structure.
- (4) 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 basic salary and the minimum of the higher band. However, if the variance is less than 10% of the minimum of the higher band, he is to be treated the same with one whose basic salary is greater than or equal to the minimum of the higher band.
- (5) If the salary of the employee on acting appointment is greater than or equal to the minimum of the higher band, he shall receive 10% of the minimum of the higher band which is to be incorporated as his new basic salary in the higher band.
- (6) For Transport Privileges, instruction 2F.7 shall be applicable to this acting appointment.
- (7) Employees who are acting under sub-paragraph (1) (c) above during the year will receive a pro rata Telecommunications Allowance calculated in accordance with a Chief Executive Officer's contract. This allowance shall be paid monthly.
- (8) Any acting appointment made under sub-paragraph (1) (c) above shall not be more than 12 months, following which the position must be filled at the end of the 12 months.
- (9) That the rationale and purpose for any acting is to ensure that the workflow and operations are not seriously hampered.

#### **1D.1.1.2 Fakanofu Le'ole'o 'i he lakanga 'Ofisa Pule Ngāue**

- (1) Ko hono fakanofu Le'ole'o 'i he lakanga 'Ofisa Pule Ngāue 'e hoko ia 'i ha taimi 'oku vahe'i ai ha tokotaha ngāue ke ne fakahoko kakato pe ko ha ngaahi fatongia pau 'o e 'Ofisa Pule Ngāue 'i he ngāue fakapule'anga 'a ia 'oku ne –
  - (a) mama'o atu 'i ha'ane mālōlō 'eve'eva, mālōlō makehe, mālōlō puke, mālōlō 'i ha me'afaka'eiki, pe mālōlō fā'ele 'a e fā'e/mālōlō fā'ele 'a e mali (tangata) 'o e fā'ē fā'ele;
  - (b) mama'o 'i ha ako fakalotofale (ako ngāue) pe ako mavahe mei he 'ofisi (kehe ange mei he ngaahi ako faka'ilonga ki tu'apule'anga 'a ia 'oku angamaheni ke muimui ai 'a e fehikitaki), 'i ha ngaahi konifelenisi, fakataha pe ko ha ngaahi taumu'a pehē 'i tu'apule'anga; pe
  - (c) fakafisi, mālōlō penisoni, tuku fakataimi kitu'a, tuli, pe pekia lolotonga 'a e fakahoko fatongia.
- (2) Kuo pau ke tali 'e he Minisitā ha fokotu'u le'ole'o ki he lakanga 'Ofisa Pule Ngāue mo e vaha'a taimi, pea 'oku pau ke tali 'e he Minisitā 'aki 'a e felotoi 'a e ngaahi ngāue ke fakahoko 'i he lolotonga 'o e taimi le'ole'o.
- (3) Kuo pau ke faka'atā ki he taha ngāue taau, 'oku hoko hake, 'o fakatatau mo e hokohoko 'o e ngaahi lakanga 'i he Potungāue ke fokotu'u le'ole'o.
- (4) Kuo pau ki he taha fokotu'u le'ole'o ke ne ma'u 'a e faikehekehe 'o 'ene tefito'i vāhenga pea mo e mā'ulalo taha 'o e tu'unga vāhenga mā'olunga ange, 'okapau 'oku si'i hifo 'i he mā'ulalo taha 'a e tu'unga vāhenga mā'olunga ange. Kaekehe, 'okapau ko e faikehekehe 'oku si'i hifo 'i he peseti 'e 10 (10%) 'o e mā'ulalo taha 'o e tu'unga vāhenga mā'olunga ange, 'e tatau leva ia mo e taha 'oku tatau pe lahi ange 'a 'ene tefito'i vāhenga 'i he mā'ulalo taha 'o e tu'unga vāhenga mā'olunga ange.

- (5) Kuo pau ke ma'u 'e he taha fokotu'u le'ole'o 'a e peseti 10 (10%) 'o e mā'ulalo taha 'o e tu'unga vāhenga mā'olunga ange, 'a ia 'e tanaki ia ko 'ene tefito'i vāhenga fo'ou 'i he tu'unga vāhenga mā'olunga ange, 'okapau ko e vāhenga 'o e taha ngāue kuo fokotu'u le'ole'o 'oku lahi hake pe tatau mo e mā'ulalo taha 'o e tu'unga vāhenga mā'olunga ange.
- (6) Kuo pau ke fakahoko 'a e ngaahi monū'ia fefononga'aki, 'a ia 'oku ngāue'aki 'i he fakahinohino 2F.7 ki he fokotu'u le'ole'o ko 'eni.
- (7) Kuo pau ki he kau ngāue kuo fokotu'u le'ole'o 'i he malumalu 'o e palakalafi - si'i (1)(c) 'i 'olunga, 'i he lolotonga 'a e ta'u, ke ne ma'u ha Totongi ki he Fakafetu'utaki, 'a ia 'e fika'i pe 'o fakatatau mo e aleapau ngāue 'a e 'Ofisa Pule Ngāue. Kuo pau ke totongi fakamahina 'a e monu'ia ko 'eni.
- (8) Kuo pau ko e fokotu'u le'ole'o kotoa'i he palakalafi si'i (1)(c) 'i 'olunga, ke 'ikai ke toe lahi hake 'i he mahina 'e 12, pea kuo pau ke fokotu'u ki he lakanga ha taha tu'uma'u 'i he hili 'a e mahina 'e 12.
- (9) Ko e 'uhinga mo e taumu'a 'o e lakanga le'ole'o, ke fakapapau'i 'oku fakahoko lelei 'a e ngaahi ngāue' 'o 'ikai uesia.

## 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 prior written approval.

## 2A.4 Ngaahi Houa Ngāue

- (1) Ko e tu'unga mo e houa si'isi'i taha 'o e ma'u ngāue ki he kau ngāue, ko e houa 'e 40 'i he uike, mei he Monite ki he Falaite. Ko e 'aho ngāue angamaheni, 'oku kamata ia mei he 8:30 pongipongi ki he 4:30 efiafi mo e houa 'e taha (1) ki he ma'u me'atokoni.
- (2) Kuo pau ke ngata 'a e ngāue 'i he taimi 4:00 efiafi 'i he lolotonga 'o e Uike Lotu 'i he mahina ko Sānuali 'o e ta'u kotoa.
- (3) Kuo pau ki he kau ngāue 'oku nau ngāue fakatatau ki ha tohi hokohoko, taufetongi pe 'i ha ngaahi houa ngāue fokotu'u makehe ke faka'avalisi 'enau houa ngaue ki he houa 'e 40 'i he uike.
- (4) Ko e ngāue 'aho 'e nima (5) 'i he uike, ko e fokotu'utu'u angamaheni ia ki he kotoa 'o e Ngāue Fakapule'anga, neongo ia, 'oku 'i ai pe 'a e totonu 'a e Ngaahi Potungāue ke nau ui 'a e kau ngāue 'i ha fa'ahinga taimi pe.
- (5) 'E ngofua ki ha taha ngāue, 'i he toumu'a tali 'e he 'Ofisa Pule Ngāue 'a e ngaahi makatu'unga pau 'i ha tohi, 'i ha aleapau pe me'akehe, ke ngāue 'i ha taimi houa ngāue kehe ange, 'a ia 'e ala 'o tanaki ki he houa ngāue 'e 40 'i he uike.

## 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 instruction 2B.18 and approval of the Chief Executive Officer.
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.
- (3) For the purposes of sub-paragraph (2) above, special/exceptional/emergency circumstances mean exceptional circumstances where a true scarcity of skills and human resources exists or there are urgent circumstances that are a matter of national interest or public security or emergency circumstances where there is a state of Declared National Emergency, Natural Disasters or Pandemic.

## 2B. Ngaahi 'aho Mālōlō

### 2B.1 Ngaahi Totonu ki he ngaahi 'aho mālōlō mei he 'aho 1 'o Sanuali 2016

- (1) Kuo pau ko e taha ngāue kotoa kuo fokotu'u ki ha lakanga tu'uma'u 'i he Ngāue Faka-Pule'anga ke 'i ai 'ene totonu ki he ngaahi me'a ni ('okapau 'oku felāve'i tonu):

Fa'ahinga 'o e 'aho mālōlō	'Aho Ngāue	Ngaahi fakamatala 'o e liliu ki he tu'utu'uni ngāue
Mālōlō fakata'u	20	Ko e tu'utu'uni ke fakangofua 'a e tatanaki.
Mālōlō Puke ('ikai tokoto falemahaki)	15	Ko e mālōlō 'eni kia kinautolu 'oku 'ikai tokoto falemahaki. Ko e mālōlō puke ('ikai tokoto falemahaki) 'oku malava 'o ngāue'aki ki he mālōlō puke (tokoto falemahaki) 'o fakatatau ki he fakahinohino 2B.18 pea mo e ngofua mei he 'Ofisa Pule Ngāue.
Mālōlō Puke (tokoto falemahaki)	30	Ko e tu'utu'uni ngāue fo'ou ma'ae ni'ihi pe 'oku tokoto falemahaki ('oku tonu ke si'isi'i pē hono ngāue'aki).
Mālōlō Fā'ele 'a e Fa'ē	mahina 'e 3 ('aho tohi mahina)	Ko e tu'utu'uni ngāue 'eni 'oku taumu'a ki he vaha'a taimi ke mo'ui lelei ai 'a e fa'e

		ngāue mo e leka.
Mālōlō Fā'ele 'a e Mali (tangata) 'o e Fa'ē fā'ele	5	'Oku fakatokanga'i 'e he tu'utu'ni ngāue 'a e fatongia 'o e fa'e mo e tamai hili hono fa'ele'i 'o e leka.
Mālōlō 'ikai vahe	20	'Oku kehe 'eni mei he mālōlō ako, 'a ia 'e hokohoko atu pe 'a hono toe vakai'i.

- (2) 'I he ngaahi makatu'unga pelepelengesi/makehe/fakatu'utamaki, 'e malava pē ke tanaki 'a e toenga mālōlō fakata'u 'o ha tokotaha 'o 'ikai toe lahi hake 'i he 'aho 'e 10, ki he ta'u hoko, ka ke ma'u 'a e ngofua mei he Komisoni.
- (3) Koe'uhi ko e kupu si'i (2) 'i 'olunga, koe makatu'unga pelepelengesi/makehe/fakatu'utamaki, 'oku 'uhinga ia ki ha makatu'unga makehe 'a ia 'oku 'i ai ha tōnounou mo'oni 'i he taukei pe ko e kau ngāue pe ko ha makatu'unga fakavavevave 'a ia kuo tu'utu'uni ai ha Fakatu'utamaki Fakafonua, Fakatamaki Fakaenatula pe ko ha Mahaki Faka'auha Fakamāmani lahi.

## 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) Where an employee has taken any type of leave without pay in a period that includes Christmas vacation and/or Public Holidays, that entire period shall be without pay.
- (4) Under special circumstances the Commission may approve additional leave without pay.

## 2B.12 Mālōlō 'ikai vahe

- (1) Kuo pau ke ngāue'aki kotoa 'a e ngaahi 'aho mālōlō na'e tatanaki, kimu'a pea malava ke toki ngāue'aki 'a e mālōlō 'ikai vahe.
- (2) 'E 'ikai tatanaki ha ngaahi 'aho mālōlō 'oku totongi lolotonga ha vaha'a taimi mālōlō 'ikai vahe.
- (3) 'Okapau kuo to'o ha taha ngāue ha fa'ahinga mālōlō 'ikai vahe 'o kau ai 'a e vaha'a taimi mālōlō Kilisimasi pe ko ha 'Aho Mālōlō Fakafonua, koe taimi kotoa ko ia 'e 'ikai ma'u vāhenga.
- (4) 'E ngofua ki he Komisoni ke fakangofua ke toe tanaki atu ha mālōlō 'ikai vahe ka 'i ha ngaahi makatu'unga makehe pe.

## 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 shall report the employee as a serious breach of discipline pursuant to the Public Service (Disciplinary Procedures) Regulations.

## 2B.13 Mama'o 'ikai ma'u ha Ngofua

- (1) Kuo pau ke ala tautea'i ha taha ngāue 'oku mama'o mei he ngāue ta'ema'u ha ngofua.
- (2) Kuo pau ke ta'e ma'u vāhenga ha taha ngāue 'i ha vaha'ataimi 'a ia na'e mama'o ai 'a e taha ngāue mei he ngāue ta'ema'u ha ngofua.

- (3) Hili ha ‘aho ngāue ‘e nima (5) mei he ‘aho na’e totonu ke kamata ngāue ai ‘a e taha ngāue, ‘e lipooti ‘e he ‘Ofisa Pule Ngāue ‘a e taha ngāue ‘oku ne maumau tu’utu’uni lahi ‘o fakatatau ki he Ngaahi Tu’utu’uni (Ngaahi Founa Tautea) ki he Ngāue Fakapule’anga.

#### 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 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 Chief Executive Officer for the Ministry of Health.
Maternity	30 working days.

#### 2B.15 Malōlō ki he ‘Ofisa Pule Ngāue

Malōlō	Loloa
Mālōlō (Fakata’u)	‘Aho ngāue ‘e 20 ‘i he ta’u pea ‘e lava pe ‘o tatanaki ‘o a’u ki he ‘aho ‘e 40.
Mālōlō Fakatu’upakē	‘Aho ngāue ‘e 5 ‘i he ta’u pea ‘e to’o fakavahavaha ko e ‘aho pe ‘e taha he taimi.
Mālōlō Puke	‘Aho ngāue ‘e 10 ‘i he ta’u. ‘E malava ‘e he Komisoni ke fakaloloa ‘a e mālōlō puke kae vahe ‘i ha makatu’unga makehe hili hono ma’u ha tohi kole pea ma’u mo ha tohi pou pou mei he ‘Ofisa Pule Ngāue ki he Potungāue Mo’ui.
Mālōlō fā’ele ‘a e fā’e	‘Aho ngāue ‘e 30.

#### 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 Chief Executive Officer for the Ministry of Health and the approval of the Commission.

#### 2B.18.4 Lavea lolotonga ‘a e fakahoko Fatongia

‘Okapau ‘e lavea ha taha ngāue lolotonga ‘ene fakahoko fatongia, ‘a ia na’e ‘ikai ko hono fo’ui, pea ‘i he ngaahi ‘ataakai ‘o e me’a na’e hoko koe tupu pe ia mei he natula ‘a hono fatongia, ‘e malava ke fakangofua ia ke mālōlō puke pea ma’u kakato mo ‘e ne vāhenga kae’oua leva ‘oku lava ke ne foki ki he ngāue ‘i ha fokotu’u ‘a e ‘Ofisa Pule Ngāue ki he Potungāue Mo’ui pea fakangofua ‘e he Komisoni.

#### 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 Chief Executive Officer for the Ministry 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.
- (a) Local Medical Referral

Subject to the approval of the Chief Executive Officer for the Ministry 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.18.7 Folau Fakafaito’o ki Muli**

- (1) ‘E malava ki he kau ngāue ko ia kuo nau puke pea ‘ikai lava ke faito’o fakalotofonua’, ke fakafolau ki muli ki ha faito’o faka-falemahaki.
- (2) Ko e folau fakafaito’o kotoa pe, kuo pau ke tuku mai ha lipooti kakato ‘i he tu’unga mo’ui lelei ‘o e taha ngāue’ mei he ‘Ofisa Pule Ngāue ki he Potungāue Mo’ui, fakataha mo e fokotu’u taaui ki he Minisitā Mo’ui ki ha tu’utu’uni aofangatuku.
- (3) ‘Oka hoko ia, kuo pau ke fua ‘e he Pule’anga ‘a e ngaahi fakamole ki he ngaahi me’a ni -
  - (a) tikite folau vakapuna ‘alu atu mo e foki mai mei Nu’usila ma’ae taha ngāue;
  - (b) ngaahi fakatotolo, faito’o mo e tokoto faka-falemahaki;
  - (c) tikite folau vakapuna ‘alu atu mo e foki mai ha kainga ‘e taha ke folau fakataha mo e taha ngāue.
- (4) Folau Fakafaito’o Fakalotofonua
 

‘E ngofua ki he kau ngāue ko ia ‘oku nau ngāue ‘i he ngaahi tukui motu, pea kuo nau puke pea ‘oku ‘ikai lava ke faito’o kinautolu ‘i he fale mahaki ‘i motu, ke fakafolau kinautolu ki Tongatapu pe ki he fale mahaki ofi taha’ ‘a ia ‘e malava ke faito’o faka-falemahaki ai ‘a e kau ngāue pea kuo pau ke fua ‘e he Pule’anga ‘a e ngaahi fakamole ko ia, kae fakatatau pe ki ha fakangofua ‘e he ‘Ofisa Pule Ngāue ki he Potungāue Mo’ui.

### **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 Chief Executive Officer for the Ministry of Health shall make such recommendations on each case as appropriate to the Commission and the Public Service Commission decision shall be final.

### **2B.18.9 Ngaahi Fiema’u Fakafaito’o Fakafokifa lolotonga ‘i Muli ‘i ha Ngaahi Fatongia Fakapule’anga**

- (1) ‘E malava pe ke ngofua ke ma’u ‘e he kau ngāue ‘a e totongi ‘o e fakamole fakafaito’o fakafokifa mo e ngaahi totongi kehe lolotonga ‘ene ‘i muli ‘i ha ngaahi fatongia fakapule’anga.

- (2) Kuo pau ke fakahoko 'e he 'Ofisa Pule Ngāue ki he Potungāue Mo'ui 'a e ngaahi fokotu'u ko ia ki he Komisoni 'o fakatatau ki he keisi taki taha, pea ko e tu'utu'uni 'a e Komisoni Ngāue Fakapule'anga 'e aofangatuku.

## **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 Chief Executive Officer for the Ministry of Health and approved by the Commission.

## **2B.19 Mālōlō Fā'ele**

- (1) Kuo pau ke foaki atu ha mālōlō fā'ele mahina 'e tolu (3) (ngaahi 'aho fakatohimahina) ki ha taha ngāue 'oku teuteu fā'ele.
- (2) Kuo pau ke poupou'i 'a e kole mālōlō fā'ele 'aki ha tohi fakamo'oni 'o e tu'unga mo'ui lelei.
- (3) 'E ngofua ke toe foaki atu mo ha mālōlō 'ikai vahe ki he taha ngāue 'okapau 'e fiema'u ke toe hoko atu 'ene mālōlō, 'i hano 'omai ha tohi fakamo'oni 'o e tu'unga mo'ui lelei.
- (4) Ko 'e ne foki pe 'a e taha ngāue ki he ngāue'anga, 'e lau leva ia kuo kakato 'a 'ene mālōlō fā'ele.
- (5) 'Okapau 'e tamato pe fā'ele mate 'a e fa'ē, kuo pau ke fokotu'u mai mei he 'Ofisa Pule Ngāue ki he Potungāue Mo'ui, pea fakangofua 'e he Komisoni, 'a e vaha'ataimi ke mālōlō fā'ele ai.

## **2B.22A Bereavement Leave**

- (1) School teachers and lecturers, under instruction 2B.16, shall be entitled to bereavement leave of five (5) working days per annum, following the death of a family member.
- (2) That any of the five (5) working days above (1) shall be deducted, if utilized, from the fifteen (15) working days sick leave (out patient).
- (3) Bereavement leave days must be taken within 10 days of the death.

## **2B.22A Mālōlō 'i ha Me'afaka'eiki**

- (1) 'I he fakahinohino 2B.16, 'e malava 'a e kau faiako mo e kau faiako fakamatala ke nau mālōlō 'i ha me'afaka'eiki 'i ha 'aho ngāue 'e 5 'i he ta'u, hili 'a e pekia ha memipa 'o e famili.
- (2) Ko e kongā 'o e 'aho ngāue 'e 5 'i he (1) 'i 'olunga, 'oku to'o ia, 'okapau 'e ngāue'aki, mei he 'aho ngāue 'e 15 mālōlō puke ('ikai tokoto falemahaki).
- (3) Ko e mālōlō 'i ha me'afaka'eiki kuo pau ke to'o 'i loto 'i he 'aho 'e 10 mei he 'aho pekia.

## **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:

- (i) 1<sup>st</sup> year – fifty (50) percent of salary
- (ii) 2<sup>nd</sup> year – twenty-five (25) percent of salary
- (iii) 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.
- (6) An employee who fails to satisfy the requirements in sub-paragraph (5) above, shall either pay for the shortfall period owed to Government or be processed for dismissal.
- (7) In relation to shortfall period and dismissal, the amount owed to Government is calculated as the full salary of the employee's substantive position during the study leave with pay.
  - (i) The Office of the Commission shall write to the employee to advise the amount owing due to the shortfall and stating the deadline by which the payment must be made which is within 30 days from the date of the letter.
  - (ii) Payment should be made to the Ministry of Finance and the receipt of payment shall be forwarded to the Office of the Commission by the deadline.
  - (iii) If payment under sub-paragraph (i) above is not received within the deadline, then the Office of the Commission shall process the case as a dismissal.
  - (iv) Outstanding shortfall amounts owed to Government following sub-paragraph (iii) above shall be forwarded to the Attorney General's Office with the recommendation that the debt recovery procedures be instigated against the employee.
- (8) The responsible Chief Executive Officer shall ensure that the appropriate MOU is signed between the employee and the Ministry, clearly stating the requirements during and after the study leave with pay.

## **2B.23 Mālōlō Ako**

### **2B.23.1 Mālōlō Ako kae Vahe**

- (1) Ko kinautolu pe 'oku nau ma'u 'a e Ngaahi Sikolasipi 'a e Pule'anga, pea ko e ngaahi Sikolasipi ko ia kuo fakapapau'i 'e he Komiti Sikolasipi 'a e Pule'anga 'oku fakatatau ia ki he ngaahi 'asenita ngāue 'a e Pule'anga, te nau ma'u 'a e vāhenga ko 'eni:
  - (i) 'Uluaki ta'u – peseti 'e nimangofulu (50) 'o e vāhenga.
  - (ii) Ta'u hono ua – peseti 'e uongofulu ma nima (25) 'o e vāhenga.
  - (iii) 'I he hili 'a e ta'u hono ua 'o e ako, 'e 'ikai ke toe totongi atu ha kongā 'o e vāhenga.
- (2) 'Okapau 'e fili 'a e taha ngāue ke ne ngāue'aki ha'ane ngaahi 'aho mālōlō 'eve'eva 'i he 'uluaki ta'u 'o 'e ne ako, ko e ngaahi monū'ia 'oku hā 'i he palakalafi (1) 'e kamata ia 'i he ngata'anga 'o 'e ne mālōlō.
- (3) 'Okapau 'e foki mai 'a e taha ngāue ki he ngāue 'o vahe kakato lolotonga 'e ne mālōlō ako', 'i ha vaha'ataimi 'e 'ikai laka hake 'i he mahina 'e ua, 'e 'ikai lau ia 'oku ngata ai 'e ne mālōlō ako, koe'uhi ko e ngaahi taumu'a 'i he palakalafi (1).

- (4) Ko kinautolu 'oku nau ako lolotonga 'a e ngāue, 'oku totonu kenau ngāue tu'a taimi ke ngāue'i fakafoki 'a e taimi ko ia 'oku nau ako ai lolotonga 'a e taimi ngāue, pea ke fakangofua 'e he 'Ofisa Pule Ngāue.
- (5) Ko ha taha ngāue 'oku 'alu ha mālōlō ako kae vahe, 'oku fiema'u ia ke ngāue 'i he Pule'anga 'i ha vaha'a taimi 'oku 'ikai toe lahi hake 'i he ta'u 'e 2.
- (6) Ko e taha ngāue 'e 'ikai kene fakakakato 'a e ngaahi fiema'u 'oku ha 'i he kupusi'i (5) 'i 'olunga, tene totongi 'a e taimi 'oku ne nounou ai ki he Pule'anga, pea ka 'ikai, 'e fakahoko 'a e ngāue ki hono tuli.
- (7) Felāve'i mo e nounou 'o e taimi pe ko e tuli', ko e lahi 'o e mo'ua ki he Pule'anga 'e fika'i ia 'o fakatatau ki he vāhenga kakato 'o e lakanga tu'upau 'o e taha ngāue, lolotonga 'a 'ene mālōlō ako kae vahe.
  - a. 'E tohi 'a e 'Ofisi 'o e Komisoni ki he taha ngāue ke fakahoko ki ai 'a e lahi 'o e mo'ua tupu mei he nounou, pea fakahā atu 'a e 'aho 'e 'osi ki ai 'a e taimi ke totongi fakafoki, 'a ia kuo pau ke 'i loto 'i he 'aho 'e 30 mei he 'aho 'o e tohi.
  - b. Kuopau ke fakahoko 'a e totongi ki he Potungāue Pa'anga pea ko e tohi talitotongi 'o e totongi' 'e 'ave ia ki he 'Ofisi 'o e Komisoni 'i loto he 'aho 'oku 'osi ki ai.
  - c. 'Okapau ko e totongi 'oku hā 'i he kupusi'i (a) 'i 'olunga na'e 'ikai ke fakahoko kimu'a 'i he 'aho 'oku 'osi ki ai, 'e ngāue leva 'a e 'Ofisi 'o e Komisoni ki hono tuli.
  - d. Koe ngaahi toenga mo'ua ki he Pule'anga mei he kupusi'i (c) 'i 'olunga, 'e 'ave ia ki he 'Ofisi 'o e 'Ateni Seniale fakataha mo e fokotu'u ke kamata 'a e ngāue ki hono totongi fakafoki mai 'a e mo'ua mei he taha ngāue.
- (8) Kuo pau ki he 'Ofisa Pule Ngāue ke ne fakapapau'i 'oku fakamo'oni 'a e taha ngāue pea mo e Potungāue 'i ha aleapau (MOU), 'a ia 'oku fakahā mahino ai 'a e ngaahi makatu'unga lolotonga mo e hili 'o e mālōlō ako kae vahe.

## 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 seconded 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 seconded to resume duty no later than the date originally approved for end of secondment.
  - (i) The three parties may agree for the officer to be seconded to another organisation during the original period of secondment.

- (9) 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 sub-paragraphs (9) and (10) above, he shall pay for the shortfall period to the government or be processed for dismissal.
  - a. The Office of the Commission shall write to the employee 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.
  - b. Payment should be made to the Ministry of Finance and the receipt of payment shall be forwarded to the Office of the Commission by the deadline.
  - c. If payment under sub-paragraph (i) above is not received within the deadline, then the Office of the Commission shall process the case as a dismissal.
  - d. Outstanding shortfall amounts owed to Government following sub-paragraph (iii) above shall be forwarded to the Attorney General's Office with the recommendation that the debt recovery procedures be instigated against the employee.

## 2D.4 Ngāue Ua

- (1) 'E ngofua ke ngāue ua ha taha ngāue 'i he Ngāue Fakapule'anga ki ha Kautaha 'i Tonga, 'i he fakavahefonua 'o e Pasifiki, pe fakavaha'apule'anga ki ha vaha'ataimi 'e 'ikai to e laka hake 'i he ta'u 'e taha, pea ke poupou'i 'e he 'Ofisa Pule Ngāue mo fakangofua 'e he Komisoni, 'i he'ene felave'i mo e ngaahi fiema'u 'a e Pule'anga pea kehe ia mei he ngaahi fiema'u 'a e taha ngāue. Tukukehe ange, 'i he'ene fekau'aki mo e ngaahi polokalama ngāue poloseki 'a e Pule'anga, 'a ia 'oku 'i ai 'a e fatongia 'o e Pule'anga ko hono faka-kaungāue'i 'a e polokalama ngāue poloseki', 'e ngofua ki he Komisoni ke nau fakakaukau'i ha fakaloloa ki he lahi taha', 'a ia ko e ta'u 'e tolu (3), 'oka 'oku taau.
- (2) Kuo pau ke tuku mai mei he Taha Pule Ngāue 'o e ngāue ua' ha tatau 'o e aleapau fakangaanga 'oku ha ai 'a e taumu'a, feitu'u mo e loloa 'o e ngāue ua.
- (3) Ko e ngāue ua kotoa pe, 'e fiema'u ke tali 'e he 'Ofisa Pule Ngāue mo e Minisitā, pea fakangofua 'e he Komisoni.
- (4) Ko e 'aho 'oku kamata ai 'a e aleapau, ko e 'aho ia 'e kamata lau ai 'a e ngāue ua'. Kuo pau ke 'uluaki ngāue'aki 'a e ngaahi 'aho mālōlō fakata'u kuo tātānaki, pea ko e toenga 'o e vaha'ataimi 'e 'ikai ma'u vāhenga ai.
- (5) Ko e taha ngāue ua, lolotonga 'e ne ngāue ua, 'e kei ha'iha'i pe ia ki he ngaahi Tu'utu'uni Ngāue Fakapule'anga faka'ulungaanga, pea pehē ki he ngaahi tu'utu'uni ki he founga tautea.
- (6) 'E ngofua ke fakafonu 'e he Potungāue ia 'a e lakanga 'o e taha ngāue, hili pe 'a e 'aho 'oku kamata lau ai 'a e ngāue ua.
- (7) Ko e taimi 'e foki mai ai 'a e taha ngāue ua ki he Ngāue Fakapule'anga, kuo pau ke foki pe ki ha lakanga fe'unga 'oku 'atā, 'o 'ikai toe si'i hifo 'i he ngaahi tu'unga mo e ngaahi tu'utu'uni na'a ne ma'u kimu'a pea kamata 'e ne ngāue ua.
- (8) 'Oku totonu ke fakahoko atu 'e he taha ngāue ki he Potungāue mo e Komisoni 'okapau kuo fakangata vave 'a e aleapau' pea 'oku totonu kenau felotoi ki ha 'aho ke kamata ngāue ai 'a e taha ngāue ua, 'o 'ikai toe tomui ange 'i he 'aho na'e 'uluaki tali ke ngata ai 'a 'e ne ngāue ua.

- (i) 'E ala felotoi 'a e ngaahi fa'ahi 'e tolu, ke toe ngāue ua 'a e 'ofisa ki ha kautaha 'e taha lolotonga 'a e fuofua vaha'ataimi 'o e ngāue ua.
- (9) Hili 'a e kakato pe ko hono fakangata 'o e ngāue ua, 'oku fiema'u ke ngāue 'a e taha ngāue 'i he Pule'anga 'i ha vaha'a taimi 'o anga pehe ni:
  - (i) Taimi kakato 'o e ngāue ua 'o kapau ko e loloa 'o e taimi ngāue ua 'oku lahi hake 'i he mahina 'e 12; pe
  - (ii) Mahina 'e 12 'okapau ko e loloa 'o e taimi ngāue ua koe mahina 'e 12 pe si'i hifo.
- (10) Ko e 'Ofisa Pule Ngāue 'o e taha ngāue, te ne fakapapau'i 'oku fakamo'oni ha aleapau (MOU) 'a e taha ngāue pea mo e Potungāue, mo fakahā mahino ai 'a e ngaahi makatu'unga lolotonga pea mo e 'osi 'o e ngāue ua.
- (11) 'Okapau 'oku 'ikai ke fakakakato 'e he taha ngāue 'a e fiema'u kuo tu'utu'uni 'i he kupusi'i (9) moe (10) 'i 'olunga, pea 'ikai ke ne totongi atu 'a e tōnounou ki he Pule'anga', 'e lau leva 'ene fakafisi ko e tuli.
  - (i) 'E tohi 'a e 'Ofisi 'o e Komisoni ki he taha ngāue ke fakahoko ki ai 'a e lahi 'o e mo'ua tupu mei he nounou, pea fakahā atu 'a e 'aho 'e 'osi ki ai 'a e taimi ke totongi, 'a ia 'oku 'i loto 'i he 'aho 'e 30 mei he 'aho 'o e tohi.
  - (ii) Ko e totongi' kuopau ke fakahoko ki he Potungāue Pa'anga, pea koe tohi talitotongi 'o e totongi 'e 'ave ia ki he 'Ofisi 'o e Komisoni 'i loto 'i he 'aho 'oku 'osi kiai.
  - (iii) 'Okapau ko e totongi 'oku hā 'i he kupusi'i (i) 'i 'olunga 'oku te'eki ke ma'u ki he 'aho 'oku 'osi ki ai, 'e ngāue leva 'a e 'Ofisi 'o e Komisoni ki hono tuli.
  - (iv) Koe ngaahi toenga mo'ua ki he Pule'anga mei he kupusi'i (iii) 'i 'olunga 'e 'ave ia ki he 'Ofisi 'o e 'Ateni Seniale fakataha mo e fokotu'u ke kamata 'a e ngāue ki hono tanaki mai 'a e mo'ua mei he taha ngāue.

## **4B. Resignation**

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

- (1) Employees who give less than the required period of notice of resignation are required to forfeit pay for the period by which the notice given falls short of the prescribed period.
  - (i) The Office of the Commission shall write to the officer to advise the amount owing due to the shortfall and stating the deadline by which the payment must be made which is within 30 days from the date of the letter.
  - (ii) Payment should be made to the Ministry of Finance and the receipt should be forwarded to the Office of the Commission before the deadline.
  - (iii) If payment in (i) is not made within the deadline stated in (i) then the Office of the Commission shall process the case as a dismissal.
  - (iv) Outstanding shortfall amounts owed to Government following sub-paragraph (iii) above shall be forwarded to the Attorney General's Office with the recommendation that the debt recovery procedures be instigated against the employee.
- (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. Fakafisi**

### **4B.2 Mole 'a e ngaahi totonu 'i he 'ikai fe'unga 'a e fanongonongo**

- (1) Ko e kau ngāue ko ia 'oku 'ikai fe'unga 'a e vaha'ataimi ke tuku atu ha fanongonongo 'o ha fakafisi, 'oku fiema'u ke nau fakafoki mai 'a e vahe ki he vaha'ataimi ko ia 'oku tonounou 'aki 'a e fanongonongo, 'o fakatatau ki he vaha'ataimi kuo tu'utu'uni.

- (i) Kuo pau ke faitohi atu 'a e 'Ofisi 'o e Komisoni ki he 'ofisa 'o fakahoko atu 'a e pa'anga 'oku ne nounou'aki pea fokotu'u ai mo e 'aho ke faka'osi mai ki ai 'a e totongi, 'a ia 'e 'i loto 'i he 'aho 'e 30 mei he 'aho 'o e tohi.
- (ii) 'Oku totonu ke totongi atu 'eni ki he Potungāue Pa'anga, pea ke 'oatu 'a e tali totongi ki he 'Ofisi 'o e Komisoni, 'i loto 'i he 'aho 'oku 'osi ki ai.
- (iii) 'Okapau ko e totongi 'oku hā 'i he kupusi'i (i) 'i 'olunga 'oku te'eki ke ma'u ki he 'aho 'oku 'osi ki ai, 'e ngāue leva 'a e 'Ofisi 'o e Komisoni ki hono tuli.
- (iv) Koe ngaahi toenga mo'ua nounou ki he Pule'anga mei he kupusi'i (iii) 'i 'olunga, 'e 'ave ia ki he 'Ofisi 'o e 'Ateni Seniale fakataha moe fokotu'u ke kamata 'a e ngāue ki hono tanaki mai 'a e mo'ua mei he taha ngāue.
- (2) 'Oku ngofua ke ngāue'aki ha ngaahi totonu mālōlō 'a kinautolu 'oku faka'amu kenau fakafisi mei he Ngāue Fakapule'anga, ke ne feau 'a e konga, pe kotoa 'o e vaha'ataimi 'o e fanongonongo.

#### **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 **Chief Executive Officer for the Ministry 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.1 Fakangata 'a e Ngāue koe'uhi ko ha ngaahi Makatu'unga Fakafaito'o**

- (1) 'Okapau kuo lavea ha taha ngāue, pe fokoutua fakaesino, pe fakae'atamai 'a ia 'oku mahino 'e 'ikai malava ke ne fakahoko lelei 'a e ngaahi fatongia 'a hono lakanga, 'e ngofua ke fakangata 'e ne ngāue.
- (2) Kuo pau ki he 'Ofisa Pule Ngāue 'a e taha ngāue ke ne fokotu'utu'u ke ma'u mai ha lipooti fekau'aki mo e tu'unga mo'ui lelei 'a e taha ngāue', mei he 'Ofisa Pule Ngāue ki he Potungāue Mo'ui.
- (3) Kuo pau ke 'oatu 'eni fakataha mo ha lipooti 'a e 'Ofisa Pule Ngāue, fekau'aki mo e fakahoko ngāue 'a e taha ngāue, 'i he 'uluaki faingamalie.

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

- (1) Subject to sub-paragraph (2) below, an employee whose services have been compulsorily terminated on medical grounds shall be granted the same entitlements as if he had retired except for the entitlements under 4H.3(1).
- (2) An employee whose services have been compulsorily terminated on medical grounds shall also be entitled to 4H.3(1)(a) and (b) if they have been employed for twenty (20) years or more.

#### **4E.2 Ngaahi totonu 'i hono Fakangata 'o e Ngāue 'i ha Makatu'unga Fakafaito'o**

- (1) Fakatatau ki he kupusi'i (2) 'i lalo, kuo pau ki he taha ngāue, 'a ia kuo fakangata 'e ne ngāue koe'uhi ko ha ngaahi makatu'unga fakafaito'o, ke ne ma'u 'a e ngaahi totonu tatau 'o hange pe 'oku ma'u 'okapau na'e ma'u vāhenga mālōlō mei he ngāue, tukukehe 'a e ngaahi monū'ia 'i he 4H.3(1).

- (2) Ko ha taha ngāue na'e tu'utu'uni ke fakangata 'e ne ngāue 'i he 'uhinga fakafaito'o, 'oku 'i ai 'ene totonu ki he 4H.3(1)(a) moe (b) 'okapau na'e a'u 'e ne ta'u ngāue ki he ta'u 'e uanoa (20) pe lahi ange.

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

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

- (1) 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.
- (2) A resigned employee is entitled to 4H.3(1) (a) and (b), if they have been employed for twenty (20) years or more. When such a resigned employee dies, any member of his family shall inform the Commission to ensure that these entitlements under 4H.3(1) (a) and (b) are provided.

#### **4H. Pekia ha Taha Ngāue Lolotonga, Taha Ngāue Mālōlō Penisoni, pe Taha Ngāue na'e Fakafisi**

##### **4H.3 Ngaahi Totonu 'i he pekia ha taha ngāue kuo ma'u vāhenga mālōlō mo ha taha ngāue na'e fakafisi**

- (1) 'I he taimi 'e pekia ai ha taha ngāue kuo ma'u vāhenga mālōlō, kuo pau ke fakahoko 'e ha memipa hono famili ki he Komisoni ke fakapapau'i 'oku fakakakato mai 'a e ngaahi totonu ko 'eni –
- (a) tohi fiekaunga mamahi mei he Palemia ki he tokotaha kainga ofi taha;
  - (b) Fuka fakafonua;
  - (c) Pale; mo e
  - (d) Ifi.
- (2) 'E 'i ai 'a e totonu ha taha ngāue na'e fakafisi ki he 4H.3(1) (a) mo e (b), 'okapau na'a ne a'usia 'a e ta'u ngāue 'e uanoa (20) pe lahi ange. Ka pekia 'a e taha ngāue na'e fakafisi, 'e malava 'e ha memipa pe 'o e famili ke fakahoko ki he Komisoni ke fakapapau'i 'oku 'oange 'a e ngaahi monū'ia 'oku hā 'i he 4H.3(1) (a) mo e (b).