

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 02

Friday 01st May

2026

Public Service Policy Instruction 2010 Amendments

Ngaahi Fakatonutonu ki he Tu'utu'uni Ngāue 'a e Ngāue Fakapule'anga 2010

2A.7 Overtime

2A.7 Ngāue Tu'ataimi

2A.7.1 General

- (1) Employees may be required to work additional hours above the conditioned hours as specified from time to time, subject to extenuating and unforeseen operational needs of the Ministry, and must be pre-approved in writing by the Chief Executive Officer.
- (2) In considering an application for overtime work, the Chief Executive Officer must be mindful of:
 - (a) organizing **roster**, shift **or other special arrangements** for employees required to work on weekends, public holidays, and during the Christmas vacation, in order to minimise overtime claims;
 - (b) the health and safety of the employee;
 - (c) the availability of funds;
 - (d) the reasons for the duties to be performed; **and**
 - (e) the extenuating and unforeseen circumstances justifying the overtime work.
- (3) The Chief Executive Officer's approval of 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:
 - (a) in excess of the conditioned hours of forty (40) hours per week; and
 - (b) in excess of eight (8) hours on the day overtime work is requested.
- (7) Overtime payment **or** time off in lieu cannot be claimed for attendance at virtual meetings after normal working hours unless:
 - (a) prior approval for overtime or flexible working hours has been granted; and
 - (b) the arrangement has been approved before the meeting takes place.
- (8) Where an eligible employee is on **any type of** leave and is recalled to duty, the first eight (8) hours worked shall be treated as normal working hours.
- (9) Time off in lieu must be utilised within twelve (12) months of accruing such leave **and** cannot be counted for encashment purposes.
- (10) Conditioned hours are expressed as gross forty (40) hours per week **and** eight (8) hours workday for all employees.
- (11) Claims for overtime must be submitted within one (1) month of **the overtime being worked** or be forfeited.

- (12) No employee may accrue more than forty (40) hours of overtime in any given month but may be exceeded subject to the **Chief Executive Officer's** approval after applying the criteria under 2A.7.4(3).
- (13) Payment for overtime work shall be calculated as follows:
- one and one-half (1.5) hours' pay for each one (1) hour worked overtime on weekdays;
 - two (2) hours' pay for each one (1) hour worked overtime on weekends and public holidays; and
 - shift workers required to work on weekends shall be paid at their normal rate for the first eight (8) hours, and at the rates prescribed in paragraphs (a) and (b) for any hours worked in excess of eight (8) hours.
- (14) **These instructions** does not apply to teachers and other staff as specified by the Ministry of Education **except where approved by the Commission to perform duties in relation to National Events or Celebrations upon a formal request from a Ministry.**

2A.7.1 Fakalūkufua

- Kuo pau ke fakangofua 'e he 'Ofisa Pule Ngāue' 'a e ngāue tu'ataimi' ki mu'a pea fakahoko ha ngāue tu'ataimi, ka 'oku makatu'unga 'a e ngāue ko ia' 'i he ngaahi fiema'u fakatu'upakē mo ta'e'amanekina 'a e Potungāue'. Ko ia ai, 'e malava ke ngāue tu'ataimi 'a e kau ngāue' 'o lahi ange 'i he houa ngāue angamaheni'.
- Kuo pau ke fakapapau'i 'e he 'Ofisa Pule Ngāue' 'a e ngaahi me'a' ni ki mu'a pea ne fakangofua ha ngāue tu'ataimi:
 - Fokotu'u 'o ha **polokalama ngāue (roster)**, ngāue taufetongi, **pe ko ha fokotu'utu'u makehe**, ki he kau ngāue 'oku 'ikai ke ngāue he houa angamaheni' ka 'oku fiema'u ke nau ngāue 'i he faka'osinga 'o e uike, 'aho malōlō mo e malōlō Kilisimasi ke fakasi'isi'i 'a e ngāue tu'ataimi 'oku 'eke'i;
 - Ko e mo'ui lelei mo e hao mo malu 'o e taha ngāue;
 - faingamalie fakapa'anga;
 - ngaahi 'uhinga 'oku fakahoko ai 'a e ngāue; **pea**
 - ngaahi 'uhinga 'oku fakatu'upakē mo ta'e'amanekina ke fiema'u ai e ngāue tu'ataimi.
- Ko e mafai ke fakangofua ha ngāue tu'ataimi 'oku 'i he 'Ofisa Pule Ngāue' ia, pea 'e 'ikai ngofua ke toe tuku holo 'a e mafai ko ia'.
- Ko e kau ngāue pē 'oku nau fakakakato 'a e makatu'unga 'i he 2A.7.3 pe 2A.7.4. 'e malava ke totongi 'enau houa ngāue tu'ataimi'.
- Ko e liliu 'aho 'o e houa ngāue tu'ataimi' 'oku 'atā ma'ae kau ngāue 'i he tu'unga vāhenga kotoa pē, 'o fakatatau ki he ngaahi fakahinohino ko eni'.
- Ko e totongi 'o ha ngāue tu'ataimi **pe** liliu 'aho 'o e houa ngāue tu'ataimi, 'oku 'atā ma'ae kau ngāue 'oku lahi ange 'enau houa ngāue' 'i he houa ngāue angamaheni' (houa 40 'i he uike) pea lahi ange 'i he houa 'e valu (8) 'i he 'aho 'oku fakahoko ai 'a e ngāue tu'ataimi'.
- Ko e totongi 'o ha ngāue tu'ataimi **pē** liliu 'aho 'o e houa ngāue tu'ataimi', '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'ataimi'. Ka kuopau ke fakangofua

he 'Ofisa Pule Ngāue' ha ngaahi houa makehe ma'ae taha ngāue' ki mu'a pea fakahoko 'a e fakataha.

- (8) Kapau na'e nofo 'a e taha ngāue' 'i ha fa'ahinga livi pea, ka na'e tu'utu'uni ke foki 'o ngāue, ko e 'uluaki houa ngāue 'e valu (8) na'a ne ngaue'i' '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 tahaua (12) mei he taimi na'e ma'u ai 'a e livi ko ia pea 'e 'ikai ke kau 'a e ngaahi 'aho livi ko ia 'i he ngaahi livi 'oku malava ke totongi.
- (10) Ko e houa ngāue angamaheni' ko e houa 'e fāngofulu (40) 'i he uike pea houa 'e valu (8) 'i he 'aho ki he kau ngāue kotoa pē.
- (11) Ko e 'eke 'o ha houa ngāue tu'ataimi kuo pau ke fakahoko 'i loto 'i he māhina 'e taha (1) mei he taimi na'e kakato ai 'a e ngāue tu'ataimi, ka 'ikai 'e fakata'e'aonga'i.
- (12) 'Oku 'ikai ngofua ki ha taha ngāue ke laka hake 'a 'e ne houa ngāue tu'ataimi' 'i he houa 'e fangofulu (40) 'i ha fa'ahinga mahina, ka 'e malava ke to e laka hake 'a e houa ngāue' 'i hano fakangofua 'e he 'Ofisa Pule Ngāue, hili 'a hono ngāue'aki 'o e ngaahi makatu'unga 'oku hā 'i he 2A.7.4(3).
- (13) Ko e totongi 'o ha ngāue tu'ataimi 'e fika'i 'o anga pehe' ni –
 - (a) ko e houa 'e taha mo e kongā (1.5) ki he houa 'e taha (1) 'o ha ngāue tu'ataimi lolotonga 'a e uike', pea
 - (b) totongi houa 'e ua (2) ki he houa 'e taha (1) 'o ha ngāue tu'ataimi lolotonga ha 'aho mālōlō fakapule'anga mo e faka'osinga 'o e uike'.
 - (c) ko e kau ngāue taufetongi te nau vahe pē 'i he 'enau 'uluaki houa ngāue 'e valu (8). Ko e houa ngāue 'e laka hake 'i he houa 'e valu' (8) 'e totongi 'o fakatatau ki he fakamatala 'i he (a) mo e (e) 'i 'olunga'.
- (14) Ko e ngaahi tu'utu'uni ko eni', 'e 'ikai ke ngāue'aki ki he kau Faiako' mo ha kau ngāue 'oku fakapapau'i mei he Potungāue Ako', tukukehe ka tali 'e he Komisoni ke fakahoko ha ngaahi ngāue 'oku felave'i mo ha Katoanga Fakafonua, pe Fakafiefia 'i hano fakahū mai mei ha Potungāue.

2A.7.4 Eligibility for Overtime Payment in Exceptional Circumstances

- (1) All employees in salary band "L" up to and excluding Chief Executive Officer level may apply to the Chief Executive Officer 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 Chief Executive Officer shall apply the following criteria when making any decisions under 2A.7.1(12):
 - (a) confirmation that exceeding the forty (40) hours per month was unavoidable;

- (b) confirmation that arrangements have been made to reduce the likelihood of exceeding forty (40) hours per month, including **roster**, shift **or other special arrangements** 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.7.4 Makatu'unga ki hono totongi 'o ha ngāue tu'ataimi 'i ha taimi fakatu'upakē

- (1) 'E ngofua ki he kau ngāue kotoa 'i he tu'unga vahenga "L" pē ki 'olunga, pea tuku kehe 'a e tu'unga 'Ofisa Pule Ngāue, ke nau kole ki he '**Ofisa Pule Ngāue** ke totongi 'a 'enau ngaahi houa ngāue tu'ataimi' koe'uhi' ko ha ngaahi makatu'unga makehe hangē ko e:
 - (a) tokosi'i 'a e kau ngāue' mo e taukei fakangāue',
 - (b) 'oku 'i ai 'a e tu'unga fakatu'upakē ko e fiema'u ki he lelei 'a e fonua' pe malu 'a e kakai',
 - (c) 'oku 'i ai 'a e fakatamaki fakaenatula pe tu'unga fakatu'utamaki pe mahaki faka'auha.
- (2) Ko e ngaahi kole ko 'eni' 'e fakahoko ia ki he 'Ofisa Pule Ngāue' makatu'unga 'i he kole taki taha 'o fakatatau ki he ngaahi fakangatangata 'oku hā 'i he 2A.7.1 (1) & (2).
- (3) 'E fakahoko 'e he '**Ofisa Pule Ngāue**' 'a e faitu'utu'u 'i he 2A.7.1(12) 'o fakatatau ki he ngaahi me'a ni:
 - (a) Fakapapau'i ko e laka hake 'i he houa ngāue 'e fangofulu (40) 'i he mahina na'e 'ikai ke toe lava ke ta'ofi;
 - (b) Fakapapau'i na'e 'i ai 'a e ngaahi founa ngāue 'a e fokotu'u ke tokoni ki hono faaksi'isi'i 'o e lahi hake 'a e houa ngāue 'i he houa 'e fangofulu (40) 'i he mahina, 'o kau ki ai 'a e **polokalama ngāue (roster)**, ngāue taufetongi, **pe ko ha fokotu'u makehe**, pea mo e fetongi 'aho livi 'a e houa ngāue tu'ataimi na'e ngāue'i;
 - (c) tokosi'i 'a e kau ngāue' mo e taukei fakangāue';
 - (d) 'oku 'i ai 'a e tu'unga fakatu'upakē ko e fiema'u ki he lelei 'a e fonua' pe malu 'a e kakai';
 - (e) 'oku 'i ai 'a e tu'unga fakatamaki fakaenatula pe tu'unga fakatu'utamaki pe mahaki faka'auha.

2A.7.6 Hours Worked in Times of a Declared National Emergency, Natural Disasters, and Pandemic

- (1) Notwithstanding the other provisions of this **instruction**, where the functions of a Ministry require work to be performed during a Declared National Emergency, Natural Disaster (e.g. Tropical Cyclones), or pandemic, such work may be treated as overtime and may exceed forty (40) hours per month, and payment for such overtime may be approved by the Chief Executive Officer at the rates specified in section 2A.7.1(13).
- (2) Overtime work claimed under this **instruction** can only be approved **where** the work was performed within the official period of a Public Service stand-down as declared by the relevant Government body or authority.

- (3) For the avoidance of doubt, employees otherwise excluded under section 2A.7.1(14), including teachers and other Ministry of Education staff, shall only be eligible for overtime under this section where:
- (a) they are formally requested or directed by a Ministry to assist in response to circumstances specified under sub-instruction (1); and
 - (b) such engagement has been approved by the Commission.

2A.7.6 Ngaahi houa ngāue ‘i ha taimi Fakatamaki Fakaenatula/Mahaki Faka’auha mo e Tu’unga Fakatu’utamaki Fakafonua

- (1) Tukukehe ‘a e ngaahi kongā kehe ‘o e **tu’utu’uni’ ni**, kapau ko ha ngaahi fatongia ‘o ha Potungāue ‘oku fiema’u ke nau ngāue ‘i he taimi ‘o ha Fakatamaki Fakaenatula (hangē ko ha Saikolone Fakatalopiki), Mahaki Faka’auha pe Tu’unga Fakatu’utamaki Fakafonua, ‘e lau ‘a e houa ngāue ko ia’ ko e ngāue tu’ataimi 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 **tu’utu’uni’ ni** ‘e fakangofua pē **ki he** ngāue na’e fakahoko lolotonga ‘a e taimi ‘oku ta’ofi faka’ofisiale ai ‘a e Ngāue Fakapule’anga’, hangē ko ia kuo fakahā ‘e he sino felave’i ‘o e Pule’anga’ pe mafai pule’.
- (3) Ke toe mahino ange, ko e kau ngāue ‘oku ‘ikai ke fakakau ‘i he 2A.7.1(14), kau faiako mo ha kau ngāue kehe ‘a e Potungāue ‘Ako’, ‘e toki malava pe ke nau ngāue tu’ataimi ‘i he malumalu ‘o e kongā ko ‘eni, ‘a ia:
- (a) ‘E fiema’u pe kole kinautolu ‘e ha Potungāue kehe ke tokoni ki he ngaahi makatu’unga ‘oku ha ‘i he kongā si’i (1); pea
 - (b) Ko e ngaahi ngāue ni ke tomu’a fakangofua ia ‘e he Komisoni.