

Public Service Policy Instructions (Amendments made 16 July and 22 September 2025)

16 July 2025

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.

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.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.

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 must 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.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.

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.

2B.1 Leave Entitlements as from 1 January 2016

- (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.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.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.22A Bereavement Leave

- (i) 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.
- (ii) 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).
- (iii) Bereavement leave days must be taken within 10 days of the death.

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.

22 September 2025

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) 1st year – fifty (50) percent of salary
 - (ii) 2nd 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 received by the employee i.e. 50% and 25%, on its 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 up to twelve (12) months from the date of the letter. Further consideration may be given by the Commission for further extension if required.
 - (a) The Office of the Commission shall ensure that an appropriate MOU is signed with the employee to outline the terms for repayment.
 - (b) Given the fulfilment of (a) above, the Ministry may fill the position.
 - (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) An employee who fails to comply with the requirement under subparagraph (7)(i)(a) above shall be processed for dismissal if:
 - (a) the employee does not respond to the letter from the Office of the Commission within thirty (30) days from the date of receipt of the letter; or
 - (b) payment, as required, is not received within the timeline agreed to in the MOU, unless an extension has been formally approved by the Commission.
 - (iv) Outstanding shortfall amounts owed to Government following subparagraph (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.

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 through professional contract may fill the employee's post

following the effective date of secondment until the employee resumes duty.

- (7) Should the employee fail to return to the Public Service at the end of his contract period, he shall submit his resignation in accordance with Instruction 4B below.

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 ten (10) years or more.

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 ten (10) 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.
- (3) A resigned employee who was employed for less than ten (10) years, he may be entitled to 4H.3(1) (a) and (b) subject to proposal from the Prime Minister and the Commission's approval.

01 May 2026

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:
 - (a) one and one-half (1.5) hours' pay for each one (1) hour worked overtime on weekdays;
 - (b) two (2) hours' pay for each one (1) hour worked overtime on weekends and public holidays; and
 - (c) 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.7.4 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.7.6 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.**