Working Conditions & Entitlements Manual

Public Service Commission
Date of issue: 25th March 2009
FOREWORD

The purpose of this manual is to provide a factual and clear guide to working conditions and entitlements for all Public Servants in the Samoa Public Service.

This manual translates the Public Service Act 2004 and the Public Service Regulations 2008 and all of their amendments in relation to working conditions and entitlements as at March 2009.

The conditions and entitlements relate to all employees except where specifically identified.

This manual covers all active conditions, entitlements and allowances. Some of these have been delegated to the Chief Executive Officer through an Instrument of Delegation and these are clearly noted in this manual. Only those conditions and entitlements listed in here are legal entitlements and Ministries MUST NOT approve any other entitlements, as they would constitute illegal payments.

Further, to assist with correct decisions to be made, the Determinations in this manual describe the roles and responsibilities of the Public Service Commission and Ministries.

It is hoped therefore that this manual serves its intended purpose and provides a user-friendly guide for Human Resource Coordinators and Managers and their staff as to their responsibilities and entitlements as members of the Government of Samoa Public Service.

Chairman,
Public Service Commission
25th March 2009
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INTRODUCTION

1. Authority
   This manual is issued under Authority of Section 5 of the Public Service Act 2004. The Determinations issued herein are to be observed by all employees in the Samoa Public Service.

2. Revocation

3. Organisation of the content of this Manual
   This Manual is in 9 parts:
   
   Part A: Glossary of Terms used in this Manual
   Part B: Roles and Responsibilities for processing and approving working conditions and entitlements
   Part C: The Instrument of Delegation – specifies which powers of the Commission under the Public Service Act and Regulations have been delegated to the Chief Executive Officer for each specific function under each Determination
   Part D: Determinations on Working Conditions & Entitlements
       ▪ The Rules and Policies – translates the Act and Regulations into operational details
       ▪ The Procedures – sets out the process and steps that must be followed in administering working conditions and processing any entitlements
       ▪ The Tool/Forms - sets out the standard forms and schedules for processing working conditions and entitlements
   Each Determination will be reviewed and updated where necessary and new pages with the changes will be issued for insertion.
   
   Part E: Monitoring and Evaluation by the PSC
   Part F: Grievances
   Part G: Further Information on the Determinations contained in this manual
   Part H: Forms – provides copies of the standard forms for processing working conditions and entitlements
   Part I: Register of updates
PART A

GLOSSARY OF TERMS
GLOSSARY OF TERMS

In this Manual unless the context otherwise requires:-

“Act” means the Public Service Act 2004 of Samoa.


“CEO” means the Chief Executive Officer of a Government Ministry or Agency.


“Commission Holidays” are set by the Public Service Commission for public servants only and are days, which the Public Service Commission may grant as holidays.

“Contract Employee” means an officer engaged by the Public Service Commission under a contract of employment for a fixed period or periods of time.

“Determination” is an instruction issued under Section 8 of the Public Service Act 2004.

“Employee” means a person employed in the Public Service.

“Graduate” means a person who has been awarded a first academic degree.

“Manager” in relation to any employee, means any person for the time being in charge of that employee and authorised to require them to do or abstain from doing any act or thing in relation to his or her duties and conduct.

“Misconduct” means employee acting or behaving in a way that is contrary to the Code of Conduct outlined in Section 19 of the Public Service Act 2004.

“Officer” means an employee of the Public Service who is not a contract employee or a temporary employee.

“Overtime” means work performed at time outside an employee’s normal hours of attendance at work.

“Penalty rates” are payments for penalty time worked paid in addition to normal salary.

“Penalty Time” is time worked on rostered duties within a 40-hour week, on a Saturday, Sunday, whole holiday or Public Service Commission holiday.

“Public Holidays” are days set-aside for non-work and are made up of whole holidays in accordance with the Public Holidays Act 2008.
“Public Service” means the Public Service as defined in Article 83 of the Constitution of the Independent State of Samoa.

“Regulations” means the Public Service Regulations 2008.

“Temporary employee” means an employee employed under Section 41 of the Act and includes wage workers and term employees.

“Working day” means a day in which an employee is usually required by the terms of their employment to be on duty.

“$” when referred to in this document shall mean the local currency of Samoa.
PART B

ROLES

AND

RESPONSIBILITIES
ROLES AND RESPONSIBILITIES

1. PUBLIC SERVICE COMMISSION
   The roles and responsibilities of the Public Service Commission are to:
   ▪ ensure that the Public Service Act and Regulations are implemented consistently
     and fairly across the Samoa Public Service.
   ▪ ensure that the Public Service values and principles are reflected in all the working
     conditions and entitlements for employees of the Samoa Public Service.
   ▪ ensure that the Chief Executive Officers and Human Resource Coordinators have
     access to factual and current Determinations to guide their people management
     practices.
   ▪ provide consultancy and advisory services to Ministries to assist with clarifications
     as required.
   ▪ monitor the consistency of the applications of these Determinations across the
     Samoa Public Service.
   ▪ evaluate the relevance of the current Determinations and where required update to
     reflect good management requirements.
   ▪ provide Cabinet with periodic reports on the impact and effectiveness of the
     reforms.

2. CHIEF EXECUTIVE OFFICER
   The roles and responsibilities of the Chief Executive Officer are to:
   ▪ ensure that the Determinations are applied consistently and fairly in their Ministry.
   ▪ make informed decisions based on this Manual, on those conditions and
     entitlements that have been delegated under the Act.
   ▪ seek advice and support from the Public Service Commission on those conditions
     and entitlements that:
     a) have been delegated and not delegated.
     b) not covered in this Manual.
   ▪ ensure that all employees in the Ministry are aware of their working conditions and
     entitlements.
   ▪ ensure their Human Resource Coordinator is capable of administering the
     Determinations contained in this Manual.
   ▪ report to the Public Service Commission on a periodic basis on human resource
     management in their Ministry.

3. HUMAN RESOURCE COORDINATOR
   The roles and responsibilities of the Human Resource Coordinator (HRC) are to:
   ▪ provide the Chief Executive Officer with accurate and updated reports on the
     current status of employees’ working conditions and entitlements.
   ▪ ensure that all working conditions and entitlements are processed in accordance
     with these Determinations and are accurate and completed in a timely manner.
   ▪ ensure that all employees have access to current and accurate records of their
     personal entitlements.
   ▪ ensure that all new recruits understand their working conditions and entitlements as
     explained during their Induction Training.

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1 Refer Employment Instruction No. 5
2 Refer Employment Instruction No. 8
PART C

SCHEDULE OF TERMS

&

CONDITIONS OF DELEGATION

TO

CHIEF EXECUTIVE OFFICERS
ATTENDANCE AND FLEXIBLE WORKING HOURS

D1 Reinstall an employee

Head of Power: Public Service Act 2004, S10, S48A

Description of Power: To reinstall an employee who has forfeited office and in such a case the employee shall be deemed not to have forfeited office, but to have been on leave without pay from the Public Service during the period of absence.

Condition:
(1) The CEO may reinstall the employee only if the employee subsequently satisfies the CEO that there was a valid reason for his or her absence and for his or her failure to inform the CEO earlier of that reason.
(2) The terms and conditions are set out in Determination 9.

ALLOWANCES

D2 Daily Subsistence Allowance – Overseas Travel

Head of Power: Public Service Act 2004, S10,
Public Service Regulations 2008, S27(2)

Description of Power: To approve the payment of an allowance in accordance with a scale of daily rates determined by the Public Service Commission for personal expenses incurred while travelling on authorised official business overseas.

Condition:
(1) A CEO must not approve payment of the allowance to an employee unless/until Cabinet has agreed to the payment.
(2) The terms and conditions are set out in Determination 15AA.

D3 Clothing Allowance – Overseas Travel

Head of Power: Public Service Act 2004, S10,
Public Service Regulations 2008, S27(2)

Description of Power: To approve the payment of a clothing allowance in accordance with a scale of daily rates determined by the Public Service Commission for personal expenses incurred while travelling on authorised official business overseas.

Condition:
(1) A CEO must not approve payment of the allowance to an employee unless/until Cabinet has agreed to the payment.
(2) The terms and conditions are set out in Determination 15AB.

D4 Incidental Allowance – Overseas Travel

Head of Power: Public Service Act 2004, S10,
Public Service Regulations 2008, S27(2)

Description of Power: To approve the payment of incidental allowance in accordance with a scale of daily rates determined by the Public Service Commission for personal expenses incurred while travelling on authorised official business overseas.

Condition:
(1) A CEO must not approve payment of the allowance to an employee unless/until Cabinet has agreed to the payment.
(2) The terms and conditions are set out in Determination 15AC.
PART D

DETERMINATIONS

ON

WORKING CONDITIONS

AND

ENTITLEMENTS
DETERMINATION 9

1. FUNCTION: ATTENDANCE AND FLEXIBLE WORKING HOURS

2. SUPERSEDES: Employment Instruction No.9

3. REFERENCES:
   - Public Service Act 2004, S10, S48A
   - Public Service Regulations 2008, R37, R38
   - Instrument of Delegation, D1

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all employees and Chief Executive Officers.

6. BACKGROUND:
   Traditionally, the policies on attendance in the Public Services including Samoa were formulated along the lines of ‘one rule or model fits all’. Practically, this meant that there was a standard start and finish time for all employees. Contemporary human resource practise advocates the importance of catering to specific needs of individuals and identifies that offering a range of options to staff in respect to their start and finish times can be of benefit both to employees and employers. Such initiatives are utilised to improve work life balance as well as attracting new staff and retaining existing staff. One such initiative utilised by the Samoa Public Service is flexible working hour arrangements (referred to as Flexi-Hour Arrangements - FHA). This initiative provides the opportunity for some employees to access alternative start and finish times that enable them to meet other commitments external to the work environment. However, when a Chief Executive Officer (CEO) supports this arrangement they need to ensure that public services will not be interrupted and the public inconvenienced because of any FHA that may be operating within specific divisions.

7. RULES AND POLICIES:

7.1. Public Service Prescribed Hours:
   Employees must attend work during the hours of attendance as prescribed by the Commission or the CEO.
   a) The prescribed standard working hours per day is 7½ hours.
   b) With the exception of employees accessing FHA, the prescribed standard starting and finishing time for all employees are 9.00 am to 5.00 pm Monday to Friday.
   c) Every employee is entitled to a ½ hour lunch break each working day and this is normally taken between 12.30 pm and 1.00 pm.

7.2. Flexible Working Hour Arrangements
   a) Notwithstanding 7.1, the CEO may approve an employee’s request for FHA. When considering an employee’s request for FHA the CEO must consider that the services or functions performed by the employee are not
compromised if the FHA request is allowed. It is vital at all times that there are sufficient employees on duty to maintain service delivery.

b) When considering an application for FHA, the following conditions must be complied with:-
   i) Employees granted FHA must attend the Public Service core hours of 9.00 am to 12.00 pm and 2.00 pm to 4.00 pm.
   ii) Employees shall satisfy the requirement to work a total of 7½ hours per day of the Public Service Commission.
   iii) Employees granted FHA should clearly communicate their hours of work to their Manager, HRC and co-workers (i.e. starting time, lunch break and finishing time).
   iv) FHA shall be clearly recorded in the Attendance Record.

c) It is considered late attendance if an employee reports after the standard prescribed hours of work and they are not on approved FHA.

d) The CEO may review whole or part of conditions of FHA for an employee from time to time, when it is appropriate.

A practical example of FHA follows:-
A working mother with school age children can nominate to start work at 8.30 am, after she has taken her children to school. She can request a one hour lunch break to be taken from 1.00 pm - 2.00 pm rather than the normal ½ hour arrangement. This would offer her the option to collect her children from school and take them home. She would resume duties at 2.00 pm and then finish work at 5.00 pm. Over the period of one (1) week this employee would work the same number of hours as an employee working regular hours (9.00 am to 5.00 pm).

7.3. Late and Irregular Attendance:
   a) Each employee is responsible for ensuring that their Manager is contacted as soon as practicable if they will be late for work. It is vital that the Manager is notified of the reason why they will be late for work and when they anticipate arriving. It is unacceptable not to come to work without a valid reason for the absence.
   b) Every employee who reports late for duty including those under FHA must make up the time lost as directed by their Manager.
   c) It is the responsibility of the Manager to monitor all cases of habitual irregular attendance of employees who are not on approved FHA and report these cases to the CEO.
   d) The HRC shall ensure that internal control mechanisms are in place to monitor employee attendance such as those outlined below:-
      i) Reviewing the Attendance Record Book at 9.10 a.m. each day
      ii) Identifying employees who are late for work
      iii) Drawing a line through the location that the employee would normally sign in “red pen” to indicate late attendance
      iv) Monitoring/counselling, reporting habitual late attendees and invoking (as appropriate) relevant disciplinary action
   e) An employee who has habitual irregular attendance may be subject to disciplinary action under Section 44 of the Public Service Act 2004.

7.4. Absence from Place of Employment:
   a) An employee must not be absent from their official duty during hours of duty unless they have obtained official leave or unless, in the case of illness or
emergency, they have taken all reasonable steps to inform their Manager of their absence as soon as possible.

b) Each employee has the responsibility to ensure that their Manager is contacted as soon as possible if they are to be away from work for the day/number of days, to communicate the reason for their absence and when they are likely to return.

c) Except in the case of illness and emergency, an employee must never leave work during their hours of duty without the express permission of their Manager.

d) Any employee who absents themselves from duty or who fails to return to duty and, in either case, continues to be absent without permission for a period of 5 working days or more shall be deemed to have forfeited their office. Their services will then be terminated on the basis of forfeiture of office.

e) Notwithstanding d) above, if the employee subsequently satisfies the CEO that there was a valid reason for the absence and for the failure to inform their Manager earlier of that reason, the CEO may re-instate the employee. In such a case the employee shall be deemed not to have forfeited office, but to have been on leave without pay from the Public Service during the period of absence.

8. TOOL/FORMS:

The principal means of collecting information on attendance is the *Attendance Record Book*, which resides in each Ministry. However, with the introduction of FHA, Ministries must ensure that proper time sheets are also in place for the effective recording and monitoring attendance of employees especially those on FHA.
9. PROCEDURES:

**EMPLOYEES**
- Must sign the attendance book each morning by 9.00 am (or other approved times under FHA)
- Must sign out at 5.00 pm (or other approved times under FHA)

**EMPLOYEES**
- Wishing to use FHA must request approval from the CEO or Manager

**CEO OR MANAGER**
- Shall advise the following personnel of the decision on FHA including any conditions attached to the approval:-
  - The employee
  - HRC for recording FHA conditions and the HRC must ensure that a proper system is in place to record all employees attendance, including those on FHA

**MANAGER**
Is required to monitor the attendance of employees including those on FHA. Systems for monitoring attendance include:-
- Reviewing the attendance each day at 9.10 a.m. to identify employees who are late for work
- Striking through the location that the employee would normally sign in red - to signify late attendance
- Counselling staff regarding the need to attend work on time and taking appropriate actions as deemed necessary in consultation with CEO

**HRC/MANAGER**
Submits Attendance Book or Summary Report of Attendance to the CEO on a regular basis (intervals to be determined by the CEO)

**CEO**
- Takes appropriate action as warranted by Report of Attendance, this may include:-
  - Noting and commending staff on excellent attendance
  - Counselling or alternative performance management actions on average attendance performance
  - Initiating disciplinary action where appropriate
DETERMINATION 10

1. FUNCTION:      HOLIDAYS

2. SUPERSEDES:    Employment Instruction No.10

3. REFERENCES:    Public Service Regulations 2008, R21, R22, R23
                   Public Holidays Act 2008

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION:    This Determination shall apply to all Employees
                   and Chief Executive Officers.

6. BACKGROUND:
   Part 4 of the Public Service Regulations 2008 states those days declared to be Public
   Holidays or Commission Holidays shall be observed by all Ministries and employees as
   holidays on full pay. The purpose of this Determination is to ensure that employees are
   aware that:-
   a) They are entitled to normal full pay on a Public/Commission Holiday
   b) If they are required to work on a Public/Commission Holiday they are entitled to
      their normal full pay and overtime payment in accordance with the conditions
      contained in Determination 11.

7. RULES AND POLICIES:

   7.1 Public Holidays:
       The Public Holidays Act 2008 stipulates the days declared to be Public Holidays
       and these days are to be observed as holidays on full pay.

   7.2 Commission Holidays:
       a) Commission Holidays are days approved by the Public Service Commission as
          holidays on full pay.
       b) All employees are notified of these holidays by means of a Circular
          Memorandum or in a Public Service Official Circular (PSOC).

   7.3 Employees Working on Holidays:
       a) Only under special circumstances and in the essential public services are
          employees required to work on a Public/Commission Holiday.
       b) An employee who is required to work on any Public/Commission Holiday is
          entitled to overtime payment or the equivalent of time off in lieu in accordance
          with the conditions contained in Determination 11.
DETERMINATION 11

1. FUNCTION: OVERTIME AND PENALTY RATES

2. SUPERSEDES: Employment Instruction No.11

3. REFERENCES: Public Service Regulations 2008, R24, R25,

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all Employees except;
   ▪ Contract Employees
   ▪ Teachers

6. BACKGROUND:
   Employees may be required to work overtime when necessary to bring work up-to-date or to meet any temporary pressure of work. However, overtime should only be worked where it is absolutely necessary, this Determination outlines the benefits that employees are entitled to receive when working authorised overtime.

   The performance of work on a shift system, regular rotating or alternating system is to ensure the provision of continuous essential public services over a 24 hour period. This Determination provides directions regarding the calculation of penalty rates for employees on rostered duties as this group of employees are entitled to payment for penalty time as well as a shift allowance.

7. RULES & POLICIES:
   7.1 General:
   a) The CEO may authorise employees to work overtime, subject to the conditions set by the Commission from time to time. In approving overtime the CEO must ensure that overtime is kept to a minimum and within approved budgets.
   b) Employees should not work more than 4 hours overtime on any 1 day except in special circumstances where there is a need to work more than 4 hours overtime. In these cases the Manager who has identified this need must without delay report the circumstances in writing to the CEO. The report shall also specify the employee or group of employees who will be working overtime, the nature of the work, and the probable duration of overtime. The report shall include certification that such work must be carried out as a matter of urgency. Under such special circumstances the CEO may approve the necessity for such extra overtime outside of the normal prescribed parameters.
   c) A break of at least 1-hour for meals or rest must be made after any 4 hour period of work.
   d) Work, including overtime work must be done in official locations and it is the responsibility of the Manager to ensure that normal working hours and overtime hours are recorded accurately.
   e) Unless there are exceptional circumstances all overtime must be worked under the direct supervision of the Manager.
f) Only under special circumstances should overtime be worked on Saturdays, Sundays or Holidays. Any work performed on these days shall be classified as overtime.

g) All employees are required to work overtime when directed to do so by their Managers whether or not they are qualified to receive payment in respect to that time.

h) Wherever practicable Managers shall give warning in advance to employees of the requirement to work overtime, however this may not always be possible, for example in the case of emergencies or critical events.

7.2 Remuneration for Overtime:

a) An employee who works at the request of their Manager or CEO for a period exceeding their standard prescribed hours of work on any one day, or a period exceeding 40 hours in any one week may be compensated within the limits as set out in the Commission’s current Schedule of Overtime and Penalty rates (below)

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<th>Eligible employees with salaries at A7/L7 and below</th>
<th>Calculation of Overtime Payment</th>
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<tr>
<td>Time when overtime is worked</td>
<td></td>
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<tr>
<td>Overtime hours for Weekdays, Saturdays and Commission Holidays</td>
<td>Total overtime hours x T1½ rate of current rate of pay</td>
</tr>
<tr>
<td>Overtime hours for Sundays and Public Holidays</td>
<td>Total overtime hours x T2 rate of current rate of pay</td>
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</tbody>
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<tr>
<th>Eligible employees with salaries above A7/L7</th>
<th>Calculation of Overtime Payment</th>
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<tr>
<td>Time when overtime is worked</td>
<td></td>
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<tr>
<td>Overtime hours for Weekdays, Saturdays and Commission Holidays</td>
<td>Total overtime hours x T1½ rate of maximum of A7/L7 rate of pay</td>
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<tr>
<td>Overtime hours for Sundays and Public Holidays</td>
<td>Total overtime hours x T2 rate of maximum of A7/L7 rate of pay</td>
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b) No payment will be made to any employee who works overtime, without prior authorisation from their Manager or CEO.

The following example demonstrates the practical application of 7.1 (b).

Tala (A6/L6) works for the Ministry of Natural Resources and the Environment. Following a collision between two (2) vessels in the harbour a major oil spill has occurred. It is essential that the spillage is managed in a way that does not harm the unique flora and fauna of Samoa. Whilst Tala is due to complete his shift at 3.00 p.m. he is asked to continue until the potential environmental disaster is under control. Tala works until 1.00 a.m. the next day to assist with the cleanup process. Tala’s Manager has advised his CEO in writing of the facts and circumstances and approval for payment of the extra overtime was given. By the end of his time at work Tala will have been on duty and working for 18 hours. Whilst this period of time is greater than the 4 hours this scenario is an exceptional circumstance and in this instance is vital that work is performed outside of the normal parameters for payment of overtime.
Tala receives the following on the next scheduled payday:-

Normal pay  8.00 hours (7.00 a.m. - 3.00 p.m.)
Overtime hours  @ T½  10 hours (3.00 p.m. – 1.00 a.m.)

In the above example Tala will have exceeded the 12 hour rule but due to the special circumstances he will be paid for all hours of overtime worked. The hours above 8 are classified as overtime hours and the employee will receive 10 hours overtime at his current rate of pay A6/L6 Officer.

7.3 Time Off in Lieu of overtime payment
a) Employees who work overtime at the request of their Manager or CEO for a period exceeding their standard prescribed hours of work on any one day, or a period exceeding 40 hours in any one week may request time off in lieu for overtime worked on the following basis:-

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<th>Time when overtime is worked</th>
<th>Calculation of Time off in lieu</th>
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<tbody>
<tr>
<td>Overtime hours for Weekdays, Saturdays, Commission Holidays, Sundays and Public Holiday</td>
<td>Total overtime hours x T1 to be taken as time off in lieu at a mutually agreed date/time</td>
</tr>
</tbody>
</table>

The following is a practical example of the application of the 7.1(b) and 7.1(g) Sita (A9/L9) is an office worker and commences work at 9.00 a.m. and is due to complete work at 5.00 p.m. During the day her Manager is informed that some essential work needs to be completed that day to enable end of month processing of accounts to occur prior to forwarding to Treasury for processing. There has been approval received from the CEO for overtime to be worked as it is deemed essential to the running of the Ministry.

Sita performs the tasks required in 3½ hours working alongside her supervisor and signs off at 8.30 p.m.
Whilst Sita receives her normal pay for the day she also has 3½ hours (5.00 pm – 8.30 pm) recorded as time owing to her for the overtime worked. When she later makes the request to take the time off that she has accrued through the normal approval processes for such leave she is permitted to take the 3½ hours of time off in lieu of the overtime worked between 5.00 p.m. and 8.30 p.m.

In the above example Sita worked within the parameters provided of Section 7.1(b) and 7.1(g) as the hours worked have not exceeded 12 in any one day. The hours above 8 were classified as overtime hours and the employee will be entitled to receive 3½ hours time off in lieu to be taken at a later date.

7.4 Record keeping – time off in lieu
a) It is the responsibility of the HRC to ensure that proper recording mechanisms are in place to:-
   - Accurately record time off in lieu owing to employees
   - Debit time from time off in lieu owing when the employee accesses the time they are owed
b) Time off in lieu shall only accrue to a maximum of 1 week in total in any 1 calendar year. If at the end of that year the employee has not accessed the time owing then it shall be forfeited. If during that year the employee resigns and leaves the service the employee shall not receive payment for any time owing but shall forfeit it. It is incumbent on all Ministries to ensure that employee’s who are required to who work overtime are given ample opportunity and supported to take the time owing to them. Where an employee is reluctant to access the time owing to them then the Ministry shall upon 2 weeks’ notice in writing direct the employee to take the time owing and shall designate the date that the employee shall be away from work.

c) No time off in lieu shall be recorded or permitted to any employee who works overtime, without prior authorisation from their Manager or CEO.

7.5 Penalty Time and Penalty Rates

a) A rostered employee is one who is required to work allocated days of the week. For example: a rostered employee could be scheduled to work Wednesdays, Thursdays, Fridays, Saturdays and Sundays and take two rostered days off on Monday and Tuesday

b) A shift employee is one that is required to commence work at 5 p.m. or later and completes work on or before 9 a.m. the next day. For example: a shift employee could be scheduled to commence a night shift at 5.00 pm and finish on/or before 9.00 am on Mondays to Fridays.

c) Penalty time is payable when an employee is rostered for duties on a Saturday, Sunday, Public Holiday or a Commission holiday. These categories of employees are entitled to receive a penalty rate payment to compensate them for working on days of the week that are traditionally considered to be non-working days. Penalty rates are paid in addition to the employee’s normal salary.

i) Work performed above 40 hours per week is paid at Overtime rates specified in 7.2 above. However, it should be noted that hours in excess of 40 hours may include penalty time. Payment for such penalty time is calculated after the overtime hours have been calculated.

ii) When an employee has a normal roster which includes days that accrue penalty rates, those rates are still paid when the employee is on a period of approved paid leave.

iii) Where rostered duties are arranged in shifts, a special allowance per shift shall be paid. A shift is when an employee is required to commence work at 5 pm or later and completes work on or before 9 am the following day, Monday to Sunday. Shift allowance is payable in addition to penalty rates, however, overtime and shift allowance are not always both payable in respect of the same hours, (refer Determination 15F).

The following 3 examples demonstrate differences between categories of employees.
**Example 1**

For one week, the following hours were worked by a rostered employee:

<table>
<thead>
<tr>
<th>Day</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
<th>S</th>
<th>Total Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>5 pm</td>
<td>5 pm</td>
<td>8 am</td>
<td>5 pm</td>
<td>5 pm</td>
<td>8 am</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meal</td>
<td>8pm-9pm (1 hour)</td>
<td>8pm-9pm (1 hour)</td>
<td>12-1 (1 hour)</td>
<td>8pm-9pm (1 hour)</td>
<td>8pm-9pm (1 hour)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Break</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finish</td>
<td>1.30am</td>
<td>1.30am</td>
<td>4.30pm</td>
<td>1.30am</td>
<td>1.30am</td>
<td>12 noon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Hours</td>
<td>7½</td>
<td>7½</td>
<td>7½</td>
<td>7½</td>
<td>7½</td>
<td>4</td>
<td></td>
<td>41½ hours</td>
</tr>
<tr>
<td>Shift Allow</td>
<td>Pay Shift allowance of $3.15 per hour for all 7½ hrs</td>
<td>Pay Shift allowance of $3.15 per hour for all 7½ hrs</td>
<td>No Shift Allowance</td>
<td>Pay Shift allowance of $3.15 per hour for 7½ hrs + ½ hour penalty for Sat morning</td>
<td>Pay Shift allowance of $3.15 per hour for 7½ hrs + penalty time</td>
<td>No Shift Allowance but pay penalty time</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The total hours worked in example 1 during the week are 41½ hours. Of these 41½ hours, 12 hours are penalty time worked on early Saturday morning, Saturday and Sunday. These penalty times include overtime. Therefore:-

Total Hours worked during week are 41½ hours

Minus 40 hours a week (std working hrs) 40

= 1½ hours overtime

The 1½ hours overtime is paid at the T2 overtime rate (for Sunday) in accordance with the overtime policy.

Since 1½ hours have been accounted for overtime, this leaves 10 hours penalty time at T1.

So payment of penalty rates to be shown on the vouchers are:-

- 1½ hours overtime @ T2
- 10 hours penalty rates @T1
- plus shift allowance of $3.15 for 30 hours
- (7½ hrs each from Monday, Tuesday, Friday and Saturday)

**Example 2**:

For one week, the following hours were worked by a rostered employee:

<table>
<thead>
<tr>
<th>Day</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
<th>S</th>
<th>Total Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>5 pm</td>
<td>5 pm</td>
<td>8 am</td>
<td>5 pm</td>
<td>8 am</td>
<td>8 am</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meal</td>
<td>8pm-9pm (1 hour)</td>
<td>8pm-9pm (1 hour)</td>
<td>12-1 noon (1 hour)</td>
<td>8pm-9pm (1 hour)</td>
<td>12-1 noon (1 hour)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Break</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finish</td>
<td>1.30am</td>
<td>1.30am</td>
<td>4.30pm</td>
<td>1.30am</td>
<td>9.30 pm (break from 4 - 5pm)</td>
<td>12 noon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Hours</td>
<td>7½</td>
<td>7½</td>
<td>7½</td>
<td>7½</td>
<td>11½</td>
<td>4</td>
<td></td>
<td>45½ hours</td>
</tr>
<tr>
<td>Shift Allow</td>
<td>Pay Shift allowance of $3.15 per hour for 7½ hrs</td>
<td>Pay Shift allowance of $3.15 per hour for 7½ hrs</td>
<td>No Shift Allowance</td>
<td>Pay Shift allowance but pay penalty time</td>
<td>No shift allowance but pay penalty time</td>
<td>No Shift Allowance but overtime at T2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The total hours worked in example 2 during the week are 46 hours. Of these 46 hours, 16 hours are penalty time worked on early Saturday, Saturday and Sunday. These penalty times include overtime. Therefore:

Total Hours worked during week are 45½ hours
Minus 40 hours a week (std working hrs) 40
= 5½ hours overtime

A total of 5½ hours overtime have been worked in excess of 40 hours. The 4 hours worked on Sunday should be paid at T2 and the remaining 1½ hours are to be paid at T1½ overtime rates.

Since 5½ hours have been accounted for overtime (Sunday and Saturday), this leaves 10 hours penalty rate at T1.

So the penalty rates to be shown on the vouchers are
- 4 hours overtime @ T2
- 1½ hours overtime @ T1½
- 10 hours penalty rate @ T1
- plus shift allowance of $3.15 for 22½ hrs (7½ hours each day for Monday, Tuesday and Friday)

**Example 3:**

For one week, the following hours were worked by one rostered worker:

<table>
<thead>
<tr>
<th>Day</th>
<th>M</th>
<th>T</th>
<th>Commission Holiday</th>
<th>T</th>
<th>F</th>
<th>S</th>
<th>S</th>
<th>Total Hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>5 pm</td>
<td>5 pm</td>
<td>8 am</td>
<td>5 pm</td>
<td>8 am</td>
<td>8 am</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meal Break</td>
<td>8pm-9pm (1 hour)</td>
<td>8pm-9pm (1 hour)</td>
<td>12-1 noon (1 hour)</td>
<td>8pm-9pm (1 hour)</td>
<td>12-1 noon (1 hour)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finish</td>
<td>1.30am</td>
<td>1.30am</td>
<td>4.30pm</td>
<td>1.30am</td>
<td>9.30 pm (break from 4 - 5pm)</td>
<td>12 noon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Hours</td>
<td>7½</td>
<td>7½</td>
<td>7½</td>
<td>7½</td>
<td>11½</td>
<td>4</td>
<td>45½ hrs</td>
<td></td>
</tr>
<tr>
<td>Shift Allowance</td>
<td>Shift allowance of $3.15 per hour for 7½ hours</td>
<td>Shift allowance of $3.15 per hour for 7½ hours</td>
<td>No Shift Allowance but penalty rate</td>
<td>Shift allowance of $3.15 per hour for 7½ hours + penalty rate for ½ hr for Sat morning</td>
<td>Penalty rate + overtime. No shift allowance</td>
<td>No Shift allowance but penalty rate and overtime</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The total hours worked in example 3 are 45½. Of these 45½ hours, 23½ hours are penalty time worked either on the Commission Holiday, early Saturday, Saturday and Sunday. These penalty times include overtime. Therefore:

Total Hours worked during week is 45½ hours
Minus 40 hours a week (std working hrs) 40
= 5½ hours overtime

A total of 5½ hours overtime have been worked in excess of 40 hours. The 4 hours overtime worked on Sunday should be paid at the T2 and the remaining 2 hours are
to be paid at T1½ overtime rates. Since 5½ hours have been accounted for overtime (Sunday and Saturday), this leaves 18 hours penalty time at T1.

So payment of penalty rates to be shown on the vouchers are:-
- 4 hours overtime @ T2
- 1½ hours overtime @ T1½
- 18 hours penalty rate for early Saturday morning, Saturday and Commission Holiday @ T1
- plus shift allowance of $3.15 for 22½ hrs

8. **TOOL/FORMS:**

The Rates used for calculation of overtime payment is specified in the Schedule of Overtime and Penalty Rates

- PSC Form-1
- TYOVT
- TY2W

*Refer – Part H for copies of forms*
9. PROCEDURES:

(i) CEO DIRECTS EMPLOYEE(S) TO WORK OVERTIME
OR
(ii) EMPLOYEE(S) & MANAGER DISCUSS NEED FOR OVERTIME & WORK TO BE DONE

IF

(i)

- Manager completes PSC Form 1
- Confirms availability of funding for overtime
- Submits PSC Form 1 to CEO or delegate to approve overtime as directed
- CEO or delegate approves overtime as directed by completing Section 6 of PSC Form 1

IF

(iii)

MANAGER

- Completes PSC Form 1
- Confirms availability of funding for overtime payment
- Endorses need for overtime payment
- Submits PSC Form 1 to the CEO or delegate for approval of overtime requested
- CEO or delegate either approves/declines overtime request, by completing Section 6 of PSC Form 1 and then informs Manager of decision

MANAGER

- Advises employee(s) of decision regarding request to work overtime

PAID OT

HRC

- Completes applicable documentation [TYOV1/TY2W]
- Processes payment for OT in Technology One Payroll System via "Timesheet Blulk Entry Form Screen"
- Validates the data input accuracy by running "Timesheet By Account Report - TSbyac"
- Original copy of PSC - Form 1 + TYOV1/TY2W to Record Clerk for filing
- Copy of above forms placed as supporting documentation behind the TSbyac report for audit purposes

TOIL

HRC

- Completes applicable documentation [TYOV1/TY2W]
- Records number of approved OT hours worked by employee (to be taken at a later date)
- Manages system for debiting TOIL when taken by employee
- Reconciles TOIL credits on monthly basis to ensure it meet parameters outlined 7.4 of this Determination
- Updates Manager and employee of outstanding TOIL to ensure it is cleared in accordance with 7.4
- Provides CEO with monthly updates of outstanding TOIL owing
DETERMINATION 12

1. FUNCTION: COUNTING OF SERVICE

2. SUPERSEDES: Employment Instruction No.12

3. REFERENCES: Public Service Regulations 2008, R20
Public Finance Management Act 2001

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all Employees

6. BACKGROUND:
Most leave entitlements and benefits are calculated based on the number of years an employee has served in the Public Service increasing over time to recognise their length of service as a Public Servant. Employees resign for a variety of reasons and some of these employees may at a later date be re-appointed back into the Public Service. The management of the counting of employees’ previous years of service and leave periods is therefore an important area in the assessment of these entitlements and benefits. This Determination is provided to clearly set out the policies and procedures on the counting of service as ‘Public Service’.

7. RULES AND POLICIES:

7.1. Counting of Previous Years of Service as Continuous Service
a) An employee who wishes to include their previous service whether continuous or not, as part of continuous service shall apply to the Commission for its consideration and approval/rejection.
b) An employee who has been employed by a Public Body (as defined in the Public Finance Management Act 2001) may apply to the Commission to count previous service with such Public Body as part of their continuous service in the Public Service. Only service with a Public Body shall be given consideration in the counting of previous service for the purposes of this Determination.

The inclusion of such previous service as continuous service is determined by the Commission on a case by case basis, depending on a variety of criteria, such as the reasons why the employment was terminated and the reasons for re-employment or re-appointment to the Public Service.

7.2. Application of Counting of Service for Assessment of Leave Entitlements and Benefits
Subject to 7.1, if the Commission approves the inclusion of previous service as part of continuous service, the CEO shall include such previous service for the purpose of assessing annual leave and long service leave entitlements and benefits, subject to the following conditions:-
(i) Any leave without pay of more than 3 months shall not be counted as service for leave pay entitlements and benefits.

(ii) 50% of service as a wage worker shall be counted in the calculation of years of service for the purpose of assessing leave entitlement and benefits. This applies to permanent employees who were initially employed in the service as casual employees and then subsequently transferred to permanent.

(iii) Periods of service with Public Bodies are to be counted for assessment of annual leave and long service entitlements. However, in the case of long service leave, the Public Body must be consulted on any equivalent leave paid out to the employee under such corporation. Such equivalent leave shall not be included in the calculation of long service leave the employee is entitled to in the Public Service.

A practical example of counting of previous service follows:-
An employee worked with Samoa Housing Corporation (SHC) for 7 years before being appointed to a permanent position within the Ministry of Health. When the employee started working with the Ministry of Health, they applied for and were allowed inclusion of the years served with SHC as part of their service.

As such, their annual leave entitlements on entering the service with Health was 15 days, and not nil as in the case of any employee with less than 1 year of service.

If the employee continues to work in the Public Service for a further 3 years making a total of 10 years service) and it is proven that he did not receive any payment for long service leave or equivalent payout while working for the SHC, the employee shall be entitled to Long Service Leave in accordance with Determination 13I

Refer to Determination 13A, 13B and 13I for more details.
DETERMINATION 13

LEAVE ENTITLEMENTS

13A ANNUAL LEAVE
13B SICK LEAVE
13C LEAVE FOR SCHOOL TEACHERS
13D MATERNITY LEAVE
13E PATERNITY LEAVE
13F BEREAVEMENT LEAVE
13G STUDY LEAVE
13H SPECIAL LEAVE
13I LONG SERVICE LEAVE
1. **FUNCTION:** ANNUAL LEAVE

2. **SUPERSEDES:** Employment Instruction No.13A

3. **REFERENCES:** Public Service Regulations 2008, R7, R8
   Cabinet Directive FK(08)08
   CM 2008/10

4. **EFFECTIVE DATE:** 17 March 2009

5. **APPLICATION:** This Determination shall apply to all employees except;
   - Contract Employees (refer individual contract)
   - School Teachers (refer Determination 13C)
   - Term Employees (except retirees)

6. **BACKGROUND:**
   Annual leave is granted to employees as an entitlement to ensure that employees periodically receive a break from work. Employees are required to utilise their annual leave in the year it is due in accordance with the parameters outlined in this Determination.

7. **RULES AND POLICIES:**

   **7.1. Annual Leave Entitlement:**
   The CEO shall grant an Employee Annual Leave on full pay in accordance with the scale for annual leave entitlements.

   a) **Scale For Annual Leave Entitlements**
   
<table>
<thead>
<tr>
<th>Category of Employee</th>
<th>Length of Service in Years</th>
<th>No. of working days on full pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>General/Retired</td>
<td>Less than 6 years of service</td>
<td>10</td>
</tr>
<tr>
<td>Employees</td>
<td>Less than 12 but not less than 6</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>12 or more years of service</td>
<td>20</td>
</tr>
<tr>
<td>Medical Officers</td>
<td>1-15 years of service</td>
<td>20</td>
</tr>
<tr>
<td>(MOH)</td>
<td>More than 15 years of service</td>
<td>25</td>
</tr>
<tr>
<td>Wage Workers</td>
<td>1-10 years of service</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>11-20 years of service</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>21 years of service and above</td>
<td>15</td>
</tr>
</tbody>
</table>

   b) Nothing in this Determination shall operate to reduce the number of days of annual leave an employee was receiving prior to the publication of this revision to this Determination. However, all new employees from this point forward shall receive annual leave as described in the Schedule of Annual Leave Entitlement.
The following example demonstrates the application of 7.1 b):

Samu a graduate with 4 years of work experience in the Public Service of Samoa. Prior to the review of Determination 13A Samu was entitled to 15 days annual leave per annum. In the spirit of 7.1 b) Samu continues to receive 15 days annual leave per year for a further 2 years. This is the date that Samu will have completed 6 years of service and thus be entitled to 15 days annual leave due to the length of his service with the Public Service.

7.2. Due Dates of Annual Leave:
Annual leave is due on the first anniversary of an employee’s appointment. Thereafter the due date is standardised with the due date being 1st of December each year. This means that in the case of a new recruit they are not entitled to take a full year’s annual leave entitlement until 1 year after they have commenced duties, which is on the first anniversary of their employment. However, they may request and subject to approval of the CEO be granted advanced annual leave on a pro rata basis - (see 7.3 and 7.8).

7.3. Annual Leave on a Pro Rata Basis:
While the next period of annual leave is not properly due until the completion of a further year's service, the Employee’s annual leave is standardised by granting them annual leave on a pro rata basis from the beginning of December following completion of the first year of service. Annual leave on a pro rata basis is to be calculated in working days.

The following example demonstrates the application of pro-rata annual leave for a new recruit:

Tama, an employee started work in the Public Service on 26 April 2006. His first entitlement to annual leave is on 26 April 2007 when ten days accrue to him and these may be taken between 26 April 2007 and 26 April 2008. The standard leave date is 1 December 2007. For the period from 26 April 2007 to 30 November 2007, Tama is entitled to annual leave calculated on a pro rata basis (see calculation below). Thereafter annual leave is due on 1st of December each year.

\[
\text{Number of months served ÷ months in one year (12) × annual leave entitlement} = \frac{7}{12} \times 10 = 5.833 \text{ days (5½ days proportionate leave)}
\]

7.4. Annual Leave & Holidays:

a) Where a Public or Commission Holiday falls during a period of annual leave the employee is entitled to the holiday to be added to the period of leave or added to the balance.

b) No payment shall be made for a holiday falling during a period of leave without pay.

c) An employee on cessation of employment from the service who works on the day preceding a Public Holiday will be paid for the public holiday but not for the Commission Holiday.

7.5. Assessment of Annual Leave Where Service is not continuous:
For the purpose of calculating the annual leave of an employee, a CEO shall only include any previous service that has been approved by the Commission whether continuous or not, (refer D12).
7.6. When Annual Leave is to be Taken:
   a) Annual leave granted to an employee shall be taken within 12 months from the
date on which it becomes due, which is the 30th of November each year.
   b) An employee may be directed to take their annual leave at a time convenient to
the Ministry, but as far as practicable the employee shall be consulted about
when the leave must be taken.
   c) Managers are to ensure that employees take their annual leave in the year in
which it is due. This should, as far as possible, be taken in one or two periods
during the year and employees should be encouraged to take leave over the
Christmas - New Year holiday period.
   d) Employees taking annual leave in single days are to be discouraged.

7.7. Forfeiture of Annual Leave
Any annual leave which is not taken in the leave year in which it is due is forfeited.
HRCs must ensure that an appropriate mechanism is in place to debit any forfeited
leave in accordance with this clause.

The following example demonstrates the practical application of the conditions
surrounding forfeiture of annual leave.

Pita currently has 10 days annual leave credited to him for him to take in the
current year, which he accrued in the previous accrual period. Pita has not
requested to take leave.

On December 01st when Pita becomes entitled to an additional 10 days leave for
the preceding period (01/12 – 30/11) his leave balance will only be 10 days as he
will have forfeited any annual leave owing to him as he did not take it in the leave
year in which it was due.

7.8. Granting of Advanced Annual Leave
The CEO or delegate may in special circumstances authorise advancement of
annual leave to an employee upon request, in accordance with the following
conditions.
   a) After the initial 6 months probationary period, an employee can be advanced
5 days annual leave. Thereafter an employee can be advanced annual leave
on a pro rata basis, based on their annual leave entitlements. For example if
an employee is entitled to 10 days annual leave, they can be advanced 2½
days every 3 months in one year.
   b) Advancement of annual leave is not encouraged and should only be granted
by the CEO where there are special circumstances that warrant the request.
   c) An employee who has been granted advanced annual leave and then
subsequently ceases working for the Public Service before completing the
required continuous service to accrue the leave must refund the value of
unearned pro rata portion from their termination pay.

7.9. Treatment of Annual Leave for Employees Proceeding on Extended Special
Leave:
   a) Where an employee is granted extended special leave, any annual leave due,
including proportionate leave must be taken before the special leave
commences.
   b) No further annual leave accrues until the employee returns to duty.
For example:-
Tofi has been granted special leave without pay in accordance with Determination 13H for a period of 4 months as she has to have some urgent medical treatment in New Zealand. Tofi currently has 10 days annual leave owing to her and 5 days proportionate leave owing to her. Tofi must take the 15 days annual leave at the commencement of her extended special leave and then access the special leave without pay.

7.10. Calculation of Annual Leave for Employees leaving the Service:
   a) Where an employee ceases employment, before completion of the leave year, they are entitled to annual leave calculated on a pro rata basis.
   b) Total service is to be reckoned up to and including the last actual day of duty. However, when this day is a Friday or the day preceding a Public Holiday on a Friday, service will be calculated up to and including the next Sunday. This applies only to Public Holidays but not to Commission Holidays, (refer Determination 10).
   c) No payment is to be made for holidays falling within a period of annual leave payable to an employee leaving the service.
   d) Any annual leave due but not taken and any proportionate annual leave accrued is forfeited where an employee is dismissed for misconduct or a breach of the Code of Conduct under Section 44 of the Public Service Act 2004.

7.11. Annual Leave Entitlements to be reduced due to absence:
   Where an employee has been absent on sick or special leave with or without pay, for a period or periods exceeding a total of 30 consecutive days in any 1 year, annual leave in respect of that year shall be reduced on a pro rata basis in accordance with the Annual Leave Reduction Schedule outlined in this Determination

<table>
<thead>
<tr>
<th>Period of Absence in days consecutively including</th>
<th>Employees entitled to 10 days annual leave</th>
<th>Employees entitled to 15 days annual leave</th>
<th>Employees entitled to 20 days annual leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>1</td>
<td>1</td>
<td>1½</td>
</tr>
<tr>
<td>32-62</td>
<td>1½</td>
<td>2 ½</td>
<td>3</td>
</tr>
<tr>
<td>63-93</td>
<td>2 ½</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>94-124</td>
<td>3</td>
<td>5</td>
<td>6½</td>
</tr>
<tr>
<td>125-155</td>
<td>4</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>156-186</td>
<td>5</td>
<td>7 ½</td>
<td>10</td>
</tr>
<tr>
<td>187-217</td>
<td>6</td>
<td>9</td>
<td>11 ½</td>
</tr>
<tr>
<td>218-248</td>
<td>6 ½</td>
<td>10</td>
<td>13</td>
</tr>
<tr>
<td>249-279</td>
<td>7 ½</td>
<td>11</td>
<td>15</td>
</tr>
<tr>
<td>280-310</td>
<td>8</td>
<td>12 ½</td>
<td>16 ½</td>
</tr>
<tr>
<td>311-341</td>
<td>9</td>
<td>14</td>
<td>18</td>
</tr>
<tr>
<td>342-365/366</td>
<td>10</td>
<td>15</td>
<td>20</td>
</tr>
</tbody>
</table>
For the purpose of applying the aforementioned scale of reduction

i) ‘Special Leave’ shall include study leave, the duration of which is 6 consecutive months and over, but does not include study leave of less than 6 consecutive months.

ii) ‘Special Leave’ shall include special leave without pay of 31 consecutive days and over.

iii) ‘Sick Leave’ shall include Sick Leave of 31 consecutive days and over whether with or without pay.

iv) Long service leave and maternity leave shall not affect annual leave entitlements.

The following example is a practical application of the above annual leave reduction schedule:

An employee is on study leave for a period of 1 year (i.e. 365 consecutive days), and their annual leave entitlement per annum is 10 days, the employee is not entitled to any annual leave in accordance with the above schedule.

7.12. Payment of Untaken Annual Leave on Cessation of Employment:

a) The CEO may approve lump sum payment to an employee, in lieu of untaken annual leave upon cessation of employment for the following reasons:

i) Retirement from the service

ii) Resignation from the service

iii) Becoming a contract employee

iv) Death

v) Disability

vi) Other reasons approved by the Commission

b) There shall be no payment under this Determination, where an employee is dismissed for misconduct or a breach of the Code of Conduct under Section 44 of the Public Service Act 2004.

8. TOOLS/FORMS

Technology One Payroll System – utilised to record a person’s leave transactions
Employee personal file

PSC Form-2
PSC Form-3
TY_LR - Ministry of Finance’s form used for Fortnightly Leave Return

See Part H for copies of forms
9. PROCEDURES

**EMPLOYEE APPLIES FOR LEAVE TO CEO OR DELEGATE**
- Completes Section 1 & Section 2 of PSC Form 2
- Providing supporting documentation as required [e.g., medical certificate if applying for sick leave of 3 days or more]

**HRC OR DELEGATE**
- Checks Employee's leave entitlements and whether the request is in line with determinations
- If they are then fills in Section 4 of PSC Form-2 or PSC Form 3

**DIVISIONAL/SECTION HEAD**
- Checks whether employee's application for leave can be accommodated within division/section
- Fills in Section 3 of PSC Form-2 or PSC Form 3
- Supports/declines employee's request

**CEO OR DELEGATE**
- Fills in Section 5 of PSC Form-2 or PSC Form 3
- Approves/declines employee's request for leave

**BASED ON DECISION OF CEO OR DELEGATE**
- HRC advises Divisional Head and employee of decision
- Maternity leave, overseas leave and leave without pay for periods of longer than one (1) pay period the HRC prepares and authorises a TY15
  - Original TY15 sent to the Ministry of Finance (for processing)
  - One copy of TY15 to PSC (for placement on personal file located in PSC)
  - One copy of TY15 to Ministry (for placement on personal file in Ministry)
- HRC produces supporting letters for employees granted leave to be taken overseas (if required for Visa etc)
- Leave Records Clerk updates employee leave records electronically on Technology One System
  - TY15
  - Produces fortnightly leave return from Technology One System
- PSC Form-1 or PSC Form-2 and Ty15 sent to Ministry Records Clerk
- HRC to sign on TY-LR (fortnightly leave return) and submits to Ministry of Finance at end of each fortnight
DETERMINATION 13B

1. **FUNCTION:** SICK LEAVE

2. **SUPERSEDES:** Employment Instruction No. 13B

3. **REFERENCES:** Public Service Regulations 2008, R12

4. **EFFECTIVE DATE:** 17 March 2009

5. **APPLICATION:** This determination shall apply to all Employees, except:
   - Contract Employees (refer individual contract)
   - Term Employees (except retirees)

6. **BACKGROUND:**
   The objective of Sick Leave is to ensure that when an employee is unable to work due to an illness or injury they are able to seek medical attention and/or stay home and recuperate. In addition, if it is an easily communicable disease, granting sick leave to those in need will ensure that the other employees are not infected by the illness and cause further disruption to the workplace. The CEO (or delegate) should ensure that employees who are sick are granted sick leave and likewise sick employees should access this entitlement and stay home when they need to.

7. **RULES AND POLICIES:**

   7.1. **Sick Leave Entitlement:**
      a) The CEO shall grant leave on full pay on account of sickness or an accident to an Employee, in accordance with the following scale, and subject to the conditions set out under 7.3.

      b) **Scale of Sick Leave Entitlement for Permanent/Retired Employees**

      | Length of Service in Years | Number of consecutive days on full pay accruing per year of service |
      |---------------------------|---------------------------------------------------------------|
      | Less than 1 year of service | 5                                                             |
      | 1 year of service          | 5                                                             |
      | 2 to 9 years of service    | 10                                                            |
      | 10 to 18 years of service  | 11                                                            |
      | 19 to 29 years of service  | 12                                                            |
      | 30 and more years of service | 13                                                          |

   As demonstrated in the scale of entitlement, an employee with between 1 to 9 years of service is entitled to 10 days of sick leave per year. However, upon commencement of employment, a new employee is advanced 5 days of their 10 days sick leave entitlement for their first year of employment. This employee will however receive the remaining 5 days of their sick leave entitlement on their first anniversary. For employees with between 10 and 18 years of service,
the annual sick leave entitlement is 11 days and so forth to employees with 30 years plus service the annual sick leave entitlement is 13 days.

c) Scale of Sick Leave Entitlement for Wage Workers

<table>
<thead>
<tr>
<th>Length of Service in Years</th>
<th>Number of Consecutive Days on Full Pay per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 10 years</td>
<td>5</td>
</tr>
<tr>
<td>11 to 20 years</td>
<td>10</td>
</tr>
<tr>
<td>21 years and above</td>
<td>15</td>
</tr>
</tbody>
</table>

7.2. Accumulation of Sick Leave for Permanent/Retired Employees:

Sick Leave is accumulated in accordance with the following schedule;

<table>
<thead>
<tr>
<th>Length of Service in years</th>
<th>Period in days for which Sick Leave may be granted on full pay</th>
<th>Length of Service in years</th>
<th>Period in days for which Sick Leave may be granted on full pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1</td>
<td>5</td>
<td>1</td>
<td>10</td>
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<tr>
<td>1</td>
<td>10</td>
<td>2</td>
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<td>14</td>
<td>145</td>
<td>15</td>
<td>156</td>
</tr>
<tr>
<td>15</td>
<td>156</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Thereafter: increase by 13 days for each completed year of service over 30 years. All sick leaves are recorded in consecutive working days. This scale applies only when no previous Sick Leave has been taken.

7.3. Conditions on which Sick Leave is granted by the CEO

The granting of sick leave under 7.1 and 7.2 above are subject to the following conditions:

a) Employees are entitled to only 3 consecutive working days on sick leave without producing a medical certificate as evidence. Periods of 4 days or more, must be accompanied by a medical certificate from a medical practitioner in the form approved by the CEO.

b) No pay shall be granted during any period of absence on account of sickness or disability arising from the drinking of intoxicating liquor, the improper use of drugs, or misconduct.
c) Leave with pay for any one period of absence from duty allowed under this provision is to be calculated in consecutive working days and not consecutive days.

d) Where an employee is on Annual Leave, and they become sick or injured as a result of an accident, and is able to produce a medical certificate satisfying the requirements under 7.3(a) above, the employee is entitled to have their annual leave re-credited for the period of approved sick leave.

7.4. **Chronic or Prolonged Illness:**
The CEO may, in cases of chronic or prolonged illness or in other special circumstances, grant an employee sick leave without pay for periods in excess of these specified in the scale in 7.1 above for sick leave, provided that the CEO may not grant that leave for more than 6 months.

7.5. **Cash Payment in Lieu of Untaken Sick Leave:**
The CEO shall authorise payment to an employee, at their current salary rate of up to 30% of untaken sick leave entitlement, when employment ceases due to one of the following reasons:-

(i) Retirement
(ii) Resignation
(iii) Becoming a Contract Employee
(iv) Death
(v) Disability
(vi) Any other reason approved by the Commission

There shall be no payment under this Determination, where an employee is dismissed for misconduct or a breach of the Code of Conduct under Section 44 of the Public Service Act 2004.

8. **TOOLS/FORMS**
Same tools/forms as for Determination 13A

9. **PROCEDURES**
Same procedures as for Determination 13A
DETERMINATION 13C

1. FUNCTION: LEAVE FOR SCHOOL TEACHERS

2. SUPERSEDES: Employment Instruction No. 13C

3. REFERENCES: Public Service Regulations 2008, R17

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Instruction applies only to school teachers within the Ministry of Education, Sports & Culture

6. BACKGROUND:
Due to the particular nature of their work and school teaching times, leave for School Teachers is treated differently from all other employees in the Samoa Public Service.

7. RULES AND POLICIES:

7.1 In accordance with 17(1) of the Public Service Regulations 2008 the Chief Executive Officer, Ministry of Education, Sports and Culture (CEO, MESC) must grant school teachers leave during the periods of the normal school vacations observed in a school year. However, the total period of leave available is to be no more than \( \frac{1}{3} \) of the total time the employee spent in teaching duties in any school year unless otherwise directed by the CEO, MESC.

7.2 Notwithstanding the provision of 7.1 the CEO, MESC may require a teacher to attend courses of instruction during any school vacation provided such courses do not exceed the aggregate period of 1 month in any ‘school year’.

8. TOOLS/FORMS
Same tools/forms as for Determination 13A

9. PROCEDURES
Same procedures as for Employment Instruction 13A

---

1 School Year - means the period of twelve (12) months ending on 31 January in any year.
DETERMINATION 13D

1. **FUNCTION:** MATERNITY LEAVE

2. **SUPERSEDES:** Employment Instruction No. 13D

3. **REFERENCES:** Public Service Regulations 2008, R10

4. **EFFECTIVE DATE:** 17 March 2009

5. **APPLICATION:** This Determination applies to all female employees except:
   - Term Employees

6. **BACKGROUND:**
   Maternity leave is an example of an entitlement which is granted to certain female employees in recognition of their specific needs. The intent of this Determination is to recognise the importance to expectant and new mothers of having sufficient time to prepare for and/or recover from childbirth. It also practically demonstrates the Government of Samoa’s commitment to and compliance with, its obligations as a signatory to the International Convention on the Elimination of Discrimination against Women (CEDAW).

7. **RULES AND POLICIES:**

   7.1 The CEO shall, in appropriate circumstances grant to any female employee other than a wage worker maternity leave for a period of not less than 8 weeks and not more than 26 weeks.

   7.2 Leave granted under (a) will be with full pay for the first 8 weeks and any time thereafter will be maternity leave without pay.

   7.3 Notwithstanding 7.1 the CEO shall, grant a female wage worker maternity leave with pay for a period of 2 weeks.

   7.4 The CEO shall allow the employee to utilise accrued annual leave during the approved period of maternity leave, upon request from the employee.

   7.5 The CEO shall also allow the employee to utilise sick leave due during approved period of maternity leave, upon satisfaction of requirements for granting of sick leave, (see Determination 13B).

   7.6 Notwithstanding the above, the total aggregate period of maternity leave, annual leave and sick leave taken within the period of maternity shall not exceed 26 weeks in any one year.
7.7 Maternity leave is to be reckoned in consecutive weeks. Any public holidays and Commission holidays which fall during the maternity leave period shall be added to the 8 weeks period.

7.8 The female employee concerned should notify her Manager and the CEO of the intended date for commencement of her maternity leave. In turn, the Manager and the employee concerned should discuss necessary work arrangements to ensure continued smooth work flow when the employee is away on maternity leave.

8. **TOOLS/FORMS**
   Same tools/forms as for Determination 13A

9. **PROCEDURES**
   Same procedures as for Determination 13A
DETERMINATION 13E

1. FUNCTION: PATERNITY LEAVE

2. SUPERSEDES: Employment Instruction No.13E

3. REFERENCES: Public Service Regulations 2008, R11

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all Employees except;
   - Wage Workers
   - Term Employees

6. BACKGROUND:
   Paternity leave illustrates the commitment by the Public Service Commission as an employer to respond to and be supportive of the needs of its employees. The granting of paternity leave to male employees is to provide male employees whose partners have just given birth leave to assist with their immediate family responsibilities such as supporting the new mother and baby, or caring for the other children whilst the new mother recuperates.

7. RULES AND POLICIES:

   7.1 The CEO shall, in ‘eligible circumstances’ grant to a male Employee up to five (5) working days of paternity leave with full pay in any one year.

   7.2 The male employee shall take the 5 days of paternity leave either in consecutive working days or discretely, within the 26 weeks eligible period of confinement of their spouse.

   7.3 The male employee shall apply to the CEO for paternity leave and provide sufficient evidence to the satisfaction of the CEO to support his entitlement to such leave.

8. TOOLS/FORMS
   Same tools/forms as for Determination 13A

9. PROCEDURES
   Same Procedures as for Determination 13A

---

1 ‘Eligible circumstances’ refer to the occasion of the legitimate or de-facto spouse of a male employee giving birth to a child.
DETERMINATION 13F

1. FUNCTION: BEREAVEMENT LEAVE

2. SUPERSEDES: Employment Instruction No. 13F

3. REFERENCES: Public Service Regulations 2008, R13

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination applies to all employees except;
   • Term Employees (except retirees)

6. BACKGROUND:
   Bereavement Leave demonstrates the commitment by the Commission to be a good employer and respond to and support the needs of its employees. Bereavement leave is provided primarily for employees to be able to attend to funerals of their family members. Whilst traditionally bereavement leave is granted for the death of a member of an employee’s immediate family, (parent, sibling, spouse or child) there are certain times when other members of the extended family such as grandparents and aunts are considered by an employee to be immediate family members. The application of this entitlement therefore provides some flexibility where bereavement leave may be granted for any family member so long as the employee is aware that there is a limit on the granting of such leave.

7. RULES AND POLICIES:

   7.1 The Chief Executive Officer, in ‘eligible circumstances’ may grant an employee (other than a wage worker) bereavement leave with pay, of up to 3 consecutive working days plus ‘travelling time’.

   7.2 Notwithstanding 7.1 above, the Chief Executive Officer, in ‘eligible circumstances’ may grant a wage worker bereavement leave with pay, of 1 working day.

   7.3 ‘Travelling time’ as specified in 7.1 above is 1 day for all return-based inter Samoan Island travel including American Samoa, and 2 days for all return-based travel to other overseas destinations.

   7.4 Notwithstanding 7.1 and 7.2 bereavement leave with pay may only be granted for a maximum of 3 consecutive working days on each occasion, and twice in any calendar year.

   7.5 ‘Eligible circumstances’ referred to above, is limited to the death of a member of the Employee’s family.

8. TOOLS/FORMS
   Same tools/forms as for Determination 13A

9. PROCEDURES
   Same procedures as for Determination 13A
DETERMINATION 13G

1. FUNCTION: STUDY LEAVE

2. SUPERSEDES: Employment Instruction No. 13G

3. REFERENCES: Public Service Regulations 2008, R14

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination does not apply to:
   - Term Employees
   - Contract Officers (refer contract)

6. BACKGROUND:
The benefits of an educated workforce are well known, underpinned by the notion that the greater the years of education, the greater the productivity of the worker.

The Commission thus encourages its employees to continuously undertake capability development activities upgrading formal or higher qualifications. The Strategy for the Professional Development in the Samoa Public Service 2003–2008 encapsulates the objectives of government in this area. The entitlements granted under this Determination are in the furtherance of those objectives and to strengthen the capability of the workforce for improved service delivery to the community.

7. RULES AND POLICIES:

7.1 Short Term Study Leave:
The CEO shall, upon application from an Employee grant that Employee Short Term Study Leave, upon the terms and conditions determined by the Commission and set out below:
   i) Leave on full pay of 1½ days for each paper may be granted to public servants who sit the examinations.
   ii) The period of 1½ days study leave covers both study and examination times.
   iii) In cases where examinations are for subjects being repeated or failure to achieve a pass in previous attempts, only 1 day study leave may be granted.
   iv) Applications for this leave are required to be made to the CEO through the Divisional Head at least 1 week before the examinations are to be held
   v) The CEO may require the Employee to provide relevant documents to support the application for leave.

7.2 Long Term Study Leave:
The Commission may, upon application from an Officer grant special leave of absence, upon such conditions as they see fit to enable the employee to pursue an approved course of study, instruction or training in Samoa or elsewhere. Some of the conditions are set out below;
i) Only recipients of in-service training awards including postgraduate studies in crucial areas, e.g. medicine, of up to 12 months duration may be granted study leave with pay.

ii) Applicants who do not satisfy the requirements under 7.2(i) above may be granted study leave without pay.

iii) The Officer shall sign a Scholarship Bond in accordance with the existing government policy on Scholarship Bonds.

iv) An application for long term study leave shall be submitted to the Commission for consideration. The following are to accompany the application of the Officer
   (a) Supporting documents such as letter of acceptance from University and
   (b) Endorsement of the CEO for the application

v) When an officer is on study leave, the CEO should make necessary arrangements for staff to take over the duties and responsibilities of the officer while on leave.

7.3 Government Paid Return Airfares for Overseas Training:
  i) An employee approved for overseas training for a period of 6 months or longer, is entitled to Government paid return airfares for their spouse and two children aged 12 years and under.
  
  ii) The airfares are granted mainly for the purpose of enabling the spouse and/or children to accompany the employee while staying overseas for studies. The airfares are not payable in cases where the spouse and/or children are staying in Samoa but would like to visit the employee overseas.

  iii) The Ministry with the employee undergoing overseas training shall prepare a submission to Cabinet for its approval if the employee is requesting Government paid return airfares. All costs for return airfares are to be financed from the Ministry’s budget.

8. TOOLS/FORMS
   Same tools/forms as for Determination 13A

9. PROCEDURES
   Same Procedures as for Determination 13A
DETERMINATION 13H

1. FUNCTION: SPECIAL LEAVE

2. SUPERSEDES: Employment Instruction No. 13H

3. REFERENCES: Public Service Regulations 2008, R9

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all Employees except;
   - Wage Workers
   - Term Employees

6. BACKGROUND:
   While all other types of leave are provided for specific purposes or to meet specific needs of employees, special leave is a general entitlement granted to meet the needs of employees that do not fall within these specific purposes, but are considered special in nature on the grounds of urgent private affairs or on compassionate grounds to an employee.

7. RULES AND POLICIES:

   7.1 Special Leave Of Absence With Pay
   a) In special circumstances a CEO may grant an employee special leave with pay on such terms and conditions as the CEO thinks fit.
   b) The special circumstances which are eligible under this category of special leave with pay include but are not limited to the following examples:-
      i) Participation in national sporting teams.
      ii) Participation in cultural or other national representative groups.
   c) Notwithstanding the above, special leave with pay granted under this instruction may only be granted for up to a maximum aggregate period of 10 days in any year. In this respect, an employee requesting special leave of more than 10 days in one year may be granted special leave without pay (refer 7.2).
   d) Where a Public or Commission Holiday falls during a period of special leave of absence with pay the employee shall be entitled to that day to be paid and shall not have that day counted towards the aggregate period of 10 days as outlined in 7.1 c) above.
   e) The provisions under 7.1 above do not apply to other types of leave where specifically indicated (e.g. bereavement leave, paternity leave, study leave).

   7.2 Special Leave Of Absence Without Pay
   a) In special circumstances, the CEO may grant to any employee, upon request special leave without pay for such reasons as the CEO sees fit.
   b) Special circumstances which are appropriate under this category of special leave without pay include:-
      i) An employee nominated by the Government to be placed on secondment to another Public Sector Organisation, Regional or International Institution and Organisation.
ii) Requests for special leave without pay to take up private employment with Public Sector Organisations, Regional or International Institutions and Organisations as the CEO sees fit.

For example, the CEO may grant a period of leave without pay to an employee upon request to take up employment with the Samoa Water Authority or with the South Pacific Commission in Fiji.

iii) Requests for special leave without pay on grounds of urgent private affairs or on compassionate grounds to any employee.

For example, the CEO may grant a period of leave without pay to an employee requesting to undergo overseas medical treatment or the CEO may grant leave without pay to an employee requesting leave on occasion of their marriage.

c) The special leave without pay granted under 7.2 a) is subject to the following conditions;

i) Approved leave without pay may only be extended twice. Each extension shall not exceed the initial approved period of the leave without pay.

ii) Approved leave without pay for initial periods of less than 2 months duration may be extended more than twice provided the total period of leave will not exceed 6 months.

iii) Aggregate periods of leave without pay must not exceed 9 months for any 3 year period of continuous service, except in special circumstances as determined by the CEO.

iv) Positions vacated through approved leave without pay are to be filled by permanent appointment if such leave exceeds 6 months whether by the initial period granted or through extensions. Thus employees who are on approved leave without pay for a period exceeding 6 months duration are declared ‘unattached employees’ and they are to be registered in the Public Service Commission central official list of ‘unattached employees’.

v) Employees on approved leave without pay for a period exceeding 6 months duration can be re-employed in the Public Service at such salary and conditions set by the Commission. However, this will be dependent on the availability of suitable vacant positions in the public service as well as the need to fill such vacant positions.

vi) Where an employee is granted extended special leave, any annual leave due, including proportionate leave must be taken before the special leave commences and no further annual leave shall accrue until the employee returns to duty.

vii) The above provisions do not apply to other types of leave where specifically indicated (e.g. study leave, sick leave without pay).

7.3 Any leave without pay of more than 3 months shall not be counted as service for leave pay and entitlements (refer Determination 12).

8. TOOLS/FORMS

Same tools/forms as for Determination 13A

9. PROCEDURES

Same Procedures as for Determination 13A
DETERMINATION 13HH

1. FUNCTION: SPECIAL LEAVE ENTITLEMENT FOR PUBLIC SERVANTS NOMINATED AS ELECTION CANDIDATES

2. SUPERSEDES: Employment Instruction 2006A
   PSC Circular Memorandum 2006/05

3. REFERENCES: Electoral Act 1963, S8
   Public Service Act 2004, S2, S12, S20, S31, S72
   Public Service Regulations 2008, R9
   Election Candidate Regulations 2006

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all employees with the following conditions:
   - Section 7 shall apply to all Employees except Chief Executive Officers and Contract Employees
   - Section 8 applies to Chief Executive Officers
   - Section 9 applies to Assistant Chief Executive Officers and all other contract employees employed in the Public Service

6. BACKGROUND: When the Public Service prepares for General Elections, this Determination sets out the policies on special leave entitlement for any public servants nominated as election candidates. Its direct purpose is to ensure that all persons employed in the Public Service understand the terms and conditions for the entitlement to special leave of absence to contest an election.

7. SPECIAL LEAVE CONDITIONS FOR PERMANENT EMPLOYEES NOMINATED AS ELECTION CANDIDATES
   Section 8 of the Electoral Act 1963 provides that public servants who are, or wish to be, nominated in an election may apply for special leave in order to contest an election. Given the provision of the Electoral Act 1963 and the powers delegated to Chief Executive Officers under Section 10 of the Public Service Act 2004 and the Instrument of Delegation the following policies applies to all public servants except those specified in clause 8 and 9 of this policy (CEO’s and Contract Employees)
   i) Chief Executive Officer’s shall, upon application, grant special leave to employees employed within their Ministry for the purpose of their candidature in a general election
   ii) That special leave shall commence on a day to be selected by the employee, but shall be no later than the nomination date and in the event of their nomination as
a candidate. The leave shall continue until the 7th day after the polling day unless they withdraw their nomination

iii) Special leave shall be without pay unless the employee nominates to utilise their annual leave entitlement for the special leave

iv) The HRC shall ensure that leave records for employees granted special leave without pay or special leave utilising annual leave entitlements are maintained and updated

v) The employment contract will be terminated on the day a permanent employee is declared elected as a Member of Parliament

8. SPECIAL LEAVE FOR CHIEF EXECUTIVE OFFICERS NOMINATED AS ELECTION CANDIDATES

Chief Executive Officers as holders of contract positions are not entitled to special leave under the Public Service Act 2004 or the Electoral Act 1963 for the purpose of contesting the election. The terms and conditions for CEO’s are set out specifically in their employment contracts. In the absence of a specific provision in each employment contract which entitles contract employees to special leave of absence to contest an election, and in view that CEO’s are the most senior officers within Government and the potential impact which declared political alliances or aspirations may have in the perception of the public the following shall apply:

i) A person who has been appointed as a CEO in accordance with Section 12 of the Public Service Act 2004 and who becomes a candidate for election as a Member of Parliament is required to take, and shall be granted, special leave of absence for the purpose of that candidature

ii) That special leave shall commence on a day to be nominated by the CEO, but shall be no later than the nomination day. The leave shall continue until the 7th day after the polling day unless the CEO withdraws their nomination

iii) During that period of special leave, the CEO shall not be required or permitted to carry out any official duties and is not entitled to receive any salary or other remuneration except in relation to any other paid leave to which the CEO is entitled

iv) Subject to sub-regulation (v) during the period of special leave, the CEO is not entitled to use any government property such as a motor vehicle which otherwise would be available to the CEO as part of the terms and conditions of appointment of the CEO

v) Sub-regulation (iv) does not apply in relation to any government housing or housing assistance to which a CEO is entitled

vi) The employment contract will be terminated on the day a CEO is declared elected as a Member of Parliament

9. SPECIAL LEAVE ENTITLEMENTS FOR CONTRACT EMPLOYEES NOMINATED AS CANDIDATES FOR ELECTIONS

Similar to CEO’s holders of contract positions are not entitled to special leave under the Public Service Act 2004 or the Electoral Act 1963 for the purpose of contesting an election. The terms and conditions for contract employees are set out specifically in their employment contracts. In the absence if a specific provision in each employment contract which entitles contact employees to special leave of absence to contest an election, and in view that contract employees are the most senior officers within Government and the potential impact which declared political alliances or aspirations may have in the perception of the public the following shall apply:
i) A contract employee who becomes a candidate for an election as a Member of Parliament is required to take and shall be granted, special leave of absence for the purpose of their candidature

ii) That special leave shall commence on a day to be nominated by the contract employee, but shall be no later than the nomination day. The leave shall continue until the 7th day after the polling day unless the contract employee withdraws their nomination

iii) During that period of special leave, the contract employee shall not be required or permitted to carry out any official duties and is not entitled to receive any salary or other remuneration except in relation to any other paid leave to which the employee is entitled

iv) Subject to sub-clause (v) during that period of special leave, the contract employee is not entitled to use any government property such as a motor vehicle which otherwise would be available to the employee as part of the terms and conditions of appointment of the employee

v) Sub-clause (iv) does not apply in relation to any government housing or housing assistance to which the employee may be entitled under their employment contract

vi) The employment contract will be terminated on the day a CEO is declared elected as a Member of Parliament

10. TOOLS/FORMS
   Same tools/forms as for Determination 13A

11. PROCEDURES
   Same Procedures as for Determination 13A
DETERMINATION 13I

1. FUNCTION : LONG SERVICE LEAVE

2. SUPERSEDES : Employment Instruction No.13I

3. REFERENCES : Public Service Regulations 2008, R15, R16

4. EFFECTIVE DATE : 17 March 2009

5. APPLICATION : This Determination shall apply to Employees who have completed at least 10 years in the Public Service, except
   - Contract Employees (see individual Contract)
   - Wage Workers
   - Term Employees

6. BACKGROUND :
   Long Service Leave is granted to compensate employees for their dedicated long service to the Samoan Public Service and can be accessed by an employee when they have completed at least ten (10) years in the Public Service and meet the parameters outlined in this Determination.

7. RULES AND POLICIES :

7.1 Long Service Leave Entitlement:
   a) The CEO may grant Long Service Leave in accordance with the following scale as set below to any employee, who has completed at least 10 years of continuous and satisfactory service.

<table>
<thead>
<tr>
<th>Length of continuous service completed by Employee</th>
<th>Number of days per year on full pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 years and above</td>
<td>7 days per year served</td>
</tr>
<tr>
<td>15 years and above</td>
<td>8 days per year served</td>
</tr>
<tr>
<td>20 years and above</td>
<td>9 days per year served</td>
</tr>
<tr>
<td>25 years and above</td>
<td>10 days per year served</td>
</tr>
<tr>
<td>30 years and above</td>
<td>11 days per year served</td>
</tr>
<tr>
<td>35 years and above</td>
<td>12 days per year served</td>
</tr>
</tbody>
</table>

For the purpose of applying the above scale, periods of service that are not completed in years shall be counted and be compensated for on a pro-rata basis.

For example if you have served 10 years and 10 months you are entitled to

\[10 \times 7 = 70 \text{ days} + \frac{10}{12} \times 7 = 73.5 \text{ days of long service leave}\]

b) A CEO may not grant an employee long service leave for a longer period than the period obtained by calculating the period of the employee’s basic long service leave entitlement (the basic period) and deducting from the basic
period any period of paid sick leave which has exceeded the amount due to the employee under normal circumstances, and also deducting from the basic period of any long service leave the employee has taken.

c) Any officer wishing to take long service leave must apply for such leave not less than 1 month in advance. Where such an application is approved by the CEO, the CEO shall determine, not more than 12 months from the date of such approval, the exact date such leave shall be taken.

d) In determining the period of continuous service for the purpose of Long Service leave, the CEO may include as service, subject to prior approval of the Commission any authorised period of leave granted to the employee or previous service approved to be counted as continuous service1.

7.2 Lump sum payment whilst still in-service

a) Under special circumstances and only at the approval of the Commission an employee may make a written application through their CEO to receive payment of the value of any long service leave credits accrued, but not taken whilst they are still in service.

b) Applications for such payment must be in writing and specify the number of days long service leave that is being requested to be paid and provide supporting reasons why the request for a special lump sum payment is being made.

c) The CEO shall forward the request together with a letter confirming that:-
  • the request is supported
  • there are sufficient funds within their allocated budget to cover the costs of the lump sum payment for the employee’s long service leave.

d) Subject to the approval of the Commission any accrued leave that is paid to an employee who is still in-service shall be processed in one transaction in the pay period immediately following notification of the approval of the Commission.

e) Systems shall be implemented by the HRC to ensure that any leave paid under this sub-clause is debited from all leave records thus ensuring that at all times individual employee’s leave accruals are reflected accurately in the Technology One Payroll System to negate the opportunity for payment of accrued leave being processed again at a later date.

7.3 Lump sum payment at cessation of service

The CEO may authorise a cash payment to an employee in lieu of any untaken long service leave that the Employee is entitled to upon cessation of permanent employment due to:-

a) Retirement
b) Resignation
c) Becoming a Contract Employee
d) Disability
e) Death
f) Any other reasons approved by the Commission

Any long service leave, which the Employee has taken during their employment under 7.1 or 7.2 must be deducted from their entitlement to long service leave upon cessation of employment.

1 Refer Determination 12 for more details on ‘Counting of Service’
For example an employee resigns from the Public Service following 13 years and 6 months of service. The employee had already accessed 60 days of long service leave in the year prior to their resignation. The HRC when completing the TY15C for approval of the CEO must deduct these 60 days from the final termination benefit calculation as follows:-

\[ 13 \times 7 = 91 \text{ days} + 50\% \text{ of } 7 \text{ days} = 94.5 \text{ days} \text{ less } 60 \text{ days already taken} = 34.5 \text{ days of long service leave due to be paid at cessation of employment} \]

There shall be no payment under 7.3, where an employee is dismissed for misconduct or a breach of the Code of Conduct under Section 44 of the Public Service Act 2007.

8. **TOOLS/FORMS**  
   Same tools/forms as for Determination 13A

9. **PROCEDURES**  
   Same Procedures as for Determination 13A
DETERMINATION 14

MANAGING CESSATION OF EMPLOYMENT

14A  RESIGNATION
14B  RETIREMENT
14C  DISABILITY
14D  DEATH
14E  REDUNDANCY
**DETERMINATION 14A**

<table>
<thead>
<tr>
<th>1. FUNCTION:</th>
<th>CESSATION OF EMPLOYMENT DUE TO RESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. SUPERSEDES:</td>
<td>Employment Instruction No. 14A</td>
</tr>
<tr>
<td>3. REFERENCES:</td>
<td>Public Service Regulations 2008, R8, R12, R16</td>
</tr>
<tr>
<td>4. EFFECTIVE DATE:</td>
<td>17 March 2009</td>
</tr>
<tr>
<td>5. APPLICATION:</td>
<td>This Instruction shall apply to all Employees except:</td>
</tr>
<tr>
<td></td>
<td>- Contract Employees (refer individual contract)</td>
</tr>
<tr>
<td></td>
<td>- Term Employees</td>
</tr>
</tbody>
</table>

6. BACKGROUND

   When an employee resigns from the service they are entitled to a number of benefits these are generally referred to as resignation benefits. These benefits are outlined in Part 3 of the Public Service Regulations 2008. In other circumstances such as cessation of employment due to retirement, death or disability different benefits may be due and these are discussed under the relevant sections in this Manual. The purpose of this Determination is to:-
   - Clearly state that the resignation benefits are to be given to eligible employee’s, at their option, either as leave or as cash payments.
   - Simplify the administration and processing of these entitlements.
   - Standardise the entitlement that all employees are entitled to their long service when they leave the service due to resignation and meet the qualifying criteria for long service leave.

7. RULES AND POLICIES :

7.1. Notice of Resignation:

   Where an employee resigns voluntarily from the service they are required to provide notice of resignation to the relevant CEO in writing at least 2 weeks before the nominated date of resignation (refer procedure).

7.2. Resignation Benefits:

   Upon resignation an employee is entitled to the following benefits provided that the conditions for each entitlement, as set out, are satisfied:-
   - Untaken long service leave.
   - Untaken annual leave.
   - 30% of untaken sick leave.

   a) Untaken Long Service Leave

   The CEO may grant any untaken long service leave in accordance with the Scale set out in Determination 13I, or in lieu of taking such leave, authorise the payment of such leave to an employee who resigns from the service. Provided that the employee satisfies the following conditions before they are granted or
paid in lieu any untaken long service leave that they may be entitled to at the time of resignation.

i) The employee has given the prescribed notice period referred to in 7.1

ii) The employee has completed **not less** than 10 years of satisfactory service

iii) The employees services are not terminating due to misconduct

Where an employee was previously granted long service leave, such leave **must** be deducted from their entitlement to long service leave or payment in lieu thereof, at time of resignation.

*Refer Determination 13I for more details on long service leave.*

b) **Untaken Annual Leave**

The CEO shall grant any untaken annual leave and proportionate annual leave to any employee who resigns from the service, or in lieu of taking such leave, authorise the payment of any untaken leave in accordance with the policies under annual leave.

*Refer Determination 13A for more detail on annual leave.*

c) **Untaken Sick Leave**

The CEO shall grant any untaken sick leave and proportionate sick leave to any employee who resigns from the service, or in lieu of taking such leave, authorise the payment of 30% of any untaken sick leave.

*Refer Determination 13B for more details on sick leave.*

However, any employee whose is dismissed for misconduct under Section 44 of the Public Service Act 2004 shall not be entitled to a payment in lieu of any of the benefits outlined in 7.2.

8. **TOOLS/FORMS**

**TOOL**

Leave Record
Employee Personal File

**FORMS**

PSC Form-4
TY15C

*Refer Part H for copy of forms*
9. PROCEDURES

**EMPLOYEE RESIGNATION RECEIVED COMPLYING WITH FOLLOWING**
- In writing
- Addressed to CEO through their Manager
- Provides adequate notice (2 weeks)
- Specifies the effective date of resignation
- Specifies the reason for resignation

**MANAGER/DIVISIONAL HEAD ENDORSES NOTICE OF RESIGNATION**
- Confirms employee’s intention to resign by meeting with employee &
  discussing matter with employee involved
- If satisfied that employee meets requirements outlined above then
  notice of resignation dispatched to relevant HRC for action

**HRC RECEIVES NOTICE OF RESIGNATION GATHERS ALL RELEVANT**
**DOCUMENTATION/INFORMATION**
- Letter of resignation
- Cessation of employment benefits form (PSC Form-4)
- Leave balances
- Employees personal file
- Determination L/A - Cessation of Employment Due to Resignation

**HRC CALCULATES EMPLOYEE’S RESIGNATION BENEFITS**
- Completes Cessation of Employment Benefits Form (PSC Form-4)
- Comments on employee’s entitlements (if needed) on PSC Form-4
- Submits all relevant documentation to CEO for final decision regarding
  authorization of payment of benefits

**CEO ACCEPTS EMPLOYEE’S RESIGNATION**
- Approves /declines resignation benefits
- CEO reviews documentation provided by HRC calculating benefits
- CEO fills out Section 3 of PSC Form-4 to indicate approval/decline of
  resignation benefits to be paid to employee
- Resignation becomes effective on the date CEO accepts the resignation or
  a superseded dated approved by CEO

**HRC PREPARES & AUTHORISES TY15 (IF BENEFITS APPROVED) & DISTRIBUTES**
**AS FOLLOWS**
- Records (originals)
  - Notice of resignation
  - PSC (1 copy)
  - TY15 (1 copy)
  - Ministry of Finance (1 copy)
  - TY15 (1 copy)

**HRC**
- If requested prepares a letter of confirmation of resignation for employee’s
  intending to withdraw MPS entitlements

**LEAVE RECORDS CLERK**
- Updates records accurately for future reference.
DETERMINATION 14B

1. **FUNCTION:** CESSATION OF EMPLOYMENT DUE TO RETIREMENT

2. **SUPERSEDES:** Employment Instruction No. 14B

3. **REFERENCES:** Public Service Act 2004, S57
   Public Service Regulations 2008, R41, R43

4. **EFFECTIVE DATE:** 17 March 2009

5. **APPLICATION:** This Determination shall apply to all Employees except:
   - Contract Employees (refer individual contract)
   - Term Employees

6. **BACKGROUND:**
   Section 57 of the Public Service Act 2004 specifies that the retirement age of an officer is 55 years of age. However, in special circumstances and upon application by the officer a CEO may allow an officer to defer their retirement until the age of 60. The purpose of this policy is to:-
   - Provide proper guidelines and procedures for the effective and efficient management of retirement in the Public Service.
   - Enforce final retirement at 55 years with the only exceptions to this being in areas of skill shortage in the Public Service.
   - Clearly identify the benefits that an employee is entitled to upon retirement.

7. **RULES AND POLICIES:**

7.1. **Age of Retirement:**
   Every employee in the Public Service must retire when they reach the normal retirement age of 55 years (refer 7.3). However, in special circumstances and subject to the fulfilment of certain requirements, the CEO may allow an employee to retire either:-
   i) Earlier than the age of 55, (refer 7.2).
   or
   ii) Later than the age of 55, (refer 7.4 and 7.5).

7.2. **Early Retirement - before 55:**
   a) **Requirements for Early Retirement**
      Upon fulfilment of the following requirements a CEO may allow an employee, to retire once they have reached the age of 50 years but not less than 55 years, as they may determine in any particular case:-
      i) Provision of a written application from the employee to the CEO requesting early retirement.
      ii) Formal certification from 2 Medical Officers (nominated by the CEO), that the employee is physically or mentally unfit due to health reasons to continue
performing the duties of their position. The cost for obtaining the certification shall be borne by the requesting employee.

b) Retirement Benefits
Where an employee meets the requirements for early retirement and it has been approved by the CEO then the retiring employee is entitled to retirement benefits as described in 7.7.

7.3. Normal Retirement (aged 55):
Except where a special case is made out for Early or Late Retirement as described in this Determination every employee **must** retire upon reaching 55 years of age. An employee who retires is entitled to retirement benefits as outlined in 7.7 of this Determination.

7.4. Late Retirement (after 55 but before 60):
a) Requirements for allowing late retirement
In special circumstances, the CEO may allow an employee to work beyond the normal retirement age 55 but not beyond the age of 60 years of age. In these circumstances the CEO must be satisfied that a number of requirements have been met before allowing an employee to continue working after reaching 55 years of age:-

i) Provision of a written application from the employee to CEO requesting extension of their retirement date;

ii) That the application is endorsed by the Divisional Head on the basis that cessation of the employees service would result in severe disruption to the divisions work due to extreme shortage of personnel in the particular area of expertise. This is of particular relevance in technical fields and specialised professions.

iii) Formal certification from 2 Medical Officers (nominated by the CEO) that the employee is physically and mentally fit to continue performing the duties of their position. The cost for obtaining the certification shall be borne by the requesting employee. In considering this request the CEO may require the employee to undergo an independent medical examination, and the cost of the examination shall be met by the relevant Ministry.

b) Conditions of Extension of Retirement:
When the CEO is satisfied that there is a need to allow late retirement of an employee the CEO approves the conditions of extended employment for the employee. It is the responsibility of the CEO to ensure that an extension of service beyond 55 years of age is only granted with special conditions attached to the extension. These special conditions must be documented and may include some or all of the following:-

i) The standard duration of an extension is 12 months. If further extensions are desired, the employee is to repeat the above process for seeking approval of such.

ii) The employee’s status as a permanent employee ceases and the employment relationship becomes that of a term employee, subject to Section 41 of the Public Service Act 2004 and on the terms and conditions applicable to term employees which are to be determined by the Commission.

iii) Thus, where an employee is granted an extension of service beyond 55 years of age, there must be consultation between the CEO, Divisional Head and the
Employee to agree upon the conditions under which the Employee will continue working. These conditions must be documented and are to be known as a ‘Work Agreement’.

The work agreement should specify, amongst other things, the following:-

- The Employee’s entitlements under the extension of service.
- The Employee’s proposed work plan and related performance indicators for the duration of the extension.
- The inclusion of a skills transference strategy to develop subordinate employees within the relevant Ministry for the duration of the work agreement.
- The remuneration package and other conditions deemed appropriate to be included in the work agreement.

iv) The agreement with all its terms and conditions should be documented and both parties (CEO on behalf of the Ministry and the Employee) are required to sign off on the conditions under which the Employee will continue to work beyond 55 years of age. The CEO (or delegate) is responsible for the day-to-day management of these work agreements for late retirees.

c) Retirement Benefits

In the case where a CEO authorises a continuation of employment beyond the aged of 55 years of age the employee shall be paid their retirement benefits upon reaching 55 even though they will continue to work (refer. 7.7).

7.5. Retirement at an age greater than 60 years:

a) A retired employee shall not remain employed in the public service at and after the age of 60 years. Only in very exceptional circumstances (determined by the Commission) will an extension of retirement at the age beyond 60 be permitted. Such exceptional circumstance may include:-

i) Where the employee is engaged in a specialised profession or technical field.
ii) Where there is a demonstrated acute shortage of suitably skilled or qualified employees to succeed the retiree.
iii) Where there is no other employee to continue the work of the retiree and the Ministry can demonstrate there is a need for another extension for the retiree to complete the deliverables as specified in the retiree’s Work Agreement.

b) In such exceptional circumstance, where the Ministry perceives that there is a need for an employee of 60 or more years of age to continue to be employed, a request for continued employment must be made to the Commission in a form that:-

i) Includes an application from the employee requesting further extension of retirement date.
ii) Detailed reasons for seeking extended employment of the employee of 60 or more years of age.
iii) Provides reports from 2 qualified medical practitioners nominated by the CEO confirming that the employee is still both physically and mentally fit to perform their duties. The cost for obtaining the certification shall be borne by the requesting employee. In considering the request the Commission may require an Employee to undergo an independent medical
examination, and the cost of the examination shall be met by the relevant Ministry.

7.6. Period of Notice for Retirement:
The employee must be given 3 months notice in writing by the CEO before the effective date of retirement from the service being the employee’s birthday.

7.7. Retirement Benefits:
Upon retirement (early retirement or reaching 55 years of age) an employee is entitled to and shall be paid the following benefits provided that the conditions for each entitlement, as set out below, are satisfied:-
- Untaken long service leave.
- Untaken annual leave.
- 30% of untaken sick leave.

This part applies to the following categories of retirees:-
1) Employees who retire before age 55 (early retirees).
2) Employees who retire at 55 years of age (normal retirees).
3) Employees1 who have reached 55 years but are granted extension of service (late retirees).

a) Untaken Long Service Leave
The CEO may grant any untaken Long Service in accordance with the scale for long service leave set out in Determination 13I or in lieu of taking such leave, authorise the payment of such leave to an employee who retires after the completion of not less than 10 years of service.
Provided that the employee satisfies the following conditions before granting or payment of untaken long service leave that they are entitled to at the time of retirement:-

i) The employee has completed not less than 10 years of satisfactory service.  
This means that an employee whose service was terminated for misconduct is not entitled to any long service leave or a payment in lieu of such leave.

ii) Where the employee was previously granted long service leave, any leave granted shall be deducted from their entitlement to long service leave or payment in lieu thereof, at time of retirement.
Refer Determination 13I for more detail.

b) Untaken Annual Leave
The CEO shall grant to an employee who retires any untaken annual leave, proportionate annual leave or in lieu of the employee taking such leave, authorise payment to the employee of any untaken annual leave. The payment for such leave shall be made at the rate of pay at the time of the accrual of the leave, and not at the rate of pay at the date where employment ceased.
Refer Determination 13A for more detail.

c) Untaken Sick Leave
The CEO shall grant any untaken sick leave and proportionate sick leave to any employee who retires from the service, or in lieu of taking such leave, authorise the payment of 30% of the value of any untaken sick leave.
Refer Determination 13B for more details.

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1 Retirees of category 3 are to be paid their retirement benefits upon reaching 55 years of age, and then continue employment on the conditions set out under, conditions of extension of retirement as term employees.
7.8. Succession Planning:
The CEO (or delegate) should ensure that a succession plan is in place for the Ministry not only to address issues relating to unplanned resignation of employees for a variety of reasons but especially to plan for scheduled retirements of officers. The strategies in such plans should aim at capturing and retaining in the organisation the knowledge of outgoing employees. These could include identification of nominated ‘understudies’ for all employees who have reached 50 or more years of age etc. Such strategies should assist in a successful transition and smooth workflow in the performance of division or ministry’s functions when an experienced and knowledgeable employee retires.

8. TOOLS/FORMS

Leave Record
Employee Personal File

PSC Form - 4

Refer Part H for copy of forms
9. PROCEDURES:

9.1 Procedure for early retirement on medical grounds

**EMPLOYEE AGE FIFTY (50) AND APPLIES TO RETIRE ON MEDICAL GROUNDS**

Application must:
- Be addressed to CEO through their Divisional Head
- Be in writing
- Provide reasons and effective date of early retirement
- Provide supporting documentation (e.g., medical report) for early retirement

**DIVISIONAL HEAD REVIEWS APPLICATION FOR EARLY RETIREMENT**

- Discusses and confirms employee’s reasons for application
- If satisfied that employee meets requirements for retirement on medical grounds, then submits a recommendation to CEO through the HRC for appropriate action

**HRC RECEIVES NOTICE OF RETIREMENT ON MEDICAL GROUNDS AND GATHERS ALL RELEVANT DOCUMENTATION/INFORMATION**

- Letter of intent from retiree and supporting documentation
- Cessation of employment benefits form (PSC Form-4)
- Leave balances
- Employees personal file
- Determination 148 - Cessation of Employment Due to Retirement

**HRC CALCULATES EMPLOYEE’S RETIREMENT BENEFITS**

- Completes Cessation of Employment Benefits Form (PSC Form-4)
- Comments on employee’s entitlements (if needed) on PSC Form-4
- Submits all relevant documentation to CEO for final decision regarding authorisation of early retirement and payment of benefits

**CEO ACCEPTS/DECLINES EMPLOYEE’S REQUEST FOR EARLY RETIREMENT**

- Approves/declines request for early retirement on medical grounds
- CEO reviews documentation provided by HRC calculating benefits
- Approves/declines retirement benefits for employee
- CEO fills out Section 3 of PSC Form-4 to indicate approval/decline of retirement benefits to be paid to employee or approved resignation benefits to be paid to employee

**HRC INFORMS DIVISIONAL HEAD AND EMPLOYEE OF CEO’S DECISION**

- If approved, then HRC prepares and authorises:
  - Records (originals)
  - Notice of early retirement
  - PSC Form-4
  - TY15C
  - Ministry of Finance (1 copy)
  - TY15C

**HRC:**

Prepares a letter of confirmation of retirement for employee’s intending to withdraw NPF entitlements

**LEAVE RECORDS CLERK**

Updates records accurately for future reference.
9.2 Procedures for retirement at and after age 55 and extension of retirement

**HRD**
- Reviews list of employees who will reach retirement age of 55 on a regular basis
- Prepares a list of employees who will reach the retirement age of 55 years at least 3 months before their actual retirement date
- Confirms details of the list against employee's personal file
- Informs CEO and Divisional Head and employee(s) of impending retirement at least 3 months prior to retirement date, by way of an internal memorandum

**EMPLOYEE**
Upon receipt of notification of impending retirement either makes a decision to:
1. Retire at age fifty-five (55)
   OR
2. Apply for an extension of retirement date

**IF 1**

**EMPLOYEE RETIRES AT 55**
- Employee submits letter to CEO through Divisional Head advising of intention to retire
- Advises of intended date of retirement (last working day on or before 55th birthday)

**OR**

**IF 2**

**EMPLOYEE APPLIES FOR EXTENSION TO WORK BEYOND 55**
Application must:
- Be in writing and addressed to CEO through their Divisional Head
- Include a medical report from 2 qualified medical practitioners nominated by the CEO verifying the employee is both physically & mentally fit to perform their duties
- Include a statement from the Divisional Head testifying to the need for the employee's services to be retained for valid reasons (e.g. shortage of personnel in relevant field, employee's record of performance or similar)

**DIVISIONAL HEAD ENDORSES EMPLOYEE’S REQUEST TO**
- Retire at 55
   OR
If request is to work beyond 55:-
- Discusses and confirms employee's reasons for extension
- Prepares a recommendation to the CEO through the HRD for appropriate action
Government of Samoa HRM Policies & Procedures

**HRC**
- Prepares a submission to CEO re employees retiring upon reaching the age of 55
- Employees who are requesting an extension beyond 55
- Calculates retirement benefits for all employees who will reach age 55

**HRC**
Refers to all relevant documentation/information:-
- Letter of intent from retiree and supporting documentation
- Cessation of employment benefits form (PSC Form-4)
- Leave balances
- Employees personal file
- Determination 148 - Cessation of Employment Due to Retirement

**HRC CALCULATES EMPLOYEE'S RETIREMENT BENEFITS**
- Completes Cessation of Employment Benefits Form (PSC Form-4)
- Comments on employee's entitlements (if needed) on PSC Form-4
- Submits all relevant documentation to CEO for final decision regarding authorisation of early retirement and payment of benefits

**CEO ACCEPTS/DECLINES EMPLOYEE'S REQUEST FOR RETIREMENT OR FOR POSTPONEMENT OF RETIREMENT**
- Approves retirement of employee reaching age 55
- Approves/declines extension of retirement dates of employees requesting extension

**CEO APPROVES POSTPONEMENT OF RETIREMENT**
If approving then:-
- Submits request to Commission for determination on Conditions of Employment
- Receives conditions from Commission
- Work Agreement drawn up
- Work Agreement signed by CEO and employee
CEO
- Reviews documentation provided by HRC calculating benefits
- Approves/declines retirement benefits for employee
- CEO fills out Section 3 of PSC Form-4 to indicate approval/decline of retirement benefits to be paid to employee

HRC informs Divisional Head and Employee of CEO's Decision
- If approved then HRC prepares and authorises:
  - Records (originals)
  - Notice of retirement at 55 or extension of retirement
  - PSC Form-4
  - TY15C
  - PSC (1 copy)
  - Ministry of Finance (1 copy)
  - TY15C

HRC
- Prepares a letter of confirmation of retirement for employee's intending to withdraw NPF entitlements

LEAVE RECORDS CLERK
- Updates records accurately for future reference.
DETERMINATION 14C

1. FUNCTION: CESSATION OF EMPLOYMENT DUE TO DISABILITY

2. SUPERSEDES: Employment Instruction No 14C

3. REFERENCES: Public Service Regulations 2008, R19

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This instruction shall apply to all employees except:
   Contract employees (refer individual contract)
   Term Employees

6. BACKGROUND:
   Regulation 19 provides for a cash grant of up to 12 months salary to an employee who
   ceases employment due to an employee becoming disabled from an accident or an
   illness arising in the course of their employment. In addition employees who fit this
   category are also entitled to receive a cash payment in lieu of any untaken long service,
   annual and sick leave they may have. The purpose of this policy is to provide parity
   with other employees who cease employment due to resignation, retirement, death
   and/or becoming a contract officer.

7. RULES AND POLICIES:

   7.1. Cash grant on discontinuation of employment on account of Disability
       a) The CEO may approve a cash grant of up to 12 months salary or wages to an
          employee who is unable to continue employment by reason of any disability
          resulting from an accident or illness arising out of and in the course of their
          employment.
       b) There shall be no cash grant made where the disability results from misconduct
          on the part of the disabled employee.

   7.2. Entitlement to loss of earnings from the Accident Compensation Board (ACB)
        due to Disability:
        An employee who is injured by accident arising out of and in the course of their
        employment and who suffer loss of earnings may claim on the ACB and receive
        their gross weekly earning or their actual loss of earning whichever is less, but this
        is subject to the ACB’s policies and conditions.

   7.3. Cash payment in lieu of Untaken Leave on Disability:
        The CEO may approve a cash payment of a sum equivalent to the following
        untaken leave entitlement to an employee who is unable to continue employment
        by reason of any disability resulting from an accident or illness arising out of and in
        the course of their employment.
        ▪ Untaken long service leave.
        ▪ Untaken annual leave.
        ▪ 30% of untaken sick leave.
a) **Untaken Long Service Leave**

The CEO may grant any untaken long service leave in accordance with the scale for long service leave set out in Determination 13I. Alternatively in lieu of the employee taking such leave may authorise the payment of such leave to an employee who is unable to continue employment by reason of any disability. Provided that the employee satisfies the following conditions before granting or payment of untaken long service leave that they are entitled to at the time of resignation:-

i) Employee has completed **not less** than 10 years of satisfactory service. However, if an employee who ceases employment or whose service is terminated for misconduct is **not** entitled to a payment in lieu of untaken long service leave.

ii) Where the employee was previously granted long service leave, such leave shall be deducted from their entitlement to long service leave or payment in lieu thereof, at time of ceasing employment due to disability.

*Rerefer Determination 13I for more details on long service leave.*

b) **Untaken Annual Leave**

The CEO shall grant any untaken annual leave and proportionate annual leave to any employee, who is unable to continue employment by reason of any disability. Alternatively in lieu of the employee taking such leave may authorise the payment of untaken leave in accordance with the policies under annual leave.

*Rerefer Determination 13A for more details on annual leave.*

c) **Untaken Sick Leave**

The CEO shall grant 30% of any untaken sick leave and proportionate sick leave to any employee, who is unable to continue employment by reason of any disability, or in lieu of taking such leave, authorise the payment of any untaken sick leave.

*Rerefer Determination 13B for more details on sick leave.*

However, any employee whose disability is directly a result of misconduct defined under Section 44 of the Public Service Act 2004 shall not be entitled to a payment in lieu of any of the benefits outlined in this Determination.

8. **TOOLS/FORMS**

- **TOOL**
  - Leave Records
  - Employee Personal File

- **FORMS**
  - PSC Form - 4
  - TY15C

*Refer Part H for copies of relevant forms*
9. PROCEDURES:

**EMPLOYEE OR DIVISIONAL HEAD**
- Informs CEO that the employee is unable to continue employment because of a disability
- Employee or Divisional Head makes request to CEO to approve disability benefits for the employee

**CEO**
- May request employee submits (at own cost) medical reports confirming that the employee is either physically or mentally unfit to continue employment
- If CEO satisfied that employee meets criteria and unable to continue employment directs HRC to calculate disability benefits

**HRC**
- Validates if request is in line with Determination 14C - Cessation of Employment Due to Disability
- Refers to all relevant documentation/information:-
  - Employee’s request for Disability Benefits
  - Medical report
  - Cessation of employment benefits form (PSC Form-4)
  - Leave balances
  - Employee’s personal file
- THEN HRC
  - Calculates disability benefits
  - Completes PSC Form 4
  - HRC forwards all documentation to CEO for final decision

**CEO**
- Reviews all documentation provided by HRC
- Approves or declines the payment of disability benefits to the employee
- CEO files in Section 3 of PSC Form

**HRC**
- Informs Divisional Head and employee of outcome of application
- If approved then HRC prepares and authorises:-
  - Records (originals)
  - Request for Disability Benefits
  - PSC Form-4
  - TY15C
  - PSC (1 copy)
  - TY15C
  - Ministry of Finance (1 copy)
  - TY15C
- Produces a letter for NPF for employee to utilise to withdraw their contributions

**LEAVE RECORDS CLERK**
- Updates records for future reference
DETERMINATION 14D

1. FUNCTION: CESSION OF EMPLOYMENT DUE TO DEATH

2. SUPERSEDES: Employment Instruction No 14D

3. REFERENCES: Public Service Regulations 2008, R18

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Instruction shall apply to all employees except;
   - Contract Employees (refer individual contract)
   - Term Employees

6. BACKGROUND:
   Regulation 18 of the Public Service Regulations 2008 sets out the entitlements payable to an employee who dies in service. This Regulation provides for the entitlement of the family of an employee who dies to receive the same benefits that the employee would receive had they resigned.

   In addition the Regulations offer the option for a CEO to grant an additional special cash payment to the surviving spouse or dependants provided they meet certain parameters contained in this Determination.

7. RULES AND POLICIES:

   7.1. Cash payment in lieu of Untaken Leave on Death
   The CEO may approve a cash payment to the deceased employee’s spouse and/or dependants a sum equivalent to the following untaken leave entitlements that the deceased employee was due at the date of their death:-
   - Untaken long service leave.
   - Untaken annual leave.
   - 30% untaken sick leave.

   a) Untaken Long Service Leave
   The untaken long service leave in accordance with the scale for long service leave set out in Determination 13I, that the deceased employee is entitled to upon death may be paid in lieu to their surviving spouse and/or dependants provided that:-
   - The deceased employee has completed not less than 10 years of satisfactory service at the time of death.
   - Where the deceased employee was previously granted long service leave, such leave shall be deducted from their entitlement to long service leave or payment in lieu thereof, at date of death.
   
   Refer Determination 13I for more details on long service leave
b) **Untaken Annual Leave**

The CEO shall authorise payment to the spouse or dependants of a deceased employee in lieu any untaken annual leave and proportionate annual leave that the deceased employee was entitled to at the date of their death.

*Refer Determination 13A for more details on annual leave*

c) **Untaken Sick Leave**

The CEO shall authorise payment to the spouse or dependants of a deceased employee in lieu 30% of the total untaken sick leave and proportionate sick leave that the deceased employee was entitled to at the date of their death.

*Refer Determination 13B for more details on sick leave.*

7.2. **Ex-gratia Payment of 6 Month’s Salary**

a) The CEO may, in addition to any payments which may be paid under 7.1 grant to a surviving spouse or dependants of a deceased employee, or partly to a surviving spouse and partly to dependants, an ex gratia payment equivalent to 6 months salary or wages, where death occurs:

i) During the period that the deceased was employed

or

ii) Within 6 months of their ceasing to be an employee if death occurred as a result of an injury suffered or an illness or disease contracted whilst they were an employee of the Government of Samoa. However, in the case of an employee who dies within 6 months of ceasing employment the CEO may request evidence that the ex-employee died as a result of an injury suffered or an illness or disease contracted whilst they were an employee of the Government of Samoa

Any employee whose death is directly a result of misconduct defined under Section 44 of the Public Service Act 2004 shall not be entitled to a payment in lieu of any of the benefits outlined in this Determination.

8. **TOOLS/FORMS**

- **TOOL**
  - Leave records
  - Employee personal file

- **FORMS**
  - PSC Form - 4
  - TY15C

*See Part H for copies of forms*
9. PROCEDURES

MINISTRY
- Receives notification that employee or former employee has passed away

HRC
Contacts family and arranges for surviving spouse/dependants to submit death certificate
- Gathers all relevant documentation
  - Death Certificate
  - Details on the Surviving Spouse/Dependants of the Deceased Employee;
  - Cessation of Employment Benefits Form (PSC Form-4);
  - Leave Card
  - Personal File of the deceased employee
  - Public Service Determination 14D
- Calculates death benefits and completes PSC Form 4
- Forwards all relevant information to CEO for consideration and final decision

CEO
Reviews documentation provided by HRC
- Approves or declines payment of death benefits to spouse or dependants of the deceased employee or deceased ex-employee
- CEO fills in section 3 or PSC Form 4

HRC
Advises family of the decision of the CEO and then (if approved) prepares and authorises:
- Records (originals)
  - Death Certificate
  - PSC Form-4
  - TY15C
  - PSC (1 copy)
  - TY15C
  - Ministry of Finance (1 copy)
  - TY15C

LEAVE RECORDS CLERK
Updates records for future reference
DETERMINATION 14E

1. FUNCTION: 

CESSATION OF EMPLOYMENT DUE TO REDUNDANCY

2. SUPERSEDES: 

Nil

3. REFERENCES: 

Cabinet Directive FK(08) Faapitoa 01
Public Service Act 2004, S58

4. EFFECTIVE DATE: 

17 March 2009

5. APPLICATION: 

This Instruction shall apply to all employees except;
- Term Employees
- Any employee who has reached the age of 55 or above

6. BACKGROUND:

Section 58 of the Public Service Act 2004 broadly sets out a framework for the management of employees whose positions become surplus to requirements because the Ministry has more officers of the officer’s class and grade than it requires. To compensate employees whose employment is terminated due to redundancy Cabinet has endorsed a schedule of payments and special conditions that become effective under these circumstances.

7. RULES AND POLICIES:

7.1 Payment Calculations – Contract Employees

In the case of contract employees any redundancy benefits are to be paid in accordance with the provision of their contract of employment. Current contractual requirements prescribe that this category of employee’s contract may be terminated by the Commission in the event that the duties and functions of the contract employee have become significantly different in content or size because of a decision of Cabinet or the Commission. In this event the contract employee is entitled to be paid a sum equivalent to 3 months base salary. There are however provision made for the Commission to increase this payment (on a without prejudice basis) to up to 6 months base salary at its discretion.

7.2 Payment Calculations – Permanent Officers

In the event that a permanent officer is made redundant they are entitled to redundancy payment calculated in accordance with the following schedule and based on years of service with the Government of Samoa:

i) 4 weeks salary

ii) Plus 2 weeks for every years of service, up to 48 weeks if 24 or more years of service

iii) A mandatory minimum notice period of 3 months of termination of employment must be given by the Government of Samoa to any permanent officer who is to be made redundant
iv) All untaken annual leave (refer Determination 13A)
v) 30% of untaken sick leave (refer Determination 13B)
vi) All untaken long service leave (refer Determination 13I)

### SCHEDULE OF SEVERANCE ENTITLEMENTS

**PERMANENT OFFICERS**

<table>
<thead>
<tr>
<th>Period of Continuous Service (Years)</th>
<th>Notice period</th>
<th>Severance Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>4 week salary</strong> + 2 weeks for each year of service to a maximum of 48 weeks</td>
</tr>
<tr>
<td>Less than 1 year</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>1 year and less than 2 years</td>
<td>3 months</td>
<td>6 weeks’ salary</td>
</tr>
<tr>
<td>2 years and less than 3 years</td>
<td>3 months</td>
<td>8 weeks’ salary</td>
</tr>
<tr>
<td>3 years and less than 4 years</td>
<td>3 months</td>
<td>10 weeks’ salary</td>
</tr>
<tr>
<td>4 years and less than 5 years</td>
<td>3 months</td>
<td>12 weeks’ salary</td>
</tr>
<tr>
<td>5 years and less than 6 years</td>
<td>3 months</td>
<td>14 weeks’ salary</td>
</tr>
<tr>
<td>6 years and less than 7 years</td>
<td>3 months</td>
<td>16 weeks’ salary</td>
</tr>
<tr>
<td>7 years and less than 8 years</td>
<td>3 months</td>
<td>18 weeks’ salary</td>
</tr>
<tr>
<td>8 years and less than 9 years</td>
<td>3 months</td>
<td>20 weeks’ salary</td>
</tr>
<tr>
<td>9 years and less than 10 years</td>
<td>3 months</td>
<td>22 weeks’ salary</td>
</tr>
<tr>
<td>10 years and less than 11 years</td>
<td>3 months</td>
<td>24 weeks’ salary</td>
</tr>
<tr>
<td>11 years and less than 12 years</td>
<td>3 months</td>
<td>26 weeks’ salary</td>
</tr>
<tr>
<td>12 years and less than 13 years</td>
<td>3 months</td>
<td>28 weeks’ salary</td>
</tr>
<tr>
<td>13 years and less than 14 years</td>
<td>3 months</td>
<td>30 weeks’ salary</td>
</tr>
<tr>
<td>14 years and less than 15 years</td>
<td>3 months</td>
<td>32 weeks’ salary</td>
</tr>
<tr>
<td>15 years and less than 16 years</td>
<td>3 months</td>
<td>34 weeks’ salary</td>
</tr>
<tr>
<td>16 years and less than 17 years</td>
<td>3 months</td>
<td>36 weeks’ salary</td>
</tr>
<tr>
<td>17 years and less than 18 years</td>
<td>3 months</td>
<td>38 weeks’ salary</td>
</tr>
<tr>
<td>18 years and less than 19 years</td>
<td>3 months</td>
<td>40 weeks’ salary</td>
</tr>
<tr>
<td>19 years and less than 20 years</td>
<td>3 months</td>
<td>42 weeks’ salary</td>
</tr>
<tr>
<td>20 years and less than 21 years</td>
<td>3 months</td>
<td>44 weeks’ salary</td>
</tr>
<tr>
<td>21 years and less than 22 years</td>
<td>3 months</td>
<td>46 weeks’ salary</td>
</tr>
<tr>
<td>22 years and less than 23 years</td>
<td>3 months</td>
<td>48 weeks’ salary</td>
</tr>
<tr>
<td>23 years and less than 24 years</td>
<td>3 months</td>
<td>50 weeks’ salary</td>
</tr>
<tr>
<td>24 years and thereafter</td>
<td>3 months</td>
<td>52 weeks’ salary</td>
</tr>
</tbody>
</table>

*Note:
Severance pay entitlements are capped at 48 weeks and this is the maximum entitlement a permanent officer who is made redundant can receive.

The following demonstrates the practical application of the above schedule:-

A decision has been made to restructure MinistryX. In the restructuring process one position has been identified as surplus to requirements.
Discussions with the PSC have not identified any position with a different Ministry that the officer can be transferred to. In such circumstances as the officer cannot be usefully employed in any Ministry a decision is made to terminate the officer’s employment in accordance with PSA2004, S58(1)(b). The officer (aged 47) affected by this decision has completed 15 years of service in the public service and is entitled to the following:-

- Provision of a formal written notice period of 3 months (already provided).
- During that period of notice the officer shall be required to attend work and work as directed by their Manager.

At the cessation of the 3 month notice period the following shall be paid to the officer:

i) 4 weeks salary + 30 weeks salary (i.e. 2 weeks for each year of service) = 34 weeks salary

ii) All untaken annual leave (refer Determination 13A)

iii) 30% of untaken sick leave (refer Determination 13B)

iv) All untaken long service leave (refer Determination 13I)

### 7.3 Payment Calculations – Wage Workers

Redundancy payment calculations for wage workers shall be considered on a case by case basis however the following interim schedule has been approved by Cabinet pending a complete review of the status of wages workers in the Public Service. This schedule is based upon years of service.

<table>
<thead>
<tr>
<th>Period of Continuous Service (Years)</th>
<th>Notice period</th>
<th>Severance Entitlement – based on current salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1 year</td>
<td>1 month</td>
<td>1 month</td>
</tr>
<tr>
<td>Up to 2 years to 3 years</td>
<td>1 month</td>
<td>2 months</td>
</tr>
<tr>
<td>Up to 4 years to 6 years</td>
<td>1 month</td>
<td>4 months</td>
</tr>
<tr>
<td>Up to 7 years to 9 years</td>
<td>1 month</td>
<td>6 months</td>
</tr>
<tr>
<td>Up to 10 years to 19 years</td>
<td>1 month</td>
<td>8 months</td>
</tr>
<tr>
<td>Up to 20 years and thereafter</td>
<td>1 month</td>
<td>10 months</td>
</tr>
</tbody>
</table>

In addition a wage worker shall be entitled to be paid:

i) All untaken annual leave (refer Determination 13A)

ii) 30% of untaken sick leave (refer Determination 13B)

The following demonstrates the practical application of the above schedule:

Following a review of work practises in Ministry Y it has been identified that the position that 1 wage worker performs is no longer required because the tasks associated with that role can be performed by other officers within the Ministry. This means that there is no longer a position for the wage worker. Discussions have occurred with the PSC and there has not been any position that the wage worker can perform in a different Ministry that the wage worker can be transferred to. Therefore a decision
is made to terminate the officer's employment in accordance with PSA2004, S58(1)(b). The wage worker (aged 53) affected by this decision has completed 16 years of service and is entitled to the following:-

- Provision of a formal written notice period of 1 month. During that period of notice the wage worker shall be required to attend work and work as directed by their Manager.
- At the cessation of the 1 month notice period the following shall be paid to the wage worker:-
  
  i) 8 months salary as the employee has 16 years of service they fit within the 10-19 years of service payment provision) 2 weeks for each year of service) = 34 weeks salary
  ii) All untaken annual leave (refer Determination 13A)
  iii) 30% of untaken sick leave (refer Determination 13B)

7.4 **Employees aged 55 years or above**

Any employee who has reached the age of 55 or above shall be entitled to be paid all retirement benefits instead of redundancy benefits.

*Refer to Determination 14B for more details on retirement benefits*

7.5 **Restrictions on re-employment for a 2 year period**

Any officer who has received a redundancy payment from either a Government Ministry/Office or a Government Public Body is not eligible to be employed in the public service in any capacity for a period of 2 years.

8. **TOOLS/FORMS**

- **TOOL**
  - Leave records
  - Employee personal file

- **FORMS**
  - PSC Form - 4
  - TY15

*See Part H for copies of forms*
9. PROCEDURES

MINISTRY
- Position(s) identified as being surplus to requirements
- Liaises with PSC to determine if employee can be transferred to another Ministry

IF YES

EMPLOYEE
- Transfers to new Ministry and no further action required

IF NO

MINISTRY
- Determines if the employee has reached aged 55 or over - if YES then refer to Determination 148 as employee will not be entitled to any redundancy payments as they will have previously received the payment of retirement benefits as per the appropriate Determination
- Identifies which category of employee fits within as follows and then HRC calculates the benefits due in accordance with Cabinet directives:
  - contract employee
  - permanent officer
  - wage worker

EMPLOYEE
- Made redundant and entitled to severance payment in accordance with Cabinet approved schedule
DETERMINATION 15

ALLOWANCES

15A  OVERSEAS TRAVELLING ALLOWANCE
   15AA  DAILY SUBSISTENCE ALLOWANCE
   15AB  CLOTHING ALLOWANCE
   15AC  INCIDENTAL ALLOWANCE

15B  LOCAL TRAVELLING ALLOWANCE

15C  CASHIER'S RISK ALLOWANCE

15D  HIGHER DUTIES ALLOWANCE

15E  PART-TIME ALLOWANCE

15F  SHIFT ALLOWANCE

15G  TRANSPORTATION ALLOWANCE

15H  REMOTE LOCALITY ALLOWANCE

15J  RESPONSIBILITY ALLOWANCE

15K  HEALTH HAZARD ALLOWANCE

15M  EXAMINATION ALLOWANCE
# DETERMINATION 15AA

1. **FUNCTION:** DAILY SUBSISTENCE ALLOWANCE  

2. **SUPERSEDES:** Employment Instruction No.15AA  

3. **REFERENCES:**  
   - Public Service Regulations 2008, R27  
   - Cabinet Directives  
   - Instrument of Delegation D2  

4. **EFFECTIVE DATE:** 17 March 2009  

5. **APPLICATION:** This Determination shall apply to all employees.  

6. **BACKGROUND:**  
   Overseas Travelling Allowance includes (where applicable) Daily Subsistence Allowance, Clothing Allowance and Incidental Allowance the application of these allowances are guided by the policies set out under each respective Determination.  

7. **RULES AND POLICIES:**  

   7.1 Where an employee is selected to travel to another country on official business they are entitled to be paid a Daily Subsistence Allowance (DSA) in accordance with approved rates and policies approved by Cabinet and by the Commission which are set out in this Determination.  

   7.2 The DSA is payable for the purpose of meeting costs for accommodation, meals (excluding alcoholic beverages) and minor travel etc where such is not provided by a third party. Third party in this context includes all outside donors and sponsors.  

   7.3 Ministries are required to prepare a submission to Cabinet for approval of payment of DSA to anyone travelling overseas on official business. Once the payment is approved by Cabinet, it is necessary for the Ministry to prepare a Form TY1 to be submitted to the CEO for authorisation and then to Ministry of Finance for payment. The CEO must not approve payment of DSA unless/until Cabinet has given its approval.  

   7.4 It is the responsibility of the CEO to ensure that when and if a third party donor or sponsor pays for all or part of the accommodation, meal or incidental costs for an employee on official travel that there is no duplication of payment of such costs by the Government of Samoa.  

   7.5 Where there is partial payment of the above costs by a third party donor or sponsor the Ministry shall ensure that the correct pro-rata allocations of costs is applied to ensure that there is no duplication of payment.
7.6 The current % of the rates payable for DSA as approved by Cabinet and amended from time to time for the Public Service are specified in the following schedule:-

<table>
<thead>
<tr>
<th>Level</th>
<th>% of rates in Cabinet Directive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive Officers of Government</td>
<td>110% of scheduled rates</td>
</tr>
<tr>
<td>Ministries &amp; Agencies</td>
<td></td>
</tr>
<tr>
<td>All other employees</td>
<td>100% of scheduled rates</td>
</tr>
</tbody>
</table>

7.7 The approved rates for DSA are reviewed and approved from time to time and are notified by means of Circular Memorandum or FK from the Cabinet and an amendment to this Determination. It is the responsibility of each Ministry to ensure that rates being requested are current when making submissions to Cabinet for approval of payment of DSA.
DETERMINATION 15AB

1. FUNCTION: CLOTHING ALLOWANCE

2. SUPERSEDES: Employment Instruction No.15AB

3. REFERENCES: Public Service Regulations 2008, R27
Cabinet Directives issued from time to time
Instrument of Delegation D3

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all Employees

6. BACKGROUND: Overseas Travelling Allowance includes (where applicable) Daily Subsistence Allowance, Clothing Allowance and Incidental Allowance the application of these allowances are guided by the policies set out under each respective Determination

7. RULES AND POLICIES:

7.1 An employee travelling overseas on official government business is entitled to a clothing allowance in accordance with the rates approved and promulgated by Cabinet from time to time.

7.2 An employee shall be paid clothing allowance only once within any one year or 12-month period.

7.3 The allowance is not payable to those proceeding overseas on long term study or training. Normally, in these cases an establishment grant is made under the relevant award which is to cover costs including clothing.

7.4 Clothing allowance rates for all employees are the same regardless of the type of passport held by public servants.

7.5 Ministries are required to prepare a submission to the Cabinet for approval of the payment of Clothing Allowance to anyone travelling overseas on official business. Once the payment is approved by Cabinet, it is necessary for the Ministry to prepare Form TY 1 and Form TY 15 to be submitted to the CEO for authorisation and then to Ministry of Finance for payment. The CEO must not approve payment of Clothing Allowance unless Cabinet has given its approval.

7.6 The current rates for clothing allowance as approved by Cabinet for the Public Service are as per following schedule:

<table>
<thead>
<tr>
<th>Level</th>
<th>Amount per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEOs of Government Ministries &amp; Agencies</td>
<td>$800</td>
</tr>
<tr>
<td>Assistant CEOs</td>
<td>$600</td>
</tr>
<tr>
<td>All other employees</td>
<td>$400</td>
</tr>
</tbody>
</table>
The approved rates for clothing allowance are reviewed and approved from time to time and are notified by means of Circular Memorandum or FK from the Cabinet. The Commission however, may review the same for public service employees only from time to time and any amendments are to be notified by means of an amendment to this Determination. It is incumbent on each Ministry to ensure that rates being requested are current when making submissions to Cabinet for approval of payment of clothing allowance.
DETERMINATION 15AC

1. FUNCTION: INCIDENTAL ALLOWANCE

2. SUPERSEDES: Employment Instruction 15AC

3. REFERENCES: Public Service Regulations 2008, R27
               Cabinet Directives issued from time to time
               Instrument of Delegation D4

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all employees

6. BACKGROUND:
   Overseas Travelling Allowance includes (where applicable) Daily Subsistence
   Allowance, Clothing Allowance and Incidental Allowance the application of these
   allowances are guided by the policies set out under each respective Determination

7. RULES AND POLICIES:

   7.1 Incidental Allowance is an allowance payable to cover for ad hoc needs of those
       travelling which are not provided for by other specific travelling allowances (e.g.
       transport cost from hotel to meeting venue etc) and payment is subject to the
       conditions contained herein.

   7.2 Where an employee is sponsored by an external sponsoring agency or government
       and the sponsorship provides an allowance for incidental expenses then the
       employee shall not be entitled to receive any payment outlined in this
       determination

   7.3 Employees travelling overseas for periods of less than 2 weeks to attend a
       meeting, conference, symposium, convention, workshop, training, seminar or a
       forum shall be entitled to the payment of an Incidental Allowance, in accordance
       with the rates approved by Cabinet. However, employees who are overseas for
       more than 2 weeks for the specific purpose of attending training, a workshop or
       seminar are not entitled to receive payment of an incidental allowance for the
       duration of their absence overseas.

   7.4 Ministries are required to prepare a submission to the Cabinet for approval for
       payment of an Incidental Allowance to anyone travelling overseas on official
       business. Once the payment is approved by Cabinet, it is necessary for the
       Ministry to prepare Form TY 1 and Form TY 15 to be submitted to the CEO for
       authorisation and then to Ministry of Finance for payment. The CEO must not
       approve payment of Incidental Allowance unless Cabinet has given its approval.

   7.5 Incidental Allowances are reviewed by Cabinet from time to time and
       amendments are notified by means of a FK or Cabinet Circular Memorandum.
The Commission however, may review the same for public service employees only from time to time and any amendments are to be notified by means of an amendment to this Determination.

7.6 The current rates for Incidental Allowance as approved by Cabinet for the Public Service are as per following schedule:

<table>
<thead>
<tr>
<th>Level</th>
<th>Allowance per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>• CEO of Government Ministries &amp; Agencies</td>
<td>$50</td>
</tr>
<tr>
<td>• Assistant CEOs</td>
<td>$40</td>
</tr>
<tr>
<td>• All other employees</td>
<td>$30</td>
</tr>
</tbody>
</table>
DETERMINATION 15B

1. FUNCTION: LOCAL TRAVELLING ALLOWANCE

2. SUPERSEDES: Employment Instruction No.15B

3. REFERENCES: Public Service Regulations 2008, R27(1)

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply to all employees

6. BACKGROUND:
Determinations contained with 15A provide the policies and procedures for claiming allowance for ‘overseas travelling’, the purpose of this Determination is to provide the same for ‘local travelling’.

Employees are sometimes required to perform work at places other than their normal place of employment. In these cases they may be required to stay overnight at the other location. It is the responsibility of the Ministry to meet reasonable expenses incurred by the employee when they are required to travel in these circumstances. For example, the Ministry is expected to pay for travel costs, accommodation and meals on such terms and conditions that are in line with relevant Cabinet directives and Ministry of Finance and Commission Determinations. In addition an employee is entitled to an allowance as set out in this Determination for petty personal expenses incurred in travelling that is required for work purposes.

7. RULES AND POLICIES:

7.1 When an employee is directed to travel on official business within Samoa and the travel requires the employee to be absent for their normal place of residence overnight the CEO shall authorise payment of a Local Travelling Allowance at the rate set out under 7.5.

7.2 When assessing the allowance to be paid to an employee the minimum qualifying period of absence from the usual place of employment is one full day. The maximum period for travelling allowance is 5 days of continuous absence from normal place of residence. Should there be a need for an employee to be away from the usual place of employment for more than 5 days then this requires special approval of the CEO.

7.3 When calculating the allowance that an employee is due each day of 24 hours stands alone. The allowance is to be paid from the actual time of departure from the Employee’s usual place of employment to the time they return to their usual place of employment. Where the allowance is claimed for portion of a day, it should be calculated at the pro rata rate or the rate of \( \frac{1}{24} \) of the full daily rate for each hour’s absence.
7.4 Payment of travelling allowances is to be claimed on voucher Form TY1. The duty on which the employee was travelling to perform must be specified in the voucher together with the times claimed for this allowance which must be confirmed by the employee’s Manager.

7.5 Rates for Local Travelling Allowance are:-

If the employee stays in hotel or other accommodation at the expense of the Ministry:-

<table>
<thead>
<tr>
<th>Level</th>
<th>Amount per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEO</td>
<td>$30 per night</td>
</tr>
<tr>
<td>Other Public Servants</td>
<td>$25 per night</td>
</tr>
</tbody>
</table>

7.6 When an employee travels within Samoa but is not required to be absent from their usual place of residence overnight, they may be reimbursed only for reasonable expenses necessarily incurred.

7.7 In claiming any expenses in accordance with 7.6 the employee is required to substantiate expenditure incurred attached to the Form TY1 prior to forwarding it for approval and subsequent processing for payment. Such substantiation shall be in the form of receipts for expenses incurred.

7.8 Local Travelling Allowance is reviewed by the Commission from time to time and notified by means of an amendment to this Determination.
DETERMINATION 15C

1. FUNCTION: CASHIER'S RISK ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15C

3. REFERENCES: Public Service Regulations 2008, R29

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply only to employees employed as Cashiers

6. BACKGROUND:
The allowance is payable to compensate those employees engaged in cashier work. An allowance is paid for the risk they undertake in performance of cashier duties when handling large sums of cash. It should be noted that this risk is different from a risk to health as specified in Determination 15K.

7. RULES AND POLICIES:

7.1 The CEO shall authorise payment of a Cashiers Risk Allowance (CRA) to Employees engaged on cashier’s duty.

7.2 Notwithstanding the provision for the CRA the Ministry of Finance instructions relating to responsibilities of Cashiers to make up, personally, any cash losses are also to be complied with.

7.3 Cashiers must, in the performance of their duties, be extremely careful and meticulous in handling cash and realise that the correct accounting of cash received or paid is a direct and personal responsibility.

7.4 The CEO shall utilise the following scale when approving the payment of CRA:-

<table>
<thead>
<tr>
<th>Cash Receipted per year</th>
<th>Allowance per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,000,000 and above</td>
<td>$2,000</td>
</tr>
<tr>
<td>Below $2,000,000 and not less than $500,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>Below $500,000 and not less than $100,000</td>
<td>$500</td>
</tr>
<tr>
<td>Below $100,000</td>
<td>$250</td>
</tr>
</tbody>
</table>

7.5 The allowance is paid fortnightly with salary according to the rate shown on Form TY 15.

7.6 Any substantial increase or decrease in money handled is to be notified to the CEO for reassessment of the allowance payable.

7.7 Applications for payment of or a review of a CRA are to show the amount of cash, not cheques, handled over the twelve months prior to the date of application in the particular position.

7.8 CRA is reviewed by the Public Service Commission from time to time and notified by means of an amendment to this Determination.
DETERMINATION 15D

1. **TITLE:** HIGHER DUTIES ALLOWANCE

2. **SUPERSEDES:** Employment Instruction No. 15D

3. **REFERENCES:**
   - Public Service Act 2004, S10
   - Public Service Regulations 2008, R26

4. **EFFECTIVE DATE:** 01 July 2008

5. **APPLICATION:**
The payment of Higher Duties Allowance only applies to employees classified as Principal Officer and above who act in Higher Positions.

6. **BACKGROUND:**
Acting Appointments are usually needed in higher managerial positions to ensure that the work and services of the Ministry are not disrupted because of the absence of staff. Higher Duties Allowance is made to officially recognise the performance of higher duties by staff and the payment of Higher Duties Allowance is to compensate them accordingly.

7. **RULES AND POLICIES:**

   7.1 The Commission in appropriate circumstances may authorise payment of a Higher Duties Allowance (HDA), to an employee classified as Principal Officer or above who efficiently performs the duties of a position of a higher class or grade than their own subject to the fulfilment of the conditions and requirements set out in 7.4 below. A higher duties allowance is not payable merely because an employee carries out some of the duties of a more highly paid position. They must substantially perform the duties and carry the responsibilities of the higher position.

   7.2 The rate for calculation of HDA is the difference between the basic salary of the higher position and that of the employee who is performing the duties of the higher positions in an acting capacity. Then the daily rate of the difference in salaries is multiplied by the number of working days of the acting capacity.

   **Example:** Sina (substantive position Principal Policy Officer SPG2) acted in the position of Assistant CEO, Resourcing for a period of 20 working days. Sina is entitled to a HDA calculated as follows;
   - Basic Salary of the Assistant CEO position $80,000 p.a. (not the salary of the officer holding this position)
   - minus Sina’s current salary $44,000 p.a.
   - $36,000 p.a.

   The daily rate of $36,000 is $138.46 per day. Sina is entitled to a HDA of $2,769.23 for acting in such position for a period of 20 working days
7.3 Where the CEO recommends to the Commission that the employee had performed only a portion of the duties of the higher position, or not satisfactorily performed all of the duties of the higher position, the Commission may authorise the payment of a percentage (%) of the HDA commensurate to the percentage of duties deemed to have been satisfactorily performed.

Example: Based on the Job Description of the position of the Assistant CEO, Resourcing and the work Sina is required to deliver during her acting capacity, if the CEO assessed that she has performed only 70% of the required deliverables, she is only entitled to a HDA of only $1,938.46 (=70% * $2769.23)

7.4 To qualify for Higher Duties Allowance the following requirements and conditions must be met:
   a) Recommendation of the CEO to the Commission for Acting Appointment. The Acting Appointment shall be made in accordance with the following conditions;
      i) Acting Appointments are restricted to positions at the Principal Officer classification and above. There shall be no payment due for acting appointments for positions below the Principal Officer level.
      ii) The CEO shall first assess whether there is a need for an Acting Appointment, or whether the duties of the position can be shared amongst staff.
      iii) Acting Appointments especially shall be rotated amongst eligible officers, so that each officer of that level has the opportunity to perform the duties/responsibilities of the higher position.
      iv) Notwithstanding the above, no employee may serve in an acting capacity for more than 6 months in respect of any one position, in any year.

   b) The employee is assessed to have substantially and efficiently carried out the duties of the higher position for a period of at least 10 working days in any period of 12 months. In that regard the qualifying period for entitlement to Higher Duties Allowance is 10 working days. Periods of less than 10 days are not entitled to HDA.

   c) There shall be no HDA payable if the duties of the position is performed and shared by two or more employees.

   d) Absence on annual leave shall not be deemed to interrupt the performance of higher duties if the employee goes back to the same higher duties on return from annual leave. However, leave taken during the qualifying period of 10 working days, does not count in the qualifying period and higher duties allowance is not payable for any such period of absence.

   e) The allowance is not to be continued for any period of long service leave or during any period of leave without pay.
7.5 To receive payment of HDA a TY 15 must be prepared by the HRC and signed by the CEO prior to it being forwarded to the Commission with the following documents:-
   i) Acting CEO - copy of approval from Cabinet
   ii) Acting Assistant CEO – an assessment, endorsed by the CEO confirming basis of HDA (i.e. 100% or partial payment)
   iii) Confirmation that employee has acted in the higher position for a period of at least 10 working days within any 12 months

7.6 The Commission will review the documentation to ensure that all conditions for the payment of HDA are met. This review will include auditing of calculations provided on the TY15

7.7 Once authorised the Commission will forward the TY15 to Ministry of Finance for payment.

7.8 Higher Duties Allowance as well as policies on acting appointment are reviewed by the Public Service Commission from time to time and notified by means of an amendment to this Determination.
DETERMINATION 15E

1. FUNCTION: PART TIME ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15E

3. REFERENCES: Public Service Regulations 2008, R29

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply only to employees specified at 7.4.

6. BACKGROUND:
Part time employment is another way to hire qualified people in certain professions where there is an acute shortage of staff. It is also another means of having job sharing and flexible working hours in certain professions such as teaching. Employees who are engaged in part time work are payable a part time allowance at such rate equivalent to the work performed and other conditions such as market factor and working hours.

7. RULES AND POLICIES:

7.1 The Commission may authorise the employment of employees on a part-time basis where special circumstances exist, such as shortage of staff in a particular profession or technical field.

7.2 The conditions and terms for employment of part-time employees shall be as determined by the Commission.

7.3 Form TY 15 is to be used for authorisation and payment of part-time allowance by Ministry of Finance.

7.4 The current part-time rates are as per the following schedule:

<table>
<thead>
<tr>
<th>Profession</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers</td>
<td>$15 per 1 period</td>
</tr>
</tbody>
</table>

7.5 The determination of the rate of part-time allowance for employees who are not included in the above categories must be submitted to the Commission before employment of such employees can occur.

7.6 Part-time allowance is reviewed by the Commission from time to time and any amendments shall be notified by means of a Determination.

1 A period in the context of this Determination shall mean the length of time a part time school teacher is engaged to teach one specific subject area to a specific student group. Each period shall stand alone for the purposes of payment of part-time allowance.
DETERMINATION 15F

1. **FUNCTION:** SHIFT ALLOWANCE

2. **SUPERSEDES:** Employment Instruction No. 15F

3. **REFERENCES:** Public Service Regulations 2008, R29

4. **EFFECTIVE DATE:** 17 March 2009

5. **APPLICATION:** This Determination shall apply only to employees whose role requires them to undertake duties on a shift basis.

6. **BACKGROUND:**
   A shift allowance is payable to employees working in shifts (i.e. rostered employees) to compensate them for working during unsocial hours. Determination 11 specifies that rostered employees are payable a shift allowance in addition to penalty rates.

7. **RULES AND POLICIES:**

   7.1 The Chief Executive Officer may authorise payment of a Shift Allowance to employees working in shift as required by the Ministry in their work arrangements.

   7.2 The allowance is payable only to those employees working in shift during hours outside normal working hours of 9.00 a.m. to 5.00 p.m. Thus this allowance is payable to an employee who is required to commence a shift at 5.00 p.m. or later and completes that shift at/or before 9.00 a.m. (Monday to Sunday).

   7.3 This allowance is not payable to employees who have received approval to work flexible working hour arrangements in accordance with Determination 9.

   7.4 The current rate for shift allowance for all employees on rostered duties or shift work is $3.15 per hour.

   7.5 Form TY 15 is to be used for authorisation and payment of shift allowance by the Ministry of Finance.

   7.6 The rate of shift allowance is reviewed by the Commission from time to time and any amendments shall be notified by means of an amendment to this Determination.
DETERMINATION 15G

1. FUNCTION: TRANSPORTATION ALLOWANCE

2. SUPERSEDES: Employment Instruction 15G

3. REFERENCES: Public Service Regulations 2008, R29

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply only to Ministry of Education, Sports and Culture (MESC) employee’s classified as follows:
   - School Review Officers
   - Driver of Vaipouli College.

6. BACKGROUND:
The allowance which is called ‘Transportation allowance’ is payable to School Review Officers and the Driver of Vaipouli College in recognition of the nature of their work and to ensure their mobility as required by their duties.

7. RULES AND POLICIES:
   7.1 Transportation Allowance for all eligible officers is to be approved by the CEO, subject to such rate and terms and conditions the Commission determines.
   7.2 The current rates of Transportation Allowance for School Review Officers are:

<table>
<thead>
<tr>
<th>GROUP</th>
<th>DISTRICT</th>
<th>ALLOWANCE PER ANNUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fagaloa AanaII</td>
<td>$4,000</td>
</tr>
<tr>
<td>2</td>
<td>Savaii Sisifo Itu Asau I Itu Asau II Itu o Tane I Itu o Tane II Falealili Aleipata Safata Anoama’a II</td>
<td>$3,500</td>
</tr>
<tr>
<td>3</td>
<td>Rest of Upolu and Savaii</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

The current rate of Transportation Allowance for the Driver of Vaipouli College is $400 per annum.

7.3 Form TY 15A is to be used for authorisation and payment of transportation allowance by Ministry of Finance.

7.4 The rate of transportation allowance is reviewed by the Commission from time to time be notified by means of an amendment to this Determination.
DETERMINATION 15H

1. FUNCTION: REMOTE LOCALITY ALLOWANCE

2. SUPERSEDES: Employment Instruction No 15H

3. REFERENCES: Public Service Regulations 2008, R28

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This instruction shall apply only to employees for whom the entitlement to Remote Location Allowance has been approved.

6. BACKGROUND: This allowance is payable to employees who are inconvenienced because their normal work is carried out in locations that are so remote or isolated from their normal place of residence.

7. RULES AND POLICIES:

7.1 The CEO may authorise payment to an employee of a Remote Location Allowance (RLA), subject to the following conditions:

   a) The remote or isolated location is an approved location by the Commission in accordance with the approved list of remote areas or isolated locations.

7.2 Consideration for payment of a RLA must take into account such factors as non-availability of transport, scarcity of means of communication and absence of social amenities.

7.3 The amount of RLA payable varies depending on the nature of the work performed at the remote areas and the factors stated in 7.2.

7.4 Employees and Categories of Employees for which RLA have already been approved and the related approved rates follow:

   a) Teachers:

<table>
<thead>
<tr>
<th>Location</th>
<th>Allowance per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vaipouli College (in the case of the MESC)</td>
<td>$600</td>
</tr>
<tr>
<td>Manono Tai (Salua and Faleu)</td>
<td>$1,500</td>
</tr>
<tr>
<td>Fagaloa District</td>
<td>$1,500</td>
</tr>
<tr>
<td>All other areas approved by the PSC as remote by the Commission. (Tiavea, Manunu, Lalomauga, Sapo’e, Salamumu, Aleisa, Vaipouli, Letui, Aopo, Papa/Satau, Tufutafoe, Falelima, Neiafu, Falealupo, Taga, Tafua , Patamea, Paia, ‘Itu o Tane I Secondary School, Sapo’e, Matatufu)</td>
<td>$1,000</td>
</tr>
</tbody>
</table>
b) **Ministry of Agriculture:**

Employees working and stationed at Olomanu Seed Garden shall receive an allowance at the current rate of $1,000 per annum.

7.5 Any other request by an employee or category of employees for RLA that is not included in this Determination must be submitted to the Commission for Determination of entitlement and appropriate rate if warranted.

7.6 Applications for payment of a RLA should be made to the CEO and full details in support of such an application must be included in the application.

7.7 Form TY15A is to be used for authorisation and payment of any of these approved allowances by the Ministry of Finance.

7.8 The entitlement to and rate of RLA is reviewed by the Commission from time to time and shall be notified by means of an amendment to this Determination.
DETERMINATION 15J

1. FUNCTION: RESPONSIBILITY ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15J

3. REFERENCES: Public Service Regulations 2008, R29

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply only to the following categories of employees:
   - Teachers within the Ministry of Education, Sports & Culture who are Heads of Departments or Subject Areas in Colleges.
   - Employees within Ministry of Education, Sports & Culture who are Hostel Masters or Mistresses.

6. BACKGROUND:
   There are employees in certain professions that hold positions of responsibility that are considered to be additional responsibilities to their normal roles within their professions. These include school teachers who are heads of subject areas (e.g. English). Their additional responsibilities are to ensure the effective management of a particular unit and in these cases a responsibility allowance is payable to compensate them for the additional responsibility that they assume.

7. RULES AND POLICIES:
   7.1 The CEO may authorise payment of a responsibility allowance to employees who meet certain criteria.

   7.2 The current rates for responsibility allowance approved by the Commission follow:-

   a) College Principals:
      Payment shall be made in accordance with the following schedule:-

      | Number of Students | Allowance per annum |
      |-------------------|---------------------|
      | 600 and above     | $2,500              |
      | 450 - 600         | $2,200              |
      | Less than 450     | $1,000              |

   b) Hostel Mistress/Masters Allowance - $500 per annum

   c) College Head of Department (Subject) Allowance:
      i) An allowance is paid to a teacher who is Head of a Department or subject area in a college. To receive this allowance the Head of Department must
be responsible for supervising all teachers in a particular subject area. This includes being responsible for the oversight of teaching materials, course materials as well as the curriculum for the particular subject area/department.

ii) The allowance rate is dependent on the numbers of teachers under the direction supervision of the Head of the Department and as prescribed below:

<table>
<thead>
<tr>
<th>Number of Teachers under supervision</th>
<th>Allowance per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 5 teachers</td>
<td>$1,000</td>
</tr>
<tr>
<td>6 – 10 teachers</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

7.3 Responsibility allowance is payable only once within any 12 month period.

7.4 TY 15A is to be used for authorisation and payment of responsibility allowance by the Ministry of Finance.

7.5 Responsibility allowances are reviewed by the Commission from time to time and shall be notified by means of an amendment to this Determination.
DETERMINATION 15K

1. FUNCTION: HEALTH HAZARD ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15K

3. REFERENCES: Public Service Regulations 2008, R29

4. EFFECTIVE DATE: 17 March 2009

5. APPLICATION: This Determination shall apply only to categories of employees for whom there has been an approval for entitlement to Health Hazard Allowance (HHA).

6. BACKGROUND:
There are employees who are exposed to some sort of health hazard in the execution of their duties and in these cases an allowance is payable to them for the health hazard. Whilst payments of these allowances are to be made there is a requirement on all Ministries to ensure that safety measures must be in place to minimise the risk to the health of their employees. Minimisation strategies include but are not limited to issuing of personal protective equipment, providing information about the safe handling of chemicals via material safety data sheets (MSDS) and training staff to manage their own safety and to protect the safety of their co-workers.

7. RULES AND POLICIES:

7.1 The CEO or the Commission may in appropriate circumstances authorise on a without prejudice basis the payment to an employee of a HHA on the conditions set out in this Determination.

7.2 The rates at which HHA is payable are determined by the Commission. In general, the following factors are taken into account when determining appropriate rates of HHA:-
   a) Type and level of hazard or risk.
   b) Impact of hazard on the capability of employee to continue performing job.
   c) Cost to government of corrective action for any person affected by hazard.
   d) Minimum requirements or safety measures that should be in place to minimise potential risk etc.

7.3 HHA rates already determined by the Commission follow:-

<table>
<thead>
<tr>
<th>Category of employee</th>
<th>Allowance per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing Supervisor</td>
<td>$400</td>
</tr>
<tr>
<td>Printing Staff</td>
<td>$300</td>
</tr>
</tbody>
</table>
7.4 An application for payment of HHA should be made to the CEO, who will determine whether the applicant should be granted an HHA in accordance with previous Determinations.

7.5 Consideration and Determination on a new and appropriate rate for HHA to be paid shall be submitted to the Commission by the Ministry. This will be notified by a Circular Memorandum or an amendment to this Determination.

7.6 The rates payable for approved HHA is reviewed by the Commission from time to time and is notified by an amendment to this Determination.
DETERMINATION 15L

1. FUNCTION: MINISTER’S SECRETARIAL ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15L

3. REFERENCES: Public Service Regulations 2008, R29
   Cabinet Directives issued from time to time

4. EFFECTIVE DATE: 25 February 2008

5. APPLICATION: This Determination shall apply only to Employees who are occupying positions of Secretaries to Ministers.

6. BACKGROUND:
   Employees who are occupying positions of Secretaries to Ministers are entitled to an allowance in recognition of their great responsibilities in their roles as Secretaries to Ministers of Cabinet.

7. RULES AND POLICIES:

   7.1. The Chief Executive Officer may authorise payment of an Allowance to employees who are secretaries to Ministers.

   7.2. The current rates as approved by Cabinet are:

<table>
<thead>
<tr>
<th>Level</th>
<th>Allowance per annum</th>
<th>Allowance per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First Year of Appointment</td>
<td>Second Year and other subsequent Years of Appointment</td>
</tr>
<tr>
<td>First Secretary</td>
<td>$2,000</td>
<td>$2,500</td>
</tr>
<tr>
<td>Second Secretary</td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

   7.3. The Ministerial Secretary’s Allowance is determined and approved by Cabinet and is notified by means of a F.K or an amendment to this Determination.
1. **FUNCTION:** EXAMINATION ALLOWANCE

2. **SUPERSEDES:** Employment Instruction No. 15M

3. **REFERENCES:** Public Service Regulations 2008, R29

4. **EFFECTIVE DATE:** 01 February 2009

5. **APPLICATION:** This determination shall apply only to persons contracted by the Ministry of Education, Sports & Culture (MESC) to carry out national examination duties as follows:
   - Examiners;
   - Moderators;
   - Markers;
   - Supervisors

6. **BACKGROUND:**
   The MESC during times of national examinations have a need to employ people from outside the Ministry to perform the duties of Examiners, Moderators, Markers and Supervisors. This group of people are contracted from outside of the public service and are entitled to be paid an allowance for performing those duties.

7. **RULES AND POLICIES:**

   7.1. An allowance is payable to contractors engaged by the MESC for preparation of national examinations only.

   7.2. The current allowance rates for contractors follow:

<table>
<thead>
<tr>
<th>Role performed</th>
<th>Allowance to be paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examiners:</td>
<td></td>
</tr>
<tr>
<td>Year 8</td>
<td>$230 per examination</td>
</tr>
<tr>
<td>Year 11</td>
<td>$230 per examination</td>
</tr>
<tr>
<td>School Certificate</td>
<td>$770 per examination</td>
</tr>
<tr>
<td>Moderators:</td>
<td></td>
</tr>
<tr>
<td>Year 8</td>
<td>$100 per examination</td>
</tr>
<tr>
<td>Year 11</td>
<td>$100 per examination</td>
</tr>
<tr>
<td>School Certificate</td>
<td>$420 per examination</td>
</tr>
<tr>
<td>Markers:</td>
<td></td>
</tr>
<tr>
<td>Year 8</td>
<td>$3.00 per script</td>
</tr>
<tr>
<td>Year 11</td>
<td>$3.00 per script</td>
</tr>
<tr>
<td>School Certificate</td>
<td>$10.00 per script</td>
</tr>
<tr>
<td>Supervisors:</td>
<td></td>
</tr>
<tr>
<td>Chief Supervisor</td>
<td>$45.00 per examination</td>
</tr>
<tr>
<td>Assistant Supervisor</td>
<td>$35.00 per examination</td>
</tr>
</tbody>
</table>
PART E

MONITORING AND EVALUATION

BY

PUBLIC SERVICE COMMISSION
MONITORING AND EVALUATION

1. What is monitoring and evaluation

The Public Service Commission as part of its mandate is responsible for ‘Monitoring and Evaluating’ (M&E) the human resource management practices of Ministries and Agencies’. Part B of the manual outlines the roles and responsibilities for the Ministries and PSC are identified. The primary objective for PSC under its M&E role is to guide and support ethical, legal and consistent people management across the Samoa Public Service.

2. Objectives of monitoring and evaluation

The objectives of the Monitoring and Evaluation Processes for all Determinations contained under the Working Conditions and Entitlements are as follows:-

a) To ensure that Working Conditions & Entitlement Policies and Procedures reflect best practice within the context of the Samoa Public Service Workforce.

b) To ensure that Working Conditions & Entitlements are implemented legally and in accordance with the Determinations.

c) To ensure that Working Conditions & Entitlement Policies and Procedures are implemented consistently and fairly across the Samoa Public Service.

3. What will be monitored and evaluated

a) Monitoring:

i) Ministries’ compliance with the Instrument of Delegation

ii) Ministries’ compliance with the application of Working Conditions & Entitlements Determinations re Rules and Policies as well as the Procedures

iii) Any problems or issues identified by the Ministries in the applications of these Determinations.

iv) Consistency of the application of Determinations in the workplace

b) Evaluating:

i) the relevancy of these Determinations re rules, policies and procedures to each Ministry

ii) the relevancy of these Determinations to best HR practice within the Samoa context

iii) Ministries’ capabilities in carrying out the working conditions and entitlements and strategies required to address any capabilities gaps

4. Ministries’ compliance with the monitoring and evaluation process

To realise the objectives of M&E, the CEO is instructed to ensure that their Ministry complies with the following:

a) A copy of every TY 15 after it is approved by the CEO (or Delegate) is to be submitted to the Public Service Commission.

b) All copies of TY15s for contract employees are to be submitted to the Public Service Commission for authorisation prior to submission to the Ministry of Finance

c) A copy of fortnightly leave returns are to be submitted to the Public Service Commission
d) Submit to PSC six monthly reports on the performance of the functions under the Working Conditions and Entitlements.

5. **Who and when will the monitoring and evaluation be conducted?**

The Public Service Commission is responsible for Monitoring and Evaluation the functions relating to Working Conditions and Entitlements.

Monitoring shall be conducted on an ad-hoc basis by a variety of methods. Including, through TY15s submitted by Ministries to the PSC, by checking the TY15s the Ministries shall be advised on any areas to improve on in the application of the Determinations. Therefore all Ministries are required to submit a copy of every TY15 to PSC for this purpose. However, PSC will conduct periodic audits using templates through spot checks and visits to Ministries. PSC will also hold regular meetings with HRCs to discuss any issues of major concern to Ministries.

6. **What is the outcome of the monitoring and evaluation review process?**

Ministries will be given a report based on PSC Monitoring and Evaluation to:-

a) Assess how they are performing each function.
b) Identify issues of concern that PSC will review.
c) Identify each area for improvement
d) Identify any strategies Ministries can look at in order to improve on working conditions and entitlements

The indication from this M&E function is to determine whether the reforms will appear to be working effectively and that Ministries are managing working conditions and entitlements within their workplace.
PART F

APPEALS/GRIEVANCES
APPEALS/GRIEVANCES

An employee may lodge a grievance under the Grievance Management Procedures against a decision of the Chief Executive Officer in accordance with documented procedures outlined in the Grievance Procedures Manual issued by the Public Service Commission\(^1\).

\(^1\) Refer Employment Instruction No.7
PART G

FURTHER INFORMATION
FURTHER INFORMATION

Please contact the Human Resource Policy and Legal Services Division at the Office of the Public Service Commission if further information or assistance is required in relation to this Manual.

Phone: +685 22123
Fax: +685 24215
Email: psc@samoa.ws
Website: www.psc.gov.ws
PART H

FORMS
## PAYROLL AUTHORITY: APPOINTMENTS/PROMOTIONS/SALARY & ALLOWANCE VARIATIONS

(Please fill this form is for new appointment, salary adjustment, promotions or Allowance)

<table>
<thead>
<tr>
<th>Dept. Reference:</th>
<th>Service Number:</th>
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<tr>
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<table>
<thead>
<tr>
<th>Employee Number:</th>
<th>Date of Birth:</th>
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</table>

<table>
<thead>
<tr>
<th>Surname:</th>
<th>Sex:</th>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Given Name(s):</th>
<th>NPF Registration #:</th>
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<table>
<thead>
<tr>
<th>Employee Type:</th>
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<thead>
<tr>
<th>Effective Date:</th>
<th>Pay Cycle:</th>
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<td>F</td>
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</table>

<table>
<thead>
<tr>
<th>Department:</th>
<th>Payroll No.:</th>
<th>Pay Group:</th>
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<tr>
<td></td>
<td>1 6</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Location:</th>
<th>Output and Activity:</th>
</tr>
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<tbody>
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</table>

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<tr>
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<table>
<thead>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Allowances Per Annum:</th>
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<tbody>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Tax:</th>
<th>Standard Tax / Exempt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Ongoing Deductions Per Pay:</th>
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</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

I certify that the above particulars are correct, the position is vacant and funding is available within the approved budget. (If Applicable) Approved / Not Approved

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Name:</th>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Position:</th>
<th>Date:</th>
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<tbody>
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<table>
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<tr>
<th>Position:</th>
<th>Date:</th>
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</tbody>
</table>

**Ministry of Finance**
### PAYROLL AUTHORITY: TERMINATION AND BENEFITS

(Please fill this form for any employee who has resigned, retired, reached the end of their contract, been dismissed/terminated or is deceased. Please fill all the entitlement of the employee)

<table>
<thead>
<tr>
<th>Dept. Reference:</th>
<th>Service Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Employee Number: |                        |  |
|------------------|------------------------|
|                  |                        |

<table>
<thead>
<tr>
<th>Surname:</th>
<th></th>
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<tbody>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Given Name(s):</th>
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<tbody>
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<table>
<thead>
<tr>
<th>NPF Registration #:</th>
<th></th>
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<table>
<thead>
<tr>
<th>Effective Date:</th>
<th>Input Method:</th>
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<tbody>
<tr>
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<td>A T</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Reason:</th>
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</table>

<table>
<thead>
<tr>
<th>Department:</th>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Output and Activity:</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Salary per Annum:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### ENTITLEMENTS

<table>
<thead>
<tr>
<th>Amount ($) or Days</th>
<th>Hrs</th>
<th>Code</th>
<th>Hrs or $</th>
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</thead>
<tbody>
<tr>
<td>Normal Hours</td>
<td></td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Resignation Leave</td>
<td></td>
<td>RG</td>
<td></td>
</tr>
<tr>
<td>Annual Leave</td>
<td></td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Sick Leave</td>
<td></td>
<td>SL</td>
<td></td>
</tr>
<tr>
<td>Proportionate Leave</td>
<td></td>
<td>PL</td>
<td></td>
</tr>
<tr>
<td>Long Service Leave</td>
<td></td>
<td>LS</td>
<td></td>
</tr>
<tr>
<td>Retirement Leave</td>
<td></td>
<td>RL</td>
<td></td>
</tr>
</tbody>
</table>

### DEPARTMENT

I certify that the above particulars are correct and funding is available within the approved budget. (If Applicable)

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Position:</th>
<th>Date:</th>
<th>Name:</th>
<th>Position:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TREASURY USE ONLY

<table>
<thead>
<tr>
<th>Checked</th>
<th>Authorised for Input</th>
<th>Input</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initials</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PSC/PLS/17032009/ID262 Page 110 17/03/2009
### Government of Samoa

**OVERTIME PAYMENT FORM**

| Employee Number | Employee Name | Salary p.a. | M | T | W | T | F | S | S | M | T | W | T | F | S | S | Overtime Hours | TSY Code |
|-----------------|---------------|-------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---------------|---------|
| TSY 02          | T2            | 03          |
| TSY 04          | T2 2/3        | 05          |

**Departmental Reference:**

**Pay Period:**

**Department:**

**Prepared:**

**Checked:**

**I certify that the individuals named above were gainfully employed on official government duties during the period specified opposite their names, and all overtime has been properly approved.**

**Signature of Officer Authorised to Certify:**

**Date:**

---

**TREASURY USE ONLY**

<table>
<thead>
<tr>
<th>Check</th>
<th>Approve</th>
<th>Input</th>
<th>Check</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Initials:**

**Date:**

---

**PSC/PLS/17032009/ID262**

Page 111  
17/03/2009
## CASUAL WAGES SUMMARY

### TIMESHEET

<table>
<thead>
<tr>
<th>Employee Number</th>
<th>Employee Name</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
<th>S</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
<th>S</th>
<th>Total Hrs</th>
<th>Ord</th>
<th>T1/2</th>
<th>T2</th>
</tr>
</thead>
</table>

### DEPARTMENT USE

- **Prepared**
- **Checked**

**Initials**

**Date**

---

### TREASURY USE ONLY

- **Check**
- **Approve**
- **Input**

<table>
<thead>
<tr>
<th>Initials Date</th>
<th>Check</th>
<th>Approve</th>
<th>Input</th>
</tr>
</thead>
</table>

I certify that the 17 individuals named above were gainfully employed on official government duties during the period specified opposite their names, and all overtime has been properly approved.

Signature of Officer Authorised to Certify
PSC Form - 1

Request for Overtime Approval Form

Form must be filled out by the Divisional Head or Manager

Section 1: Period Covered by This Request

<table>
<thead>
<tr>
<th>Start (Date):</th>
<th>Start (Time):</th>
<th>End (Date):</th>
<th>End (Time):</th>
</tr>
</thead>
</table>

Section 2: Staff Covered by This Request

| 1. | 2. |
| 3. | 4. |
| 5. | 6. |
| 7. | 8. |
| 9. | 10. |

Section 3: Reason for Overtime & Expected Outputs


Section 4: Funding Availability

Source: [ ] Approved [ ] Not Approved

Section 5: Divisional Head/Manager’s Endorsement

Comments:

[ ] Endorsed [ ] Not Endorsed

Signature: Date

Section 5: Approval of the CEO (or Delegate)

Comments:

[ ] Approved [ ] Not Approved

Signature: Date
**PSC FORM 2**

**Application for Leave Form**

Form must be filled out by Employee, Divisional Head/Manager and HRC

---

### Section 1: Employee’s Details:
(To be filled out by Employee)

<table>
<thead>
<tr>
<th>Name:</th>
<th>Designation:</th>
<th>Ministry</th>
<th>Division/Section:</th>
</tr>
</thead>
</table>

---

### Section 2: Employment Benefit(s):
(To be filled out by Employee)

<table>
<thead>
<tr>
<th>Type of Leave (Tick appropriate box)</th>
<th>□ Annual Leave</th>
<th>□ Maternity Leave</th>
<th>□ Special Leave</th>
<th>□ Study Leave</th>
<th>□ Long Service Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Sick Leave</td>
<td></td>
<td>□ Paternity Leave</td>
<td>□ Special LWOP</td>
<td>□ Bereavement Leave</td>
<td></td>
</tr>
</tbody>
</table>

**To be Taken:**  □ Local  □ Overseas  
**Duration:** Start Date:  
End Date:  
**No. of Working Days to take as:**

---

### Purpose of Leave:

---

**Employee’s Signature:**  
Date:  

(Please attach supporting information for requested leave to be taken (if required)

---

### Section 3: Divisional Head/Manager’s Endorsement

Work Arrangement has been made and I fully supported the above employee’s application for leave

**Comments:**

<table>
<thead>
<tr>
<th>□ Endorsed</th>
<th>□ Not Endorsed</th>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

---

### Section 4: Employee Leave Entitlement for Leave to be taken
(To be filled out by Leave Records Clerk and by HRC)

<table>
<thead>
<tr>
<th>Type of Leave:</th>
<th>Number of Leave Entitlement (in days)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Checked by: Leave Records Clerk</strong></td>
<td>□ Further Comments</td>
</tr>
<tr>
<td>Confirmed: HRC</td>
<td>□ Further Comments</td>
</tr>
</tbody>
</table>

---

### Section 5: Approval of the CEO (or Delegate)

**Comments:**

<table>
<thead>
<tr>
<th>□ Approved</th>
<th>□ Not Approved</th>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>
Application to Advance Leave Form

Form must be filled out by Employee, HRC and Divisional Head/Manager

Section 1: Employee Details
(To be filled out by Employee)

<table>
<thead>
<tr>
<th>Name:</th>
<th>Department/Ministry:</th>
<th>Division/Section:</th>
<th>Location:</th>
</tr>
</thead>
</table>

Section 2: Employees' Request
(To be filled out by Employee)

<table>
<thead>
<tr>
<th>Tick appropriate box</th>
<th>How many leave to advance (Days)</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advance Leave:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Sick Leave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Annual Leave</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Employee’s Signature: __________________________ Date: __________

(Please attach supporting information for requested leave to be taken (if required)

Section 3: Divisional Head/Manager’s Endorsement

Comments:

☐ Endorsed ☐ Not Endorsed Signature: __________________________ Date: __________

Section 4: Employee’s Leave Entitlement
(To be filled out by Leave Records Clerk and by HRC)

<table>
<thead>
<tr>
<th>Number of Accumulated Leave</th>
<th>Sick Leave</th>
<th>Number of Days</th>
<th>Number of Advanced leave in current leave year</th>
<th>Sick Leave</th>
<th>Number of Days</th>
<th>Annual Leave</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

Checked by: Leave Records Clerk Signature: __________________________ Date: __________

Confirmed: HRC Signature: __________________________ Date: __________

Section 5: Approval of the CEO (or Delegate)

Comments:

☐ Approved ☐ Not Approved Signature: __________________________ Date: __________
Cessation of Employment Benefits Form

Form must be filled out by HRC

### Section 1: Employee Details
(To be filled out by HRC)

<table>
<thead>
<tr>
<th>Name:</th>
<th>Department/Ministry</th>
<th>Division/Section:</th>
<th>Location:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Employee Number:</th>
<th>Position Number:</th>
<th>Position Title:</th>
<th>Current Salary Level:</th>
<th>Date of Birth:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>Entry Date of Service:</th>
<th>End Date of Service:</th>
<th>Total Years of Service:</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### Section 2: Employment Benefit(s)
(To be filled out by Leave Records Clerk and HR Manager)

<table>
<thead>
<tr>
<th>Benefits (Tick Appropriate Box)</th>
<th>Entitlements (Refer to Policies for entitlements)</th>
<th>Calculation (if applicable)</th>
<th>No. of consecutive Days on full pay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

| Resignation Benefits | Untaken Long Service Leave | Untaken annual leave & proportionate leave |  |  |
| OR                  | 30% of sick leave |                                          |  |  |
| Retirement Benefits | TOTAL |                                          |  |  |

| Death Benefits | Six (6) months’ salary or wage payment | Untaken Long Service Leave | Untaken annual leave & proportionate leave | 30% Untaken Sick Leave | TOTAL |
|                |                                          |                            |                                           |                        |       |

| Disability Benefits | Twelve (12) months’ salary or wage payment | Untaken Long Service Leave | Untaken annual leave & proportionate leave | 30% Untaken Sick Leave | TOTAL |
|                    |                                           |                            |                                           |                        |       |

Checked by: Leave Records Clerk
Further Comments
Signature
Date

Confirmed by: HR Manager
Further Comments
Signature
Date

### Section 3: Approval of the CEO

Comments:

- [ ] Approved
- [ ] Not Approved

Signature:
Date
<table>
<thead>
<tr>
<th>Inclusive Dates</th>
<th>NUMBER OF DAYS</th>
<th>REMARKS</th>
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</thead>
<tbody>
<tr>
<td>FROM</td>
<td>TO</td>
<td>SICK</td>
</tr>
<tr>
<td>Taken</td>
<td>Bal.</td>
<td>Taken</td>
</tr>
<tr>
<td>Brought Forward</td>
<td>Balance</td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance Carried Forward</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PART I

REGISTER OF UPDATES
REGISTER OF UPDATES

The intent of the register of updates is to provide all Ministries with a mechanism for managing any changes to the Determinations on Working Conditions and Entitlements.

When the Commission endorses a change to a Determination notification about the changes are provided to all Ministries by means of a Circular Memorandum. The Circular Memorandum will be forwarded to each Ministry:-

- Outlining the changes
- Identifying the impact of those changes from an operational perspective
- Providing a revised Determination for filing in the Working Condition & Entitlements Manual
- Provide a revised register of updates for your manual

It is the responsibility of each Ministry to ensure that all employees especially the Human Resource Coordinators and Managers familiarise themselves with the current manual and any future changes to that manual as they occur. That the manuals are updated as the information is provided to them and that any changes that impact on working conditions and entitlements are enacted.
<table>
<thead>
<tr>
<th>Item</th>
<th>Title</th>
<th>Date of superseded Determination</th>
<th>Reference</th>
<th>Date new Determination operative</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Foreword</td>
<td>011008</td>
<td>PSC/PLS/011008/IDXX</td>
<td>010109</td>
<td>PSC/PLS/0110098/IDYY</td>
</tr>
<tr>
<td></td>
<td>Introduction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PART A</td>
<td>Glossary of terms</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PART B</td>
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