This Manual presents the findings, analysis and recommendations following a review of the Samoa Public Service (SPS) Determinations or policies as set out in the existing Working Conditions and Entitlements (WCE) Manual. The review of these policies is part of a broader review of the SPS working conditions and entitlements undertaken by the Public Service Commission, commencing in 2012. In an attempt to include all employees employed under the Public Service Act 2004, the Commission has also included Terms and Conditions of employment for Contract employees in the 2015 WCE Manual to assist Ministries in providing the best advice regarding Human Resource matters to their employees.

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 January 2015. The conditions and entitlements relate to all employees except where specifically identified.

Since issuance of the WCE Manual in 2009, several issues had been identified in relation to employee’s terms and conditions of employment which have warranted a further review of these existing WCE. The purpose of this review was thus, to identify and address areas that Ministries and employees currently find problematic with regard to current WCE, so as to ensure that these not only remain relevant within the current SPS operating context and reflect best practice in terms of human resource management, but that they are also seen to be fair, equitable, and reasonable for employees. At the same time they must also be affordable for Government. Additionally, the review aims to identify and address any areas in approval processes that can be improved to ensure that these are simple, efficient and effective.

The scope of the WCE review was not just confined to Leave Entitlements, Cessation of Employment and Allowances as it looked at the relevance of policies/determinations and their application (or otherwise) to all categories of employees in the Samoa Public Service such as Contract Employees, Officers and Temporary Employees (Wage Workers and Term Employees).

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

(2 July 2018)
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INTRODUCTION

1. Authority
   This manual is issued under the 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
   The Working Condition & Entitlements Manual issued in March 2009 and all subsequent amendments to the Working Condition & Entitlements Manual are revoked.

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 who are employed under the Public Service Act 2004 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 a Ministry but does not include a CEO

“Graduate” means a person who has been awarded a first academic degree or a tertiary qualification

“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 an 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 but are thus classified as a permanent employee.

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

“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.

“Term Employee” means an employee who is employed for a specific period of time for a limited purpose specified by the relevant CEO and may be terminated with not less than one week’s notice.

“Wage Worker” means an employee who is employed on a casual basis for any work that is required to be done by the Ministry but which does not warrant the employment of an officer by reasons of its temporary, seasonal, fluctuating, or special nature and such employee’s term of employment may be terminated at any time without notice by the relevant CEO.

“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:
     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.

---

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  Reinstatement of an employee

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

Description of Power: To reinstate an employee (not including Contract Employees) 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 reinstate the employee (except Contract Employees) 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,

Description of Power: To approve the payment of an allowance in accordance with a scale of daily rates determined by the Public Service Commission or Cabinet 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,

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 or Cabinet 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,

Description of Power: To approve the payment of incidental allowance in accordance with a scale of daily rates determined by the Public Service Commission or Cabinet 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 2009

3. REFERENCES:
   ▪ Public Service Act 2004, S9, S10, S48A
   ▪ Instrument of Delegation, D1

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Determination shall apply to ALL Employees except:
   ▪ 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 that offering a range of options to staff in respect to their starting and finishing 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 or 37½ hours per week. However when employees have been approved to work overtime, they are to follow the hours in Determination 11 on Overtime.
   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 2.00 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 shall satisfy the requirement to work a total of 7½ hours per day of the Public Service Commission.
   ii) 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).
   iii) 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 for all employees EXCEPT Contract Employees:

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 (Officer or Temporary 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 reinstate 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.

f) Commission to be copied on all correspondence between CEO and employee for monitoring purposes.

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 2009

3. REFERENCES:
   ▪ Public Service Act 2004, S9
   ▪ Public Service Regulations 2008, R21, R22, R23
   ▪ Public Holidays Act 2008

4. EFFECTIVE DATE: 2 July 2018

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.
       c) For employees travelling on official trips overseas, there will be NO provision for holidays to be observed on alternative day upon return from overseas travel.
       d) Wage Workers who work during this period are to work without pay unless provided evidence that they have actually carried out necessary tasks required of them.
DETERMINATION 11

1. FUNCTION: OVERTIME

2. SUPERSEDES: Employment Instruction No. 11 2009

3. REFERENCES:
   - Public Service Act 2004, S9
   - Public Service Regulations 2008, R24, R25

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Determination shall apply to ALL Employees except:
   - Chief Executive Officers
   - 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.

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) Overtime period commences after 8 hours or 5pm each working day. This means overtime payments will start calculating after 42 hours a week or 84 hours a fortnight. The 42 hours a week and 84 hours a fortnight includes 30 minutes break each day from Monday to Friday whilst the extra 30 minutes a week and 1 hour a fortnight for overtime break is not included in accordance to the MOF system operation.
   c) 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.
   d) A break of at least 30 minutes for meals or rest must be made after any 4 hour period of work.
Government of Samoa HRM Policies & Procedures

e) Work, including overtime work must be done on official occasions/locations and it is the responsibility of the Manager to ensure that normal working hours and overtime hours are recorded accurately.

f) All overtime must be worked under the direct supervision of the Manager unless the CEO or Manager approves overtime to be worked unsupervised.

g) Only under special circumstances should overtime be worked on Saturdays, Sundays or Holidays. Any work performed on these days shall be classified as overtime.

h) 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.

i) 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 - 42 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)

Eligible employees with salaries at A7/L7 and below

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<thead>
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<th>Time when overtime is worked</th>
<th>Calculation of Overtime Payment</th>
</tr>
</thead>
<tbody>
<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>
</tr>
</tbody>
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Eligible employees with salaries above A7/L7

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<th>Calculation of Overtime Payment</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<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>
</tr>
</tbody>
</table>

b) No payment will be made to any employee who works overtime, without prior authorisation from their Manager and 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...
Government of Samoa HRM Policies & Procedures

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:

<table>
<thead>
<tr>
<th>Normal pay</th>
<th>8.00 hours (7.00 a.m. - 3.00 p.m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime hours @ T½</td>
<td>10 hours (3.00 p.m. – 1.00 a.m.)</td>
</tr>
</tbody>
</table>

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 42 hours in any one week may request time off in lieu for overtime worked on the following basis:

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

Furthermore, TOIL is classified in two (2) types: **Standard TOIL** and **Special TOIL**:

i) **Standard TOIL** is authorized by the CEO to bring up-to-date work or to meet any temporary pressure of work.

ii) **Special TOIL** is authorized by Cabinet to provide support during National events such as Regional/International Meetings, Natural Disasters, Health Epidemics and others.

(REFER TO SUB DETERMINATION 11A FOR MORE DETAILS)

7.4 Shift Work.

a) 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. 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 9am the following day, Monday to Sunday. Shift allowance is payable in addition to overtime. A Shift allowance of $3.50 per hour is paid out to the employee if the employee has worked for 8 hrs or more. No shift allowance is paid out to employees who work for less than 8.
8. TOOL/FORMS:

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

- PSC Form-1

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

(i) **CEO DIRECTS EMPLOYEE(S) TO WORK OVERTIME**

- 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

(ii) **EMPLOYEE(S) & MANAGER DISCUSS NEED FOR OVERTIME & WORK TO BE DONE**

- 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**

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

**TOIL**

- Completes applicable documentation (TYOVT/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
- Ministries Corporate Service Unit encouraged to utilize the HRMIS system for reporting and accountability purposes
- Reconciles TOIL credits on monthly basis to ensure it meets 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
1. **FUNCTION:**
   
   **TIME OFF IN LIEU (TOIL)**

2. **SUPERSEDES:**
   
   Employment Instruction No. 11 2009

3. **REFERENCES:**
   
   - Public Service Act 2004, S9
   - Public Service Regulation 2008, R14

4. **EFFECTIVE DATE:**
   
   10 January 2020

5. **APPLICATION:**

   A. **Standard Time Off in Lieu:** Applies to **ALL Employees except**:
      - CEOs
      - Contract Employees
      - Teachers

   B. **Special Time Off in Lieu:** Applies to **ALL Employees** (including CEOs and Contract Employees)

6. **BACKGROUND:**

   Employees may be required to work overtime necessary to bring work up-to-date or to meet any temporary pressure of work. Additionally, there have been special circumstances one evidently unique to Samoa where **National events** have a tendency to disrupt the normal operations of work for the public sector. During these events, government agencies are required to provide support by releasing employees who either volunteer or have been directed to partake to promote the political interest and image of Samoa to its international partners and/or fulfill its obligations. These, National events has an immense impact on the economic well-being of Samoa and its people. Moreover, overtime should only be worked where it is absolutely necessary. This Determination outlines the Time Off in Lieu (TOIL) for overtime payment.

7. **RULES AND POLICIES:**

   Employees who work overtime at the request of their Manager or CEO for a period of exceeding their standard prescribed hours of work on any one day, or a period exceeding 42 hours in any one week may request TOIL for overtime worked on the following basis:

<table>
<thead>
<tr>
<th>Time when overtime is worked</th>
<th>Calculation of Time off in Lieu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime hours for Weekdays, Saturdays, Commission Holidays, Sundays and Public Holidays</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>

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1 National events are referred to as events that require a Whole of Government coordination. These events led by the Leading Agency but requires the support of ALL Government Agencies to ensure the proper facilitation and coordination of the National Event.
Furthermore, TOIL is classified into two (2) types: **Standard TOIL** and **Special TOIL**.

1. **Standard TOIL** is authorized by the CEO to bring work up-to-date or to meet any temporary pressure of work.

2. **Special TOIL** is authorized by Cabinet to provide support during National events such as Regional/International Meetings, Natural Disasters, Health Epidemics and others.

### 7.1. Standard Time Off in Lieu:

a) **Standard TOIL** shall only accrue to a maximum of ten (10) days in total in accordance to the anniversary date;

b) Employees may automatically carry forward ONLY FIVE (5) days of **Standard TOIL** per anniversary year;

c) Upon cessation of employment from the service; any untaken **Standard TOIL** will be forfeited;

d) Further to c), **any untaken Standard TOIL days WILL NOT be paid out upon cessation of employment from the service**

e) The number of days granted for **Standard TOIL** depends on the hours of days the employee has worked for as per the table in Section 7 above.

The following is a practical example of the application of the Determination 11: 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 p.m. – 8.30 p.m.) 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 Determination 11: Section 7.1(c) and 7.1(h) 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.

### 7.2. Special Time Off in Lieu:

a) All employees (including CEOs and Contract Employees) are entitled to **Special TOIL**;

b) **Special TOIL** may be accumulated to a maximum of twenty (20) days per anniversary year;

c) Employees may automatically carry forward ONLY TEN (10) days per anniversary year;
d) Upon cessation of employment from the service; any untaken Special TOIL will be forfeited;
e) For CEOs and Contract employees; any untaken Special TOIL will be forfeited upon end of contract;
f) Further to e); any untaken Special TOIL days WILL NOT be paid out upon cessation of employment from the service;
g) Employees must have a verification from Coordinator/Team Leader before Special TOIL is granted;
h) The number of days granted for Special TOIL depends on the hours of days the employee has worked for as per the table in Section 7 above;
i) No Acting appointment and payment of Higher Duties Allowance (HDA) as per Determination 15D shall be made during National events¹

A practical example is as follows;

Prior to Pacific Games, Tania was allocated to volunteer as a workforce; given the schedule, her shifts start from 7:00am – 5:00pm for four weeks. Therefore, any hours worked beyond her normal working hours will be counted towards overtime and Time off in lieu. However, if Tania only works or turn up for 3 days only, she will not be entitled to 10 days Special TOIL.

7.3. Record keeping – Time Off in Lieu

a) It is the responsibility of the HRC to ensure that proper recording mechanisms are in place to:
   i) Accurately record time off in lieu owing to employees
   ii) Debit time from time off in lieu owing when the employee accesses the time, they are owed

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

8. TOOLS/FORMS

Same tools/forms as for Determination 11

9. PROCEDURES

Standard TOIL same Procedures as for Determination 11

Special TOIL Procedure is specified below
CABINET TO APPROVE ALL CONTRACT EMPLOYEES
CEO TO APPROVE ALL EMPLOYEES EXCEPT FOR CONTRACT

IF

Contract Employee advises Ministry (HRC) overtime requested for assigned shift
Ministry (HRC) completes PSC Form 1 for all Contract Employees of Ministry
Ministry (HRC) Submits PSC Form 1 to PSC CHRAS/SES for verification in accordance with Cabinet Directive
CHRAS/SES verifies and returns overtime sheets upon completing verification
HRC files overtime records sheet in an overtime file and personal file of Contract Employee.

IF

Team Leader/Coordinator
Team Leader/Coordinator completes PSC Form 1 and submits to Ministry for CEO Approval
Submits PSC Form1 to the CEO or delegate for approval of overtime request
CEO or delegate either approves/declines overtime request, by completing Section 6 of PSC Form 1 and then informs HRC of decision
HRC to inform Team Leader of decision

Team Leader/Coordinator
Advises employee(s) of decision regarding request to work overtime

PAID OT

HRC
Completes applicable documentation (TYOVT/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"
Copy of above forms placed as supporting documentation behing the TSbyac report for audit purposes

TOIL

HRC
Completes applicable documentation (TYOVT/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
Ministries Corporate Service Unit encouraged to utilize the HRMIS system for reporting and accountability purposes
Reconciles TOIL credits on monthly basis to ensure it meets parameters outlined 7.4 of Determination 11
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 2009

3. REFERENCES:
   - Public Service Act 2004, S9
   - Public Service Regulations 2008, R20
   - Public Finance Management Act 2001

4. EFFECTIVE DATE: 12 March 2019

5. APPLICATION: This Determination shall apply ONLY to Officers/Permanent Employees. Thus, an exception will be made for Retirees who meet the Conditions set under provision 7.3 of this determination.

6. BACKGROUND:
   Most leave entitlements and benefits are calculated based on the number of years an employee has served in the Government increasing over time to recognise their length of service in a Government Agency. Employees resign for a variety of reasons and some of these employees may at a later date be re-appointed back into government. 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 employees of Government Agencies.

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 Government.

   c) An employee who has also been employed in a Government Agency listed below may request to the Commission to count previous service as part of their continuous service. These Government Agencies will be reviewed by the Commission from time to time.

<table>
<thead>
<tr>
<th>Government Agencies to be included in Counting of Service:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Office of the Audit Office</td>
</tr>
<tr>
<td>2 Legislative Assembly</td>
</tr>
<tr>
<td>3 Office of the Attorney General</td>
</tr>
<tr>
<td>4 Office of the Ombudsman</td>
</tr>
</tbody>
</table>
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 a Government Agency.

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:

a) Any leave without pay of more than 3 months shall not be counted as service for leave pay entitlements and benefits.

b) Approved periods of Study Leave with pay will be counted towards an employee’s years of service for leave pay entitlements and benefits. Subsequent periods of Study Leave without pay will not be counted.

c) Approved periods of PDL with pay will be counted towards an employee’s years of service for leave pay entitlements and benefits. Subsequent periods of PDL without pay will not be counted.

d) 100% of service as a Term Employee and Contract Employee based on the nature of employment shall be counted towards 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 Government Agencies as Term Employees and/or Contract Employees and then subsequently transferred or re-employed as permanent employees. For example: an employee who has worked as a project officer can request to count their time as a project officer when their project position is absorbed into the Ministry’s structure as a permanent position.

e) 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 wage worker and then subsequently transferred to permanent.

f) 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 Government Agency 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, and 13I for more details.

7.3. Application of Counting of Service for Retirees.
   a) The retired employee continues to serve Government even after reaching the retirement age of 55 years old.
   b) The CEO/Commission considers that the re-employment of a retired employee is crucial in catering for acute shortages in specialized professions or technical fields (e.g. teaching, health and technical fields) or for such reasons as the CEO/Commission sees fit in consideration of the local capacity and context of Samoa.
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
13J PROFESSIONAL DEVELOPMENT LEAVE
DETERMINATION 13A

1. FUNCTION

ANNUAL LEAVE

2. SUPERSEDES

Employment Instruction No. 13A 2009 and 1 December 2011

3. REFERENCES:

- Public Service Act 2004, S9
- Public Service Regulations 2008, R7
- Cabinet Directive FK16(36)5 October 2016

4. EFFECTIVE DATE:

2 July 2018

5. APPLICATION:

This Determination shall apply to ALL Employees (but for Temporary Employees, they must meet a qualifying period of six (6) consecutive months)

Except:

- School Teachers (refer to Determination 13C)

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 (Contract, Permanent and Temporary Employees) 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>Contract Employee</td>
<td>For each year of contract</td>
<td>20</td>
</tr>
<tr>
<td>General/Retired Employees, Term or Project Employees</td>
<td>Less than 5 years of service</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Less than 11 but not less than 5 years of service.</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>11 or more years of service</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Less than 10 years of service</td>
<td>5</td>
</tr>
</tbody>
</table>
Government of Samoa HRM Policies & Procedures

<table>
<thead>
<tr>
<th>Wage Workers and Part Timers</th>
<th>Less than 20 but not less than 10 years of service</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>More than 20 years of service</td>
<td>15</td>
</tr>
</tbody>
</table>

b) **Process of Approval for Annual leave utilized overseas for CEOs and All Other Contract Employees**

CEOs: approval for annual leave utilized overseas must be supported by Minister and submitted to the Public Service Commission for the final assessment.

All Other Contract Employees: approval for annual leave utilized overseas must be supported by the CEO and submitted to the Public Service Commission for the final assessment.

c) 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

**7.2. Due Dates of Annual Leave:**

An employee’s annual leave entitlement for the year starts accruing on the commencement date of an employee’s appointment and every anniversary date thereafter. For Contract employees, they receive their annual leave on an accrued pro rata basis. However, the remaining annual leave balance will be carried forward for the duration of the term of the contract.

**7.3. Annual Leave on a Pro Rata Basis**

a) Annual leave for Officers and Temporary Employees is accrued on a pro rata basis. Officers and Temporary Employees are entitled to utilisation of any accrued AL entitlements. However, an Officer or Temporary Employee with less than one year of service may only access and utilise any accrued AL after completing a 6 months probationary period.

b) No accrual of Annual Leave for any employee who is away on ANY type of leave WITHOUT pay if the leave is more than 30 working days.

The HR System will calculate annual leave entitlements for Officers and Temporary Employee’s in hours, on a pro rata basis and all employees annual leave entitlements will appear in their fortnightly payslip.

**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) 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:**
7.6. When Annual Leave is to be taken:
   a) Annual leave granted and accrued to an Officer or Temporary Employee shall be
taken before their next anniversary date, subject to provisions under 7.7 of this
Determination. For Contract Employees, their leave shall be taken within their
Term of Contract.
   b) Employees are required to submit their application for utilisation of annual leave
entitlements to their Division Head or CEO, 3 days prior to the date on which
they intend to commence utilisation. Applications submitted less than 3 days
prior to the intended date of AL utilisation will only be considered and approved
at the discretion of the Divisional Head and/or CEO.
   c) 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.

7.7. Carrying Forward Annual Leave or Postponement for Taking Annual
Leaves
   a) The CEO or delegate may, upon application from an employee, approve
carrying forward annual leave or postponement for taking of annual leave for an
Employee. The carried forward leave should be taken for up to six (6) months
after completion of the leave year in which it is due. The conditions are laid out
below:

The CEO or delegate shall not give their consent to carry forward or postpone
annual leave unless they are satisfied that:
   i. Such carrying forward or postponement is necessary for a particular
purpose of which the CEO approves; or
   ii. Special circumstances exist such as the employee is unable to take his/her
leave, at the time in which it is due as a result of their work load.

b) The six (6) month limitation period as stated in a) must be complied with. Leave
not taken in that time is forfeited.

c) An Officers or Temporary Employee’s application to carry forward Annual
Leave must be submitted to the CEO one (1) month before the next anniversary
date.

d) Where the CEO or delegate has authorised to carry forward or postpone for
taking annual leave, the CSU (Corporate Services Unit) of the Ministry must
ensure that there is effective record keeping that monitors annual leave
entitlements, due dates for leave, limitation period and forfeiture dates.

e) For Contract Employees, the appointee’s annual leave entitlement must be taken
within the Contract Term otherwise the balance of any untaken annual leave will
be forfeited at the end of the Contract Term.

f) **This carried-forward Annual Leave will not be paid out/added to payment
of Untaken Annual Leave upon an Officers’ cessation of employment.**
7.8. **Forfeiture of Annual Leave**

a) Unless the CEO (or delegate) has approved the carrying forward of untaken annual leave, any accrued annual leave which is not taken by an employee within the leave year/term of Contract in which it is due and accrued and before their next anniversary date, is forfeited.

b) Similarly, annual leave which has been approved to be carried forward/postponed, up to the maximum of six (6) months, shall be forfeited thereafter if it remains untaken.

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 that has been accrued 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 7 days annual leave. Tofi must take the 7 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**

(Applies ONLY to OFFICERS AND TEMPORARY EMPLOYEES):

Where an employee has been absent on Sick or Special Leave without pay for a period exceeding a total of 30 consecutive working days in any 1 year, they shall not be entitled to any accrued Annual Leave for the full period of absence.

Any proportionate Annual Leave that has been accrued on the system during the period or periods of absence shall be reduced accordingly.

For the purpose of applying the aforementioned provision on reduction of annual leave entitlements:

i) ‘Special Leave’ shall include Study Leave, the duration of which is six (6) consecutive months and over, but does not include Study Leave of less than six (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 the accrual of annual leave entitlements.

7.11. **Payment of Untaken Annual Leave on Cessation of Employment:**

a) The CEO may approve lump sum payment ONLY to an Officer or Temporary 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) Other reasons approved by the Commission
v) Upon death of employee.

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.
c) Contract employees are not entitled to payment of untaken Annual Leave upon cessation of employment.
d) Carried-forward Annual Leave WILL NOT be paid out/added to payment of Untaken Annual Leave upon cessation of employment. Carried-forward Annual Leave is to be taken as the agreement for the employee to utilize only and not pay out.

7.12. Advanced Annual Leave
Given that annual leave is now earned on a pro rata basis which is earned as you serve, there will be no advancement of annual leave for any employee in the public service to avoid government losing out on employees taking advancement annual leave then resigning thereafter.

8. TOOLS/FORMS

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

FORMS

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

See Part II for copies of forms
9. PROCEDURES

**CSU**
- 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
- Ministry CSU to record in the HRMI System for accountability and clear reporting purposes
DETERMINATION 13B

1. FUNCTION: SICK LEAVE

2. SUPERSEDES: Employment Instruction No. 13B 2009

3. REFERENCES:
   - Public Service Act 2004, S9
   - Public Service Regulations 2008, R12
   - Cabinet Directive FK16(26)5 October 2016

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: This determination shall apply to ALL Employees including Chief Executive Officers.

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 an employee who is sick is granted sick leave. Sick employees should access this entitlement and stay home when they need to. However, for CEOs and All Other Contract Employees, they must seek Cabinet/Commission approval before utilizing Sick Leave overseas.

7. RULES AND POLICIES:
7.1. Sick Leave Entitlement:
The CEO shall grant leave on full pay on account of sickness or an accident to an Employee (Contract, Permanent or Temporary) in accordance with the following scale and subject to the conditions set out under 7.3. However, for CEOs and All Other Contract Employees, they must seek Cabinet/Commission approval if they wish to utilize their Sick Leave overseas.

   a) Scale of Sick Leave Entitlement for Permanent/Term/Contract Employees

<table>
<thead>
<tr>
<th>Length of Service in Years</th>
<th>Number of consecutive days on full pay accruing per year of service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Employees and CEOs</td>
<td>50% upon commencement while the rest will be accrued on a pro rata basis.</td>
</tr>
<tr>
<td>Upon Commencement (Permanent/Term or Project Staff)</td>
<td>5</td>
</tr>
<tr>
<td>Less than 9 years of service or duration of project.</td>
<td>10</td>
</tr>
<tr>
<td>Less than 18 but not less than 9 years of service</td>
<td>11</td>
</tr>
</tbody>
</table>
As demonstrated in the scale of entitlement, all employees (except contract officers) with less than 9 years of service is entitled to 10 days of sick leave per year. However, Officers and Term employees serving less than 1 year of service will be granted 5 days lump sum on the commencement date of employment, and the remaining 5 days will be accrued on a pro rata basis over the first year of employment. For Officers and Term employees service between 9 and 18 years of service, the annual sick leave entitlement is 11 days etc.

b) Scale of Sick Leave Entitlement for Wage Workers and Part Timers

<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>Less than 10 years of service</td>
<td>5</td>
</tr>
<tr>
<td>Less than 20 but not less than 10 years of service</td>
<td>10</td>
</tr>
<tr>
<td>20 years and above</td>
<td>15</td>
</tr>
</tbody>
</table>

7.2. Conditions on which Sick Leave is granted by the CEO
The granting of sick leave under 7.1 above is subject to the following conditions:

a) Sick Leave entitlements are calculated and accrued on a pro rata basis.

b) 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.

c) 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.

d) Leave with pay for any one period of absence from duty allowed under this provision is to be calculated in consecutive working days.

e) 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 7.2(a) above, the employee is entitled to have their annual leave re-credited for the period of approved sick leave.

7.3. 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 three (3) consecutive months. Sick leave without pay beyond the period of 3 months WITHOUT CEO approval will result in termination.

7.4. Untaken Sick Leave upon Cessation of Employment:
All Employees including Chief Executive Officers will not be entitled to any payment of the value of any sick leave balance not taken upon cessation of employment.
7.5. Maximum Accrual Limits for Sick Leave (Only applies to Permanent Employees/Officers, Term and Project Staff)
An Officer can only carry forward 20 days sick leave plus current entitlements upon reaching their anniversary date. Not applicable to Contract employees & CEOs as it is covered in contract.

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 2009

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Instruction shall apply ONLY to School Teachers within the Ministry of Education Sports and 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 The Chief Executive Officer of the 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\(^1\). 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

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

1. FUNCTION: MATERNITY LEAVE

2. SUPERSEDES: Employment Instruction No. 13D 2009

3. REFERENCES:
   - Public Service Act 2004, S9
   - Public Service Regulations 2008, R10

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: This Determination shall apply to ALL Female Employees but for Temporary Employees they must meet a qualifying period of six (6) consecutive months

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 for expectant and new mothers to have sufficient time to prepare for and/or recover from childbirth. It also 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 maternity leave on natural birth or caesarean, a period of not more than 26 weeks within a 12 month period.
   a) Leave granted under 7.1 will be with full pay for the first 12 weeks and any time thereafter will be maternity leave without pay.
   b) Maternity Leave can be utilized on a weekly or daily basis.
   c) On the basis of stillborn babies, miscarriages and legal adoptions of newborn babies up to 12 months old, the CEO shall in appropriate circumstances grant any female employee maternity leave of no more than 26 weeks maternity leave within a 12 month period.
      - Leave granted under 7.1 c) will be with pay on the first 4 weeks and any time thereafter will be maternity leave without pay.
      - Maternity Leave can be utilized on a weekly or daily basis

   7.2 Process of Approval for Maternity Leave utilized overseas for CEOs and All Other Contract Employees
   a) CEOs: approval for Maternity Leave utilized overseas must be supported by the Minister and submitted to the Public Service Commission for the final assessment.
b) **All Other Contract Employees:** approval for Maternity Leave utilized overseas must be supported by the CEO and submitted to the Public Service Commission for the final assessment.

7.3 The CEO shall allow the employee to utilise accrued Annual Leave during the approved period of Maternity Leave, upon request from the employee.

7.4 The CEO shall also allow the employee to utilise Sick Leave accrued during approved period of Maternity Leave, upon satisfaction of requirements for granting of Sick leave, (see Determination 13B).

7.5 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 each occasion.

7.6 Maternity Leave is to be utilized on a weekly or daily basis. Any public holidays and Commission holidays which fall during the Maternity Leave period shall be added to the 12 weeks of pay period.

7.7 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 2009

3. REFERENCES:
   - Public Service Act, S9
   - Public Service Regulations 2008, R11

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: This Determination shall apply to ALL Male Employees but for Temporary Employees they must meet a qualifying period of six (6) consecutive months

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 grant to a male Employee up to five (5) working days of Paternity Leave with full pay in each occasion.

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

   7.3 Leave granted under 7.2 includes natural births (including caesarean), stillborn babies, miscarriages and legal adoptions of newborn babies up to 12 months old, the CEO shall in appropriate circumstances grant any male employee paternity leave of no more than 5 working days.

   7.4 Process of Approval for Paternity Leave utilized overseas for CEOs and All Other Contract Employees
      a) CEOs: approval for Paternity Leave utilized overseas must be supported by the Minister and submitted to the Public Service Commission for the final assessment.
      b) All Other Contract Employees: approval for Paternity Leave utilized overseas must be supported by the CEO and submitted to the Public Service Commission for the final assessment.
7.5 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
DETERMINATION 13F

1. FUNCTION: BEREAVEMENT LEAVE

2. SUPERSEDES: Employment Instruction No. 13F 2009

3. REFERENCES:
   - Public Service Act 2004, S9
   - Public Service Regulations 2008, R13

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: This Determination shall apply to ALL Employees but for Temporary Employees they must meet a qualifying period of six (6) consecutive months (except retirees, they do not have to meet the six (6) months qualifying period)

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. However, for CEOs and Contract Employees they must seek Cabinet/Commission approval before taking Bereavement Leave overseas

7. RULES AND POLICIES:
   7.1 The Chief Executive Officer, in ‘eligible circumstances’ may grant an employee Bereavement Leave with pay of up to 3 consecutive working days (not including travelling time) plus ‘travelling time’.

   7.2 Process of Approval for Bereavement Leave utilized overseas for CEOs and All Other Contract Employees
      a) CEOs: approval for Bereavement Leave utilized overseas must be supported by the Minister and submitted to the Public Service Commission for the final assessment.
      b) All Other Contract Employees: approval for Bereavement Leave utilized overseas must be supported by the CEO and submitted to the Public Service Commission for the final assessment.

   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, 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 All employees MUST submit a death certificate or program either before or after the funeral.

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 2009

3 REFERENCES:
   ▪ Public Service Act 2004, S9
   ▪ Public Service Regulation 2008, R14

4 EFFECTIVE DATE: 23 December 2015

5 APPLICATION:
   - **Short Term Study Leave**: Applies to ALL Employees but for Temporary Employees they must meet a qualifying period of six (6) consecutive months
   - **Long Term Study Leave**: Applies ONLY to Officers/Permanent Employees

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:
   a) Leave on full pay of 1½ days for each paper may be granted to public servants who sit the examinations
   b) The period of 1½ days study leave covers both study and examination times
   c) Short Term Study Leave can also be used to sit Tertiary Online Courses
   d) 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
   e) 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
   f) The CEO must 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 Long Term Study Leave upon such conditions as they see fit to enable the Officer/Permanent Employee to pursue an approved course of study. Some of the conditions are set out below:

j) Only Officers who have served a minimum of 5 years within the Samoa Public Service and who are pursuing a course or program of study of up to 12 months duration, in crucial HRD area may be granted study leave with pay.

k) Applicants who do not satisfy the requirements under 7.2 (a) above may be granted study leave without pay. The Commission upon request may approve study leave with pay for Officers who will undertake programs of study that are more than 12 months but less than two (2) years. The leave with pay will ONLY be for the first twelve (12) months, whilst the rest of the course will be on study leave without pay. The Officer’s position will be vacated for a maximum of two (2) years.

l) An Officer who is granted Study Leave With Pay under 7.2 (a) above is required, upon returning from studies/training to resume employment in the Ministry in which he/she was employed immediately prior to taking up study leave with pay, for a period not less than the period of study for which they were on approved study leave with pay. Accordingly, the officer must sign a Bond with the CEO of the Ministry within which he/she is employed to this effect.

m) An Officer who has previously been granted and utilised Long Term Study Leave with Pay for a period not less than 6 months may only re-apply and be eligible for Long Term Study Leave With Pay after he/she has completed a stand down period which shall be the amount of time for which they were granted Long Term Study Leave.

n) Application for long term study leave shall be submitted to the Commission for consideration. The following are to accompany the Officer’s application:

   i) Supporting documents such as letter of acceptance from institution or organisation and a detailed course outline or syllabus of the training to be attended by the Officer.

   ii) A detailed list of training the Officer had previously attended including a report of how these trainings have been applied to the Officer’s work;

   iii) An endorsement of the CEO for the application which shall include an explanation/description of how the proposed course of study/instruction/training is relevant to the HRD needs of the Ministry and how it will benefit the Ministry upon the employee’s return.

   iv) A report from the CEO on the arrangement made for another/other staff to take over the Officer’s duties and responsibilities while on leave.

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 2009

3. REFERENCES:
   ▪ Public Service Act 2004, S9
   ▪ Public Service Regulations 2008, R9

4. EFFECTIVE DATE : 2 July 2018

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 National Representation at Sports and Cultural Events.

7. RULES AND POLICIES:
   7.1. Process of Approval for Special Leave utilized overseas for CEOs and All Other Contract Employees
   a) CEOs: approval for Special Leave utilized overseas must be supported by the Minister and submitted to the Public Service Commission for the final assessment.
   b) All Other Contract Employees: approval for Special Leave utilized overseas must be supported by the CEO and submitted to the Public Service Commission for the final assessment.

   7.2. Special Leave of Absence With Pay
   a) CEO may grant an employee special leave with pay locally on such terms and conditions as the CEO sees fit.
   b) For Contract employee’s, the Cabinet upon Commissions report may grant special leave with pay if special leave was to be taken overseas/outside of Samoa. Requests will be submitted on such terms and conditions as the Cabinet sees fit.
   c) The special circumstances which are eligible under this category of special leave with pay include the following examples:
      i) Participation in national sporting teams
      ii) Participation in cultural events.
   d) Notwithstanding the above, special leave with pay granted under this instruction may only be granted for up to a maximum aggregate period of 10 working days in any year. In this respect, an employee requesting special leave
Government of Samoa HRM Policies & Procedures

of more than 10 working days in one year may be granted special leave without pay (refer 7.2)

e) 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 working days as outlined in 7.1 c) above.

f) 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).

7.3. 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) For Contract employee’s, the Cabinet upon Commissions report may grant on special circumstances, special leave without pay if special leave was to be taken overseas/outside of Samoa. Requests will be submitted on such terms and conditions as the Cabinet sees fit.

c) Special circumstances which are appropriate under this category of special leave without pay include:

i) Requests for special leave without pay on reasonable grounds of urgent private/personal reasons or on compassionate grounds to any employee.

For example, the CEO may grant a period of leave without pay to an employee requesting to accompany a child/parent for overseas medical treatments or the CEO may grant special leave without pay to an employee requesting leave on occasions such as marriage or graduation or whatever the CEO sees fit.

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

i) Approved leave without pay should not be more than 2 months duration.

ii) Where an employee is granted special leave without pay, 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.

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

7.4. Any Special Leave Without Pay of more than 3 months shall not be counted as service for leave pay and entitlements (refer to Determination 12)

8. TOOLS/FORMS

Same tools/forms as for Determination 13A

9. PROCEDURES

Same Procedures as for Determination 13A
DETERMINATION 13HH

1. FUNCTION: PUBLIC SERVANTS NOMINATED AS ELECTION CANDIDATES

2. SUPERSEDES: Employment Instruction 2009

3. REFERENCES:
   - Public Service Act 2004, S9
   - Electoral Amendment Act 2015

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Determination shall apply to ALL Employees including Chief Executive Officers.

6. BACKGROUND:
   When the Public Service prepares for General Elections, this Determination sets out the policies 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 of their employment when contesting in an election.

7. RESIGNATION FOR ELECTION CANDIDATES
   Section 8 of the Electoral Act 1963 provides that an employee must resign from their employment by giving at least 3 months’ notice before the expiry of the term of Parliament when running for an election.

8. RESIGNATION FOR CHIEF EXECUTIVE OFFICERS NOMINATED AS ELECTION CANDIDATES
   Section 8 of the Electoral Act 1963 provides that a Chief Executive Officer must resign from their employment by giving at least 3 months’ notice before the expiry of the term of Parliament when contesting in an election.

9. RESIGNATION BENEFITS
   Upon resignation, an employee is entitled to the following benefits provided that the conditions for each entitlement, as set out are satisfied:
   a) Untaken long service leave. *(Applies only to Officers)*
   b) Untaken annual leave. *(Applies only to Officers, temporary employees)*
   c) Severance pay *(Applies to Contract Employees)*

   The CEO may grant any untaken long service benefit 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 officer who resigns from the service. An Officer must satisfy the following conditions before they are granted or paid in lieu any untaken long service benefit that they may be entitled to at the time of resignation:
   a) The Officer has completed **not less** than 10 years of satisfactory service
   b) The Employee and/or CEOs services are not terminated due to misconduct.
Where an Officer was previously granted long service leave, such leave must be deducted from their entitlement to long service benefit or payment in lieu thereof, at the time of resignation.

Refer Determination 13I for more details on long service benefit.

- Untaken Annual Leave (applies only to Officers, temporary employees)
  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.

- Severance Pay (applies only to Contract Employees)
  The Commission shall grant to a Contract Employee severance payment in accordance with terms set out in their Contract of Employment. (Refer to individual Contract)

- An employee who resigns from the service after "being charged" and is involved during an active investigation against him/her is deemed to have admitted to the truth of the charges.
  This means any employee who resigns after receiving charges under Section 46 of the PS Regulations 2008 for Breaching the Code of Conduct under Section 44 PS Act 2004 is deemed to have admitted to the truth of the charges and will not be entitled to any Resignation benefits.
  Furthermore, any employee who 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. e)

Exit Survey and Checklist for Return of Assets
Upon Resignation, the HRC of the relevant Ministry must carry out an Exit Survey and a Checklist for Return Assets to ensure that the Public Service is exercising its responsibility as a good employer and keeping track of its assets.

10. TOOLS/FORMS

- Leave Record
- Employee Personal File

PSC Form-4
TY15C

Exit Survey and Checklist for Assets

Refer Part H for copy of form
1. **FUNCTION:** LONG SERVICE BENEFITS

2. **SUPERSEDES:** Employment Instruction No. 13I 2009

3. **REFERENCES:**
   - Public Service Act 2004, S9
   - Public Service Regulations 2008, R15, R16

4. **EFFECTIVE DATE:** 12 March 2019

5. **APPLICATION:** This Determination shall apply to Officers/Permanent Employees who have completed at least 10 years in the Public Service. Thus an exception will be made for Retirees under provisions 7.3 of Determination 12 Counting of Service.

   **Except:**
   - Chief Executive Officers
   - Contract Employees
   - Wage Workers
   - Term Employees (Part-Timers and Project Employees)

6. **BACKGROUND:**
   Long Service Benefit is granted to compensate employees for their dedicated long service to the Samoan Public Service and can be accessed by an officer or retiree 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 Benefit Entitlement:**
   a) The CEO may grant Long Service Benefit in accordance with the following scale as set below to an officer or retiree, 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>
</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 × 7 = 70 days + \( \frac{10}{12} \) of 7 days = 75.5 days of long service leave*
b) A CEO may not grant long service leave for a longer period than the period obtained by calculating the period of their basic long service benefit entitlement (the basic period) and deducting from the basic period.
   i) Any period of sick leave which has exceeded the amount due to the employee under normal circumstances, and also;
   ii) Any long service leave the officer/retiree has taken.

c) Any officer/retiree wishing to take long service leave must apply for such leave not less than 2 weeks in advance.

d) In determining the period of continuous service for the purpose of Long Service benefits, 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 service.

7.2 Lump sum payment whilst still in-service

a) The CEO upon the approval of the Commission, will grant the payment of long service benefit credits accrued but not taken, to an employee upon reaching at least ten (10) years of service whilst they are still in service.

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

c) For those employees who ceases employment after their first 10 years of service, they are entitled to the amount owed to them on an accrued pro rata basis if they cease employment thereafter.

d) 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.
   - If there are no sufficient funds available, the employee will have to wait until such time the Ministry informs him or her (must be within two years from the date of request) that they have available funds to pay his/her long service benefits.

e) 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.

f) 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

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1 Refer Determination 12 for more details on ‘Counting of Service’
Any long service benefit/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.

For example an officer resigns from the Public Service following 13 years and 6 months of service. The officer 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:

13x7 = 91 days + 50% of 7 days = 94.5 days less 60 days already taken = 34.5 days of long service benefit due to be paid at cessation of employment

There shall be no payment under 7.3, where an officer/retiree 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 13 J

1. FUNCTION: PROFESSIONAL DEVELOPMENT LEAVE

2. SUPERSEDES:

3. REFERENCES:
   - Public Service Act 2004, S9
   - Cabinet Directive FK (18) 36

4. EFFECTIVE DATE: 26 February 2019

5. APPLICATION: This Determination shall apply to ALL employees who have served a minimum qualifying period of 6 months upon entering the service. Except: Chief Executive Officers

6. BACKGROUND:

   The Commission in ensuring that ALL employees are afforded the opportunity to acquire the best and available professional development, has put in place the following leave entitlement. The scope of this leave includes a wide variety of specialized trainings (Attachment, Secondments i.e., local/international, Internship, Long Term Training, Apprenticeship) intended to help employees improve their professional knowledge, competence, skill, and effectiveness in performing their duties.

   This leave entitlement also accommodates those professions with specific programs as pathways to registration and licensing to practice such as lawyers, accountants, engineers to name a few. For the purposes of this Determination, Professional Development Leave shall herein be referred to as “PDL.”

   *It is to be noted that any short-term training that is for a maximum period of 8 weeks or less would be excluded from this term and should be recorded as the employee being away for Official Duty Travel as per section 7: Defining Professional Development (h).*
1. DEFINING PROFESSIONAL DEVELOPMENT

The following definitions will be used to guide the Commission’s decision for determining Professional Development Leave:

Specialized Training as mentioned in the background is considered any of the following enlisted below:

a) **Attachment** – To seek collaborations with external organizations to enlist their expertise and leverage on their resources to provide real learning that schools cannot (as yet) provide.

b) **Secondment** – To send an employee to another department, office, etc in order to do a different job for a short period of time. A secondment occurs when a person is still employed with their home organization and they have the right to return to the organization when the secondment ends.

c) **Internship** – A carefully monitored work or volunteer experience in which an individual has intentional learning goals and reflects actively on what he or she is learning throughout the experience.

d) **Long Term Training** – Training provided in a structured learning environment including but not limited to degree earning programs, with a duration of (6) months or longer or Full-Training for more than (120) days but not more than (12) months.

e) **Apprenticeship** – The combination of on-the-job training and the classroom training wherein the workers earn while learning the skills required for performing the specialized job.

f) **Admission** for professions with specific programs as pathways to registration and licensing to practice such as lawyers, accountants, engineers, and is not limited to these professions.

g) Further to the above conditions and in anticipation of the evolvement of professional development programs or opportunities, any other reasons as approved by the Commission.

h) Subsequent to above and in the absence of a regulatory definition of the term “short term training,” the Commission has decided to adopt the Office of Child Support Enforcement (OCSE) definition that this term excludes any training that exceeds (8) weeks in duration, and any training that is part of an educational program leading to a degree. Thus, any short-term training undertaken by an employee will not be considered as PDL but will be recorded as an employee undertaking duty travel.

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4. National Society for Experiential Education (NSEE)
5. U.S. Agency for International Development
7. Office of Child Support Enforcement (OCSE): Definition for Short Term Training
8. RULES AND POLICIES:

8.1 In Service Bond Agreement:

a) All employees prior to attending international specialized trainings must sign an in-service bond agreement between the employee and the Ministry to indicate that the employee will serve the Ministry for the amount of time he/she will be away for PDL to ensure the return of the employee to transfer knowledge and skills to the work of the Ministry for the duration of the PDL approved.

b) Penalties are to be clearly defined in the in-service bond agreement consistent with the policy and in accordance with section a) and d) of this section.

c) The employee must comply with the conditions of the in-service bond agreement signed with the Ministry.

d) Subsequent to above, failure to do so will impact on a future request by the employee to undertake another PDL and any official trips.

8.2. General Requirements for ALL Employees (Before taking PDL)

The following general requirements including further requirements must be submitted to the Commission.

a) The requirements classified (1 to 4) applies to all employees with exception of (5*) specified for only Officers and Term Employee:

1. Letter of invitation from organization hosting the specialized training
2. List of duties/responsibilities to be carried out
3. Duration of the specialized training
4. Any other “supporting documents” to support the request
5. * Endorsement by relevant CEO/Proof of arrangement between the relevant CEO (for international and local specialized training)

b) A contingency plan must be in place to ensure minimal disruption to the operations of the Ministry in the absence of the employee taking PDL.

c) A report from the CEO detailing the cost benefit analysis outlining compensation costs forecasted, for the duration of their absence.

d) For Officers and Temporary Employees - A report from the CEO on the arrangement made for another or other staff to take over the employee’s duties and responsibilities while on leave.

e) For Contract Employees - A Contract Employee approved to take PDL must ensure appropriate arrangements are made between the relevant CEO and the Commission i.e., whether an acting appointment is required or a work plan is laid out for the CEO or the supervising manager to oversee.
f) An employee who request’s for PDL in their own capacity for technical expertise will not be considered.

8.2.1. Further Requirements for Officer and Temporary Employees (Before taking PDL):

a) The employee is obligated to provide statements clearly outlining an analysis and a list of expected outcomes from the specialized training in relation to the goals and objectives of the Ministry (reference must be made to Ministry’s Workforce plan and Corporate Plan).

b) Due to the special nature of Temporary positions, the relevant CEO is responsible for reviewing the terms and conditions of the Term employees’ contract of employment to determine whether the absence is deemed disruptive or costly to the organization and if considered so, the position to be terminated and advertised.

8.2.2. Further Requirements for Contract Employees (Before Taking PDL - Part A):

a) Request for PDL must be made in accordance with the terms and conditions of their Contract of Employment where the Commission’s endorsement is required with the support of the relevant CEO.

b) The Commission decision to endorse or otherwise will be considered in accordance with the principle in (FK (17)06) together with fulfilling all other information as set out below “Further requirement before taking PDL – Part B”.

c) Contract employees may request PDL for any 12 months and less during their three-year contract period subject to the Terms and Conditions of their Contract of Employment.

d) Contract Employees must link the specialised training to their Performance Plan (Part 1.3 Executive Performance – Competencies and Individual Development Plan) – clearly setting out the required development need by the Contract Employee to achieve set targets.

8.2.3. Further Requirements for Contract Employees (Before Taking PDL - Part B):

---

1 For Contract Employees
2 Le unaia o short term (6 masina) ma long term training (12 masina)
e) For PDL requested to be taken for 6 to 12 months and approved by Cabinet, a **Contract Variation** will be executed to defer period of absence to be served upon completion of PDL.

f) For PDL requested to be taken for 12 months or more, and **not supported by the relevant CEO** to hold the position, Contract employees’ contract of employment will be terminated and position to be advertised.

g) For PDL requested to be taken for 12 months or more and **supported by relevant CEO** to hold the position, is subject to the conditions of section 8.2 above (b) (c) and (e).

8.3. Determining Leave With Pay or Leave Without Pay

8.3.1 For Officer and Term Employees:

a) Specialized training periods of 24 months, with **written confirmation of full funding** provided, will be treated as **leave without pay** in accordance with (FK (12) Faapitoa 22)\(^1\) However, special conditions apply for **Term employees** as mentioned in section 8.2.1 above (b).

b) Employees on specialized trainings who receive **only a living allowance**\(^2\) during their PDL are entitled to **leave with pay for a period of not more than 12 months**.

c) Subsequent to above, specialized trainings of **more than 12 months will not be entitled to leave with pay** while the position will be on hold for the remaining period of the training.

8.3.2. For Contract Officers:

a. Specialized training for periods of 12 months or less, with **written confirmation of full funding** provided, will be determined in accordance with (FK (12) Faapitoa 22)\(^3\) and is subject to the conditions set out in section 8.2.3 above (e) (f) and (g)

b. Contract Employees on specialized training who receive **only a living allowance**\(^4\) during their PDL are entitled to **leave with pay for a period of not more than 12 months**.

---

\(^1\) (ii) “Mo secondments e i le va o le 1 i le 2 tausaga ua faamaonia le Faatupeina atoa e le Faalapopotopota tulaga o totogi, o le a le maua sona totogi (leave without pay)”

\(^2\) Allowance to cater for accommodation, meals and transportation and not considered salary amounting to less than CHF (Swiss Francs) 1,000 per month= STS$1954.65. Swiss Francs being the highest currency paid to most of the employees on overseas trainings by international organizations.

\(^3\) (ii) “Mo secondments e i le va o le 1 i le 2 tausaga ua faamaonia le Faatupeina atoa e le Faalapopotopota tulaga o totogi, o le a le maua sona totogi (leave without pay)”.

\(^4\) Allowance to cater for accommodation, meals and transportation and not considered salary amounting to less than CHF (Swiss Francs) 1,000 per month= STS$1954.65. Swiss Francs being the highest currency paid to most of the employees on overseas trainings by international organizations.
c. Subsequent to above, specialized trainings of more than 12 months will not be entitled to leave with pay while the position will be on hold for the remaining period of the training.

8.4 Transfer of Training and Knowledge:

a) The employee must submit a report to the PSC within 4 weeks upon return and resumption of duties within the Ministry.

b) The employee must conduct a presentation within one (1) month AND must conduct a comprehensive training within six (6) months upon return from the specialized training to ensure that the knowledge and skills gained from the Professional Development is shared and transferred to the Ministry staff concerned or all staff (if applicable).

c) Subsequent to above, the relevant CEO must submit a report to the Commission outlining the transfer of knowledge & training process and plan that will be or was used to ensure all highly trained employees i.e., the acquired skills and knowledge received from the specialized training will be capitalized upon return to ensure the knowledge and skills are transferred effectively within the Ministry and Government.

8.5 Stand Down Period:

a) The relevant CEO must ensure ALL employees are provided with an equal and fair opportunity to attend specialized training.

b) Given the limited number of technicians available for these technical fields of employment i.e. MAF, MNRE, MWTI, MOH (although, may not be limited to these Ministries) these technical fields are exempted from the stand down period.

c) For all other Ministries not listed in section (b) above, the relevant CEO must submit a report to the Commission providing justification for the continuing participation of an employee to any other future specialized training.

d) The Table below outlines stand down period for/against duration of PDL taken by an employee.

<table>
<thead>
<tr>
<th>Duration of PDL</th>
<th>Stand Down Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 months</td>
<td>3 months</td>
</tr>
<tr>
<td>&gt; 3 months &lt; 12 months</td>
<td>*dependent on length of approved leave with or without pay</td>
</tr>
<tr>
<td>&gt; 12 months &lt; 24 months</td>
<td>*dependent on length of approved leave with or without pay</td>
</tr>
</tbody>
</table>
8.6 Counting of Service

Any approved periods of PDL with pay shall be counted as part of the employee’s service within government. Subsequent periods of PDL without pay will not be counted.

8.7 Cabinet Decision/ Approval

a) Every PDL request from a Contract Officer (Deputy CEO and ACEO level) is subject to Commission’s Assessment/Report for Cabinet Decision.

b) Every PDL request for Officers, Term employees and Contract Officer (School Principal and Vice Principals) is subject to Commission Approval.

9. TOOL/FORMS:

The principal means of collecting information on professional development leave is the PSC Form -2 Application for Leave Form
10. PROCEDURES:

**EMPLOYEE**
- Submit applications together with relevant supporting documents to CSU

**MINISTRY CORPORATE SERVICES UNIT**
- Present documents for CEOs (permanent staff and ACEOs) approval

**CEO**
- Approves and endorses applications

**MINISTRY CORPORATE SERVICES UNIT**
- Receives endorsement and approval from CEO
- Submits applications for PSC Assessment

**PSC ASSESSMENT/RECOMMENDATION**
- Ministries submit applications and all supporting documents for PSC Assessment

**HUMAN RESOURCE DEVELOPMENT DIVISION (PSC)**
- Prepares assessments for Permanent Employees

**SENIOR EXECUTIVE SERVICES DIVISION (PSC)**
- Prepares assessments for Contract Employees

**CABINET/COMMISSION APPROVAL/DISAPPROVAL**
- All application assessments for Contract Employees (ACEO and Deputy CEO level) are to be submitted for Cabinet Approval
- All applications assessments for permanent and term employees are subject to Commission Approval

**PSC**
- Cabinet Decision issues a Cabinet Directive to PSC relating a decision on application
- Issue decision to Ministry

**MINISTRY CORPORATE SERVICES UNIT**
- Receives decision and relates to applicant
DETERMINATION 14

MANAGING CESSATION OF EMPLOYMENT

14A  RESIGNATION
14B  RETIREMENT
14C  REDUNDANCY
DETERMINATION 14A

1. FUNCTION: CESSATION OF EMPLOYMENT DUE TO RESIGNATION

2. SUPERSEDES: Employment Instruction No. 14A 2009

3. REFERENCES:
   ▪ Public Service Act 2004, S9
   ▪ Public Service Regulations 2008, R8, R12, R16

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Determination shall apply to ALL Employees but for Temporary Employees they must meet a qualifying period of six (6) consecutive months

6. BACKGROUND
   When an employee resigns from the service, they are entitled to a number of benefits which 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 or death, 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 from the service, they are required to provide notice of resignation to the relevant CEO in writing at least FOUR (4) weeks before the nominated date of resignation (refer procedure).

   Failure to meet the Notice Period
   Provided that an employee did NOT meet the required period of notice, the Commission can withhold a certain amount equivalent to what the employee would receive from the given notice period for their final payment

   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:
   a) Untaken long service leave. (Applies only to Officers)
   b) Untaken annual leave. (Applies only to Officers, temporary employees)
   c) Severance pay (Applies only to Contract Employees)
   d) Untaken Long Service Leave (Applies only to Officers)
The CEO may grant any untaken long service benefit 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 officer who resigns from the service. An Officer must satisfy the following conditions before they are granted or paid in lieu any untaken long service benefit that they may be entitled to at the time of resignation.

a) The Officer has given the prescribed notice period referred to in 7.1
b) The Officer has completed not less than 10 years of satisfactory service
c) The Employee services are not terminated due to misconduct.

Where an Officer was previously granted long service leave, such leave must be deducted from their entitlement to long service benefit or payment in lieu thereof, at the time of resignation.  
Refer Determination 13I for more details on long service benefit.

- **Untaken Annual Leave (applies only to Officers and temporary employees)**
  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.

- **Severance Pay (applies only to Contract Employees)**
  The Commission shall grant to a Contract Employee severance payment in accordance with terms set out in their Contract of Employment. (Refer to individual Contract)

- **An employee who resigns from the service after "being charged" and is involved during an active investigation against him/her is deemed to have admitted to the truth of the charges.**

  This means any employee who resigns after receiving charges under Section 46 of the PS Regulations 2008 for Breaching the Code of Conduct under Section 44 PS Act 2004 is deemed to have admitted to the truth of the charges and will not be entitled to any Resignation benefits.

  Furthermore, any employee who 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.

- **Exit Survey and Checklist for Return of Assets**
  Upon Resignation, the HRC of the relevant Ministry must carry out an Exit Survey and a Checklist for Return Assets to ensure that the Public Service is exercising its responsibility as a good employer and keeping track of its assets.

8. **TOOLS/FORMS**

- **TOOL**
  Leave Record
  Employee Personal File
FORMS

PSC Form-4
TY15C
Exit Survey and Checklist for Assets

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 (4 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 14A - Cessation of Employment Due to Resignation
- Employee completes the Exit Survey and Checklist for Return Assets form

**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 authorisation 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 nominated date approved by CEO

**HRC PREPARES & AUTHORISES TY15 (IF BENEFITS APPROVED) & DISTRIBUTES AS FOLLOWS**
- Records (originals)
  - Notice of resignation
  - PSC Form-4
  - TY15C
  - PSC (1 copy)
  - TY15C
  - Ministry of Finance (1 copy)
  - TY15C

**HRC**
If requested prepares a letter of confirmation of resignation for employee's intending to withdraw NPF 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 2009

3. REFERENCES:
   ▪ Public Service Act 2004, S9, S57
   ▪ Public Service Regulations 2008, R41, R43

4. EFFECTIVE DATE: 12 March 2019

5. APPLICATION: This Determination shall apply ONLY to Officers/Permanent 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 officer is entitled to upon retirement.

7. RULES AND POLICIES:

7.1 Age of Retirement
   Every officer 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 officer to retire either:
   a) Earlier than the age of 55, (refer 7.2).
   or
   b) Later than the age of 55, (refer 7.4 and 7.5).

7.2 7.1. Early Retirement – before 55:
   a) Requirements for Early Retirement
   Upon fulfilment of the following requirements a CEO may allow an officer, to retire once they have reached the age of 50 years but no more than 55 years, as they may determine in any particular case:
      i) Provision of a written application from the officer to the CEO requesting early retirement.
      ii) Formal certification from 2 Medical Officers (nominated by the CEO), that the officer 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 officer.
Government of Samoa HRM Policies & Procedures

b) **Retirement Benefits**

Where an officer meets the requirements for early retirement and it has been approved by the CEO then the retiring officer 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 officer must retire upon reaching 55 years of age. An officer 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 officer 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 officer to continue working after reaching 55 years of age:-

i) Provision of a written application from the officer 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 officers 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 officer is physically and mentally fit to continue performing the duties of their position. The cost for obtaining the medical report shall be borne by the requesting employee. In considering this request, the CEO may require the officer 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 Officer the CEO approves the conditions of extended employment for the Officer. 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 officer is to repeat the above process for seeking approval of such.

ii) The officer’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 **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 medical certificate shall be borne by the requesting employee. In considering the request the Commission may require an Employee to undergo an independent medical examination.

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 benefit.
- Untaken annual 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) Employees\(^1\) who have reached 55 years but are granted extension of service (late retirees).

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

i) The officer has completed not less than 10 years of satisfactory service. 
   *This means that an officer 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 officer 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.

iii) A retiree who is continuously employed or is reemployed in the Public Service may opt to have their long service benefit paid/utilized as leave to them upon completion of at least 10 years of satisfactory service during the years they are employed as a retiree or upon cessation of employment for any of the reasons under Determination 14.

Refer Determination 13I for more detail.

b) Untaken Annual Leave
The CEO shall grant to an officer who retires any untaken annual leave, proportionate annual leave or in lieu of the officer taking such leave, authorise payment to the officer 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
Untaken Sick Leave will not be paid
Refer Determination 13B for more details.

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 officers. These could include identification of nominated ‘understudies’

\(^1\) 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.
for all officers 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 officer retires.

7. **TOOLS/FORMS**

   **TOOL**

   Leave Record
   Employee Personal File

   **FORMS**

   PSC Form - 4

   *Refer Part H for copy of forms*
8. 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
  - TY15C
  - Ministry of Finance (1 copy)
  - TY15C

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

HRC
- 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 a 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 HRC for appropriate action
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
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  ☑ TY15C
- PSC Form-4 ☑ TY15C
- PSC (1 copy) ☑ TY15C
- Ministry of Finance (1 copy) ☑ TY15C
- ☑ 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 REDUNDANCY

2. SUPERSEDES: Employment Instruction No. 14E 2009

3. REFERENCES: ▪ Public Service Act 2004, S9, S58 ▪ Cabinet Directive FK(08) Fa’apitoa 01

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Determination 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 provisions 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:
   a) 4 weeks salary
   b) Plus 2 weeks for every years of service, up to 48 weeks if 24 or more years of service
   c) 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
   d) All untaken annual leave (refer Determination 13A)
   e) All untaken long service benefit (refer Determination 13I)
f) Only officers can be transferred from Ministry to Ministry subject to the approval by the Commission and CEO of the Ministry.

<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>4 week salary</td>
</tr>
<tr>
<td></td>
<td></td>
<td>+ 2 weeks for each year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of service to a maximum</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of 48 weeks</td>
</tr>
<tr>
<td>Less than 1 year</td>
<td></td>
<td>Nil</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 Ministry X. 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:
  1) 4 weeks salary + 30 weeks salary (i.e. 2 weeks for each year of service)
     = 34 weeks salary
  2) All untaken annual leave (refer Determination 13A)
  3) All untaken long service benefit (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:

- All untaken annual leave (refer Determination 13A)

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)

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

8. TOOLS/FORMS

Leaves records
Employee personal file

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 14B 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  LOCALITY ALLOWANCE

15I  RESPONSIBILITY ALLOWANCE

15J  OCCUPATIONAL SAFETY AND HAZARD

15K  MINISTER’S SECRETARIAL ALLOWANCE

15L  EXAMINATION ALLOWANCE
DETERMINATION 15AA

1. FUNCTION: DAILY SUBSISTENCE ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15AA 2009

3. REFERENCES:
   - Cabinet Directives issued from time to time
   - Instrument of Delegation D2

4. EFFECTIVE DATE: 23 December 2015

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 is 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 an employee is sponsored by an external sponsoring agency or government and the sponsorship provides an allowance for DSA expenses, then the employee shall not be entitled to receive any payment outlined in this determination.
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 Ministries &amp; Agencies</td>
<td>110% of scheduled rates</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 2009

3. REFERENCES:
   ▪ Cabinet Directives issued from time to time
   ▪ Instrument of Delegation D3

4. EFFECTIVE DATE: 23 December 2015

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 is 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 approved by Cabinet for the Public Service are as per the 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>$1000</td>
</tr>
<tr>
<td>Assistant CEOs</td>
<td>$800</td>
</tr>
<tr>
<td>All other employees including contracted Teachers</td>
<td>$600</td>
</tr>
</tbody>
</table>
7.7 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 submission to Cabinet for approval of payment of clothing allowance.

7.8 Where an employee is sponsored by an external sponsoring agency or government and the sponsorship provides and allowance for Clothing expenses, then the employee shall not be entitled to receive any payment outlined in this Determination.
DETERMINATION 15AC

1. FUNCTION: INCIDENTAL ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15AC 2009

3. REFERENCES: ▪ Cabinet Directives issued from time to time
    ▪ Instrument of Delegation D4

4. EFFECTIVE DATE: 23 December 2015

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 entitled to receive payment of an incidental allowance of 2 weeks only for 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 including contracted Teachers</td>
<td>$30</td>
</tr>
</tbody>
</table>
DETERMINATION 15B

1. FUNCTION: LOCAL TRAVELLING ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15B 2009

3. REFERENCES: Public Service Act 20014, S9

4. EFFECTIVE DATE: 23 December 2015

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 from their normal place of residence overnight, the CEO shall authorise payment of a Local Travelling Allowance at the rate set out under 7.5. for all employees

   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 2009

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 23 December 2015

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 Received 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. FUNCTION: HIGHER DUTIES ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15D 2009

3. REFERENCES: Public Service Act 2004, S9, S10

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: The payment of Higher Duties Allowance shall ONLY apply to employees classified as Principal Officer and above who act in Higher Positions. The only exception would be School Vice Principals acting as School Principals due to the nature of their work whereby the School Principal is the ‘Leading Manager’ in Schools.

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 Vice Principal (in schools) 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.
      a) Head of Departments to act on behalf of School Principals and School Vice Principals however will not be paid HDA but to treat as a form of professional development.

   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 $84,000 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 Appointment approval documentation from the Commission
      iv) Acting appointment request must be made before/or during the acting period.
      v) 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.
      vi) 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 5 working days in a period of 12 months. In that regard the qualifying period for entitlement to Higher Duties Allowance is 5 working days. Periods of less than 5 working 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 5
Government of Samoa HRM Policies & Procedures

working days, does not count in the qualifying period and higher duties allowance is not payable for any such period of absence.

e) Acting duties performed during Commission Holidays, Public Holidays and weekends are not deemed eligible for HDA claim as per Part b above (working days). Exceptions can only be made upon the Commissions discretion such as cases for Essential Services.

f) 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:

a) Acting CEO - Approval and endorsement by the Commission
b) Acting Assistant CEO – an assessment, endorsed by the CEO confirming basis of HDA (i.e. 100% or partial payment)

c) Confirmation that employee has acted in the higher position for a period of at least 5 working days within a 12 month period counting backwards from the current month.

E.g. If Sina acted for one (1) day on the 23rd of March of the current year (say 23rd March 2017), all of Sina’s acting appointments from the 23rd of March 2016 will be counted as part of her total days of acting within the 12 month period (23rd March 2016 – 23rd March 2017)

d) Any acting appointment before and outside of the current 12 month period as relayed in c) above will be forfeited.

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 2009

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: This Determination shall ONLY apply to Teachers or anyone approved by the Commission to be employed as a part timer

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 or anyone approved by the Commission to be employed as a part timer.</td>
<td>$15 per 1 period or any amount approved by the Commission.</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.

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.
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.
DETERMINATION 15F

1. FUNCTION: SHIFT ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15F 2009

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 23 December 2015

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.

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 $3.50 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 No. 15G 2009

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Determination shall apply ONLY to the Ministry of Education, Sports and Culture (MESC)

6. BACKGROUND:
The allowance which is called ‘Transportation allowance’ is payable to the Driver(s) of a 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 Form TY 15A is to be used for authorisation and payment of transportation allowance by Ministry of Finance.
   
   7.3 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: LOCALITY ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15H 2009

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: This Determination shall apply ONLY to the Employees specified in 7.4. Contract Employees (i.e. School Principals and School Vice Principals) from the Ministry of Education, Sports and Culture must seek Commission approval.

6. BACKGROUND: This allowance is payable to employees in order to compensate them for travelling an amount of distance from their normal place of residence to their work location.

7. RULES AND POLICIES:

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

a) The location is an approved location by the Commission in accordance with the approved list of locations in table 7.4 a) below and the specific conditions for approval.

7.2 Consideration for payment of a LA must take into account factors such as the quality of roads and the accessibility of public transport services in specific areas and/or in close proximity to the locations.

7.3 The amount of LA payable varies depending on the nature of the work performed at the location and the factors stated in 7.2.

7.4 Categories of Employees for which the LA have already been approved and the related approved rates are as follows:

a) Teachers:

<table>
<thead>
<tr>
<th>School Locations</th>
<th>Allowance per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manono Tai (Salua and Faleū) and Fagaloa District (Uafato only)</td>
<td>$1,500</td>
</tr>
<tr>
<td>All other areas approved by the PSC for the LA include: Patamea, Paia, Tafua, Manunu, Lalomauga, Tiavea, Fagaloa District (Taelefaga and Lona)</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

b) Conditions for eligibility for teachers (not including Contract Employees as they are required to seek Commission approval for the LA):

i. Teachers whose normal place of residence is not the approved location are entitled to a locality allowance. Therefore, teachers whose
normal place of residence and works in the approved locations are not entitled.

ii. Any teacher who is provided an accommodation during the working week but is required to travel out of the approved location on weekends, Commission holidays and Public holidays to their normal place of residence is entitled to a locality allowance.

c) **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 of any category for the LA 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 LA 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 LA is reviewed by the Commission from time to time and shall be notified by means of an amendment to this Determination.
1. **FUNCTION:** RESPONSIBILITY ALLOWANCE

2. **SUPERSEDES:** Employment Instruction No. 15J 2009

3. **REFERENCES:** Public Service Act 2004, S9

4. **EFFECTIVE DATE:** 2 July 2018

5. **APPLICATION:** This Determination shall ONLY apply to Teachers within the Ministry of Education, Sports and Culture who are Heads of Departments OR Subject Areas in Colleges

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 College Head of Department (Subject) Allowance for the following fields:
   - HoD of Science
   - HoD for Commerce
   - HoD for Arts
   - HoD for Vocational/Technical Department

   7.3 *Recruitment and Selection Process for Head of Department positions*
   a) For the Ministry of Education, Sports and Culture (MESC) to internally advertise all four (4) Head of Department positions within Colleges as an interim measure and to hold movement of teachers
   b) Future positions will be widely advertised in the Public Service Official Circular (PSOC) with teachers employed within those relevant Colleges eligible to apply
   c) Approve the use of the R&S process to select eligible applicants to these positions
   d) Approve Head of Departments positions to be put on a 3 year fixed terms for the effective monitoring and evaluation progress and performance. MESC to develop a contract to reflect all relevant terms and conditions
7.4 Conditions and Allowance Rates for Responsibility Allowance approved by the Commission are as follows:

a) 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.

b) The allowance rate is $1,500.00 per annum for all HODs (colleges) regardless of number of teachers under supervision.

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

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

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

1. FUNCTION: OCCUPATIONAL SAFETY AND HEALTH

2. SUPERSEDES: Determination 15K Health Hazard Allowance 2009

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Determination shall apply to ALL Employees

6. BACKGROUND:
   This came as a result of the Commission’s Review of the Health Hazard Allowance Determination that for every Ministry to develop and enforce their own Occupational Safety and Health policies. The rationale is to ensure employees are protected from harm hence every Ministry must provide appropriate Personal Protective Equipments (PPE) for their employees.
DETERMINATION 15K

1. FUNCTION: MINISTER’S SECRETARIAL ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15L 2009

3. REFERENCES:
   - Public Service Act 2004, S9
   - Cabinet Directives issued from time to time
   - FK(16)14 30 March 2017

4. EFFECTIVE DATE: 23 December 2015

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>Qualifications</th>
<th>Years of experience</th>
<th>Authority</th>
<th>Portfolio</th>
<th>Overtime Allowance</th>
<th>Grade</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary Certificate</td>
<td>2 yrs</td>
<td>Minister</td>
<td>1 - 3</td>
<td>1,000</td>
<td>A4/L4</td>
<td>8,664</td>
</tr>
<tr>
<td>PSSC / Tertiary Qualification</td>
<td>4 yrs</td>
<td>Minister</td>
<td>4 - 6</td>
<td>1,000</td>
<td></td>
<td>9,369</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DPM</td>
<td>7 - 9</td>
<td></td>
<td></td>
<td>9,721</td>
</tr>
<tr>
<td>Office Assistant Salary Grade A4 – A5</td>
<td>12yrs</td>
<td>PM</td>
<td>above 10</td>
<td>2,000</td>
<td>A5/L5</td>
<td>10,458</td>
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<td>10,846</td>
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<td>11,233</td>
</tr>
<tr>
<td>Role</td>
<td>Qualification</td>
<td>Years</td>
<td>Position</td>
<td>Grade</td>
<td>Salary</td>
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<tr>
<td><strong>Transport Officer</strong></td>
<td>PSSC / Sc / Defensive Driving Certificate</td>
<td>3 yrs</td>
<td>Minister</td>
<td>1 - 3</td>
<td>8,500</td>
<td>A6/L6</td>
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<td>6 yrs</td>
<td>Minister</td>
<td>4 - 6</td>
<td>8,500</td>
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<td>DPM</td>
<td>7 - 9</td>
<td>17,000</td>
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<td></td>
<td>PM</td>
<td></td>
<td>22,000</td>
<td>A7/L7</td>
</tr>
<tr>
<td><strong>Assistant Secretary</strong></td>
<td>Teritiary qualification</td>
<td>3 yrs</td>
<td>Minister</td>
<td>1 - 3</td>
<td>3,000</td>
<td>A12/L12</td>
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<td>6 yrs</td>
<td>Minister</td>
<td>4 - 6</td>
<td>3,000</td>
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<td>10 yrs</td>
<td>DPM</td>
<td>7 - 9</td>
<td>4,000</td>
<td>A13/L13</td>
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<td>PM</td>
<td>above 10</td>
<td>5,000</td>
<td>A14/L14</td>
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<tr>
<td><strong>Executive Assistant</strong></td>
<td>Teritiary qualification</td>
<td>5 yrs</td>
<td>Minister</td>
<td>1 - 3</td>
<td>3,000</td>
<td>A14/L14</td>
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<td></td>
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<td>9 yrs</td>
<td>Minister</td>
<td>4 - 6</td>
<td>3,000</td>
<td></td>
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<tr>
<td>Degree or higher</td>
<td>12 yrs</td>
<td>DPM</td>
<td>7 - 9</td>
<td>4,000</td>
<td>A15/L15</td>
<td>37,967</td>
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<td>41,437</td>
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<td>42,823</td>
</tr>
<tr>
<td>Degree or higher</td>
<td>13 yrs</td>
<td>PM</td>
<td>above 10</td>
<td>5,000</td>
<td>A16/L16</td>
<td>45,594</td>
</tr>
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<td>50,442</td>
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<td></td>
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<td>53,055</td>
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</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.
DETERMINATION 15L

1. FUNCTION: EXAMINATION ALLOWANCE

2. SUPERSEDES: Employment Instruction No. 15M 2009

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: This Determination shall apply ONLY to persons contracted by the Ministry of Education, Sports and Culture to carry out National Examinations 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 paid</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Examiners</strong></td>
<td></td>
</tr>
<tr>
<td>Year 8</td>
<td>$230.00 per examination</td>
</tr>
<tr>
<td>SSC (Year 12)</td>
<td>$1,500.00 per examination</td>
</tr>
<tr>
<td>SSLC (Year 13)</td>
<td>$1,500.00 per examination</td>
</tr>
<tr>
<td><strong>Moderators</strong></td>
<td></td>
</tr>
<tr>
<td>Year 8</td>
<td>$230.00 per examination</td>
</tr>
<tr>
<td>SSC</td>
<td>$700.00 per examination</td>
</tr>
<tr>
<td>SSLC</td>
<td>$700.00 per examination</td>
</tr>
<tr>
<td><strong>Supervisors</strong></td>
<td>(Non-Government)</td>
</tr>
<tr>
<td>Chief Supervisor</td>
<td>$50.00 per session</td>
</tr>
<tr>
<td>Assistant Supervisor</td>
<td>$35.00 per session</td>
</tr>
<tr>
<td><strong>Supervisors</strong></td>
<td>(Government)</td>
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<td>(Transportation &amp; Meal Allowance)</td>
<td>$40.00 per day</td>
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<td><strong>Markers/Scorers</strong></td>
<td></td>
</tr>
<tr>
<td>Year 2, 4, 6</td>
<td>$3.00 scoring per script</td>
</tr>
<tr>
<td>SPECA</td>
<td>$2.00 check &amp; data entry</td>
</tr>
</tbody>
</table>
Government of Samoa HRM Policies & Procedures

| SSC (Year 12) | $12.00 per script |
| SSLC (Year 13) | $12.00 per script |

- **Moderation Visits**
  - $100.00 per school
  - $200.00 per school (101 ≤ x ≤ 200)
  - $300.00 per school (201 ≤ x ≤ 300)
  - x represents the number of students enrolled in a subject.

- **Design of IA CAT**
  - $300.00 per task

- **IA Approval**
  - $15.00 per program
DETERMINATION 16

1. FUNCTION: COMMUNICATION OF OFFICIAL INFORMATION

2. SUPERSEDES: -

3. REFERENCES:
   - Public Service Act 2004, S9
   - Public Service Regulations 2008, R32, R33

4. EFFECTIVE DATE: 23 December 2015

5. APPLICATION: This Determination shall apply to ALL Employees

6. BACKGROUND:
   There have been instances whereby employees who do not have the authority to relay official information’s to non-government parties without the approval of the Chief Executive Officer or delegate. Hence, this determination clarifies and reminds Ministries and all Public Service employees of their rights and obligations under the Public Service Act 2004 and Public Service Regulations 2008, with regard to the use and communication of official information to and through the media.

   Whilst we seek to ensure open and transparent government, at the same time, proper channels and procedures for use and communication of official information must also be followed. This is vital to ensuring and maintaining the integrity, trustworthiness, impartiality, neutrality and fairness of the Samoa Public Service and its employees.

7. RULES AND POLICIES:
   7.1. Regardless of form of communication, the requirements and obligations relating to the use and/or communication of official information are the same for all Public Service employees and these must be adhered to.

   7.2. The following provisions in the Public Service Act 2004 and Public Service Regulations 2008 provide the legal framework governing the communication of official information, and which binds all Public Service Employees.

      a) The Code of Conduct set out under Section 19 of the Public Service Act 2004, specifically section 19 (h) which requires all employees to ‘use official information only for official purposes’ and section 19 (k) which requires all employees to ‘comply with any other conduct requirements set out in the regulation’. However, other sections of the Code of Conduct are also relevant.

      b) The additional conduct requirements set out under the Public Service Regulations 2008 and which relate specifically to use and communication of official information are as follow;
Government of Samoa HRM Policies & Procedures

i) **Section 32 – Official Information:** Each employee must within 14 days of commencing employment complete a statutory declaration to the effect that their attention has been drawn to the provisions of the Act and these Regulations relating to the use of official information and that they will uphold the requirement of those provisions.

ii) **Section 33 – Authorised Communication:** An employee must not communicate any matter of policy affecting a Ministry to the news media or the public unless it is approved by the Commission or the relevant CEO.

7.3. The application of the above provisions is further clarified as follows:

a) Public Service Employees acting as official representatives of their respective Ministries must be authorized to act in such capacity and must only disclose or communicate information, whether it is to the media, at public consultations/meetings/conferences or using social media, when they have been authorized to do so. Specifically, Section 33 of the Public Service Regulations 2008 which provides that ‘An employee must not communicate any matter of policy affecting a Ministry to the news media or the public unless it is approved by the Commission or the relevant CEO’ needs to be noted and adhere to.

b) Public Service Employees acting in their private capacity have the same rights to freedom of speech, as all other Samoan Citizens and accordingly have the right to choose how and when they exercise such rights, Public Service employees will still need to comply with the legal provisions highlighted above and thus should ensure that:

   i) They make it clear that they are commenting in their private capacity and not as a representative of their Ministry or Government.

   ii) They do not use and disclose official information obtained in and through the course of their employment unless they have been authorized to do so and for purposes other than official purposes.

   iii) In commenting in their private capacity on matters of government policy, processes and etc, employees should have regard to the positions that they hold within their respective agencies, and should ensure that the comments that they make do not:

       1. Harm the reputation of their Ministry or the Public Service

       2. Lead to perceived, apparent or potential bias, lack of impartiality, honesty and integrity in their part in the conduct of their employment.

   c) For clarification purposes, official information can include but is not limited to Cabinet Decisions and Submissions; Correspondence to and from clients/customers including other Government Agencies; Records/Minutes of Meetings; Personal Records and/or Files of employees or clients; etc. Official information includes information available in hard/paper copy as well as electronically.

7.4. Failure to adhere to the above legislative provisions and requirements will be considered a breach of the Public Service Code of Conduct and appropriate action will be taken against those employees who do not adhere to these requirements.
7.5. Accordingly, all Ministries and Offices must ensure that employees are aware of the above requirements and to ensure that appropriate action is taken against those who do not comply.
DETERMINATION 17

1. FUNCTION: EMPLOYMENT OF NIGHTWATCHMEN

2. SUPERSEDES: CM PSC 1985/2 (14/01/1985)

3. REFERENCES: Public Service Act 2004, S9

4. EFFECTIVE DATE: 2 July 2018

5. APPLICATION: This Determination shall ONLY apply to Permanent Employees classified as Nightwatchmen

6. BACKGROUND:
Following the Commission’s decision on the 10th September 2013 which was relayed to all Ministries via a CM on the 1st October 2013, to transfer eligible wage workers to officer status, Ministries sought clarification from PSC on the correct compensation for Nightwatchmen. Nightwatchmen, given the nature and requirements of their work; work after-hours or outside the normal hours of work that all other employees work. Hours normally worked in are between 5.00pm and 9.00am. Their total hours of work tend to exceed the standard 7.5 hours per day which is equivalent to 37.5 hours per week; and 75 hours per fortnight that other employees work. In addition, they also work Monday to Sunday rather than just Monday to Friday, and also on Public and Commission holidays.

7. RULES AND POLICIES:
Since the employment status for nightwatchmen has changed from wage workers to permanent employees since the 1st October 2013, calculation of their fortnightly pay has now changed as follows:

7.1. The Commission has approved to disestablish the nightwatchmen allowance and pay nightwatchmen at the salary grade of **A6 for those working for 112 hours or less a fortnight**, and **A8 for those working for more than 144 hours a fortnight or who work and live at their work of place 24 hours 7 days of the week**. This covers the basic salary, plus the allowance and the weekends and Public/Commission holidays. This way nightwatchmen are compensated accordingly and no one will be under paid.
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:
- To ensure that Working Conditions & Entitlement Policies and Procedures reflect best practice within the context of the Samoa Public Service Workforce.
- To ensure that Working Conditions & Entitlements are implemented legally and in accordance with the Determinations.
- 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) Finance One System to be used by all Ministries CSU for accountability and monitoring purposes.
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 Evaluating 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
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 Section 55 of the Public Service Act 2004 and Part 10: Procedures for Dealing with Employee Grievances of the Public Service Regulations 2008.
PART G

FURTHER INFORMATION
FURTHER INFORMATION

Please contact the Public Service Performance and Policy Division at 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, psp@psc.gov.ws
Website: www.psc.gov.ws
PART H

FORMS
Government of Samoa HRM Policies & Procedures

Government of Samoa

TY15A

HR/PAYROLL AUTHORITY: APPOINTMENTS/PROMOTIONS/SALARY & ALLOWANCE VARIATIONS

(Please fill this form for New Appointment, Salary Adjustment, Promotions or Allowance)

Ministry Reference:

**Personal & Position Details Section:**

<table>
<thead>
<tr>
<th>Id Number:</th>
<th>Date of Birth:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Name:</td>
<td>Marital Status:</td>
</tr>
<tr>
<td>Given Name(s):</td>
<td>Gender:</td>
</tr>
<tr>
<td>Employee Type:</td>
<td>NPF No:</td>
</tr>
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</table>

**Job Details Section:**

<table>
<thead>
<tr>
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<th>Effective Date:</th>
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</thead>
<tbody>
<tr>
<td>Position Title:</td>
<td>Appointment Type:</td>
</tr>
<tr>
<td>Supervisor Position Code:</td>
<td>Employee Type:</td>
</tr>
<tr>
<td>Date Hired:</td>
<td>Employee Class:</td>
</tr>
<tr>
<td>Salary per Annum: $</td>
<td>Pay Basis:</td>
</tr>
<tr>
<td>Department Code / Output:</td>
<td>Pay Group:</td>
</tr>
<tr>
<td>Work Group / Ministry:</td>
<td>Pay Document Type:</td>
</tr>
<tr>
<td>Work Location:</td>
<td>Holiday Category:</td>
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</table>

**Employment Condition & Entitlements Section:**

<table>
<thead>
<tr>
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<th>Salary Grade:</th>
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<tbody>
<tr>
<td>Allowances:</td>
<td>$</td>
</tr>
<tr>
<td>$</td>
<td></td>
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<tr>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Tax: Standard Tax / Exempt</td>
<td>Tax Code: $</td>
</tr>
<tr>
<td>Statutory Deductions:</td>
<td>$</td>
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</tr>
</tbody>
</table>

Reason:

**HRC MINISTRY**

I certify that the above particulars are correct, the position is vacant and funding is approved by the Budget Division

Signature: (If Applicable)

Approved / Not Approved

Name: Name:

Position: Date: Position: Date:

**CEO/PUBLIC SERVICE COMMISSION**

I certify that there is funding available within the approved budget.

Signature: (If Applicable)

Approved / Not Approved

Name: Name:

Position: Date: Position: Date:

**BUDGET OFFICER**

I certify that there is funding available within the approved budget.

Signature: (If Applicable)

Approved / Not Approved

Name: Name:

Position: Date: Position: Date:

**MINISTRY OF FINANCE USE ONLY**

<table>
<thead>
<tr>
<th>Checked</th>
<th>Authorised for Input</th>
<th>Input</th>
</tr>
</thead>
</table>
(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)

Ministry Reference: 
Id Number: 
Family Name: 
Given Name(s): 
Position Code: 
Position Title: 
Termination Date: 
Termination Reason: 
Work Group/Ministry: 
Output and Natural Accounts: 
Salary per Annum: $ 

## ENTITLEMENTS

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<thead>
<tr>
<th>No of Days</th>
<th>Daily Rate ($)</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal Hours</td>
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<td></td>
</tr>
<tr>
<td>Untaken Annual Leave</td>
<td>$ -</td>
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<tr>
<td>Proportionate Leave</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Long Service Leave</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Severance Payment</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL ENTITLEMENTS:</strong></td>
<td>$ -</td>
<td></td>
</tr>
</tbody>
</table>

Reason: 

<table>
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<tr>
<th>HRC MINISTRY</th>
<th>CEO / PUBLIC SERVICE COMMISSION</th>
<th>BUDGET OFFICER</th>
</tr>
</thead>
<tbody>
<tr>
<td>I certify that the above particulars are correct, the position is vacant and funding is approved by the Budget Division.</td>
<td>(If Applicable)</td>
<td>I certify that there is funding available within the approved budget.</td>
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<tr>
<td>Signature:</td>
<td>Approved / Not Approved</td>
<td>Approved / Not Approved</td>
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<tr>
<td>Name:</td>
<td>Name:</td>
<td>Name:</td>
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<tr>
<td>Position:</td>
<td>Date:</td>
<td>Position:</td>
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</tbody>
</table>

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<tr>
<th>MINISTRY OF FINANCE USE ONLY</th>
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<tbody>
<tr>
<td>Checked</td>
</tr>
<tr>
<td>Initials</td>
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</table>

Human Resource USE ONLY

Input Method: A T
Reason:

Check employee costing. If different for termination entitlements, enter account numbers for each entitlement.

Code | Hrs or $
---|---
N | 
AL | 
PL | 
LS | 
SV | 
TOT |
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 |
|-----------------|---------------|-------------|---|---|---|---|---|---|---|---|---|---|---|---|---|----------------|----------|
| 1               |               |             |   |   |   |   |   |   |   |   |   |   |   |   |   | 0              | 02       |
| 2               |               |             |   |   |   |   |   |   |   |   |   |   |   |   |   | 0              | 03       |
| 3               |               |             |   |   |   |   |   |   |   |   |   |   |   |   |   | 0              | 04       |
| 4               |               |             |   |   |   |   |   |   |   |   |   |   |   |   |   | 0              | 05       |

Overtime Hours: 0
Total Hrs: 0

DEPARTMENT USE

Prepared
Checked
Initials
Date

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

TREASURY USE ONLY

Check
Approve
Input
Check
Initials
Date

Page 127
## CASUAL WAGES SUMMARY
### TIMESHEET

**Depart Ref:** [Blank]  
**Department:** [Blank]  
**Pay Period:** [Blank] to [Blank]  

<table>
<thead>
<tr>
<th>Employee Number</th>
<th>Employee Name</th>
<th>M</th>
<th>T</th>
<th>W</th>
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<th>F</th>
<th>S</th>
<th>S</th>
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### DEPARTMENT USE

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### TREASURY USE ONLY

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

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
---

**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

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1.</td>
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<td>3.</td>
<td>4.</td>
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<td>5.</td>
<td>6.</td>
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<td>7.</td>
<td>8.</td>
</tr>
<tr>
<td>9.</td>
<td>10.</td>
</tr>
</tbody>
</table>

---

**Section 3:** Reason for Overtime & Expected Outputs

---

**Section 4:** Funding Availability

<table>
<thead>
<tr>
<th>Source:</th>
<th>□ Approved</th>
<th>□ Not Approved</th>
</tr>
</thead>
</table>

**Section 5:** Divisional Head/Manager’s Endorsement

<table>
<thead>
<tr>
<th>Comments:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Endorsed</td>
<td>□ Not Endorsed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date</th>
</tr>
</thead>
</table>

---

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

<table>
<thead>
<tr>
<th>Comments:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Approved</td>
<td>□ Not Approved</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date</th>
</tr>
</thead>
</table>

---
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)

Type of Leave:
- [ ] Annual Leave
- [ ] Maternity Leave
- [ ] Special Leave
- [ ] Study Leave
- [ ] Long Service Leave
- [ ] Sick Leave
- [ ] Paternity Leave
- [ ] Special LWOP
- [ ] Bereavement Leave
- [ ] Professional Development Leave

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:

[ ] Endorsed  [ ] Not Endorsed

Signature: ___________________________ Date: __________

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

Type of Leave:

Checked by: Leave Records Clerk

Confirmed: HRC

Number of Leave Entitlement (in days)

Further Comments

Signature:

Further Comments

Signature:

Section 5: Approval of the CEO (or Delegate)

Comments:

[ ] Approved  [ ] Not Approved

Signature: ___________________________ Date: __________
# Application Form to Carry Forward Leave

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

## 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 carry forward (Days)</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carry forward 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>Annual Leave □</th>
<th>Number of Days</th>
<th>Number of leave in current leave year</th>
<th>Annual Leave □</th>
<th>Number of Days</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</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>
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<tbody>
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</tbody>
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<table>
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<tr>
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<th>Position Number:</th>
<th>Position Title:</th>
<th>Current Salary Level:</th>
<th>Date of Birth:</th>
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<tbody>
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<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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<tbody>
<tr>
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### 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>
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</thead>
<tbody>
<tr>
<td>Resignation Benefits</td>
<td>Untaken Long Service Leave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td>Untaken annual leave &amp; proportionate leave (for permanent Officers only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirement Benefits</td>
<td>TOTAL</td>
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</table>

<table>
<thead>
<tr>
<th>Checked by: Leave Records Clerk</th>
<th>Further Comments</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confirmed by: HR Manager</td>
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<td>Date</td>
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### Section 3: Approval of the CEO

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<tbody>
<tr>
<td>Inclusive Dates</td>
<td>NUMBER OF DAYS</td>
<td>REMARKS</td>
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<tr>
<td>-----------------</td>
<td>----------------</td>
<td>---------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td>TO</td>
<td>SICK</td>
<td>ANNUAL</td>
<td>TIME OFF</td>
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<tr>
<td></td>
<td></td>
<td>Taken</td>
<td>Bal.</td>
<td>Taken</td>
</tr>
<tr>
<td>Brought Forward Balance</td>
<td></td>
<td></td>
<td></td>
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**LEAVE RECORD**

**Tsy 112**

**Name**  
**Surname**  
Christian

**Service Number**  
**Appointment**

**ANNUAL LEAVE ENTITLEMENT** (For Officers Only)

**Date of**

**Initial**

**Due from** to **Amount**

**Due from** to **Amount**

**Inclusive Dates**

**SICK**  
**ANNUAL**  
**TIME OFF**  
**WITHOUT PAY**  
**SPECIAL**

**Take**  
**Reason**  
**Take**  
**Type**

**Brought Forward Balance**

**Balance**
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## EXIT SURVEY

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<th>Designation/Position</th>
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### Reasons for resigning. You can tick more than one box.

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<tr>
<th>Promotion</th>
<th>Moved to (circle the correct answer)</th>
<th>Better salary/wage</th>
<th>Better environment</th>
<th>Unsatisfied with current workplace</th>
<th>Other reason(s) please explain</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) move to an SOE</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>(b) private sector</td>
<td></td>
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<tr>
<td></td>
<td>(c) self employed</td>
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<tr>
<td></td>
<td>(d) other (please verify)</td>
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<tr>
<td></td>
<td>Promotion within Ministry,</td>
<td></td>
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<tr>
<td></td>
<td>private sector</td>
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<td></td>
<td>(d) self employed</td>
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<td></td>
<td>(e) other (please verify)</td>
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<td></td>
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</tbody>
</table>

### Were you satisfied with your current employer

- [ ] YES
- [X] NO

Please give reason(s) for your answer

### Are you planning to re-enter the service in the future?

- [ ] YES
- [ ] NO

Please give reason(s) for your answer

---

**We thank you for your service to the Government. Please fill in this form and return it straight to the Public Service Commission.**

---

### CHECKLIST FOR RETURN ASSETS

**Please tick all returned items.**

- **Laptop**
- **Ipad/Tablets**
- **Phone**

Please note any other item/asset you have returned
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.
### REGISTER OF DETERMINATION UPDATES - KEY TO REFERENCING

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<th>Reference</th>
<th>Date new Determination operative</th>
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<td>11</td>
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**Notes:**
- Date current Determination operative from.
- Reference in the footer of current Determination
- Date new Determination will be operative from. This date will coincide with Header 4 – EFFECTIVE DATE on the replacement document.
- This is the new reference in the footer of the new Determination – it enables you to ensure you always have the right document on file.
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