

FALEKAUPULE ACT

Staff Guidelines

November 2001

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of section 109 of the Falekaupule Act)

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CHAPTER 1: INTRODUCTION

1.1 Title

The establishment of the Falekaupule and its executive arm the Kaupule, under the Falekaupule Act 1997 rendered the traditional governing institutions *maneapa* more recognition and power to make many of the governing decisions, that affect the life of island communities. Under section 109 of the Falekaupule Act 1997, the Minister may prescribe certain terms and conditions to govern the employment of Kaupule workers. In pursuance of this, the following terms and conditions are provided and shall be called Kaupule Staff Guidelines.

1.2 Validity

This is the first Staff Guidelines to be issued by the Minister responsible for Falekaupule. As a subsidiary legislation it shall be read in conjunction with the principal legislation Falekaupule Act 1997 and the Constitution of Tuvalu.

1.3 Staff Guidelines

- a) The purpose of the Staff Guidelines is to define more clearly the rights and obligations of Kaupule staff, the procedures relating to the appointment and discipline of workers and the mode of operation of the Kaupule secretariat.
- b) In the event of a conflict between the Staff Guidelines and any other law, the details of the conflict shall be made available to the competent authority for interpretation.

1.4 Delegation of Powers

The Minister responsible for Falekaupule has delegated his authority to administer the Staff Guidelines to the Chief Executive of the Kaupule or the Pule o Kaupule. He shall exercise all the powers given by the Falekaupule Act that pertain to personnel management in the Kaupule Civil Service.

1.5 Application

The Staff Guidelines shall apply to all Kaupule, their offices and employees except as may be specifically stipulated by the Falekaupule Act or any other law that may be in force.

1.6 Exemption from the result of errors

(i) No officer of the Kaupule will be allowed to suffer or gain from the result of an error in the administration of the Staff Guidelines. Any officer or employee who has suffered a loss or gained from the incorrect application of the Staff Guidelines shall be duly recompensed by making good the loss or returning the gain.

1.7 Amendments

The Staff Guidelines may be amended and or added to from time to time by issuance of the Minister responsible for the Falekaupule.

1.8 Duty of officers to know the Staff Guidelines

It is the duty of every employee of the Falekaupule to know or be familiar with the provisions of the Staff Rules, the Falekaupule Act, the Constitution of Tuvalu, and any other laws that may have a bearing on their rights and obligations as employees of the Kaupule and Falekaupule.

1.9 Maintenance of Staff Guidelines

Kaupule employees issued with copies of the Staff Guidelines will be responsible for maintaining the physical condition of the Staff Guidelines and incorporating any amendments that the Minister may issue from time to time.

CHAPTER 2: OFFICES OF THE KAUPULE

2.0 General

(i) The Kaupule Secretariat consists of the Secretary to the Kaupule, the Kaupule Treasurer, the Community Development Planner, Gender and Community Officer and a Clerk. The Secretariat may also serve as the secretariat of the Falekaupule as may be determined by the Pule o Kaupule.

(ii) Additional staffs may also be appointed when the workload and effectiveness of the Kaupule justifies such an increase and the Kaupule has sufficient resources, in the opinion of the Minister responsible for Kaupule, to meet the cost of additional staff.

2.1 Secretary

The Secretary is the administrative Head of the Kaupule Secretariat. He or she is responsible for the overall planning; execution and management of the work of the Kaupule in pursuance of its functions provided in section 39 (2) of the Falekaupule Act. The Secretary accounts directly to the Pule o Kaupule for the conduct of functions and responsibilities that from time to time may be assigned to her or him in a corporate mission statement.

2.2 Treasurer

The Treasurer is the official responsible for the planning and management of the Kaupule finances. He or she accounts to the Kaupule through the Secretary of the Kaupule for the satisfactory implementation of Part VII of the Falekaupule Act. Her or his principal duties include the following:

- (a) help in consultation with the Secretary and the Community Development Planner to prepare a multiyear budget framework for the Kaupule;
- (b) prepare an integrated annual balanced budget for the Kaupule to approve;
- (c) take custody of all Kaupule money, and ensure that all Kaupule finances and assets are physically and economically secure;
- (d) carry-out annual boards of surveys on all Kaupule assets;
- (e) in consultation with the Community Development Planner prepare a simple Falekaupule Investment Programme (FIP);
- (f) prepare quarterly reports on the state of finances to the Kaupule through the Kaupule Secretary;
- (g) prepare quarterly financial acquittal reports on the FIP for Kaupule and for the information of donors;
- (h) arrange for the proper conduct of the treasury functions of accounting for revenues and expenditure.

2.3 Community Development Planner

The Community Development Officer is the principal planning officer. He or she accounts to the Kaupule through the Secretary for the production of the Falekaupule three-year development plan and its proper implementation. He or she will ensure that the plan

implementation is properly monitored and coordinated. Some of her or his responsibilities and functions include:

- (a) prepare in joint-consultations with the Secretary and the Treasurer a three year roll-over budget framework for the Kaupule;
- (b) prepare the draft annual capital budget for inclusion in the integrated annual budget of the Kaupule;
- (c) prepare the Kaupule three year development plan and investment programme (FIP) in consultations with the Secretary and the Treasurer;
- (d) set-up a Community Development Committee and provide advice and secretarial services to it;
- (e) set-up and manage a project cycle system for the Kaupule using the CDC;
- (f) set-up and manage a public tendering system for Kaupule contracts and produce six monthly reports to the Kaupule on the details of the work of the public tendering system.

2.4 Women and Community Officer

The Women and Community Officer (WCO) accounts to the Kaupule through the Secretary for the implementation of the annual development programme for women and the community. Her or his responsibilities include:

- (a) drafting the Women and Community three year development programme (WCDP) for inclusion in the Kaupule three year development plan, FIP and annual budgets of the Kaupule;
- (b) set up arrangements for implementing, monitoring, coordinating and reporting on the WCDP;
- (c) in association with the Health authorities, women's committees and NGOs carry out quarterly inspections of all dwelling premises and environments within the Falekaupule territorial jurisdiction to ensure compliance to standards set by health regulations and bye laws;
- (d) carry out other reasonable duties as from time to time assigned by the Kaupule Secretary.

2.5 Clerk

The Clerk accounts to the Secretary for secretarial functions of recording, communicating, regulating and reporting activities that complement the functions of the Secretary and other officers of the Kaupule. He or she will have other reasonable duties and responsibilities that are from time to time assigned to her or him by the Kaupule Secretary.

2.6 Other Staff

The responsibilities of additional staff will be defined by the Kaupule as and when they decide to employ additional staff. An additional post may be created only with the expressed approval of the Falekaupule as per section 100 (2) of the Falekaupule Act and providing that provision for such post has been made in the budget.

3 Appointments

3.1 Power to Appoint

The Kaupule is the appointing authority for all Kaupule employees by virtue of section 99 and 100 of the Falekaupule Act 1997.

3.2 Status of Kaupule officers and employees

Staff and employees of Kaupule are not public servants for purposes of staff appointment, promotion, discipline and dismissal. They are subject to the terms and conditions governing these personnel aspects in these Staff Guidelines. In the absence of Staff Guidelines or shortfall in the coverage of the Guidelines, the Kaupule will decide on the appropriate course of action to take.

3.3 Procedure for making appointments

The procedure for making the appointment to permanent and temporary positions in the Kaupule Establishment is as described in section 101 of the Falekaupule Act.

3.4 Seconded Officers

An officer working for the Central Government may be appointed by a Kaupule to positions in the Kaupule establishment on terms and conditions approved by the Minister responsible for Falekaupule.

Such officer, when appointed will account to the Kaupule for the performance of duties assigned to her or him. However he or she remains a public officer (an employee the Central Government on secondment) for purposes of salary, seniority, pension and civil service discipline.

3.5 Joint-Appointment

An officer including public officers on secondment may be jointly appointed by two or more Kaupule to carry out responsibilities and functions that are needed by appointing Kaupule. The rights and obligations of Kaupule in such appointments will be spelled out in an agreement between the Kaupule concerned.

3.6 Eligibility for Appointment

A person is eligible for appointment to the Kaupule establishment if he or she:

- a) excepting appointments to temporary posts, has been certified by a registered medical practitioner as a person of sound health and is medically fit for employment in the service;
- b) is in possession of the qualifications and experience that the position required;
- c) has supplied at least two references that are acceptable to the Kaupule.

A person failing to satisfy all the three conditions above cannot be appointed.

3.7 Prison conviction

A person who has served a prison sentence exceeding 3 months will not be eligible for appointment unless a representation has been received attesting to a successful rehabilitation and reform in the person, and the Kaupule duly satisfied that this is so.

3.8 Notification of Next of Kin

On first appointment the officer shall inform the Secretary the names of two people who should be informed in case he or she is seriously ill.

3.9 Declaration of secrecy

On first appointment an officer is required to complete a declaration of secrecy in accordance with the manner prescribed by the Kaupule Secretary.

3.10 Personal Records

The Kaupule Secretary shall keep a complete record of the personal particulars and service history of each officer in his personal and confidential files.

3.11 Appointment letter, output and performance

- (i) A person appointed to the Kaupule service whether on permanent, temporary, probationary or on an acting basis would receive a letter of appointment from the Kaupule Secretary.
- (ii) The letter will include as an attachment, the terms of reference for the job, the specific outputs expected of the appointee and performance indicators by which her or his performance will be evaluated.

3.12 Acceptance of Appointment

Persons offered appointment in the Kaupule service whether on permanent, temporary, probation or acting basis must notify his acceptance of the appointment to the Kaupule Secretary before taking up the post.

3.13 Probationary Appointment

(i) All probationary appointments to Kaupule service will initially be made on a probationary basis with the exception of those made on a fixed term contract and who cannot become permanent staff.

(ii) A probationary appointment as against a permanent appointment is made in order to allow the appointee to learn the new job to which he or she is appointed. The Secretary shall ensure that the standard (including skill content, proficiency) performance that the appointee must learn and by which he or she will be assessed is clearly stated in the appointment letter and also explained to the officer on first reporting to work.

(iii) The Secretary and other senior staff of Kaupule, shall provide sufficient training facilities to enable the probation appointee to be trained in her or his job.

3.14 Period of Probationary Appointment

(i) The period of probationary appointment shall be one year with maximum extension of up to another year. Extension will be by six months periods and its purpose is to allow the appointee to prove her or his suitability for permanent appointment.

(ii) Appointees to the Kaupule Service must be at least eighteen years on the date they are appointed.

(iii) An appointee on probation will not achieve permanent employment status on account of having worked continuously for more than two years due to an oversight to review her or his probationary appointment.

(iv) The fact of having worked continuously for more than two years may be used as evidence of the probationary appointee's suitability for appointment to the permanent establishment of the Kaupule service.

3.15 Procedure on Confirmation or otherwise of Probationary of Appointment

(i) One month before the expiration of one year after an officer's probationary appointment to the Kaupule service, the Secretary will evaluate the performance of the appointee if he or she is in a common cadre post.

(ii) If the probationary appointee is not in a common cadre post, then the Secretary will obtain from the supervising officer (e.g. treasurer) of the appointee the evaluation report on the officer's suitability for appointment on a permanent basis.

(iii) The report on probationary appointments will be submitted to the Kaupule with recommendations of the Secretary on whether the appointment should be confirmed on a permanent basis, extended or terminated.

(iv) An appointee must be shown the evaluation report together with the recommendation of the Secretary and invited to make a separate submission to the Kaupule, through the Secretary, if he or she does not agree with the report.

(v) The Kaupule will decide the Secretary submission on the probationary appointee notify the probationary officer by letter the Kaupule's decision.

3.16 Termination of probationary appointment

- (i) In the case of a decision to terminate the appointment of a probationary officer, the termination will take effect at a time to be specified by the Secretary but will not in any case be more than a week after the Kaupule has decided to terminate the probationary appointment.
- (ii) An officer whose probationary appointment has been terminated, will be notified by letter from the Secretary of the Kaupule.

3.16 Exemptions from probationary appointment

- (i) Public officers seconded from the Central Government will be exempt from the requirements of probationary appointment outlined in the Staff Guidelines.
- (ii) Officers who have been on a contract of service with any Kaupule may also be exempt from the probationary appointment requirement providing that the kinds of work that they have been doing in the immediate past, is of the same nature as the one that they are being appointed to.
- (iii) Other appointments may be exempted from the probationary appointment requirement if on the advice of the Secretary, the Kaupule determines that the appointee has relevant and sufficient skills to handle the work to which he or she is appointed in the Kaupule service.

3.17 Contract appointment

- (i) An appointment on the basis of a contract will be exempt from probationary appointment and will be governed solely by the terms and conditions of appointment laid out in the contract document.
- (ii) Contract appointment will normally be made for periods of work between one month and three years.
- (iii) A contract appointment may only be made if the service or work involved is of a temporary nature or because the skills and experience required for the job is not available and hence precludes the making of a permanent or probationary appointment.
- (iv) A contract officer wishing to extend or renew her or his contract must notify at least 3 months before the current contract expires, the Kaupule through the Secretary, her or his intention to extend or renew her or his employment with the Kaupule.
- (v) The Kaupule will likewise notify the contracted officer three months in advance of the contract expiration, its intention to offer the contracted officer an extension or renewal of the officer's current contract.
- (vi) The Kaupule will make its decision on the re-engagement of a contracted officer and the Secretary in a letter to the contracted officer will convey the decision.
- (v) A contract officer can be granted leave after his first term if he or she has been offered a second contract.

(vi) For purposes of counting a contract officer's period of service, two or more contracts are to be treated as a continuous and unbroken service providing that the re-engagement formalities for each contract were duly completed.

(vii) Unused leave balances from one contract can accumulate to the next if the contracted officer was required to resume duty by the Kaupule prior to finishing her or his earned leave.

(viii) A contract officer may be promoted to a higher position only exceptionally and providing that all other means of filling the vacancy have been exhausted.

(ix) A contract officer may not be allowed any form of overseas training during his period of engagement.

3.18 Procedure for appointment of aid funded contracts

(i) The terms and conditions under which funding is provided for a contract position will be negotiated and agreed between the funding organization and the Kaupule.

(ii) On agreeing to the terms and conditions of the funded position, the position will be advertised locally by or through the office of the Kaupule Secretary and where warranted the same may also be advertised abroad by the sponsoring organization.

(ii) Applicants for aid funded positions will apply to the organization sponsoring the contract position or where application is received by the Kaupule, the same will be forwarded to the sponsor.

(iii) The sponsor will supply a list of all applications plus its recommendations to the Kaupule through the Kaupule Secretary. The list is submitted to the Kaupule who makes its decision on who to appoint.

3.19 Temporary Appointment

(i) A temporary appointment is made because the nature of the work to which the appointment is made is temporary i.e. the work would be completed in less than four weeks.

(ii) The Secretary may make temporary appointments and must report to the Kaupule every such appointment. Temporary appointments will be made in writing and will specify clearly the nature and duration of the work.

(iii) A temporary appointment cannot be extended without the approval of the Kaupule, which may direct as appropriate, other modes of employment e.g. contract, probationary or permanent.

3.20 Acting Appointment

(i) Acting appointments may only be to positions that have temporarily become vacant and upon which the law has conferred specific duties that cannot wait for the substantive holder and/or cannot be performed by another legally competent officer.

(ii) Acting appointments will not normally be made to positions below level 2 of the Kaupule salary scales.

(iii) For positions below level 2, a charge or responsibility appointment and allowance equivalent to 15% of the substantive post holder's salary will be paid.

(iv) Acting appointees will receive an acting allowance equivalent to the difference between her or his salary and the bottom step of the salary scale of the officer in whose post the appointee is acting.

(v) Acting and charge or responsibility allowances will be treated as part of the officer's gross salary for purposes of tax computation and Provident Fund contribution.

(vii) Acting appointees will normally be the next most senior officer in the Department where the acting appointment occurs. If such an officer is not recommended for acting appointment, then the appointing authority should be shown cause why.

(viii) In recommending acting and charge or responsibility appointments, the Secretary shall state clearly whether the appointment requested is with a view to promoting the officer or for a specific period of time only.

(ix) The Kaupule will make acting appointments on the advice of the Kaupule Secretary. In the case of charge and responsibility appointments, the appointment will be made by the Secretary and a subsequent report of such an appointment must be provided to the Kaupule not less than 3 weeks after the appointment comes into effect.

4 Promotions, Seniority, Transfers and Reports

4.1 Promotions

(i) The Kaupule is the authority that approves every promotion in the Kaupule Service.

(ii) Promotion is defined as the conferment of an office to a person in the employ of the Kaupule Service, which carries a higher salary and salary scale than the office to which the person was previously appointed;

(iii) The procedure for promotion begins with the Head of Department making a recommendation to the Kaupule Secretary that a vacancy be filled by promotion from serving staff. The Head of Department will announce by notice his intention to fill a vacancy by promotion to all staff including those in other departments. Staffs who so wish must apply in writing for the vacancy.

(iv) The Kaupule Secretary will add her or his advice and submit the recommendation to fill the vacancy by promotion of serving staff to the Kaupule for a decision. In the event that the promotion is approved, the Secretary will accordingly advise the Head of Department otherwise require the latter to submit alternative proposals for filling the vacancy.

(v) The criteria for promotion will be based on merit, and will include the following

- ❑ demonstrated ability, competence and experience in performing work similar to those in the position to which the promotion/appointment is to be made;
- ❑ having passed relevant professional and civil service examinations relating to the vacant position;
- ❑ possessing appropriate formal qualifications;
- ❑ seniority in the Kaupule service.

Where the vacancy is considered a technical and top-administrative position, the weighting for the above criteria will be 4 for demonstrated ability, 3 for professional qualifications, 2 for formal qualifications and 1 for seniority. Where the position is administrative in nature and below top management the weighting will give more weight to seniority thus: 3 each for demonstrated ability and seniority and 2 each for bullet points 2 and 3 above.

(vi) The information that will be required when submitting recommendation for promotion will include the following:

- ❑ a list ranking applicants/candidates according to the merit principle or promotion criteria in section 4.1 (v) above, prepared by a panel of at least 3 serving officers excluding the Head of the Department;
- ❑ the Head of Department's recommendation either agreeing with the ranking or explaining why the ranking is deficient;
- ❑ an explanation where appropriate as to why the most senior officer may be by-passed;
- ❑ details about when the vacancy arose and when it should be filled.

(Note: To be consistent, should apply the merit principle criteria to other appointments too, not just to promotion).

(vii) An Officer selected for promotion will be required to first serve in the position to which he or she is promoted on an acting basis for six months with a view to establishing her or his suitability for substantive promotion. Not less than four weeks before the expiration of the acting appointment, the Secretary after receipt of recommendations from the appropriate Head of Department, will submit his recommendations to the Kaupule seeking:

- ❑ confirmation of the officer's promotion;
- ❑ further extension of the acting period for six months and giving reasons why;
- ❑ approval for the officer to revert to her or his substantive rank and giving reasons why.

(viii) Where the Kaupule decides to extend the officer's acting appointment, the officer will be advised including by letter from the Secretary, of why the extension was required. The officer will be advised about the additional output or performance standard that he or she needs to meet prior to the next review of her or his performance.

(ix) In the case of the Kaupule deciding that the officer should revert to her or his substantive rank, the officer will be advised by the Secretary the reason(s) for such a decision. Such an officer may only be returned to her or his substantive post or another post not lower in rank than his substantive post.

(x) The officer will be advised of her or his right to make representation to the Kaupule if he or she is dissatisfied with the decision to extend his acting appointment or to have her or him revert back to her or his substantive post.

(xi) No officer should seek to influence a member or members of the Kaupule to a way to enhance her or his prospects of promotion. Any such attempt is irregular and may lead to the exclusion of the officer from consideration for promotion and to disciplinary proceedings.

4.2 Seniority

(i) Seniority is determined by reference to the salary gradings of the post so that in between two officers, the one holding the post with the higher grading shall be the senior officer irrespective of their dates of appointment to the Kaupule service.

(ii) Where two officers have the same salary level and salary grading, seniority will be determined by reference to their seniority on the day immediately preceding their appointments to their present positions.

(iii) Where two officers entered the service not by promotion but by direct appointment on the same day and same salary grading, seniority will be decided by reference to their respective ages. In the rare event that they were born in the same moment, then they will be coequal for purposes of seniority.

(iv) In between officers of different grades but on the same salary level, seniority will be determined by reference to the dates on which they respectively entered their grades.

(v) Where seniority cannot be determined in accordance with the above provisions, the Kaupule will decide the issue on the advice of the Secretary.

(vi) An officer transferred from one grade of the Kaupule Civil Service to another, where the duties are considered to be unrelated (e.g. Community affairs to Finance), seniority will be counted from the date of the transfer regardless of previous rank and length of service in the previous post. The posting of an officer posted to another post within the same grade in the same department of the Kaupule, shall not be treated as a transfer.

(vii) The seniority of an officer promoted to a post starts counting from the date he or she is substantively promoted i.e. date of confirmation of promotion, which excludes the acting or trial period.

(viii) Service in a non-permanent post (e.g. on temporary appointment, probationary or acting appointment) is not counted when assessing the seniority status of an officer.

(ix) The Secretary to the Kaupule will publish in January of each year, a Civil List, which will show amongst other things, the seniority of staff in all established grades.

4.3 Transfers

(i) All officers in the employ of the Kaupule may be transferred to a post in another Department if it is in the best interest of the work of the Kaupule to do so.

(ii) A transfer of an officer can apply between departments where the nature of the work is cognate. The Secretary in consultation with the appropriate Head of Department will decide

whether the characteristics of the work between the sending and the receiving post are similar for purposes of recommending a transfer.

(iii) An officer may also be transferred between departments and inside departments where the nature of the work in the two posts is not cognate. In this case the officer loses her or his seniority in the vacated post and begins counting the seniority status from the date the transfer is effected.

(iv) A transfer can take place because the officer has been appointed on promotion involving an increase in salary or by appointment to a post in another Department that carries the same level of salary. The procedure effecting these two types of transfers are dealt with in the sections covering promotions and appointments.

(v) An officer may also apply through his Head of Department for transfer to a comparable post in another Department and shall show in his application why he or she wishes to be transferred. The Heads of the two departments will consult and forward their recommendations to the Secretary, who then submits his advice to the Kaupule.

(vi) The Secretary will convey the decision of the Kaupule to the officer concerned and where appropriate implement the Kaupule decision.

(vii) The transfer of officers occupying common cadre posts and administrative staff will be at the discretion of the Kaupule Secretary.

(viii) The effective date of transfer will normally be the date the officer physically takes up the duties of the new post.

(ix) A transferred officer will submit to her or his Head of Department a detailed list of the work that he or she has been performing in the old post prior to her or his final day in the old post. This list will be the Handing-Over notes, which the Head of Department will pass on to the successor officer.

4.4 Confidential Reports

(i) A confidential report will be prepared for each staff by the Head of Department before the end of the month of September each year. The report will be submitted to the Kaupule monthly meeting in October of each year through and by the Kaupule Secretary.

(ii) The report will be prepared in the prescribed *Annual Staff Assessment Form*.

(iii) The assessed staff must be shown her or his Staff Assessment Form and invited to submit further comment if necessary to the Kaupule if he or she disputes the assessment.

(iv) Confidential reports in respect of Heads of Departments will be prepared by the Kaupule Secretary for submission to the October session of the Kaupule.

(v) The Confidential report in respect of the Kaupule Secretary will be prepared by the Kaupule President and submitted to the Kaupule session in October.

(v) Confidential reports will not use derogatory words to describe the performance of an officer, which should be kept objective and in the third person.

(vii) All confidential reports will be kept under the custody of the Kaupule Secretary and will not be available or accessible to any other person except the Kaupule and officers specifically assigned by her or him to do personnel and establishment management.

(viii) At the end of their assignment or employment with the Kaupule, officers including foreign residents and citizens will be provided with a Certificate of Service if they ask for it. Such certificate may also be provided directly to an employer or would-be employer of an officer, if he or she asks for it through the officer.

5 Rules of Conduct

5.1 Hours of work

(i) The working hours of all Kaupule employees including temporary and casual workers, will be prescribed from time to time, by the Kaupule in council. However the total hours of work each week shall not be less than 38 hours unless otherwise specified below.

(ii) The normal official hours of work of Kaupule offices and services are from 7.30 am to 1200 noon and in the afternoon 1.00 p.m. to 4.00 PM from Monday to Friday.

(iii) Exceptions to these normal working hours may be prescribed by the Kaupule in council in the case of essential and urgently needed services or services, which by their nature require different work-time allocations. In the case of emergencies and abnormal times, the Kaupule Secretary may authorize work and services to proceed and shall report the same to the Kaupule President on the first working day after the authorization.

(iv) An officer who is employed on contract and have her or his work times specified in her or his contract will follow the terms of her or his contract and not be bound by the working hours prescribed here.

(v) Kaupule employees must be punctual to their work and must not absence themselves without notifying their supervising officers. Irregular work attendance can lead to the taking of disciplinary action against the officer.

(vii) Where an employee is required to work in excess of the prescribed daily working hours including public holidays he or she will be compensated time off in lieu of payment of overtime. Time-off must be taken during the same week otherwise overtime will be paid in money.

(viii) An employee who leaves the island of the Kaupule he or she works for, must notify the Secretary in writing prior to leaving the island, informing her or him of the reasons, including professional, medical or personal grounds, why he or she has to leave the island.

(viii) Absence from place of work resulting from ill health caused by the employee's own neglect as determined by the Secretary, may be regarded as absence without leave.

5.2 Private Work

- (i) Kaupule employees may not engage in private professional practice or trade except as may be allowed for in the employee's terms of employment or contract.
- (ii) Kaupule employees may participate directly or indirectly in private commercial undertakings and receive a reward for it, provided he or she has sought and obtained permission to do so from the Kaupule Secretary.
- (iii) In granting permission for 5.2 (ii) above, the Secretary shall satisfy himself or herself that the nature of the private commercial activity cannot possibly lead to a conflict of private and professional/public interest on the part of the employee concerned.
- (iv) Any engagement in private work shall be taken at the employee's own time i.e. outside the employee's working hours or during the employee's leave. An employee cannot seek to advance her or his leave for purposes of extending or enabling her or him to engage in private work.
- (v) Kaupule contracts may not be let to a Kaupule employee or to any corporate person in which the Kaupule employee has an interest (shareholder, Director) except with the prior approval of the Kaupule Secretary, who must be satisfied that there will not be a conflict of interest otherwise the contract is void.
- (vi) A Kaupule employee or a corporate person in whom an employee has an interest may not trade with the Kaupule unless prior approval has been obtained from the Kaupule Secretary who will have satisfied himself or herself as to absence of a conflict of interest situation in the trade.
- (vii) The Secretary will transfer an employee on the grounds of avoiding a potential conflict of interest between the employee's public interest and the commercial/trade interest of an employee's spouse or issues.
- (viii) Kaupule employees are not prohibited from investing or owning shares in business.
- (ix) An officer may accept paid employment while on leave providing he or she has notified the Secretary.
- (x) If an officer finds that official duty assignment allows her or him access and authority relating her or his personal affairs including private investments, the officer will report the potential or real conflict of interest to the Secretary. The Secretary may direct reassignment of the officer to avoid the conflict of interest.

5.3 Publications on Political and Administrative matters

- (i) A Kaupule employee will not publish any material or matter (written or public utterance) relating to politics or administration unless it is her or his duty to do so.
- (ii) An employee is not allowed to contribute to articles or other materials for publication on any matter of a political nature or express views contrary to declared Kaupule policy whether

in his own name, under a pseudonym, or anonymously, without the permission of the Secretary.

(iii) An employee can publish her or his views as a private individual on any matter which is not politically sensitive and not embarrassing to the Kaupule. The employee will not use the name of his post nor official letter heads of the Kaupule when publishing her or his private views in this manner.

(iv) An employee can participate in public debate, lecture, radio and television broadcast on any subject except politically sensitive topics in which case the prior permission of the Kaupule Secretary is required. An employee is not permitted to openly criticise Kaupule official policies.

(v) Employees are encouraged to participate in political elections of Kaupule members. However their participation is limited to casting a vote in the ballots. Employees are particularly prohibited from nominating Kaupule candidates, canvassing support for them, raising funds for candidates for Kaupule offices including incumbents.

(vi) Kaupule employees cannot hold office or take part in the management of a political organization.

(v) In the case of doubt about the extent of an employee's rights to publish and participate in politics, the Secretary will clarify and decide on the issues.

(vi) Confidential and classified information including papers, documents, electronically stored data and information will not be released or given to anybody not immediately responsible for them, except with the expressed approval of the Secretary.

(vii) Confidential and classified information will not be disclosed or produced in evidence in any court of law without the previous permission of the Secretary. Only official documents other than those categorised as classified information may be released to a court of law but only if they are specifically subpoenaed or by order of the Court.

(viii) An employee of the Kaupule, may stand for Kaupule election and may take leave from his work for this purpose. In the event of failure, the employee may resume her or his normal employment with the Kaupule otherwise he or she resigns from the employ of the Kaupule.

5.4 Percuniary Embarrassment

(i) An employee in serious financial difficulty is more likely to abuse Kaupule finances and other re-sellable assets.

(ii) An employee in such a situation must quickly report the full facts of her or his situation to the Secretary, who will consider with the Treasurer ways in which the employee might be assisted. Other employees aware of a colleague in such a situation can also draw the Secretary's attention to the situation. The Secretary will then require the employee to submit the report on her or his situation.

(iii) The Kaupule may assist by advancing to the employee her or his salaries for the next three months to enable the employee reduce her or his level of indebtedness. The full amount of the advance will be recovered by deduction from the employee's pay within no more than the next six months.

(iv) An employee who has suffered financial difficulty will be disciplined whether or not he or she has been assisted by the Kaupule. The Secretary will prepare a submission to the Kaupule recommending the appropriate disciplinary action.

(v) Employees are encouraged to seek advice on their financial difficulties directly from the Secretary, at an early rather than a late stage of their financial problem.

5.5 Gifts

(i) Gifts and presents proffered to a Kaupule employee in her or his capacity as an employee of the Kaupule do not belong to the employee. Such gifts other than food and drinks for one meal sitting, must be declared and brought to the attention of the Secretary through the Head of Department.

(ii) The Secretary will refer the gifts to a Gifts Committee consisting of the Treasurer, the Head of the Women and Community Development and the employee concerned. The Committee will advise the Secretary on what to do with the gift.

(iii) The Gifts Committee will develop policies to govern the handling of gifts. However in general it will direct that all monetary gifts is paid to the Kaupule Treasury as miscellaneous revenue and other gifts be kept by the employee if their value is less than \$50. Gifts with a value in excess of \$50 will be kept in the Kaupule Office in the custody of the Treasurer. The Treasurer may in consultation with the Secretary, decide to auction off gifts in his custody and credit proceeds to the Kaupule miscellaneous revenues.

5.6 Legal Proceedings

(i) An employee cannot institute legal proceedings on any matter connected with her or his official position or arising out of the discharge of her or his official duties unless specifically permitted to do so by the Secretary.

(ii) When legal proceeding are instituted against an employee for an act committed in the course of her or his official duties, the Secretary will seek legal advice from the Attorney General to determine whether the action is one against the Kaupule or the officer in his or her personal capacity.

(iii) Where in the legal opinion, the employee is not personally blameworthy, the Secretary will direct that the employee be assisted in her or his defence. In such a case the Kaupule will bear all costs including damages awarded against the employee.

(iv) Where the facts clearly indicate that the employee is partially culpable, the employee will be required to pay personally for part of the cost and damages awarded against her or him.

(v) An employee of the Kaupule required to give expert evidence in a court of law relating to his work or by virtue of his skills and qualifications, may only do so with the expressed permission of the Secretary.

(vi) When an employee receives a subpoena to give evidence in Court, he or she must obey the subpoena.

(vii) An employee receiving a fee for giving expert evidence in Court must inform the Secretary who will normally advise the employee keep part or whole of the fee.

(viii) An employee required to attend court on a matter unrelated to her or his work may not be paid salary or wages for the time he or she is absent from her or his work. The employee will be paid salary or wages where the purpose of court attendance is connected to her or his work. Leave days may be deducted in lieu of stoppage of salary as determined by the Secretary.

5.7 Misconduct and Offences

(i) An act of omission by an employee of the Kaupule, which is likely to bring disrepute to the Kaupule Civil Service, will be reported as soon as possible to the Secretary by the Head of Department.

(ii) Misconduct generally consists of any act or omission, which is contrary to the specific rules and regulations of the Kaupule Civil Service. Some of the misconduct include those listed in 5.7 (iii) below.

(iii) An employee will be disciplined where he or she commits any or a combination of the following offences:

- (a) wilfully acts or omits to comply with the provisions of these Staff Guidelines, Kaupule Financial Instructions other subsidiary legislation under the Falekaupule Act or any official instructions given under the authority of the said Act or by the Kaupule Secretary;
- (b) disobeys, disregards or makes wilful default in carrying out any lawful order or instructions lawfully given by any person having authority to give the order or instruction, or by word or conduct displays insubordination;
- (c) discharges her or his duties in a negligent, careless, indolent, inefficient or incompetent manner;
- (d) behaves in a manner intended to cause unreasonable distress to other employees or to adversely affect the performance of their duties;
- (e) uses alcohol drink or drugs to excess or in such a manner as to adversely affect the performance of her or his duties;
- (f) improperly uses or removes Kaupule property or stores in his official custody or under her or his control without permission or fails to take reasonable care of them;
- (g) directly or indirectly discloses or makes use of information acquired in the course of her or his official duties for private purposes;
- (h) habitually absents himself or herself from her or his place of work without seeking permission from the appropriate supervisor or is habitually unpunctual;

(iv) An employee convicted of a criminal offence in a court of law may be guilty of misconduct as determined according to Section 6 (Discipline). A convicted employee is responsible for reporting in detail the facts of the offence in which he or she was convicted to the Secretary.

(v) An employee may be guilty of misconduct if he or she by repeated commissions or omissions of otherwise trivial misbehaviour and incompetence give the Secretary and her or his Head of Department cause for concern about her or his suitability to continue as an employee of the Kaupule.

(vi) An employee will be surcharged the exact amount of Kaupule funds or value of damage to Kaupule assets and properties which he or she caused. The Secretary may appoint a Committee of Inquiry to determine culpability and the exact extent of loss or damage which an officer may have caused.

(vii) No employee of the Kaupule may drive a Kaupule vehicle unless he or she satisfies the following conditions:

- ☐ in possession of a current driving licence for the type of vehicle he or she is to drive;
- ☐ has been authorised by the Secretary or her or his Head of Department to drive the vehicle;

(viii) An employee may not under any circumstance use Kaupule vehicles for private transport purposes unless prior permission has been sought and granted by the Secretary, who will decide what constitutes private and official transport purposes.

(ix) Employees may not carry passengers for payment in Kaupule vehicles. However they can hire Kaupule vehicle(s) if they are generally available to members of the public for hiring at prescribed hire rates.

(x) Employees must ensure that they are appropriately attired during working hours unless the specific nature of their job requires a special dressing. Where uniforms are required, employees must ensure that these are tidy and clean at all times.

(xi) All employees must be courteous, helpful and attentive in their dealings with the public.

5.8 Representations and Petitions

(i) An employee(s) can make representations on any matter relating to the Kaupule Civil Service. The channel of communication for such representation will be through the employee's Head of Department who submits the same to Secretary with her or his comment on the matter. The Secretary may make a decision on the matter raised on his own or refer it to the Kaupule President and Kaupule Council as he sees fit.

(ii) The Secretary will inform the employee(s) in writing of his or the President and or Kaupule Council's decision on the matter(s) raised in the representation.

(iii) The employee may appeal the decision of the Secretary to the Kaupule Council which on application of the employee, may decide to allow or disallow further appeal to the Falekaupule.

(iv) An employee complaining against his Head of Department will address the complaint to the Secretary with a copy to the Head of Department. In the event of a complaint against the Secretary, the employee will address the complaint to the President in council with a copy to the Secretary and her or his Head of Department.

(v) The procedure for appeals against disciplinary matters is covered in Chapter 6, Discipline.

6 Discipline

6.1 General

(i) The power to exercise disciplinary control over persons holding or acting in any office of the Kaupule is vested in the Minister of State responsible for local governments in consultation with each island Falekaupule as per sections 107 and 109 of the Falekaupule Act 1997.

(ii) Cases may arise which may not be covered by these regulations. In such an event the case will be reported to the Secretary in writing who will advise the course of action to take, which can include reference to the Kaupule for a final decision.

(iii) The Secretary is delegated power to exercise the following disciplinary actions in respect of any Kaupule employee on the advice of the appropriate Head of Department or on his own volition.

- (a) defer or withhold the increment of any officer serving in any Kaupule office;
- (b) dismissal of a temporary employee who may have breached conducts expected of a Kaupule civil servant as contained in Chapter 5, except where the same facts may have already supported a criminal conviction of the employee;
- (c) issue written warnings and reprimands;
- (d) exercises all disciplinary powers excepting in connection with dismissal and retirement in the interest of the service in respect of employees below Kaupule salary scale L3.

(iv) The following are the punishments, which may be imposed as a result of disciplinary action:

- ☐ dismissal
- ☐ reduction in rank
- ☐ reduction in salary
- ☐ deferment of increment
- ☐ reprimand
- ☐ forfeiture of emoluments withheld during a period of interdiction

(v) An employee recommended for dismissal may be retired in the interest of the service instead if in the course of disciplinary proceedings the Kaupule finds that outright dismissal is too severe a punishment relative to the nature of the offence e.g. general inefficiency.

(vi) An employee dismissed from the Kaupule service forfeits all terminal benefits and entitlements due to her or him (e.g. earned leave) except those to which he or she is entitled under the Tuvalu Provident Fund.

(vii) An employee who is terminated on grounds of general inefficiency is eligible to receive all benefits and entitlements that are normally due to staff who leave the Kaupule service for reasons other than dismissal.

(viii) The range of allowances other than an employee's salary is provided in recognition of a staff's efficient performance of duties. The Kaupule, on the advice of the Secretary may decide to remove such allowances in retribution for a staff's unsatisfactory performance.

(ix) An employee's salary or rank may be reduced for any cause where the Kaupule decides that a lesser punishment than dismissal is warranted.

(x) An employee's normal salary increment may be withheld or suspended for any reason of misconduct and neglect of duty. This form of punishment will be given if there is some doubt on the part of the Kaupule as to the fairness of the recommended punishment and it wishes the staff be given more time to show he or she can improve. When a withheld or suspended salary increment is subsequently granted, it will take effect retroactively from the time it normally would have taken effect but for the suspension.

(xi) The Secretary will be informed including by means of the annual Staff Assessment Form [Chapter 4.4(ii)] by the relevant Heads of Departments, the detailed status of disciplinary actions already taken and those in the pipe line relating to their departments.

(xii) The Kaupule may resume the exercise of any powers delegated to the Secretary and Heads of Department in this Staff Guideline and may, at its discretion, initiate disciplinary proceedings or discontinue them.

(xiii) An employee on contract with the Kaupule may also be subject to the same disciplinary proceedings that apply to other Kaupule staff providing that similar proceedings in her or his contract are first exhausted and that such subjection is not contrary to the terms of the staff's contract.

(xiv) The proceeding against temporary staff is as follow:

- (a) a temporary officer accused of misconduct warranting disciplinary proceedings will be investigated by the Head of Department who will then send findings to the Secretary who may in his discretion prescribe an appropriate punishment for the officer
- (b) a temporary officer convicted in a court of law on any criminal offence shall submit to the Secretary through her or his Head of Department, a full report of the offence and the court's judgement. The Head of Department will attach her or his comments to the report and send it to the Secretary who will prescribe an appropriate punishment or recommend an alternative course of action;

- (c) in every step of the investigation, the officer will be kept informed about the proceedings and invited to make representation in her or his defence to the Secretary including right of appeal to the Kaupule;

6.2 Proceedings

(i) The procedure for dealing with acts of misconduct and inefficiency begins with a formal report by the Head of Department to the Secretary detailing the facts of the misconduct or efficiency. This will take place after the staff concerned has been notified and asked to provide her or his defence either orally or in writing.

(ii) The proceedings set out here applies to all Kaupule employees irrespective of levels of seniority or salary;

(iii) Supervising officers noticing instances of misconduct and inefficiency on the part of subordinate staff must confront the staff concerned giving oral notice of her or his shortcoming and report the same to the Head of Department or Secretary.

(iv) Where the nature of the shortcoming or fault is not serious enough as to merit a formal report to the Secretary, the Supervising Officer may inform the employee concerned in writing of the fault and require him to remedy it.

(v) The Secretary may as a result of considering the reports on the allegation of misconduct and inefficiency and the defence or explanation from the concerned staff:

- (a) inform the employee if he or she is satisfied the employee has cleared himself or herself ;
- (b) issue a letter of warning to the employee if he is satisfied that while the employee has not exculpated himself or herself, no immediate punishment is warranted;
- (c) institute disciplinary proceedings against the employee if he considers that the employee has not sufficiently exonerated himself or herself from the misconduct or inefficiency with which he or she has been charged.

(vi) The Secretary may require that an employee be interdicted and suspended from her or his work, if he or she is involved in a criminal offence, which the Secretary considers to be serious and likely to lead to the employee's dismissal or to a threat to the interest of the service, the Secretary will require that the employee immediately ceases to exercise the powers and functions of his office until such time as he or she is formally cleared or otherwise from the criminal allegations.

(vii) The Secretary will submit in detail all cases of interdiction and suspension to the Kaupule for a final decision. The power to interdict and suspend an employee prior to reference to the Kaupule, may only be exercised in respect of staff below salary scale Level 3. In the case of staff Level 3 and above, the prior approval of the Kaupule President is needed.

(viii) An employee interdicted and suspended will receive only 20 percent of her or his salary during the time he or she is suspended. When the court subsequently clears the employee of the criminal allegation, any portion of the salary withheld may be fully restored.

(ix) Where the court prescribes a lesser punishment not amounting to dismissal in these Staff Guidelines, the Secretary will advise the Kaupule to consider restoring at an appropriately lower amount the withheld salary.

(x) When during disciplinary proceedings the Secretary believes that an employee has committed a criminal offence, he or she will report the matter to the Police. Where for any reason the Police cannot take the matter to the courts, it will dully advise the Secretary and provide her or him with the result of the investigation.

(xi) The Secretary may decide after receipt of legal advice from the Attorney General, to institute disciplinary proceedings against an employee for whom criminal proceedings for whatever reason have ceased if he or she is still considered culpable, from the perspective of the Kaupule Civil Service.

(xii) Where an offence is likely to involve the loss of Kaupule funds, the Secretary will advise the Treasurer and appropriate proceedings instituted under the relevant provisions of the Kaupule Financial Instructions.

(xiii) No parallel disciplinary proceedings may proceed against an employee while criminal proceedings are also being pursued for the same offence.

(xiv) An employee who has been acquitted in a court of law cannot be charged or subjected to disciplinary proceedings for the same offence unless it is a different offence. Prior to starting disciplinary proceedings against an employee who has been acquitted, the Secretary will seek advice on the matter from a competent legal adviser, who will assist in formulating the charge(s).

(xv) An employee who has been found guilty of a criminal charge in a court of law will report her or his case to the Secretary and will include a copy of the charge and judgement. The Secretary will after consultation with the employee's Head of Department, send the case with her or his recommendation to the Kaupule, who will decide.

(xvi) An employee who has been convicted in a court of law may continue to draw salary, a portion thereof or no salary whether or not the employee appeals, as the Kaupule may decide on the advice of the Secretary. In the case of a successful appeal, the full salary will be restored including any part or the whole, which may have been withheld.

(xvii) The procedure to be followed in the case of dismissal proceedings against Kaupule employees is as follow:

- (a) on suspecting that a dismiss-able misconduct may have been committed, the Head of Department will conduct preliminary investigation to establish the facts and may orally interview the employee about the suspected misconduct;
- (b) the Head of Department will report the matter to the Secretary;
- (c) if in the Secretary's judgement there is a case against the employee, he or she will prepare the case in writing and with a copy to the employee concerned, submits it to the Kaupule for decision;
- (d) the Secretary may seek legal advice as he or she judges fit;

- (e) an employee against whom disciplinary proceedings have been brought, will be invited to provide a defence either in writing or by verbal presentation to the Kaupule in council or both;
- (f) all evidence to be used against an employee in a dismiss-able offence must be made available or copies thereof to the employee against him dismiss-able proceedings have been brought;
- (g) the Kaupule may if it feels a case brought before it require greater scrutiny of information or knowledge of a technical nature, appoints a tribunal or commission of inquiry to consider the case and submits its recommendation to it;
- (h) an employee against whom dismiss-able proceedings have been brought may be defended in the Kaupule, tribunal or commission of enquiry by another Kaupule officer of legal counsellor;
- (i) when the Kaupule decides to dismiss an employee, its decision shall be communicated to the employee by the Secretary who will advise the employee about her or his rights, if any;
- (j) where the Kaupule decides that a lesser punishment than dismissal is warranted, it will decide what that lesser punishment should be and give directions as appropriate to the Secretary;

(xviii) The procedure to be followed in the case of misconduct other than dismiss-able misconduct is as follow:

- (a) the Head of Department on suspecting that a non-dismissable offence may have been committed, informs the employee responsible and begins preliminary investigation to establish the facts. The Head of Department will report the matter including her or his recommendations, to the Secretary with copy to the employee concerned;
- (b) an employee shall be invited to defend himself or herself in writing to the Secretary with a copy to the Head of Department;
- (c) the Secretary shall decide the appropriate punishment other than dismissal or retirement to impose or an alternative course of action that are authorised by these Staff Guidelines;
- (d) the Secretary will inform the staff concerned about the decision in her or his case and advise the staff of her or his right to appeal and any other related instructions;
- (e) if in the course of proceedings, new evidence supporting proceedings for dismissal and or retirement in the public interest is revealed, then these proceedings will cease in order to continue proceedings under the relevant section;
- (f) the Secretary unless specifically required by the President or Kaupule will submit a quarterly return of the details of punishments that he or she has meted out to the Kaupule.

(xix) The procedure to be followed in respect of retirement in the public interest is as follow:

- (a) where the Secretary on the advice of a Head of Department or on his own motion considers that it is in the interest of the Service to retire an employee, he or she will inform the employee in writing, setting out clearly the reason(s) for such decision;
- (b) an employee who has been asked to retire in the public interest will be invited to respond within a specific time limit, and provide a defence in writing if any, to the Secretary;
- (c) the Secretary will submit the case of the employee concerned to the Kaupule for its decision;

- (d) an employee whom the Kaupule has decided to retire in the public interest will be advised as soon as possible after the Kaupule decision, by the Secretary and informed of her or his rights, if any;
- (e) an employee who has been retired in the public interest will not lose any terminal benefits to which he or she would otherwise have been entitled;
- (f) an employee will normally be recommended for retirement in the public interest if he or she has served in the Kaupule service for five or more years prior to experiencing poor performance or committing an act of misconduct warranting his removal but not such as to justify proceedings for dismissal.

(xx) The procedure to be followed in a case of retirement on medical grounds is as follows:

- (a) on satisfying himself or herself that an employee may be suffering from an infirmity of body or mind that would jeopardise her or his work, the Secretary will ask the officer to undergo a medical examination by an appropriate Medical Officer;
- (b) the Secretary will appoint a Medical Board consisting of the Pastor of the denomination to which the employee belongs, a representative of the Kaupule Civil Service and a medical officer other than the one who produced the medical examination report. Where the employee has no denomination, the Pastor of the Tuvalu Church for the island will be appointed to the Board;
- (c) the Secretary will submit the medical report on the employee concerned to the Medical Board together with other relevant information including her or his recommendation;
- (d) the employee concerned will be provided with a copy of the medical report and invited by the Secretary to make a representation either by her or him directly in writing or otherwise or through a representative, to the Medical Board on her or his case;
- (e) after considering the case the Medical Board will submit a recommendation to the Kaupule to make its decision;
- (f) the Secretary will advise the employee concerned of the Kaupule's decision and if necessary of any terminal benefits to which he or she may be entitled or any special arrangements where the Kaupule decides to continue to employ the officer;

(xxi) The procedure relating to Appeals is as follows:

- (a) an employee may appeal to the Kaupule on decisions made by the Secretary under disciplinary powers conferred in this Staff Guidelines Chapter 6.1(iii)(a)-(d).
- (b) appeals against a Secretary's disciplinary decisions must be lodged within two weeks of the coming into effect of the Secretary's decision, which normally is communicated to the employee by letter;
- (c) an appeal may be made after two weeks but not beyond four weeks, only where the Kaupule is of the view that there are circumstances that warrant allowing a late appeal;
- (d) a second appeal i.e. appeal based on new evidence not considered by the Secretary in the original decision, may be allowed after two weeks but not beyond four weeks;
- (e) appeals against decisions of the Kaupule in all disciplinary matters must be made within four weeks of the effective date of the decision;
- (f) appeals against decisions of the Kaupule in all disciplinary matters may be made to the Falekaupule;
- (g) appeals against decisions of the Falekaupule on disciplinary matters lie to the Minister responsible for Falekaupule.

7. Termination

7.1 General

- (i) The authority to terminate appointments in the Kaupule Service is vested in the Kaupule and it applies to all Kaupule employees whether permanent, on contract or temporary.
- (ii) All resignations must be reported to the Secretary giving reasons if possible for the resignation.
- (iii) When an employee dies while in the employ of the Kaupule, the Secretary will notify within 7 days all those who may be required by statute to be notified. These can include the next of kin, Lands Court concerning the employee's deceased estate and the Manager of the National Provident Fund in relation to any payments that may be due to the employee's dependants. The Secretary will also inform the Kaupule President.

7.2 Retirement on Grounds of Age

- (i) All Kaupule employees must retire after reaching their fiftieth and before they turn fifty-one years old except if they are employed on contract or temporary basis.
- (ii) An officer can opt to retire at the earlier age of forty-five years and must give three months notice of her or his wish to retire early to the Secretary who shall forward the request to the Kaupule for its decision.

7.3 Termination on abolition of Office

- (i) An office(s) may be abolished only when following a detailed review and for reasons of budgetary restraint, improving organisational and management efficiency, the Kaupule approves the abolition of the office(s).
- (ii) In the event that an office or offices are to be abolished and providing that such offices are common cadre positions, the Secretary will inform the incumbents of such offices and make a submission to the President of the Kaupule of how the employees affected might be usefully re-deployed.
- (iii) In the event that only partial re-deployment is possible and a choice has to be made as to who to retain, the Secretary will recommend a selection to the Kaupule. The recommendation will take into account the past performance of the employees as per their annual staff assessment reports and seniority in the Kaupule service as determined in section 4.4.2 of these Staff Guidelines.
- (iv) Where an abolished post is not a common-cadre post or is a technical post, the employee may not be re-deployed unless a vacancy exists, which suits her or his special expertise;
- (v) No vacancy may be created just to absorb employees who may have been made redundant.
- (vi) The Secretary will invite employees of whom the Kaupule has been asked to approve their redundancy to make representations directly to the Kaupule with a copy to the Secretary.

(vii) The Secretary will inform the employee(s) whose redundancy the Kaupule have decided upon, about the decision and advise them of their rights and terminal benefits and entitlements.

7.4 Retirement in the Public Interest

(i) The Secretary either on his own motion or that of a Head of Department may submit the name of an employee for retirement in the public interest to the Kaupule for a decision.

(ii) The procedure to be followed starts with Secretary informing the employee concerned in writing, explaining clearly the reason why the employee should be retired in the public interest. The employee will be given two weeks in which to respond and if no response is received after that, the Secretary will submit the case to the Kaupule for their decision.

(iii) When the Kaupule has decided on the case, the Secretary will inform the employee concerned and will also advise her or him of her or his rights and terminal benefits and entitlement benefits, if any.

(iv) The grounds for recommending retirement in the Public Interest are:

- (a) the employee has worked for a long time in the Kaupule;
- (b) the employee's standard of performance has in the recent past, dropped irretrievably;
- (c) the employee has been found guilty of a misconduct that does not deserve dismissal.

7.5 Retirement on Grounds of ill health.

(i) The Secretary may at any time require an employee to undergo medical examinations to establish whether or not he or she is physically and mentally fit to continue working in the Kaupule service.

(ii) The Secretary will request the examining medical officer to carry out a preliminary examination of the employee. If it is established that there is a good possibility that the employee may be mentally and or physically sick then the Secretary will appoint a Medical Board {as in section 6.2 [xx] (b)}. The Board will ask for a thorough medical report, considers the case and make its recommendations to the Kaupule through the Secretary.

(iii) Where the Board recommends retirement on the ground of ill health, the Kaupule will decide so, unless it considers it necessary to institute or cause to be instituted further actions relevant to the employee's incapacity. An employee for whom retirement on ill health ground has been approved must first be allowed to utilise any sick or annual leave owing prior to the retirement coming into effect.

7.6 Resignation and termination of Permanent employment

(i) An employee of the Kaupule wishing to resign from the Kaupule Service must give notice of the intention to resign at least one calendar month before the resignation date becomes effective.

(ii) The resignation notice will be in writing and addressed to the Secretary through the Head of Department. On receipt of the notice, the Secretary will submit the matter including her or

his recommendations about how to fill the vacancy, to the next Kaupule meeting for a decision.

(iii) An employee who has resigned must effectively leave the Service not earlier than four weeks from the date of lodgement of the resignation notice whether or not the Kaupule has approved. An employee may not leave the service earlier than four weeks except on payment of the equivalent of one month's salary in lieu of notice.

(iv) An employee who fails to give due notice of her or his intention to resign and also fails to pay the appropriate sum in lieu of notice forfeits any salary and leave, which may be outstanding at the time of leaving the Kaupule Service.

7.7 Termination of employees on probation

(i) Termination of probationary appointment may be effected by either side giving notice of intention to terminate or else the payment of one month's salary in lieu of notice.

(ii) The Secretary initiates termination proceedings for probationary appointees on his own motion or on a report by the Head of Department. The Secretary will submit for Kaupule approval her or his recommendation for the proposed termination and on receipt of a decision from the Kaupule, promptly informs the employee concerned.

(iii) An employee on probationary appointment who resigns within twelve months of his appointment on probation will by way of penalty, lose any earned leave and salary which may be owing to her or him by the Kaupule.

7.8 Termination of contract employees

(i) A contracted employee may resign from the employ of the Kaupule only in the manner shown in her or his contract of service otherwise where no such provision is available, a period of notice of three months will apply.

(ii) A contracted employee may leave the Kaupule Service earlier than the three month notice or forfeit three months salary or an amount pro rated to the balance of notice period remaining.

(iii) A contracted employee may only have her or his contract terminated other than as a result of dismissal reasons, due to any one or combination of these reasons:

- (a) that the employee is not capable of performing her or his duties
- (b) that there are no funds with which to pay the employee
- (c) that the post is required for a permanent officer

(iv) The procedure for terminating the employment of a contracted officer begins with the Secretary either on his motion or that of the employee's Head of Department, formulates the case for contract termination and provides a copy to the employee concerned. The employee will be invited to respond to the case to terminate her or his contract. On receipt of the response or where none is received within the time allowed to the employee, the Secretary submits the case to the Kaupule for its decision.

(v) Where an issue(s) relating to the legality of the proposed contract termination emerges, the Secretary will seek legal advice from the Attorney General.

(vi) The rights and entitlements of a contracted officer whose contract has been terminated are as specified in the employee's contract. Where such rights and entitlements are unclear, the Secretary will seek legal advice from the Attorney General.

(vii) A contracted officer against whom termination proceedings are being brought will be informed the details of why the proceedings have been instituted and invited to respond including making representation through the Secretary to the Kaupule.

7.9 Termination of temporary employees other than those on probation

(i) Temporary employees [those employed on specific short-term work not exceeding four weeks – refer to Chapter 3.19] will be informed at the time they are appointed when their employment will terminate.

(ii) A temporary employee may have her or his contract extended where the Secretary is satisfied that the work for which the employee was employed is unfinished or that additional work have been identified and hence warrant the employment of an additional worker(s).

(iii) The Secretary will inform the Kaupule of all temporary appointments and extensions thereof that he or she has made detailing the reasons including availability of funds to cover cost of such appointments and extensions.

7.10 Testimonials

(i) Every employee who leaves the Kaupule Service irrespective of reasons for so doing, is entitled to be issued with a Certificate of Service in a form that the Secretary will prescribe. The Certificate will be signed by the Kaupule Secretary in the case of temporary employees leaving the service and by the President and Secretary in the case of permanent staff departing from the service.

(ii) Certificates of Service should wherever possible, help employees obtain employment elsewhere and hence must be both encouraging and factual. The Secretary in compiling the Certificate will deduce the facts of the employee's performance from annual staff assessment reports and also invite comments from the employee's immediate supervisors and Head of Department.

(iii) The Secretary will maintain a record and copy of all issued Certificates of Service and deal with any enquiry from outside the Kaupule Service about the performance of serving staff and those who have left the service.

7.11 Re-engagement

(i) An employee whose contract appointment may have ended may be re-engaged by extending or offering another contract as dealt with in Chapter 3.

(ii) An employee who has resigned may be re-engaged but the period of service before resignation will not count for seniority.

(iii) An employee who retired from the service may be re-engaged but only where:

- (a) the prospects of serving officers are not prejudiced;
- (b) the vacancy cannot otherwise readily be filled;
- (c) the retired officer is the best person to fill

(iv) All re-engagement will be by yearly contract and shall be regarded as for filling an essential position on a short-term basis pending a more permanent appointment.

8. Salaries, Wages and Increments

8.1 Salaries

(i) The salaries of Kaupule employees will be paid from budget provisions made for that purpose in the approved annual Estimates of Revenue and Expenditure of the Kaupule.

(ii) The salary scale for particular posts is provided in the Kaupule Establishment Register, which forms part of the annual budget and subject to amendment from time to time.

(iii) The salaries and allowances are paid in the Australian currency.

(iv) All salaries will be paid into a bank account with the National Bank of Tuvalu. On first appointment, an employee must advise the Treasurer the details of a bank account with the National Bank of Tuvalu to where his or salary must be paid.

(v) Officers who go overseas on official business or officially approved training and remain eligible to their salaries, will have their salaries paid into their accounts with the National Bank of Tuvalu. The officer is responsible for making arrangement with the National Bank of Tuvalu to remit, if need be, her or his salary to her or him.

(vi) The monthly salary will be calculated by dividing the annual salary by twelve. Where it is necessary to calculate a proportion of the monthly salary, the monthly salary will be divided by the number of days in the month and multiplying by the number of days for which the salary calculation is needed.

(vii) The monthly salary is paid in arrears on the last working day of the month. The date from which salary is calculated is the date on which the employee is appointed by letter, to the post.

(viii) The salary scales applying to employees of the Kaupule Civil Service is provided from time to time by the Secretary.

(ix) All appointments will normally be made to the minimum level of a salary scale unless exemptions are specifically authorised in these Staff Guidelines (e.g. section 8.2) or by a decision of the Kaupule. Salary increments will be awarded based on performance as covered in section 8.2 below.

(x) Any change to the status of an employee(s) which is likely to affect the payments of salaries and allowances must be communicated to the Treasurer in a routine form prescribed by the Treasurer for that purpose.

(xi) No advance of salary, except on first appointment, may be granted to any employee. An employee wishing to obtain an advance of her or his salary must first show why a Bank will not grant her or him a loan. The Secretary together with the Treasurer will decide whether or not an advance of salary should be granted. Where an advance is granted, it should not exceed one month's salary and it must be fully repaid within three calendar months.

8.2 Increments

(i) All employees appointed to the service will enter at the bottom step of the bottom level of the salary scales of the post to which they have been appointed.

(ii) Exceptions to the 8.2(i) rule will be granted by the Secretary in the case of employees with relevant prior experience up to the maximum of the salary scale.

(iii) Incremental credits may also be granted by the Secretary in the case of first appointees with formal tertiary and professional qualifications relevant to the work to which he or she has been appointed. For the basic tertiary (first degree or three year tertiary study) and professional (chartered accountant etc) qualification there will be awarded one salary increment or salary step and additional increments for every year of study for a postgraduate qualification.

[A four year degree for example like the Bachelor of Laws will receive 1 increment for the three year and a second increment for the 4th year study and a third increment for the professional diploma or bar examinations passed].

(iv) An employee's incremental date will be either the 1st of the month if appointed before the 15th of the month or the 1st of the following month if appointed after the 15th of the month. On completion of 12 months of satisfactory service from the date the employee was appointed, he or she receives one increment.

(v) On promotion the employee's incremental date will be the effective date of her or his promotion.

(vi) No employee is entitled to increments as of right. Increments are granted only in accordance with procedures laid down in these Staff Guidelines.

(vii) No employee may receive increments beyond the maximum of the salary scale attached to her or his post.

(viii) Incremental dates are based on the completion of a 12 month cycle. Where an employee takes leave with pay the incremental date is unaffected. An employee who takes leave without pay will have her or his incremental date deferred by the number of days that he or she takes leave without pay.

(ix) The Head of Department will submit her or his recommendations on the award of annual increments in respect of staff under her or his control to the Secretary in the Annual Staff

Assessment form. The form will be submitted in September every year to allow the Secretary time to submit the same to the Kaupule's monthly meeting in October.

(x) The criteria for withholding increments are mainly related to lack of performance as detailed in the Annual Staff Assessment section 4.4 of these Staff Guidelines.

(xi) An employee on probationary appointment is eligible for increment award on completion of satisfactory 12 months of service as assessed in the Annual Staff Assessment procedure.

(xii) The Secretary who is unable to certify that an employee has performed to the level required for an award of increment will inform the employee of that the salary increment has been withheld giving reasons for such a decision.

(xiii) A deferred increment is one, which is postponed pending the fulfilment of certain conditions (e.g. improvement in some aspect of the employee's performance) when it will be granted retroactively to the postponement date.

(xix) When a deferred increment is not reviewed after one year [for retroactive award in subsection xiii] the employee loses it and eligibility for incremental award will be considered for subsequent years only.

(xx) When an increment is deferred for less than a year and the review is successful, the employee resumes full entitlement to the increase in salary effective from the date the deferment ceases.

8.3 Retirement Benefits and Gratuities

(i) The authority for calculating retirement benefits due to staff of the Kaupule Service is vested in the Manager of the Tuvalu Provident Fund.

(ii) The authority for calculating non-Tuvalu Provident Fund due to staff of the Kaupule Service is vested in the Treasurer.

(iii) An employee who is dismissed forfeits the right to any terminal benefits other than those provided for under the Tuvalu Provident Fund Act.

(iv) Benefits due to an employee employed on contract are those specified in the contract and these will be calculated by the Treasurer and paid to the employee.

(v) When an employee's contract expires while he or she is interdicted or on suspension from the service as a result of disciplinary proceedings or awaits a court hearing of a criminal charge, the period of suspension will not count towards any gratuity.

9. Leave

9.1 Annual Leave

(i) Subject to the exigencies of the service, all employees employed on permanent or temporary terms and those on contract terms may be granted leave by their Head of Department to the extent of the working days leave scales in 9.1(iii) below; provided that if employees enjoy a more favourable leave rate in their contracts, they shall retain that entitlement.

(ii) Working days are those days that are not Saturdays, Sundays or Public Holidays as declared under the Public Holidays Act

(iii) An employee in full time employment is eligible for annual leave according to his salary level at the rates set out below:

<u>Salary Level</u>	<u>Working Days</u>
L 1 – L 3	30
L 4 – L 6	26
L 7 – L 9	22

(iv) Applications for leave must be lodged at least two weeks before the employee proceeds on leave. The President of Kaupule approves the Secretaries leave while Heads of Departments will apply for their leave to the Secretary. Other staff apply to their Heads of Departments for approval of their leave.

(v) The leave year is from 1st January to 31st December and leave earned during the leave year must be taken during the year in which it is earned unless special approval is obtained to accumulate leave to the following year.

(vi) Leave cannot be advanced i.e. an employee cannot take in the current year, next year's leave, which is yet to be earned.

(vii) An employee, who moves to a new leave entitlement [due to promotion or demotion] during the year, will have her or his leave entitlement shared between the two leave rates according to the months served under each leave rate. In the case of an incomplete month, the employee will be entitled to the new rate for that month if he or she moved to the new rate [promoted or demoted] prior to the 15th of that month. If the employee moved to the new rate after the 15th of that month, her or his leave calculation for that month will be at the old rate.

(vii) Leave not taken in the leave year will be forfeited unless special permission to accumulate leave, up to a maximum of two years has been granted by the Secretary. Special permission to accumulate leave will be given only on grounds of :

- (a) the public interest
- (b) compassionate grounds

(viii) Annual leave need not be taken in one stretch and may be taken over different times as agreed between the employee and the officer approving the leave.

(ix) Heads of Departments will prepare six-monthly leave rosters for their departments and submit them to the Secretary, who may direct that the leave roster be amended in the interest of the smooth running of the Kaupule secretariat.

(x) The Secretary will maintain all leave records and prescribe the format for leave records e.g. application leave form, application for sick leave form and the procedure for their processing and maintenance.

(xi) Summaries of employees' leave will be prepared monthly by the Secretary [Monthly Leave Return] for information of Kaupule and the Treasurer.

(xii) The Secretary may grant leave without pay to an employee who may have exhausted her or his leave entitlement and for compassionate grounds requested extension of leave.

(xiii) Any period granted as leave without pay will not count towards salary increment calculations and contribution to the Tuvalu Provident Fund.

(xiv) Employees granted permission by the Kaupule to undertake training in any educational and training institution will be entitled to their normal leave up to one year while in training. Beyond one year the leave entitlement will reduce to half. Such leave entitlement may not be commuted cash.

(xv) An employee, who dies in the service, will have her or his outstanding leave commuted to cash and paid to his next of kin or to his deceased estate.

(xvi) An employee, who is dismissed or leaves the service without giving due notice, forfeits any outstanding annual leave.

(xvii) An employee who needs to travel to his home island to spend her or his leave will be granted an appropriate travelling days allowance, so that he or she begins utilising the leave entitlement after arriving at the home island.

(xviii) An employee will not be granted travelling days allowance if he or she travels to a destination other than her or his home island for leave except where calling other destinations is part of the most direct route to the home island.

(xix) An employee who is prevented from resuming her or his normal duties after leave due to some event beyond his control (no transport from another island, cyclones etc.) must notify the Secretary as soon as possible, the details of the event. This will be treated as overstayed leave and will be deducted from the employee's future leave unless the employee asks that it be treated as leave without pay.

(xx) An employee who overstays her or his leave without an acceptable explanation is liable for disciplinary action.

(xxi) An employee's wife and children are entitled to leave passage at the Kaupule expense providing such passage is utilised within one month of the employee travelling home for her or his leave.

9.2 Sick Leave

(1) Sick leave is the period in which an employee is absent from her or his work due to sickness.

(2). An employee, who is absent from work due to sickness must obtain a sick leave certificate from a competent government medical personnel to support her or his sickness.

(3) Sickness due to the negligence or misconduct of the employee will not qualify for sick leave and also the employee will not receive pay for such period of sickness.

(4) The Secretary on the advice of the Director of Medical Services may grant a permanent employee of the Kaupule sick leave up to 60 days.

(5) Where it may be necessary to extend sick leave on the advice of the Director of Medical Services, the Secretary may grant extended sick leave subject to the following pay arrangements:

- (a) the first 60 days will be regarded as sick leave on full pay;
- (b) after the 60 days, the employee may use up any annual leave standing to her or his credit;

(6) If on the advice of the Director of Medical Services, extended sick leave is still required after 120 days, the Secretary will grant the employee further sick leave on full pay for up to 135 days then on half pay for the next 135 days and thereafter on sick leave without pay.

(7) Temporary and contract employees will be granted sick leave at the discretion of the Secretary, at rates equivalent to half the entitlements of permanent staff. Where an employee is entitled under her or his contract to more favourable sick leave terms, those terms will prevail.

(8) When an employee who has been granted the maximum sick leave falls sick within 12 months of returning to duty, he will be granted sick leave without pay.

(9) The Secretary may despite section 9.2(7) may terminate the employment of a temporary employee if her or his illness has lasted more than 4 weeks.

(10) An employee who is absent from work due to injury or disease contracted while in the course of performing her or his official duties and through no fault of her or his, will be granted sick leave as in 9.2(5) and 9.2(6) whether or not the employee is on permanent, contract or temporary terms.

(10) A permanent employee who is absent from work due to injury or disease contracted while in the course of performing her or his official duties and providing he or she is not at fault, subject to the discretion of the Secretary, may be granted sick leave with full pay for as long as he is sick.

(11) The Secretary will maintain all sick leave records including sick leave applications and register in a way, which renders prompt access for decision-making.

9.3 Miscellaneous Leave

(1) Every female employee is entitled to maternity leave of up to 12 weeks, which must be taken at least six weeks before and following delivery another six weeks.

(2) A female employee proceeding on maternity leave will be on full pay for the duration of 12 weeks. After 12 weeks of maternity leave and where it is necessary to continue leave, the employee may do so on leave without pay, unless approval has been given to utilise any annual leave balance. Or that on the advice of the Director of Medical Services, the Secretary grants sick leave on half pay.

(3) Study leave for Kaupule employees is covered under the chapter on training.

(4) Leave to attend to private affairs may be granted by the Secretary providing that it is applied for in writing. The reasons for requesting this leave must be clearly explained and such information will be treated as confidential. Leave for this purpose will be without pay and may only be granted after the employee has used up her or his annual leave for the current year.

(5) Paid leave to take an examination may be granted to an employee to enable her or him take an examination in a course of study that is related to the employee's work.

(6) Leave rosters will be planned to avoid staff shortages occurring. Where a long leave leaves a position unfilled the Secretary will seek temporary engagement or re-deployment of existing staff, if in his judgement, the vacancy will adversely affect the smooth running of the Kaupule secretariat.

(7) Handing over Notes are compulsory requirements, which a departing employee must prepare for the sake of the replacing employee. Handing over Notes will be signed concurrently by the departing employee, the replacing employee and the Head of Department and copy provided to the Secretary.

(8) Leave for breast feeding: Employees who are mothers are entitled to short absence from their place of work to breast feed their babies. Absences in the mid-morning and mid-afternoon must not be unreasonably long and the Supervising officer or Head of Department must be informed prior taking leave of absence.

10. Allowances

10.1 General

(1) Claims for allowances shall be addressed to the Secretary through the Head of Department who will certify that the allowance is just and that it is for an approved purpose. The Secretary will approve or not approve applications for an allowance and notify the Treasurer and the Head of Department concerned.

(2) The rate and level of allowances is subject to annual approval of the Kaupule and Falekaupule as part of the budget appropriation process.

(3) An allowance to which an employee is entitled will be automatically paid to the employee according to routine arrangements made by the Treasurer, providing the Secretary informs the Treasurer.

(4) An advance of salary is dealt with in Chapter 8 of these Staff Guidelines.

(5) Where an employee is required to travel on official duty to a place away from her or his normal place of resident as a Kaupule employee, the employee will be entitled to payment of an appropriate subsistence allowance or the subsistence allowance rates that are used by the National Government of Tuvalu.

(6) The Secretary may grant an employee travelling on duty an Imprest if he or she is required on account of her or his duties to incur expenses additional to her or his subsistence expenses. Where an imprest is issued it will be automatically charged as an Advance of Salary to the employee. Within 14 days of returning to station, the employee must retire the imprest and at that point the advance will be adjusted.

10.2 Acting Allowance

(1) An Acting allowance will be approved by the Secretary, and it will normally be paid to an officer in level 3 to level 1 who may be required to act in a higher position than her or his substantive post.

(2) An Acting allowance will be payable from the date of commencement of an officer's acting appointment to the date immediately preceding the date of its termination, subject to the provisions of 10.2(2) and 10.2(3) below.

(3) When an employee, who draws an acting allowance, goes on leave, he or she will be entitled to draw the acting allowance until another employee has been appointed to take her or his place.

(4) An employee who goes on sick leave while holding an acting appointment will continue to draw the acting allowance until another employee has been appointed to take her or his place.

(5) The rate of acting allowance for an employee holding an acting appointment, will normally be the difference between the employee's substantive salary and the lowest step in salary scale of the post in which he or she is appointed on an acting basis. Where the lowest step in the higher salary scale is lower than the employee's substantive salary, the rate of acting allowance will be the difference between the officer's substantive salary and the next step in the higher salary scale.

10.3 Responsibility or Charge Allowance

(1) A responsibility or charge allowance is paid to an employee who because of her or his level of experience, is not expected to perform the full responsibilities of the higher office. This will normally apply to an officer on level 4 and lower, who may be required to act in level 3 posts and above.

(2) The rate of responsibility or charge allowance will be prescribed by the Secretary from time to time, taking into account the experience and seniority of the employee and the nature of the work of which he or she is required to take charge.

10.4 Overtime, Shift and Abnormal Hours Allowance

(1) An employee is eligible for overtime when he or she has been specifically required by a Head of Department or Secretary to work more than 36 hours and fifteen minutes a week.

(2) Giving time off in lieu of payment in the week following the week in which it was incurred will normally be the way to pay overtime. If the Head of Department or Secretary cannot grant time-off due to the requirement of the work, overtime will be commuted to cash.

(3) Overtime commuted to cash will be calculated in the following manner:

- (a) the hourly rate of an employee will be her or his annual salary divided by 52 weeks and again by the number of normal working hours a week i.e. 36 and one quarter hours;
- (b) overtime worked during week days will be the hourly rate multiply by 1.5 (one and one half);
- (c) overtime worked during Saturdays, Sundays and public holidays will be the hourly rate multiply by 2 (two).

(4) A shift allowance will be paid on a fortnightly basis at 20% of the employee's fortnightly salary, to an officer who is required to work on organised shifts covering 24 hours each day. Employees whose shift falls within the normal working hours will not be eligible for shift allowance.

(5) An abnormal hours allowance is paid where by the nature of her or his job an employee is required to regularly work outside normal working hours. It is different from overtime because the work is expected to arise outside of working hours (call to attend to sick person); not a result of load spill-over from normal working hours; and it cannot be deferred to the following day. Abnormal work is also different from shift work for it is not normally expected to last 24 hours each day.

(6) Overtime and shift allowance will be restrictively administered and normally will not be available or payable to an employee on salary levels 1 – 3, or whose salary in the judgement of the Secretary already include compensation for the irregular circumstances covered in overtime and shift work.

(7) Entertainment allowance is paid on approval of the Secretary to enable an employee to entertain Kaupule guests who are connected with Kaupule work. The allowance must be applied for at least 24 hours in advance of the entertainment. The Secretary will prescribe from time to time rates per guest to be entertained and the type of guest eligible for entertainment by Kaupule employees. Where the entertainment is to be provided while the officer is on duty travel.

(8) Hospitality allowance is paid on the approval of the Secretary to an employee of the Kaupule, who may have been requested to accommodate and provide meals to a visitor to the Kaupule. The appropriate rate of allowance will be prescribed from time to time.

(9) An employee who has been asked to accommodate and provide meals to another employee, who is a Kaupule official or employee is entitled to a hospitality allowance at rates to be advised by the Secretary.

(10) An employee who is accommodated by another employee at the request of the Kaupule will not be entitled to subsistence allowance.

10.6 Subsistence Allowance

(1) Subsistence allowance is paid to enable an employee to cover her or his lodging, food and incidental travelling expenses in places (taxi fares etc.) away from her or his duty station to which her or his visit on Kaupule business has been approved.

(2) Every employee intending to travel must submit through her or his Head of Department a travel request in a form prescribed by the Secretary at least one week before the travel date to the Secretary.

(3) The subsistence allowance will be calculated and paid by the Treasurer when the travel request has been approved.

(4) The subsistence rate for different countries or destinations outside of Tuvalu will be the same as the rates prescribed for officials of the national Government. For destinations within Tuvalu, the rate will be \$20 per day or as prescribed from time to time by the Secretary.

(5) The subsistence allowance is payable for every twenty-four hours an officer or employee spends away from home on Kaupule business. Time spent on transit does not count for subsistence allowance calculation unless the transit time is such as to require the employee to spend for her or his subsistence needs (meals, lodgings overnight).

(6) When it is necessary to provide an employee with funds additional to her or his subsistence allowance i.e. supplementary allowance, the Secretary will approve instead, a travel Imprest [see 10.1(6)] to cover the additional expenses.

(7) An employee may be refunded legitimate subsistence expenses incurred while on duty travel. The Secretary may approve refund up to 50% of the daily subsistence rate of such expenses providing the expense is supported with receipts and relate to:

- (a) additional travel expenses relating to official business
- (b) long distance official telephone calls and related communication expense
- (c) lodging expense in excess of 60% of daily subsistence rate providing that cheaper lodgings are not available or the employee is unable to leave the expensive lodging for diplomatic or other sound reason.

(8) An employee whose spouse may be required to accompany her or him on duty travel is entitled to receive subsistence allowance rate equivalent to one and half the normal entitlement.

10.3 Other Allowances

(1) A disturbance allowance is payable to an employee who is transferred to another location or island for more than one month and is required to vacate her or his dwellings. The allowance is in recognition of the disruption caused by the physical relocation to an employee as a result of the transfer. The rate will be:

- (a) \$100 for a married employee
- (b) \$50 for a single employee

(2) A baggage allowance is available to an officer or employee who may be required to travel on official business as follow:

- | | |
|--------------------------|------------------------------------|
| (a) on first appointment | 200 cubic feet of personal effects |
| (b) proceeding on leave | 200 cubic feet of personal effects |
| (c) on retirement | 400 cubic feet of personal effects |
| (d) on transfer | 300 cubic feet of personal effects |

Baggage allowance entitlements must be utilised within one month of the date the employee execute the travel.

(3) A personal effect is any effect which belongs to the employee.

(4) A diving allowance is payable to an employee who may be required to dive as part of her or his job, at the rate of \$50 per month. The diving need not be continuous or every day in order for the employee to qualify for the allowance.

(5) A wet allowance is also payable to an employee who may be required to work in wet conditions (sea, under the rain) at the rate of \$30 per month. The employee need not be continuously wet or is wet every day in order for the employee to qualify for the allowance.

11 Transport

11.1 Transport Allowances

(1) Employees of the Kaupule who may be required to travel by ship on duty within Tuvalu are entitled to the class of accommodation shown below.

<u>Officer's salary scale</u>	<u>Class entitlement ship</u>	<u>Class entitlement airplane</u>
Levels 1-2	First class cabin	Economy
Levels 2-4	Second class cabin	Economy
Levels 5-6	Deck	Economy

(2) The class of travel for duty officers who travel by air, whether within or outside Tuvalu will be the economy class unless a sponsor other than the Kaupule approves travelling in a higher class.

(3) The Secretary may authorise travelling in a higher class than an officer's entitlement in special circumstances. An officer travelling at a lower class than her or his entitlement due to non-availability of class cabins cannot claim monetary compensation for having so travelled.

(4) A candidate who is required to travel to attend an interview for an appointment with the Kaupule may be refunded the actual cost of her or his fare providing it does not exceed the class entitlement of the post for which he or she is being considered.

(5) An officer travelling to take up her or his post for the first time is entitled to passage in the class appropriate to her or his class, at Kaupule expense, for her or him, spouse and up to 4 children.

(6) An officer who resigns from the Kaupule service within six months of appointment will be required to refund transport costs including baggage allowance, which may have been expended on her or him on first appointment.

(7) A Kaupule officer travelling on duty within or outside Tuvalu may be accompanied by her or his spouse at Kaupule expense, providing the officer pays 75% of the fare.

(8) An employee who travels home on retirement, termination of appointment other than dismissal or on completion of contract is entitled to passage and baggage allowance at Kaupule expense for her or him, spouse and up to four children, in the class to which he or she is entitled.

(9) An employee who resigns within six months of utilizing passage and baggage allowance loses entitlement to passage and baggage allowances.

(10) An employee who is dismissed loses all transport allowances and entitlements.

(11) The spouse of a deceased employee is entitled to passage and baggage allowances to her or his home island or that of the deceased employee's island, for her or him and up to four children providing the entitlement is taken up within three months of the employee's passing.

(12) An employee injured or loses her or his life while travelling on duty is entitled to the appropriate benefits under the Workmen's Compensation Act and other relevant laws.

(13) An employee who incurs loss of personal effects while travelling on duty may be entitled to compensation for uninsured loss or damage providing that the carriers cannot be held liable, there is evidence of the extent of the damage and that the employee supply the Secretary with the necessary evidence.

(14) The Treasurer will determine the appropriate level of compensation to which an employee may be entitled and advise the Secretary. The level of compensation will not normally exceed two-third of the value of the damaged or lost personal effects.

11.2 Use of Kaupule Transport

(1) Officers who have been assigned responsibility for Kaupule vehicles including boats and other means of transport will use them in accordance with the following:

- (a) the Traffic Laws of Tuvalu;
- (b) use the vehicle and other forms of transport economically;
- (c) use the means of transport only for official business as defined by the Secretary;
- (d) only licensed and approved drivers may drive Kaupule vehicles;
- (e) drivers will ensure that all Kaupule vehicles will have a log book and it is maintained;
- (f) vehicles may be hired to members of the public, including Kaupule staffs and must driven by a Kaupule employee.

(2) Kaupule vehicles and equipment may only be purchased after the Kaupule has selected and approved the supply of the same by a supplier. Prior to the Kaupule making the selection, Treasurer will have advertised and invited tenders from suppliers and in consultation with the Secretary, recommend a bidder to the Kaupule.

(3) The Works Supervisor (position to be created where none exists) will be responsible for all Kaupule stores, plants and equipment (including vehicles and boats) and will ensure that they are properly maintained at all times and secured against pilferage and natural disasters.

(4) When a Kaupule vehicle or boat is involved in an accident, the driver shall immediately report the details of the accident to the Works Supervisor and the Police.

(5) The Works Supervisor will immediately the accident is reported to him, inform the Secretary and begin a thorough examination of the vehicle, boat or plant to determine the extent of the damage and estimate likely repair or replacement costs. The Works Supervisor will send his report to the Secretary, who shall recommend a course of action to the Kaupule for their decision.

(6) Where the driver involved in the accident is found by a court of law to be guilty of gross negligence and directly contributed to the accident, he or she will be surcharged the cost of the damage or replacement.

(7) Where the driver involved in the accident is not an employee of the Kaupule, the responsibility for making good the damage will fall on the officer under whose custody the vehicle was at the time of the accident.

(8) Where the driver is guilty of a lesser degree of culpability than gross negligence, the Secretary may recommend that he or she be surcharged for part of the damage only.

12 Housing

12.1 Kaupule Houses

(1) The Kaupule is not responsible for providing houses for its employees, who are expected to live in their own homes or in rented accommodation. However where the Kaupule has residential accommodations as with outer island Kaupule, these may be allocated to employees.

(2) Kaupule residential accommodations will be first allocated to those employees who are from other islands or overseas and do not own a house on the island at where the Kaupule is, at a rental rate to be determined from time to time by the Kaupule. The allocation criteria (with weights) to be used is as follow:

- (a) officer is from another island or overseas (4 points)
- (b) officer's family size (1pt each for spouse & per child)
- (c) officer's salary scale (scales 1 = 6pts, 2=5pts, 3=4pts etc. ...)
- (d) seniority in age (divide the age by 18, only count points in the range 1-2.8.)

In case of even point scores, the officer with more and younger children should have priority claim to the house.

(3) An officer may apply for change of accommodation when other Kaupule accommodations become available but only if there are no staffs on the waiting list for accommodations.

(4) Temporary accommodation in a hotel or guest house may be provided at Kaupule expense to an employee who is recently arrived to take up an appointment with the Kaupule. After one week the officer will contribute to half the cost of lodging and meets full cost after the fourth week.

(5) Where the Kaupule provides residential accommodation, the Secretary will ensure that complete and up to date inventories of furniture, fixtures and fittings are maintained. On occupying the house, the employee shall together with the Works Supervisor verify and sign the inventory in their mutual presence.

(6) On vacating Kaupule residential accommodation, the employee will jointly verify and sign the inventory with the Works Supervisor. Where there are damaged or shortages in the inventory (signed on occupying the house), these will be surcharged to the employee unless on the basis of a satisfactory explanation, the Secretary grants special exemption.

(7) A tenant-employee is fully responsible for keeping the premises tidy and clean, reporting all damages from accidents, reasonable usage or due to fair wear and tear.

(8) The Works Supervisor who will repair damages arising from fair wear and tear and those due to causes beyond the control of the tenant (e.g. natural causes, fire due to electrical faults etc.)

(9) A tenant who willfully damage Kaupule accommodation and properties or subscribe to their damage because he or she has been grossly negligent, will be surcharged the full cost of the damage.

(10) A tenant employee may not sublet a Kaupule house allocated to her or him.

(11) The level of rent set by the Kaupule for its residential houses must take into account the level of furnishing, fixtures, fittings and the quality of the house compared to rent and accommodations provided by the national government on the capital island.

(12) The Secretary will provide a list of basic furniture, fixtures and fittings for Kaupule accommodations and the monthly rent applicable to them.

13 Examinations and professional training

13.1 General

(1) Kaupule staff are required to sit and pass examinations prescribed for the Kaupule Civil Service before they may be confirmed in posts to which they have been appointed or considered for award of increment promotion.

(2) The examination subject heads for different posts or positions shown in the matrix below, must be passed as a minimum requirement for consideration for confirmation, award of increment and promotion. Passing examinations is a necessary but not a sufficient condition for confirmation, increment award or promotion; these ultimately depend on the annual assessed performance of employees.

Examination Subject Heads	Clerical Officer	Typist	Others L4 – L6	L1 – L3
1. Constitution 1			<input type="checkbox"/>	<input type="checkbox"/>
2. Constitution 2				<input type="checkbox"/>
3. Falekaupule Act			<input type="checkbox"/>	<input type="checkbox"/>
4. Staff Guidelines	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
5. Financial Instructions	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
6. Stores Regulation	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
7. Word Processing	<input type="checkbox"/>		<input type="checkbox"/>	
8. Basic Spreadsheet	<input type="checkbox"/>		<input type="checkbox"/>	
9. Typing 30 wpm		<input type="checkbox"/>		
10. Typing 40 wpm		<input type="checkbox"/>		
11. Typing 50 wpm		<input type="checkbox"/>		
12. Typing 60 wpm		<input type="checkbox"/>		
13. Office Procedure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. English 1	<input type="checkbox"/>	<input type="checkbox"/>		
15. English 2			<input type="checkbox"/>	<input type="checkbox"/>
16. Arithmetic 1	<input type="checkbox"/>	<input type="checkbox"/>		
17. Arithmetic 2			<input type="checkbox"/>	<input type="checkbox"/>
18. Profession or Trade 1			<input type="checkbox"/>	
19. Profession or Trade 2				<input type="checkbox"/>

20. Current Affairs (Tuvalu, Pacific, World)			<input type="checkbox"/>	<input type="checkbox"/>
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(3) No employee appointed on probationary terms will be confirmed unless he or she has first passed all or part of the examinations assigned for the post he or she occupies, as directed by the Secretary.

(4) No employee will be considered for an award of increment of salary unless he or she has first passed the number of examination subject heads prescribed as minimum eligibility requirement by the Secretary.

(5) Promotion bars together with examination subject heads that need to be passed in order to clear the way for promotion past the bar, will be published from time to time by the Secretary.

(6) The Secretary may exempt officers from taking examinations or promotion bars, if he or she is satisfied that the officer has sufficient qualifications and or experience to warrant exemption.

(7) The Secretary will maintain an examination and exemption register, which will contain the names and details of those who have passed prescribed examinations and also exemptions from examinations and promotion bars.

(8) The Secretary or Head of Department will draw the attention of an officer or employee who may be required to sit an examination or to pass a bar assessment, at least six months before the event, to allow the officer time to prepare. The officer's attention will be drawn at this stage to any area of weakness in her or his performance, that he or she needs to improve.

13.2 Training

(1) The objective of training Kaupule employees is so that (a) they can become more efficient in the performance of their present or future duties in the Kaupule service and (b) they can perform new duties or work within the Kaupule service resulting from re-deployment due to re-organization.

(2) The Secretary in consultation with the Heads of Departments will identify training needs and formulate the training policy for Kaupule employees and submit it for approval by the Kaupule.

(3) The policy will be a three-year training programme indicating who will be trained how and where and how the training will be financed. As far as possible training will make use of in-service courses put on by the national government and local training institutions like the University of the South Pacific.

(4) The Secretary is the office responsible for the implementation of the training programme.

(5) The forms of training that Kaupule employees may take include the following:

- (a) *pre-service* training may be granted by the Secretary to a person who may be required to possess a certain qualification or knowledge prior to being appointed to the Kaupule service;

- (b) *induction course* is for new appointees and is intended to familiarize them with the Kaupule service and their particular jobs;
- (c) *day release course* is where an employee is released for part of or whole day in order to attend a course of training;
- (d) *block release course* is one where the officer is released for several weeks to attend the course;
- (e) *sandwich course* is one where study is interspersed with extended periods of practical training;
- (f) *overseas course* is one where the study takes place abroad and is normally funded by an external source or the national government of Tuvalu;
- (g) *correspondence course* is where tuition and study is conducted through the post;
- (h) *evening course* is one where tuition and course work is conducted in the evenings, outside working hours.

(6) This section deals with employees' leaves, salaries and allowances relating to training. It takes precedent over other sections of the Staff Guidelines that deal with leave, salary and allowances.

- (a) the Secretary will approve all training in line with the training policy approved by the Kaupule;
- (b) an officer on taking an approved training course overseas is entitled to full pay up to one year and also to the award of increment if warranted;
- (c) a married officer on training abroad is entitled to a family allowance, but not passage for family, sufficient to maintain a family of two adults and up to a maximum of four kids in the country where the officer studies;
- (d) where the married officer leaves her or his spouse and family at home, a separation allowance will be paid to the spouse who remains at home;
- (e) an officer on a course of training abroad must not accept employment from another source, because it jeopardizes the officer's chances of success;
- (f) an officer's travel arrangements to and from the country or place of training will be the responsibility of the Secretary;
- (g) an officer must proceed to the place of study in the shortest and most direct route and must obtain prior permission from the Secretary, if a diversion or prolonged stopover is to be made;
- (h) an officer taking an approved full time course of study inside or outside Tuvalu is entitled to normal leave for up to one year and this is reduced to half after one year;
- (i) the Secretary will be responsible for making all arrangements with the training institution, boarding and other arrangements necessary to secure a place for an officer who has been granted training overseas;
- (j) an officer whose overseas course of training lasts two or more years is entitled to home leave at the end of each academic year if he is married and the spouse did not accompany her or him, subject to availability of funds or approval of sponsor;

(7) An employee who is funded by the Kaupule is entitled to these training allowances:

- (a) *living allowance* covers board and meals;
- (b) *incidental expenses allowance* covers incidental expenses like bus fares, departure taxes etc;
- (c) *settling-in allowance* covers expenses associated with setting up in lodging and existence in the new country or place of training;

- (d) *clothing allowance* covers the purchase of clothing and linen needed in the country or place of training;
- (e) *book allowance* covers the cost of books and materials needed for training;
- (f) *excess baggage allowance* covers the cost of a trainee's excess baggage on his way to and from the country or place of training;

The rate for each allowance will be published from time to time by the Secretary who, in setting the rates, will take into account the availability of Kaupule funds and the need to adequately resource Kaupule employees on training.

(8) Where an external award falls short of the allowances provided in the above section, the Secretary may top up the external awards to equal these terms and conditions. The employee must apply in writing to the Secretary and providing evidence to support her or his claim.

(9) Where an employee's training is outside Tuvalu, allowances equivalent to half of the total allowances for the year will initially be paid directly to the employee prior to departure. On arrival in the place of training, the trainee employee will open an account with a bank and notify the account details to the Secretary. All subsequent training allowances due to the trainee employee will be paid by bank transfer to the employee's overseas bank account at no cost to the employee.

(10) An employee who achieves distinction or is recommended by the training institution as having achieved a commendable result in a course of study will be recommended for an award of salary increment(s) by his Head of Department. The achievement must be in a formal qualification obtained after examination and issued by an internationally recognized training organization.

(11) An employee who has undertaken a course of study approved by the Kaupule, is automatically binded to return to continue her or his service with the Kaupule. In the event that the employee fails to return to the service of the Kaupule and providing no special exemption has been granted by the Kaupule, the employee will refund all training allowances, passage and other costs that may have been paid or expended for him and if applicable, her or his family.

(12) The authority to stipulate and enforce training terms and conditions is vested in the Minister responsible for Falekaupule under section 109 of the Falekaupule Act 1997 and as delegated to the Kaupule in this subsidiary legislation (i.e. Staff Guidelines).

14 Staff relations

14.1 General

(1) The nurturing of amicable and harmonious work relations amongst all staffs is the responsibility of every person working for or in the Kaupule service.

(2) There shall be formed a Kaupule Staff Association (KSA), the first meeting of which will be called by the Kaupule Secretary. The KSA will elect its officers in its first meeting and they will represent the interests of all staff as employees of the Kaupule. The KSA will develop its own association rules, procedures and activities.

(3) The President of the Kaupule will form a Joint Consultation Council (JCC) consisting of two members appointed by him to represent the Kaupule, and two appointed from nominations of the KSA. The function of the JCC is to consider and recommend to the President of Kaupule any matter which pertains to staffs terms and conditions of services and act as the first dispute resolution tier for any issue of contention between KSA and Kaupule.

(4) Both the KSA and the Kaupule will honor the dispute resolution mechanism and procedures that the JCC will prescribe from time to time. Disputes will first be dealt with by the JCC whose recommendations and the decision on it by the President consists, the first tier of conflict resolution.

(5) Where no agreement is achieved, the dispute will be heard first by the Kaupule in council and after that by the Head Chief and Falekaupule in council. The Minister responsible for Falekaupule will be the last tier of conflict resolution. In all levels of hearing, both the KSA and the Kaupule sides may freely present their explanations.

(6) Beyond the Minister, the procedure provided in the labour and industrial relations statutes will apply.

(7) The JCC but not the KSA meetings may be held during normal working hours. Where KSA meetings cannot be deferred or dispute resolution requires release during working hours, the Secretary will grant such release.

15 Gratuities and Provident Fund

15.1 General

(1) All Kaupule employees are subject to the provisions of the National Provident Fund Act and other directives, which the NPF Board may lawfully make from time to time, relating to the prudent management and advancement of the NPF.

(2) Kaupule employees who may have been beneficiaries under the 1952 Pension Act and the ruling made in Circular Memorandum 1958, may continue to enjoy those benefits in addition to those conferred by the NPF.

(3) In addition to benefits under the two sections above, employees may also benefit from gratuity or financial reward for service rendered, which the Kaupule may authorise from time to time.

15.2 Tuvalu National Provident Fund

(1) The Kaupule as an employer, is required under the NPF to contribute 10% of an employee's salary to the employee's NPF account and recoup half of the contribution from the employee's salary.

(2) The 10% contribution is based not on the employee's effective gross salary but on the minimum wage or salary in the salary band to which an employee's salary belongs. The salary

bands are prescribed in the National Provident Fund Act and may be varied only through formal amendment of the Act.

(3) Kaupule contribution to the NPF and the required deductions from employees' salaries will be effected on a monthly basis, unless varied by the NPF Board.

(4) An employee earning less than \$20 per month is not eligible to contribute to the NPF.

(5) An employee who has already withdrawn part or all of his or her NPF contribution and is re-employed and rejoins the NPF may not withdraw his or her second round benefits until he or she has retired from the second employment.

(6) Contribution to the NPF is not limited by age.

(7) A person may make voluntary contributions into the Fund on her or his own behalf in accordance with rules and procedures laid down by the NPF Act and regulations.

15.3 NPF Benefits

(1) All contributions to the NPF in respect of an employee, will be credited to the employee's account in her or his name. The contribution includes the 10% contribution (from the employer and employee), voluntary contributions and share from interest income distribution as the Board may determine from time to time.

(2) The sum of NPF benefits due to an employee at any one time is the sum of all contributions in her or his account as adjusted in respect of the special death benefit payable under Section 19 of the NPF Act.

(3) An employee's benefits in the NPF may be paid where one or more of these conditions have been met:

- (a) when the employee is 55 years or more
- (b) when the employee reaches 45 years and has opted to retire from employment
- (c) when the employee passes away
- (d) when the employee is physically and or mentally handicapped and unable to engage in paid employment
- (e) when the employee leaves Tuvalu and does not intend to return to work in Tuvalu

(4) No payment of employees' benefits may be made unless prior approval of the NPF Board has been obtained.

15.4 Miscellaneous Provisions

(1) NPF contributors are required by the Act to nominate by name the person or persons to whom her or his benefits shall be paid in the event that she or he dies or mentally incapacitated.

(2) NPF contributions is free from tax and cannot be seized or levied upon in respect of any debt whilst it remains with the NPF.

- (3) The Board may authorise payment of a contribution which has become payable to a member or her/his nominee who may be residing abroad and has requested for it.
- (4) The information on a member's contribution with the NPF is strictly confidential and may not be divulged to any source without the prior approval of the member.
- (5) The administration of the Provident Fund and the interpretation of the Act and related regulations are the responsibility of the Board of the National Provident Fund.

16 Information & Gazette

16.1 General

- (1) The routine provision of information about the work of the Kaupule and its Secretariat whether required by statute or not, is an indispensable feature of good governance. It is the responsibility of the President of the Kaupule to ensure that an appropriate information system is installed and maintained by the Secretariat.
- (2) Information is provided to the constituency because they are the owners and stakeholders in the Kaupule. The plans, policies, laws and performance of the Kaupule and the Falekaupule will be periodically reported through a formal Kaupule Gazette published by the Secretary once every quarter. The Kaupule Gazette will be official record of all major decisions of the President, the Kaupule and other officers duly assigned decision-making responsibilities. It will include information on the following:
 - (a) all laws, regulations, bye laws approved or enacted in the quarter
 - (b) list of new appointments made to the Kaupule
 - (c) approved plans and policies in different subject areas of Kaupule operation
 - (d) the budget and summary information thereof
 - (e) balance sheet and operational accounts of the Kaupule (annually)
 - (f) notices of Kaupule and other Committee meetings, and annotated agenda
 - (g) notices of monthly meetings of Falekaupule and annotated agenda
 - (h) policy reviews and evaluation reports
 - (i) other information that the President in consultation with the Secretary may deem suitable for publication.
- (3) All information will be first published in the Kaupule Notice Board before they are gazetted. The Gazette is prima facie the official record of events reported in it.
- (4) The Kaupule Gazette is issued by the Kaupule in its capacity as the executive arm of the Falekaupule under section 5(2) of the Falekaupule Act 1997, not in accordance with the Gazette law.
- (5) The Kaupule Gazette will be available to members of the public free of charge.

17. Correspondence

17.1 Channels of communication

(1) Official Kaupule communication or correspondences can be within (intra) the Kaupule including its Secretariat or between the Kaupule (inter) and outside bodies. Communication can be in the following forms:

- | | |
|---------------------|---|
| (a) official letter | - to a recipient outside the Kaupule and its Secretariat |
| (b) memorandum | - to a recipient within the Kaupule and its Secretariat |
| (c) minute in file | - less formal note within Secretariat either typed or handwritten discussing operational and policy matters |
| (d) spoken word | - in meetings and consultations |

The communication medium used for conveying the above forms of correspondence include

- (a) facsimile
- (b) electronic mail
- (c) telex and telegrams
- (d) telephone
- (e) postal service
- (f) hand delivery
- (g) files

(2) Official correspondence is any communication entered into because the matter is official i.e. pertaining to the business of the Kaupule. Official communications can be very formal as in official letter and spoken words in formal meetings to more informal minutes and consultations.

(3) Written official correspondences must be clearly addressed to the addressee and his or her title (including copy addressees if any) with the subject matter of the correspondence underlined and centred between the salutation the body of the letter or correspondence. Spoken communication will always be in a polite and civil manner.

(4) Outgoing mail will be issued only over the signature of a Head of Department or the Secretary. Signing for Head of Department or Secretary is not allowed when the content matter is about policy as against operational execution of policy, unless the Secretary or Head of Department has categorically given permission.

(5) Correspondences with the national government or other Kaupule will normally be signed by the Secretary and or Heads of Departments.

(6) Where it may be necessary to communicate with a foreign body or person, the Secretary will convey the matter to the Minister responsible for Falekaupule, who will normally request the Minister in charge of foreign affairs to take up the matter with the foreign body. If the matter is of routine and operational nature, the Secretary may correspond directly with the foreign body.

(7) Circular memoranda will be used whenever it is necessary to advise or inform the Kaupule service or employees of a matter, which is of interest to them. The circulars will be numbered by type or class and issued by the officers shown below:

Administrative Circular No.1/2000	issued by the Secretary of the Kaupule
Finance Circular No.1/2000	issued by the Treasurer
D/Circular No.1/2000	issued by the Departmental Head, D stands for the name of the Department e.g. Department of Planning.

17.2 Security of Official Documents

(1) Although transparency in operation is highly encouraged, the disclosure of certain information can lead to injustice and can be disruptive to the smooth operation of the Kaupule and Falekaupule. By virtue of this, the Secretary will declare certain categories of information as classified information.

(2) The Secretary will prescribe procedures for handling classified information, which can be further ranked in terms of levels of confidentiality into:

- (a) top secret and secret – the classification applies to information that can be highly destructive if it is known other than by designated officials;
- (b) confidential and - information that deals with yet-to-be approved Kaupule policy, personnel and disciplinary matters;
- (c) restricted. – information that could be embarrassing if it is widely known;

(3) All correspondences with a classified ranking will be filed by their rank by subject and kept in a separate filing cabinet, which could only be accessed by the Secretary, Head of Department or their designated personal assistants. Classified information relating to personnel and establishment matters will be filed in employee's confidential personal files.

(4) When top secret and secret material is moved by letter it will be placed in an envelope marked secret and this is then put inside a second envelope and addressed. Both envelopes will be sealed with wax in such a way that it cannot be opened except by breaking the seal.

(5) Officers who may come across classified information as a result of her or official duties may not under any circumstance, divulge any such information to any person unless she or he has been specifically authorized to do so.

(6) The official seal and stamp of the Kaupule shall not be given to a private person nor used for any purpose other than Kaupule service.

(7) Employees, suspected of infringing these security provisions would be suspended to await the formal institution of disciplinary proceedings against her or him.

17.3 Conduct of business

- (1) All personnel matters including questions of interpretation should be referred to the Secretary unless the issue is adequately addressed in the Staff Guidelines and Heads of Departments are specifically empowered to deal with the matter.
- (2) Consultation amongst the departments of the Kaupule service is strongly encouraged as a routine mode of conducting business particularly where a department's policy or activity need inter-departmental inputs and or implications.
- (3) The business of the Kaupule irrespective of the form in which it is conducted or transacted whether by word of mouth (telephone, discussion or word of mouth) must have a record (written, audio and visual recording) as evidence of and confirmation of the transaction or decision. Where the subject matter relates to policy or is a directive from Kaupule President, Kaupule Councillor or a senior official to a subordinate, the record must be certified as correct by the most senior official involved in the transaction.
- (4) All incoming mail will be opened by the Registry Clerk and circulated first to the Secretary who then decides on the action to be taken. The Registry Clerk allocates and cross reference mail in their appropriate files then deliver files to the action officers.
- (5) The style of communication within and to other bodies or persons outside the Kaupule service must at all times be courteous, concise and clear.

18. Filing and Records

18.1 General

- (1) Heads of Departments are responsible for filing records of the Kaupule in the subjects of which they are responsible. They are responsible for setting up simple but functional filing systems including a system for routine archiving and secure storage of all Kaupule record.
- (2) The File Index will contain lists of files opened in the above subjects. No file may be opened except on the approval and instruction of the Secretary or the Head of Department as the case may be.
- (3) All files, except the classified files and those opened by officers for their own reference purposes, will be kept in the main registry of the Department and managed by the Registry Clerk.
- (4) Personal files of officers will be kept in a separate locked cabinet and accessible only to a designated Personnel Officer, Head of Department and or Secretary.
- (5) Classified files or files containing classified information will be filed and kept in the office of the Secretary and Head of Department.
- (6) An officer may be provided photocopies of material he or she may need from his or her personal file but is debarred from accessing his or her personal file.

(7) An officer's private affairs will be treated with the utmost sensitivity and courtesy at all times by those whose duty it is to deal with the matter.

(8) All Kaupule files and other records are public records and are subject to the rules governing public records in the Public Records Ordinance. No such record whatsoever may be destroyed or burned by any employee of the Kaupule without the specific approval of the Secretary, who herself or himself must account to the Act for her or his decision to destroy public records.

(9) The Secretary will maintain a list of all records that have been destroyed and reason for their destruction.

(10) Records belonging to the Kaupule may be produced in a court of law only with the approval of the Secretary.

18.2 Filing System and Organisation

(1) The file numbering to be used by a Kaupule Secretariat will be as follows:

1/00/00	Administration
2/00/00	Finance and Treasury
3/00/00	Community Planning & Development
4/00/00	Women & Community Work

and according to the subjects delegated to the Kaupule in Schedule 3 of section 40 of the Falekaupule Act 1997:

5/00/00	Agriculture, Livestock and Fisheries
6/00/00	Building, Town, Village Planning
7/00/00	Education
8/00/00	Forestry and Trees
9/00/00	Land
10/00/00	Relief, Famine and Drought
11/00/00	Markets
12/00/00	Public Health
13/00/00	Public Order, Peace and Safety
14/00/00	Communications and Public Utilities
15/00/00	Trade and Industry
16/00/00	Miscellaneous

(2) The file content will be arranged chronologically from left to right or as with the pages of a book. The pages will be numbered and bulky attachments to a correspondence will be kept separately but the correspondence clearly marked to indicate where the attachment is.

(3) The file title and sub divisions of the title subject should be clearly imprinted on the front cover of the file and should reflect the numerical classification of the subject. Example:

EDUCATION

Policy

Kindergarten

(4) A Case file is a file that develops out of a substantive subject and is stored in a separate file to avoid mixing it with other aspects of the substantive subject. Case file subjects normally last for a specific period and tends also to generate correspondences very quickly.

(5) The file, records all the ideas, thoughts and actions that officers have taken on a given subject from policy (i.e. an agreed or approved course of action on a particular matter) to implementation, monitoring and evaluation. As such it is a primary instrument of administration and on that account it must be properly maintained, paginated, kept tidy and secured from physical damage at all times.

(6) The Registry Clerk will maintain a Diary for entering BUs (i.e. dates by which to bring up files to officers for action) and ensure that files are delivered promptly delivered in their scheduled times. When action is completed, the file should be marked PA for putting away.

(7) In-ward and Out-ward Registers of correspondences must be kept and maintained by the Registry section.

(9) The registry systems described above may be computerized but only when officers have been trained and are fully conversant with computerized database management and operation.

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