SECRETARIAT OF THE PACIFIC REGIONAL ENVIRONMENT PROGRAMME

PROPOSED REVISED

STAFF REGULATIONS

2012 Edition

REGULATION 1
SCOPE AND APPLICATION

a) These Regulations set out the obligations and rights of SPREP and its employees. These Regulations contain the broad principles of the Secretariat's staff policy. The Director General will devise, implement and enforce policy, procedures and processes consistent with these Staff Regulations.

b) These Regulations are to be construed and interpreted according to the Laws of Samoa. In cases of conflict or silence, the latter will prevail.

REGULATION 2
DEFINITIONS

The definitions section will be re-written to reflect the amendments made to the Staff Regulations made by the Working Group.

REGULATION 3
STATUS OF STAFF
(merges current Regs 3 and 4)

a) Staff Members are international civil servants. Their responsibilities as staff members are not national but exclusively international.

b) Staff members shall make the following written declaration witnessed by the Director –General or his or her authorized representative:

"I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of SPREP, to discharge these functions and regulate my conduct with the interests of SPREP only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to SPREP"

"I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and related policies and procedures"

c) The Director General is responsible for the proper functioning of SPREP and shall ensure that the rights and duties of all employees, as set out in these Regulations and in related policies, procedures and instructions, are respected and consistently applied.

d) The Director General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be ~~the necessity of~~ securing staff of the highest standards of efficiency, competence and integrity.

e) The Regulations apply to all ~~the~~ Secretariat employees and where appropriate, to the Director General.

REGULATION 4
PRIVILEGES AND IMMUNITIES

Under Articles 6 and 7 of the Headquarters Agreement between Samoa and SPREP (1996):

a) The Director and Deputy Director shall have the like privileges and as are accorded a diplomatic agent under the Act and in conformity with international law.

b) The members of the family of the Director and Deputy Director forming part of their households shall have the like privileges and immunities as are accorded the members of the family of a diplomatic agent under the Act and in conformity with international law.

c) Officers of SPREP other than the Director and Deputy Director shall have the like privileges and immunities as are accorded to the members of the administrative and technical staff of a mission under the act and in conformity with international law.

d) Members of the family of an officer of SPREP other than the Director or Deputy Director forming part of his/her household shall have the privileges and immunities as are accorded to members of the administrative and technical staff of a mission under the Act in conformity with international law.

REGULATION 5
GENERAL RIGHTS AND OBLIGATIONS
(merges current Regs 6 – 10)

a) All employees are subject to the authority of the Director General. In exercising this authority, the Director General shall seek to ensure~~, having regard to the circumstances,~~ that all necessary, safety and security arrangements are made for employees carrying out the responsibilities entrusted to them.

b) In their performance of their duties, all employees shall neither seek nor accept instructions from any Government or from any other source external to the organization;

c) By accepting appointment, all employees pledge themselves to discharge their functions and regulate their conduct with the interests of SPREP only in view.

d) While employees' personal views and convictions, including their political and religious convictions, remain inviolable, all employees shall ensure that those views and convictions do not adversely affect their official duties or the interests of SPREP. Employees shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with SPREP. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on the~~ir~~ status of SPREP, or on the integrity, independence and impartiality ~~that are~~ required by that status.

e) All employees shall observe the Values and Code of Conduct established by the Secretariat and revised from time to time to reflect expected level of behaviours.

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Comment [S1]: Inserted to strengthen linkage to Secretariat values and code of conduct

f) Employees shall not use their office ~~of knowledge~~ for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favour. Nor shall employees use their office for personal reasons to prejudice the positions they do not favour.

g) Employees may exercise the right to vote but shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants;

h) Employees shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Director General. These obligations do not cease on ~~separation~~ completion of service.

Honours, Gifts or Remuneration

i) No employee shall accept any honour, decoration, favour, gift or remuneration from any Government or non-governmental source in any official capacity that may influence the discharge of their duties and may bring into question the integrity and impartiality of the employee and the Secretariat ;

Comment [S2]: New insert to take into account comments from WG that we're tightening these conditions whereas there may be situations where it's personal and should not be affected by being a Secretariat employee

j) If refusal of an unanticipated honour, decoration, favour or gift would cause embarrassment to SPREP, the employee may receive it on behalf of the organization and then report and entrust it to the Director General, who will either retain it for SPREP or arrange for its disposal for the sole benefit of the Secretariat or for a charitable purpose.

k) ~~No employee shall accept any honour, decoration, favour, gift or remuneration from any non-governmental source without first obtaining the approval of the Director General.~~

Comment [S3]: Combined with (i) above. E.g. WG concerns that DG should not make the decision if a Samoan staff wants to have a matai title.

Conflict of Interest

l) Staff members shall not be actively associated with the management of, or hold a financial interest in, any profit-making ~~,~~ business or other concern~~, if it were possible for the staff member or the profit making, business or other concern to benefit from such association or financial interest by reason of his or her position with the Secretariat.~~.

Outside Employment and Activities

m) Employees shall not engage in any outside occupation or employment, whether remunerated or not, without the express approval of the Director General;

n) The Director General may authorize an employee to engage in an outside occupation or employment, whether remunerated or not, if:

i. The outside occupation or employment does not conflict with the employee's official functions or status as an international civil servant;
ii. The outside occupation or employment is not against the interests of the Secretariat;
iii. The outside occupation of employment is permitted by local law wherever it occurs.

Use of the Secretariat's Property

o) Employees shall use the property and assets of SPREP only for official purposes and shall exercise reasonable care when utilizing such property or assets;

p) Employees must respond fully to requests for information from other employees and individuals authorized to investigate the possible misuse of funds, waste or abuse.

REGULATION 6
APPOINTMENTS
(merges current Regs 11 – 13)

Director General

a) The Director General is appointed by the SPREP Meeting under such terms and conditions as it determines.

i. When the position of Director General is vacant, the Director General's functions and powers shall be exercised according to the instructions of the Chairperson of the SPREP Meeting and in the absence of such instructions, by the Deputy Director General.
ii. When the Director General is absent from Headquarters, the Deputy Director General shall be designated to act as Director General. ~~,~~ ~~i~~n the event that both are absent, an officer of the Director General's choice shall be designated Officer-in-Charge.

Employees

b) The power of appointment rests with the Director General~~, to ensure the proper functioning of the Secretariat.~~ .

c) When appointing employees, the Director General shall comply with the Staff Regulations, recruitment & selection and remuneration policies and procedures.

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Appointment Policy

d) The Secretariat shall recruit from the following markets unless there are specific ~~contractual~~ / ~~-~~agreements with donors and funding agencies. In those circumstances, the Director General shall apply discretion:
i) EPAIs(Employee Positions Advertised Internationally) - international market.
ii) EPALs (Employee Positions Advertised Locally) - local market – appointments are open to permanent residents of Samoa only.
iii) Young Professional (Interns) – Pacific Island member countries

Comment [S4]: WG suggested removal of the word 'contractual'

e) The Director General will ensure that a robust and transparent recruitment process is followed and that selection shall be solely on the grounds of merit. The most important criteria shall be the required qualifications, skills, experience, competence and personal integrity of candidates.

f) Men and women are equally eligible for all positions in the Secretariat

g) In selecting employees, the Director General shall ~~-~~give due consideration to the nationals of SPREP Pacific ~~the Secretariat~~ island member countries and territories, and to the desirability of obtaining equitable national representation.

h) When two applicants for a EPAL position are rated equally suitable on merit based criteria, and one is a Secretariat employee, preference shall be given to the existing staff member.

i) An appointment is only valid when an offer of employment is signed by the Director General or Deputy Director General and the appointee, outlining the position duties and terms and conditions of employment.

j) An appointment may be:

i. Temporary: Usually made to replace an employee who has left the Secretariat at short notice or is on long term leave or where there is a need for specific "one-off" duties. Appointment should not exceed a period of six months.

ii. Fixed Term: A fixed term appointment shall not exceed a maximum of three years.

~~iii.~~ Short term:

iii. A short term appointment is for any period less than three years and is subject to such terms and conditions as the Director General determines depending on the needs of the Secretariat and availability of funding.

k) A fixed term appointment of an EPAL is renewable after every three years subject to the needs of the Secretariat, funding availability and the employee's work performance.

Six Year Rule

l) A fixed term appointment of an EPAI is renewable after the first three years subject to the needs of the Secretariat, funding availability and the employee's work performance.

m) When an aggregate period of six years has been served by an EPAI, ~~it shall be mandatory for~~ that position will~~to~~ be re-advertised internationally. The incumbent is eligible to apply and ~~and should~~ the Director General ~~decide to~~ can reappoint the incumbent based on the merit based recruitment and selection process, ~~he/she may do so~~ provided a report is made to the next SPREP Meeting.

n) Where the incumbent is successful in regaining his or her position, the appointment will be for a term set by the Director General based on the Secretariat needs and funding availability and will be advertised after 3 years, and so on, for as long as the incumbent is successfully reappointed on consecutive applications. At each advertisement the incumbent will be eligible to apply and to be reappointed based on a transparent, rigorous and merit based process.

~~n)~~o) Appointments to the positions of Director General and Deputy Director General shall be for six years ~~only~~ unless the SPREP Meeting decides otherwise.

Starting Dates

~~o)~~p) An EPAI recruited from outside of Samoa starts from the date of leaving point of recruitment to take up appointment with the Secretariat.

~~p)~~q) EPAIs recruited from Samoa and all EPALs start from the date of taking up appointment with the Secretariat.

Conditions Of Appointment

~~q)~~r) The length, terms and conditions of appointment may be varied by the mutual agreement in writing of the Director General and employee.

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Comment [S5]: WG suggested inclusion of specific reference to the Executive roles strictly on 6 year rule

~~r)~~s) Appointment is provisional until confirmed. This is subject to a satisfactory medical examination by a recognized medical practitioner and satisfactory completion of a probationary period.

~~s)~~t) The p~~P~~robationary period is 6 months which~~and~~ may be extended or reduced by the Director General. At the end of the probationary period the Director General may:

i. confirm the appointment;

ii. extend the probationary period; or

iii. terminate the appointment.

REGULATION 7
REMUNERATION
(Current Regs 19 and 20 merged)

a) The remuneration regulations outline the principles governing the terms and conditions of employment at the Secretariat. These governing principles are determined by the SPREP Meeting and they outline the mutual rights and obligations of the Secretariat and its Employees.

b) These remuneration principles are established in line with the CROP Harmonisation principles to ensure the Secretariat provides a fair, equitable and competitive remuneration package. The Director General will devise, implement and enforce policies, procedures and processes ~~for operational purposes~~ consistent with these Remuneration Regulations.

c) To be most effective in practice, the CROP Harmonisation Principles should be seen as a flexible guideline for participating~~t~~ CROP agencies rather than a set of rules that must be rigidly applied. Harmonised positions should be the starting point for the Secretariat, and wherever possible should be adhered to. Where harmonisation cannot meet the requirements ~~business needs~~ of the Secretariat, other options may be explored. The Secretariat will choose its own mode of implementation of the agreed harmonised principles based on its own particular situation. The Director General will report to the SPREP Meeting any deviation from the common CROP practice and the reason(s) for such a deviation.

d) These Regulations apply to all Employees of the Secretariat who are engaged under a Secretariat employment contract. These Regulations do not apply to individuals who are not employees of the Secretariat but engaged or assigned to the Secretariat under other arrangements e.g. secondments from other organisations, independent contractors, attachments, volunteers or consultants.

e) The Regulations will be reviewed every three years by the SPREP Meeting notwithstanding the policies, procedures and processes already in place and without prejudice to the current benefits, obligations or employment contracts of the Secretariat's Employees.

Remuneration Principles

f) The Secretariat is committed to a performance-based remuneration policy which is both related to the relevant reference markets and affordable for the Secretariat. It will employ a remuneration system that is robust, fair, competitive and allows for the recruitment and retention of talented, skilled and motivated people, who are focused and committed to the vision of the Members and delivery of the Secretariat's Strategic Plan ~~and objectives~~. The Secretariat will ensure that the system is equitable to both the Members and to Employees.

g) The Secretariat's reward and recognition system will have the active support and commitment of Employees, management and Members, will be open and transparent, and easy to understand and administer. Furthermore, the systems will be consistently applied, flexible, affordable and related to the relevant markets, with pay being directly linked to performance.

h) Annual remuneration review is directly linked to performance.

SALARY SCALES

Movement of salaries within s~~S~~alary scales are assessed annually based on the established reference markets. Implementation will be subject to the approval of the SPREP Meeting.

Comment [S6]: Suggest insertion of this statement to clarify that even though salary scale through annual market data are done annually, implementation is subject to SM approval if substantive financial resources are required

Employees in Positions Advertised Internationally (EPAI)

i) The reference market for the salary scale of EPAI are the median of the Australian Public Service Sector, the median of the New Zealand Public Service Sector and the upper quartile of the Fiji All Organisations market. Salary scales are denominated in Special Drawing Rights (SDR).

SPECIAL DRAWING RIGHTS

i. The SDR is the currency unit, based on a basket of international currencies, defined by the International Monetary Fund.
ii. Salaries of EPAIs are expressed in SDR but paid on a monthly basis in Samoan tala at the average of the previous month's exchange rate but within the boundaries of a Stabilisation Mechanism.

STABILISATION MECHANISM

iii. The Stabilisation Mechanism is a floor and a ceiling, which provides the boundaries between which EPAI salaries will be paid.

iv. The boundaries are a floor and ceiling set at 5% above and below a reference point.

v. The reference point is the average SDR exchange rate of the twelve months to December of the previous year, which is recalculated annually to apply from 1 January.

vi. If the SDR exchange rate used to calculate salaries falls below the floor, the floor rate is used to calculate salaries, and if the actual rate rises above the ceiling, then the ceiling rate will be used.

Employees in Positions Advertised Locally (EPAL)

j) The reference market for the salary scale for EPALs is the local market.

i. EPAL salary scales are based on 10% above the upper quartile of the Apia Employment Market

ii. Salaries are denominated in local currency, Samoan Tala, and are paid on a fortnightly basis**.**

SALARIES

Job Evaluation

k) All Secretariat positions will be job sized to determine which band in the Secretariat's salary scales the position will be placed. The Job Evaluation methodology to be used will be the one adopted by the CROP Agencies. Where possible, the evaluation should be conducted or verified by an independent party.

l) Job Evaluation is a methodology adopted by the Secretariat to evaluate the value of a job based on the needs of the Secretariat. It is not an evaluation of the job holder's skills and experience or performance.

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Salary progressions

~~l)~~m) The Director General shall determine salary on appointment and further progressions based on the Secretariat's ~~established~~ Remuneration Policy.

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~~**Salary on Appointment**~~

~~m) Starting salary for all new employees will be made at 80% of the approved salary band. In exceptional circumstances, the Director-General may exercise discretion and appoint at a higher level, but will not be above 90%.~~

~~n) Payment of a market allowance may also be considered in exceptional circumstances.~~

~~o) Exceptional circumstances may apply in cases where there is difficulty in the market to recruit for specific technical knowledge and skills.~~

~~**Salary Upon Confirmation of Probation**~~

~~p) Once probation is confirmed, salary will progress to 90% of the approved salary band.~~

~~**Salary Review on Performance**~~

~~q) All staff appointments shall be subject to an annual performance review based on the Secretariat's established Performance Development System.~~

~~r) To motivate and provide fair and appropriate reward for Employee performance, annual salary adjustments will be calculated based on position in range, annual market data and performance rating. Movements along the salary scale will be on a percentage basis.~~

~~s) In exceptional circumstances, the Director General may grant a one-off bonus payment. This will be based on position in range, annual market data and performance rating.~~

~~**Salary on Renewal of Contract**~~

~~t) On renewal of contract, salary will remain the same as the salary at the time of renewal unless in exceptional circumstance where a change is required to keep salary consistent with the Secretariat remuneration policy and practices.~~

Retention Allowance

~~u)~~n) A Retention Allowance shall be considered by the Director General for ~~is paid to~~ an employee who has accepted another fixed term contract as a means to ensure they will stay with SPREP for that full contract. Should the employee~~a staff~~ leave before that contract ends, the employee will be required to pay back to the Secretariat a pro-rated portion of the allowance.

o) The level of allowance shall be reviewed on an annual basis.

~~v)~~

REGULATION 8
PERFORMANCE DEVELOPMENT

a) All Secretariat employees shall be subject to a robust and transparent Performance Development System which includes regular performance appraisals and feedback.

b) The Director General shall ensure that the performance development system is in line with best practices, is well documented, understood and implemented. The system should focus on development and appropriate~~just~~ reward of high~~excellent~~ performers and have specific measures to deal with poor performers.

Learning and Development

c) The Director General shall ensure that all employees receive the appropriate learning and development necessary to perform their roles and achieve professional and personal growth. These should be in line with the Secretariat's Performance Development System.

REGULATION 9
ALLOWANCES AND OTHER ENTITLEMENTS
(merges current Regs 16, 18, 21 – 24, 28)

Director General

Comment [S7]: To be removed from SR and included in REm Policy for the DG's discretion

Comment [S8]: The WG thought this issue should come to SM given it's financial impacts – DG decision required – should there be criteria for this or should it be for every new contract signed

Comment [S9]: Suggest revision of text and subject to DG decision

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Representational Allowance

a) The Director General shall receive -a non-accountable representational allowance of 5% per annum

Accommodation and Utilities Allowance

b) The Director General is entitled to rent-free accommodation up to a rental allowance approved by the SPREP Meeting from time to time based on regular reviews of the local market by an independent party

c) The Director General is entitled to utility charges for accommodation (e.g. electricity, water and gas)

Domestic Allowance

d) The Director General is entitled to a domestic assistance allowance. The allowance is to be adjusted at the same time and in accordance with the same rate of adjustments made to pay in the Samoan Public Service. and the rate for the time being is set out in Schedule 2.

Deputy Director General

e) The Deputy Director General shall receive a non-accountable representational allowance of 1% per annum

FOR EPAIs RECRUITED FROM OUTSIDE SAMOA

Relocation and Repatriation Expenses:

f) The Secretariat will meet the costs necessary to enable EPAIs recruited from outside Samoa, and their dependants, to travel from point of recruitment to Apia, to take up their employment with the Secretariat. Upon completion of employment, the Secretariat will meet the repatriation costs to their recognized homes.

Travel

i. The Secretariat will provide economy air travel and accommodation en-route by the most direct and/or most economical route or fare. For the Director General and dependants, travel is on business class.

ii. In exceptional circumstances, the Director General has discretion, after taking family circumstances into account, to extend this travel to include dependants who arrive within six months of the start of appointment or leave within one month of termination.

Removal Expenses

~~iii.~~ The Secretariat will cover reasonable cost of removal and travel expenses (packing, insurance, shipping, ~~and~~ transporting and excess baggage) household and personal effects based on most economical options in accordance with Secretariat policy on Relocation. ~~on a 20ft container; and,~~

~~iv. The Secretariat will cover up to 20 kilos of excess baggage each for the EPAI and dependants.~~

Establishment Grant

~~v.~~iii. To assist with establishment expenses, the Secretariat will provide an establishment grant ~~SDR1,100~~ upon arrival in Apia. This grant shall be reviewed regularly based on independent advice on local market conditions.

Temporary Accommodation

~~vi.~~iv. The Secretariat will cover accommodation at a suitable hotel or other fully furnished accommodation for up to six working days or such other period, up to a maximum of twelve working days, as the Director General

Comment [S10]: WG suggested tying it down to Samoa – insert refers to local market

Comment [S11]: WG ok with this

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Comment [S12]: Specifics agreed to by WG to be moved to a Secretariat policy

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Comment [S13]: Move to internal policy

considers reasonable in the circumstances. EPAIs will not be paid housing assistance for the period when temporary accommodation costs are met by the Secretariat.

SPREP Assistance

~~vii.~~v. An appointee will be assisted to settle into Apia. This assistance could include help to find suitable rented accommodation and advice on suitable terms.

Repatriation Allowance

~~viii.~~vi. The Secretariat will pay a repatriation allowance equivalent to two week's salary when employment at the Secretariat comes to an end. This is subject to completion of the first term of a fixed term contract and, where a subsequent contract of 12 months or more is entered into again, the completion of at least 12 months of that subsequent contract.

Ineligibility

~~ix.~~vii. The entitlements prescribed in Regulation 9(f) do not apply and, at the Director General's discretion, may be withheld in whole or in part if all or part of the expenses are met from some other source; or (within 12 months of appointment the staff member resigns appointment under Regulation 14 (a) (iii) or (iv); or, is dismissed under Regulation 30(b) (iv) or (v).

FAMILY PROVISIONS

Home Leave

g) Expatriate EPAIs are entitled to return airfares between Apia and the recognised home by the most direct and/or most economical route or fare for the staff member and dependants after completing 18 months of service for three year contracts providing no travel is undertaken within the final twelve months of the contract. The recognized home of the staff member will be agreed between themselves and SPREP at the time of appointment.

School holiday travel

h) One return economy class flight each year between place of education and Apia by:

i. each dependent child being educated outside Samoa; **or**

ii. one travel per staff member **per annum** for the staff member or spouse to visit the child, providing the journey is not made within the final six months of the contract.

iii. For the purposes of this subsection the "place of education" is taken to be the recognised home.

FOR ALL EPAIs (Employee Positions Advertised Internationally)

Cost of Living Differential Allowance

i) The Secretariat will pay COLDA to reflect the comparative cost of living difference between Suva (or a relevant reference point) and Apia to ensure there is a similar standard of living across the CROP locations. Adjustments to this allowance will be made periodically using data provided by an independent external reviewer.

Education Allowance

j) The Secretariat will provide an education allowance in respect of each dependent child to cover 75% of the actual cost of tuition and boarding fees only. The allowance is provided to ensure dependant children are educated to a recognized and acceptable standard.

k) Suva International Schools fees shall be used as a benchmark and for the limits to be reviewed on an annual basis.

Housing Allowance

l) The Secretariat will pay a housing allowance of 75% of the typical rent payable in Samoa for expatriate executive furnished housing. This assistance shall be reviewed annually by an independent reviewer and adjusted on relative movement in the local rental market.

Security Allowance

(m) A security allowance may be paid to staff for assistance in providing adequate security for their residence. The amount of this allowance and any other conditions are determined by the Director General and may be withdrawn at any time.

FOR ALL EPALs (Employee Positions Advertised Locally)

Overtime

m) EPALs and temporary employees at Band 7 and below may claim overtime or time off in lieu of overtime for the hours they are required to work in excess of their normal working hours.

Overtime Rates of Pay

i. The rates of pay for overtime are:
   - for days other than public holidays and Sundays, one and half times the normal hourly rate.
   - for Sundays or public holidays, double the normal hourly rate.

   Provided that the normal hourly rate upon which overtime is based shall be no higher than the maximum level of Band 7.

Meal Allowance

ii. Support staff required to work overtime for more than 6 hours on a Saturday, Sunday or public holiday, or beyond 6.30 pm on a full working day, shall be paid lunch and dinner allowances as appropriate at rates approved by the Director General.

Transport Assistance

iii. EPALs required to work more than one hour's overtime on a normal working day shall be taken home by SPREP transport, if it is available, and if not, by taxi at SPREP expense, or is entitled to an allowance equivalent to prevailing public transport rates.

iv. EPALs required to work overtime on weekends or public holidays shall be;
   - taken to and from work by SPREP transport, if it is available, and if not, by taxi at SPREP expense: or
   - entitled to claim an allowance equivalent to prevailing public transport rates.

Gratuity Payment

n) The Secretariat will pay a gratuity payment equivalent to two week's salary when employment at the Secretariat comes to an end. This is subject to completion of two consecutive fixed term contracts and that the contract has not been terminated under disciplinary terms and conditions.

FOR ALL EMPLOYEES

Medical Insurance

o) All employees and their dependants will have all reasonable medical, dental and optical expenses covered under the Secretariat's medical scheme. at the Director's discretion depending on reasonable costs, met by the SPREP medical scheme. An employee may take out additional cover at their own cost.

Life and Personal Accident Insurance

p) All employees are covered by the Secretariat's life and personal accident insurance scheme 24 hours a day. Life Insurance is based on 3 times the base salary. An employee may take out additional cover at their own cost.

Superannuation

q) EPAIs who are nationals of Samoa and all EPALs are required to contribute to the Samoa National Provident Fund (SNPF).

r) The Secretariat will make a contribution to the SNPF equivalent to seven percent of base salary. Should the minimum legal requirement for contributions payable by Samoan nationals to the SNPF is increased to exceed seven percent of base salary, the Secretariat shall make a contribution to the SNPF equal to such minimum legal requirement for contributions.

s) An EPAI who is not a Samoan national will receive a payment of seven percent of base salary. Should the minimum legal requirement for contributions payable by Samoan nationals to the SNPF is increased to exceed seven percent of base salary, the Secretariat shall make a payment equal to such minimum legal requirement for contributions to the SNPF.

Higher and Extra Duties Allowances

t) An employee may be required by the Director General to undertake the duties of a senior or other position, from time to time, whether or not the circumstances justify higher or additional pay.

~~u)~~ The Director General may consider a payment of a Higher and Extra Duties Allowance to ~~A~~an employee who carries out the full duties of ~~a~~ another higher graded position or other extra duties in line with the Higher and Extra Duties policy. ~~for a continuous period of not less than ten working days will be paid a higher or extra duties allowance. This allowance shall be determined by the Director General based on difference between acting appointee's salary at the time and the salary of the incumbent.~~

u)

REGULATION 10
LEAVE AND HOLIDAYS
(current Regs 25 – 27 merged)

a) The Secretariat will provide Employees with reasonable leave provisions for recuperation, recreation and other personal commitments.

b) Leave year begins from the date of appointment.

c) All Samoan public holidays shall be observed by all employees of the Secretariat unless the Director General decides otherwise.

d) The Director General may, under special circumstances, declare appropriate holidays or administrative for the Secretariat employees. This includes the SPREP Day, other official holidays declared by the Government of Samoa throughout the year and where the Director General deems appropriate to close down office for specific purposes e.g. Christmas, natural disasters, etc.

Annual Leave

e) EPAIs are entitled to 25 days Annual Leave per annum.

f) EPALs are entitled to Annual Leave per annum in accordance with the following schedule:

Less than 6 years of service	15 days
More than 6 and less than 12 years of service	18 days
More than 12 years	21 days

Comment [S14]: Suggest revised text to reflect reference to a HEDA policy that would contain the details.

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Comment [S15]: New inserts - Ok by WG

g) Annual Leave may be accrued up to a maximum of 50 working days for the duration of a fixed term contract.

h) If a Samoan public holiday or a holiday declared by the Director General is observed on a normal working day while a staff member is on annual leave or on duty travel, that day shall be added to their entitlement.The Secretariat will only pay salary in lieu of unutilised leave at the end of a contract. Cases involving dismissal under Regulation 30(b) will not receive salary in lieu of unutilised leave.

Sick Leave

i) All Employees are entitled to 30 days Sick Leave per annum.

j) Sick Leave may be accrued up to a maximum of 90 working days for the duration of a fixed term contract. If a Samoan public holiday or a holiday declared by the Director General is observed on a normal working day while a staff member is on sick leave, that day shall not be added to their entitlement.

k) The Secretariat will not make any salary payment in lieu of untaken sick leave at the end of a fixed term contract.

l) A Medical Certificate must be produced if an Employee's absence from the office is more than 3 consecutive days.

m) A maximum of 6 days per annum may be taken as uncertified sick leave. Uncertified sick leave is for cases where the employee is away sick for two days or less.

n) The Director General may at any time withdraw the dispensation from the requirement to furnish a medical certificate, or require a staff member to undergo a medical examination from a designated medical practitioner, when certified sick leave appears to be excessive.

o) If an employee falls sick while on annual leave and produces a medical certificate to that effect, the period of sickness shall be recorded as sick not annual leave.

p) Sick leave may not be used by a staff member to meet his or her extended family responsibilities, or for any reason other than personal sickness of the employee.

OTHER LEAVE

All employees are entitled to the following leave granted for special circumstances:

Maternity Leave

q) For all female Employees. Sixty working days subject to confirmation of probation.

Paternity Leave

r) For all male Employees. Shall not exceed 5 days per situation or a maximum of 6 days in any year plus minimal travelling time for all staff members whether they have to travel outside or within Samoa.

Compassionate

s) For all Employees for bereavement in respect of immediate family members, such as spouse, children, parents and siblings. Shall not exceed 5 days per situation or a maximum of 6 days in any year plus minimal travelling time for all staff members whether they have to travel outside or within Samoa.

Examination Leave

t) For all Employees to prepare and sit for an examination. One and a half days per subject for an approved course of studies in line with the Secretariat's Learning & Development Policy.

Special Leave Without Pay

u) For all employees at the discretion of the Director General.

v) May be considered for cases of extended illness or other exceptional or urgent matters and only after all annual leave available has been utilised. No leave accruals or other financial allowances of any kind shall be earned or granted during periods of Special Leave Without Pay.

REGULATION 11
CESSATION OF EMPLOYMENT
(taken from current Regs 14 and 15)

a) An appointment may be terminated when:

   i. a contract reaches the end of its term without being renewed or extended;

   ii. either the Secretariat or the employee gives to the other one month's notice in writing; or

   iii. without notice, either the Secretariat or the employee paying to the other one month's salary in lieu of notice;

   iv. an employee is dismissed with or without notice as a disciplinary measure.

Certificate of Service

b) A staff member shall, on leaving the service of the Secretariat, be given a certificate relating to the nature of his or her duties, the length of service, the amount of emoluments, and other relevant information.

Retention of Pay

c) Upon leaving the Secretariat, any indebtedness of a staff member to the Secretariat shall be deducted from any money due to the staff member from the Secretariat.

Redundancy

d) The Director General may terminate the appointment of any employee, prior to completion of their contract term of service, if, in their judgment, the needs of the Secretariat have changed and therefore the position is no longer required.

e) Where the Director General terminates the appointment of an emplooyee because of this Regulation, the Secretariat shall give at least one month's notice and pay an indemnity of salary and allowances to the employee concerned according to the following schedule:

Up to six years' service:	indemnity equal to three months' salary and approved financial allowances
From six to twelve years' service:	indemnity equal to four months' salary and approved allowances
Over twelve years' service:	indemnity equal to six months' salary and approved

f) Should the employee concerned agrees, the Director General may reduce the period of notice and increase the amount of indemnity accordingly by an equivalent period. Such indemnity payments will not be interpreted as salary in relation to other policies governing salary payments.

REGULATION 12
DISCIPLINE

Offences

a) An employee commits an offence who:
   i. wilfully disobeys a lawful order of the Director or of any other officer to whom the employee is formally responsible;

   ii. wilfully disregards the Regulations;

   iii. is negligent, inefficient or incompetent in the exercise of his or her duties;

   iv. wilfully acts without regard to SPREP's interests;

   v. behaves disgracefully or improperly either in an official capacity or otherwise; or

   vi. steals or misappropriates the funds or property of SPREP.

Penalties

b) The Director may discipline an employee found guilty of an offence by:

   i. an official reprimand;

   ii. a fine not exceeding 14 days' salary;

   iii. demotion to a lower step in the grade of the offender's position;

   iv. dismissal with notice under Regulation 14(a) (iv); or

   v. if the offence is theft or misappropriation of SPREP's funds or property, by summary dismissal without notice.

Procedures

c) No employee suspected of committing an offence shall be penalized under Regulation 30(b) unless guilt is confirmed by:

   i. the employee's own admission; or

   ii. the outcome of criminal proceedings; or

   iii. the findings of an internal inquiry conducted as soon as practicable by the Director (or in his or her absence by the Deputy Director) and two other staff members, one of whom may be nominated by the suspected employee.

Suspension

d) An employee may be suspended without pay if suspected of theft or misappropriation of SPREP's property and on pay in all other cases. If the suspicion cannot be sustained the employee will be fully reinstated with effect from the date of suspension.

REGULATIONS 13

GENERAL

Normal Hours of Work
(moved from current Regs 17)

a) The Director General has the right to call upon the services of staff to the extent considered reasonable.

b) Normal office hours are 8 am to 12 noon and 1 pm to 4.35 pm Monday to Friday, making a total of 37 hours 55 minutes per week.

Documentation

c) The Director General shall maintain up-to-date documents, and where necessary, develop relevant policies and procedures to outline specific terms and conditions covered in this Staff Regulations.

REGULATIONS 14
AMENDMENT TO STAFF REGULATIONS

d) Amendments to the Staff Regulations must be presented to and authorized by the SPREP Meeting. The SPREP Meeting is authorized to approve and put into operation such alteration or addition.

~~d)~~e) ~~The Director General is authorised to make changes to these Staff Regulations subject to advice to the SPREP Meeting on these amendments and where there is no financial implications. Any changes to these Staff Regulations that have substantive fiscal impacts shall be approved by the SPREP Meeting only. These Staff Regulations shall only be amended where it is proved to the SPREP Meeting that some alteration or addition is required. The SPREP Meeting is authorised to approve and put into operation such alteration or addition.~~

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