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FREQUENTLY ASKED QUESTIONS (FAQs)

Who is the Appropriate Management Official?

“Appropriate Management Official” means the President of the Republic of Palau, or persons duly appointed by him to manage employment and personnel matters within the executive branch of the National Government or departments thereof.

Currently, in accordance to Executive Order 381, the AMO is the Minister. In certain offices such as the Office of the Public Auditor, Special Prosecutors Office and others, the AMO is the head of the office appointed by the President.

What is an Eligibility List?

An Eligibility List or employment list is a list of candidates who are qualified for specific positions (or grades). Candidates shall be placed on eligible lists in the order of qualifying grades on the competitive examination and/or based upon evaluation for the subject position. The list shall be designated as an “eligible list” for that class of position and shall be considered “established” upon approval of the Director. Established eligibility lists shall be valid for a period of one year, unless a new eligible list is established by a more recent competitive examination and/or evaluation.

Can we remove a name from an Eligibility List?

Yes, a name can be removed from an eligibility list if the Director of the Bureau of Public Service System finds that the person is disqualified (per Rules and Regulations Part 3.12) based on:

- (a) Failure to meet the minimum qualification requirements for admission to the examination;
- (b) Unsatisfactory physical or mental health conditions;
- (c) Habitual or excessive use of drugs, narcotics, or intoxicating beverages;
- (d) False statements, or attempting to practice deception or fraud in his application;
- (e) Failure to file for examination within the dates specified by the examination announcement;
or
- (f) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct detrimental to the performance of duties of the position for which he has applied.

In addition, the name of any person may also be removed if:

- (a) The eligible candidate fails to respond within ten working days from the date of dispatch of an inquiry as to availability for employment, provided that, his name may be restored for reasons deemed sufficient by the Director.
- (b) In the case of promotional lists, termination of service in the Public Service System occurs.

- (c) The eligible voluntarily withdraws.
- (d) There is evidence of physical or mental unfitness to perform the duties of the position, as indicated by appropriate medical examination.
- (e) The eligible fails to report without good cause for a scheduled interview with the appropriate management official.
- (f) The eligible is found by the Director to be no longer qualified to perform the duties required of the class of position.

Are employees allowed to hold other jobs? (see PSS R&R Part 6.1)

Yes, but public service employees' shall not engage in any outside employment (and/or any outside activities) that are not compatible with the responsibilities of his office or position, or prohibited by Law.

In other words, public service employees are free to have other jobs as long as the 2nd job does not interfere with the employees' current job.

In addition, employees shall not accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value which would result in (a) use of public office for private gain (b)affording preferential treatment to anyone (c) loss of efficiency or economy to the government (d) loss of independence or impartiality (e) making a government decision outside official channels, or (f) any adverse effect on the public's confidence in the integrity of the government.

What are the prohibited activities within the Public Service? (see PSS R&R Part 6.2)

It shall be prohibited for any person during his employment with the Public Service and while performing the duties of his position to (a) receive compensation or anything of monetary value, other than that to which he is entitled from the government for the performance of duties within the scope of his official responsibilities; or (b) engage in the unlawful manufacture, distribution, dispensing, possession or use in the employee's work place of a controlled substance as defined in 34 PNC chapter 31. Any employee convicted of a drug offense in the work place must report it to his/her supervisor within five days of the conviction.

The employee may be subject to disciplinary actions in accordance with the PS Regulations whenever it is established that the provisions of this part have been violated.

What are the different types of positions in the public service?

Per the Public Service System Rules and Regulations Part 5.2 and 5.3, the following are types of positions:

- Permanent (also known as Public Servants, and/or previously Civil Servants)
- Provisional
- Temporary
- Other (Exempt positions per 33 PNC 205)

What are the different Exemptions under 33 PNC 205?

There are 15 types of exempt status in accordance with 33 PNC 205.

- 205(a)(1) - persons or organizations retained by contract where the Director of the Bureau of Public Service System has certified that the service to be performed is special or unique and nonpermanent, is essential to the public interest and that, because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not be practical to obtain personnel to perform such service through normal public service recruitment procedures.

- 205(a)(2) - positions of a temporary nature needed in the public interest where certified by the Director of the Bureau of Public Service System and when the need for the same does not exceed 90 days; provided that in the event of a major disaster declared by the President, the Director may extend such 90 day period for a maximum of an additional 180 days for positions engaged in relief, repair or rehabilitation as a result of such disaster.
- 205(a)(3) - members of any board, public corporation, commission or other agency, or appointed public officials whose appointments are made by the President with the advice and consent of the Senate.
- 205(a)(4) - elected officials and members of the Council of Chiefs.
- 205(a)(5) - persons appointed by the President or Vice President pursuant to section 6, Public Law No. 7-8-8 to fill the following positions: chief of staff, special advisors and assistants.
- 205(a)(6) - the employees of the Olbiil Era Kelulau.
- 205(a)(7) - personnel presently under contract of employment not included in paragraph (1) of this subsection during the life of such contract. No contract of employment shall be entered into, renewed, or amended after the effective date of this division, except subject to the provisions hereof.
- 205(a)(8) - persons who are appointed to serve occasionally as classroom teachers when regular classroom teachers are absent from work during any one school year.
- 205(a)(9) - any position involving intermittent performance which does not require more than 40 hours in any one month.
- 205(a)(10) - positions of a part-time nature requiring the services of four hours or less a day but not exceeding one year in duration.
- 205(a)(11) - positions of a temporary nature which involve special projects having specific completion dates which do not exceed one year.
- 205(a)(12) - justices and judges.
- 205(a)(13) - the employees of the National Aviation Administration;
- 205(a)(14) - positions specifically exempted by any other law of the Republic.
- 205(a)(15) - Tax auditors hired by the Ministry of Administration after October 1, 1999.
- 205(b) - The Director shall determine the applicability of this section to specific positions not expressly covered by this division.

How long is the Probationary Period?

All employees holding a probationary appointment (to be permanent status after probationary) shall hold this status for six (6) months from the beginning of their initial employment in the Public Service. After the six (6) months, employees whose performance evaluation is satisfactory shall be converted to permanent status in the Public Service and is entitled to full benefits provided by the PSS Rules and Regulations.

What is a Provisional Appointment?

A provisional appointment is an appointment of a qualified person by an AMO into a specific position when there is no established eligibility list for such position. There are specific criteria and/or procedures that must be followed in order for an AMO to make such appointment. Such appointments shall not exceed 90 Days. Please contact the BPSS for the procedure.

What may be reasons for termination of employment?

The reasons for termination of employment (see PSS R&R Part 8) may be (1) resignation (2) termination on medical reasons, and (3) Reduction in Force. Dismissals are addressed in

(1) Resignation: An employee may resign by submitting resignation in writing at least ten (10) working days in advance of the effective date (see PSS R&R Part 8.1).

- a. In case an employee resigns without submitting his resignation in writing, the appropriate management official shall, within fifteen (15) days following the resignation, file with the Minister of Finance (Bureau of Public Service System) a statement showing termination of employment.
- b. Any employee who absents without leave (AWOL) for more than 15 consecutive days, during any one six (6) month period, is considered to have resigned from his position.

(2) Termination on Medical Reasons: When an employee contracts a serious, long-term infectious or contagious disease which endangers the health of others, or becomes mentally incapacitated, or is otherwise permanently physically disabled and due to such disability is unable to satisfactorily perform the duties of the position to which assigned, the appropriate management official may terminate his employment.

Can an employee who has resigned withdraw his resignation?

Withdrawal of a resignation may be permitted provided the employee states his reasons for the withdrawal, in writing, prior to the effective date of the resignation, and the appropriate management official concerned agrees to the proposed withdrawal.

What is the purpose of performance evaluation? How the performance is measured?

The performance evaluation system is designed primarily for the purpose of appraising each employee on how well he is discharging his duties and responsibilities, and of indicating areas in his performance where he could be more effective in the application of his knowledge, skill, and abilities. This provides a means for letting the employee know where he stands with the organization.

Each appropriate management official shall ensure preparation of standards of performance that relates specifically to that employee's assignment. The employee's immediate supervisor shall work together with the employee to develop realistic standards of performance and to objectively and consistently evaluate the employee's performance.

How often should supervisors and/or AMOs perform a performance evaluation of employees?

Human Resource management and best practice encourage continuous performance evaluation of employees on a periodical basis. Successful organizations provide for quarterly evaluations of employees. Such periodic review is encouraged by the Bureau of Public Service System.

In accordance to the Public Service System Rules and Regulations Part 9.4, Permanent employees shall be given written performance ratings ANNUALLY before their service anniversary dates.

Employees serving probationary periods shall be given a written performance rating at the end of the first three (3) months of their probationary periods; and, a final rating shall be completed no later than two (2) weeks prior to the completion of their period of probation.

Who has the authority for the dismissals, demotion and suspensions of an employee? (see PSS R&R Part 11.2)

The authority to dismiss, demote or suspend has been granted to management officials, meaning the President of the Republic of Palau, or persons duly appointed by him to manage employment and personnel matters within the executive branch or departments.

What may be the causes for a disciplinary action? (see PSS R&R Part 11.4)

The causes for disciplinary action may be:

- (a) Fraud in securing appointment;
- (b) Inexcusable neglect of duty;
- (c) Insubordination;
- (d) Dishonesty;
- (e) Drinking or drunkenness on duty;
- (f) Intemperance;
- (g) Addiction to the use of narcotics or habit-forming drugs, when such use is detrimental to an employee's job performance;
- (h) Inexcusable absence without leave;
- (i) Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this Part.;
- (j) Discourteous treatment of the public or other employees;
- (k) Misuse of government property;
- (l) Violation of Board or Bureau of Public Service System rules and regulations;
- (m) Refusal to take and subscribe to an oath or affirmation which is required by law in connection with his employment;
- (n) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to his agency or his employment;
- (o) Use of official position or governmental property for private gain or profit;
- (p) The prohibited activities as set forth in Parts 6.1 and 6.2 of PSS Rules and Regulations.

If, during the six months initial probationary period which each new appointee must serve, it becomes evident that the employee lacks the ability, attitude, or desire to become an efficient and productive employee in the position to which appointed, that employee shall be separated from the service.

Can an employee contest the disciplinary action?

Any regular employee (meaning permanent employee) may contest a suspension of less than three working days, to the Director of the Bureau of Public Service System. Any regular employee may contest more than three working days, demotion or dismissal to a Grievance Panel and/or the Trial Division of the Supreme Court.

How to compensate employees who are promoted?

An employee who is promoted from a position in one class to an existing position in a higher class shall be compensated at the lowest step in the new pay level which at least equals the amount of a two (2) step increase in the current or former pay level, providing it does not exceed the highest step of the new pay level.

How to compensate an employee who is designated an “Acting “ assignment?”

An “Acting” assignment is the designation, in writing, that an employee will act for a period of up to thirty (30) days in place of a supervisor. An “Acting” assignment is renewed by thirty (30) days until the period reaches to ninety (90) days.

Whenever the acting assignment exceeds ninety (90) days, the employee shall be temporarily promoted if he meets the qualification standards of the position. The employee on temporary promotion shall be compensated at the step in the new pay level that is at least equal to an increase of two steps at his current pay level.

If the employee does not meet the qualification standards of the position, he shall be compensated with two (2) steps in his current pay level, but may not exceed the maximum step.

How is an employee compensated after a “non-disciplinary demotion”?

An employee demoted, through no fault of his own, to a position in a lower pay level, shall be compensated at the rate which does not exceeds his current pay rate. Where his existing rate exceeds the rate of the maximum step of the lower pay level, the employee shall be compensated at such maximum step.

What is a Re-Allocation?

This means the reassignment of a specific position or group of positions from one class to another on the basis of analysis and identification of new or different tasks.

How are employees compensated when they are reallocated to a higher class?

Employees shall be compensated at the lowest step in the higher pay level which at least equals the amount of a one (1) step increase in the lower pay level (current or former pay level)

How are employees compensated when they are reallocated to a lower class?

Employees shall be compensated at that rate in such a lower pay level which does not exceed his existing rate. Where the employee’s existing rate is beyond the maximum step of the lower pay level, he shall be compensated at such maximum step of the lower pay level.

When does the allocation (or re-allocation) become effective (effective date)?

An initial or reallocation action shall be effective the first of the pay period immediately following approval by the Director of the Bureau of Public Service System.

What is a Within-Grade Increase (WGI) or step increase?

A WGI is basically a step increase in eligible employees’ pay grade. WGIs are granted for permanent employees who have satisfactory completed the appropriate waiting periods.

What are required waiting period for WGIs?

<u>Step</u>	<u>Period of Satisfactory Performance</u>
1 through 5	1 year
5 through 9	2 years
9 through 13	3 years
13 through 14	4 years

Step increases are allowed for exempt employees based on their exceptional performance. Step increases are similar to WGI in that they are a one step within the grade of his or her position to the next higher step of that grade.

What is the effective date of a WGI?

WGIs shall be effective on the first day of the first pay period which begins on or after the date he completed the appropriate period of service since the date of his last within-grade increase.

What is a Merit Increase?

This is a one step increase that may be granted to employees for sustained superior performance over a period of one (1) year or more.

How does a supervisor request for a Merit Increase for employees?

To request a merit increase, the supervisor shall prepare a memorandum of **not more than one typewritten page in length**, which must include the following:

- Statements descriptive of areas in which the employee has excelled, e.g., initiative, judgment, quality, productivity, job knowledge, communications. For supervisory positions, such additional factors as training of others, leadership, and job planning must be described.
- Statements must clearly relate the foregoing with the most important and key duties and responsibilities within the employee's position. For example, productivity in terms of volume could be critical in some positions such as in clerical work but of little importance in teaching positions. Also, it must be recognized that positions often contain a variety of duties with some being less difficult or less responsible than others. For obvious reasons, a recommendation and request for a merit increase cannot be based on these lower aspects of a position.

An employee who has attained the top salary step may not be accorded a merit increase. Supervisors and/or AMOs should utilize other means to recognize superior performance. The Incentive Awards Program is one means of recognizing superior performance.

An employee receiving a merit increase will also receive his next within-grade increase based on satisfactory performance and completion of the prescribed waiting period since his last within-grade increase.

What is the Incentive Awards Program?

The purpose of Public Service Incentive Awards Program is to motivate and encourage improved employee performance by recognizing superior performers through incentive awards. The awards are designed to encourage employees to participate in improving the efficiency and economy of government operations; to recognize and reward employees for their suggestions, superior accomplishments, or other personal efforts which contribute to efficiency, economy, or other improvements in government operations and to recognize and reward employees who perform special acts or services in the public interest in connection with, or related to, their employment.

What are the categories of award?

- (1) *Suggestion Award*- An award for an idea submitted by an employee and adopted for use by the government. Awards of this kind are made only when the employee's suggestion directly contributes to economy or efficiency or directly increases effectiveness in carrying out government programs or missions. Awards are made in the form of a cash lump-sum payment.
- (2) *Superior Performance Award*- An award granted for performance exceeding job requirements, and involving a contribution so superior or meritorious as to warrant special recognition. To be eligible for superior performance award, the employee must meet the following three criteria:
 - a. Performance of one or more important job functions in a manner that substantially exceeds normal requirements so that when viewed as a whole, the work performance is of a high degree of effectiveness;
 - b. Performance that exceeds the normal or typical;

- c. Performance that does not meet all the requirements of a quality increase but does significantly exceed job requirements in one or more important job functions may be considered for a lump-sum award for superior performance.
- (3) Special Act or Service Award - An award granted for performance which has involved overcoming unusual difficulties, or exemplary or courageous handling, of an emergency situation related to official employment. Awards in this category are made in the form of a lump sum payment.
- (4) Honorary awards. When appropriate, an honorary Award may be granted in recognition of an employee's contribution. The Honorary Award may be in addition to a cash award. For example, an Honorary Award is particularly appropriate in recognition of continued distinguished service, a singular achievement, or an act of personal heroism. It may be granted independently of, or as a supplement to a cash award; it is not intended, however, to serve as a substitute for deserved monetary awards. It is designed to select and bestow singular honor as an official recognition of achievement and as an incentive to further accomplishments.

How are the Incentive Awards given?

Recommendations for such awards may be submitted by employees of the Public Service System as well as from any interested person. Statements of justification should be brief and factual, emphasize results achieved which are beyond normal job requirements and identify measurable benefits to the government. Final determination of awards under this Part will be made by the Director. However, the AMO of the department which the employee who is being nominated shall give his approval for the award as the monetary award shall come from the appropriate department; unless the nominator is an AMO and/or authorized representative authorizing for the expenditure of their departments budget.

Is there a limit for the Monetary Value of the (Incentive) award?

Yes, there is a limit of \$500 for each single award.

What is "Base Pay" or "Basic Pay"?

Base pay is the hourly rate of compensation paid to an employee for the performance of assigned work excluding all other types of payments such as Differentials for Night Work and Hazardous Work; Travel Per Diem, Transfer Allowance; and the like.

Are Exempt Employees eligible for Overtime Compensation?

No, only those employees whose employment status is permanent and who are in positions not exempted from the National Public Service Act. (See PSS R&R Part 17.4c2).

Are Exempt Employees eligible for Holiday Pay?

Yes, exempt employees who are required to work on a Holiday shall be accorded Holiday Pay in accordance with the following controls:

- For employees required to work on a legal holiday which falls during their regularly scheduled work week, Monday through Friday:
 - For the first eight (8) hours of work, compensation is two (2) times the base salary rate; and for all additional hours worked on the same day in excess of the first eight (8) hours of work, compensation is at regular overtime rate which is one and one-half (1 1/2) times the base salary rate, in accordance with Rules and Regulations Part 17. 4.(c)(3)(iii).
- For employees required to work on a legal holiday which falls outside their regularly scheduled work week (i.e., Wednesday through Sunday and the holiday worked falls on Monday or Tuesday), compensation shall be as follows:
 - All hours worked on that day, whether eight (8) hours or more compensation is at regular overtime rate which is one and one-half (1 ½) times the base salary rate.

Can employees who are receiving Standby Differential be paid Holiday Pay?

No, Holiday pay for work performed on a legal holiday will not be paid any employee who is paid a Standby Differential [see Part 17.4(d)(ii)].

Can employees who are receiving Standby Differential be paid other differentials?

Employees being paid Standby differential are not eligible to receive payment for Night Work Differential, Holiday Pay, or Overtime pay for any work performed while serving a scheduled standby.

How can my employees be given Temporary Hazardous Pay (Differential)?

The Director of the Bureau of Public Service System is responsible for the review and approval of all requests for payment of Temporary Hazardous Work Differentials. Supervisors must submit through their AMO to the Director (of BPSS) a written request, with a full and detailed explanation of the circumstances in support of all requests for Temporary Hazardous Work Differentials. Each request must provide details including:

- a complete definition of the hazard,
- a list of the name(s), correct official position title (and copy of current Position Description), pay level, step, salary, organization, and the amount of time each employee will be exposed to the particular hazard for which payment is sought. The Director will review and approve each request for the propriety of the action and the completeness and accuracy of all pertinent information.

What are the different types of Leaves of Absence in the Public Service?

- Annual Leave – applicable for both Permanent and Exempt Employees*
- Sick Leave - applicable for both Permanent and Exempt Employees.
- Training and Educational Leave – Permanent Employees.
- Compassionate Leave - applicable for both Permanent and Exempt Employees.
- Excused Absence (Administrative Leave) - applicable for both Permanent and Exempt Employees**.
- Maternity Leave – applicable for Permanent Employees.
- Personal Leave - applicable for Permanent Employees.

**For contract employees, the terms and conditions may or may not allow annual leave accrual and/or usage.*

***For exempt employees, it depends on the Grant terms which employees are being paid out of.*

How are annual leaves accrued?

Annual Leave

Required Creditable Service Period

Four (4) hours per pay period
Six (6) hours per pay period
years
Eight (8) hours per pay period

less than three years
more than three (3) years through less than ten (10)
ten (10) or more creditable service

- **Sick Leave:** All employees shall earn sick leave at the rate of four (4) hours per pay period. There shall be no limit to the amount of sick leave which may be accumulated. Illness for more than three (3) days will require certification from qualified medical personnel. The immediate supervisor is responsible for approving such leave requests.
- **Leave Advance:** Where, for good reason, an employee requires additional annual or sick leave, the appropriate management official may grant advance leave up to a maximum of one-half (1/2) of the total earnable leave credits for one (1) year.

- **Training and Educational Leave:** Leaves for the purpose of job-related training and education may be granted by the Director of the Bureau of Public Service System, to permanent employees for a period not to exceed one year. The Director may review and extend this period up to an additional period. An employee, who receives scholarship assistance from the Republic of Palau to attend job-related training and education, shall not be entitled, in addition, to leave with pay, unless the Director determines that such scholarship assistance is insubstantial.
- **Compassionate Leave:** Employees may be granted compassionate leave with pay of no more than five (5) working days in cases of death, or imminent death, in the immediate family of the employee. For this purpose “ immediate family” shall be defined as an employee’s mother, father, maternal uncle, spouse, immediate offspring (natural or legally adopted), brother or sister, and grandfather and grandmother, as well as the mother, father, grandmother and grandfather of the employee’s spouse.
- **Excused Absence (Administrative Leave):** Administrative leave may be authorized under emergency conditions beyond the control of management, such as typhoons, for participation in civic activities in the interest of the government, or to attend employment connected examinations. The appropriate management official is responsible for approving excused absence requests. An employee on administrative leave is presumed to have no legal authority to act in his official capacity unless specifically granted such authority in writing from the appropriate management official.
- **Maternity Leave:** Female permanent employees may be granted leaves of absence with pay for reasons of maternity for a period of not more than one (1) month in one (1) calendar year. The employee’s immediate supervisor is responsible for approving maternity leave requests.
- **Personal Leave:** Every permanent employee shall be entitled to one (1) personal holiday per calendar year, without charge to other forms of leave.

The following are the **leaves without pay** for the employees of the Public Service.

- **Maternity Leave:** Female employees who are permanent employees may be granted leaves of absence without pay for reasons of maternity for a period of up to five (5) months. This is in addition to one (1) month leave with pay. The period of maternity leave without pay shall affect the employee’s waiting period for her next within grade increase. The employee’s immediate supervisor is responsible for approving maternity leave requests.
- **Training and Education Leave:** Employees who are ineligible for further training or education leaves with pay, or who wish to pursue their education on a full-time basis without financial assistance by the government may be granted leaves of absence without pay for a period not to exceed one (1) year.
- **Annual (Vacation) or Sick Leave:** With the concurrence of his appropriate management official, a permanent employee may be granted leave without pay for the purpose of extending vacation, for a period not exceeding thirty (30) working days. Similar extensions may be granted for sick leave purposes; provided, however, that the attending physician certifies to the necessity for the extension and the extension does not exceed thirty (30) working days. Such extensions shall affect the employee’s waiting period for within-grade increases.
- **Unauthorized Leave:** Unauthorized leave (Absent Without Official Leave [AWOL]) is absence from duty without appropriate authorization. Employees who are absent from duty without prior approval, except in bona fide emergencies, shall be charged AWOL. Employees on AWOL

for more than fifteen (15) consecutive working days during any one six (6) month period shall be automatically resigned as of the last date on which the employee worked.

How much Annual Leave can be accumulated each year?

Annual leave can be accumulated for three hundred and sixty (360) hours. Any excess over such maximum shall be forfeited unless taken before the end of the calendar year in which such excess was accumulated.