

PUBLIC SERVICE SYSTEM REGULATIONS

PART I ORGANIZATION

1.1 POLICY. The Public Service System shall be career service, based on merit principles, and free of discrimination or political influence. It is designed to attract, select, and retain the best qualified persons available, with incentives for competent and loyal employees, and a means to eliminate unnecessary or inefficient employees.

The Public Service System is designed to provide, at all times, efficient and impartial service to the public, the employees, and management.

1.2 COVERAGE. These regulations apply to all employees and positions in the Executive Branch of the Pohnpei Government, and to all personnel services performed for the Executive Branch, except for the services and personnel listed in the Public Service System Act of 1981.

1.3 APPLICATION. These regulations apply to all aspects of personnel management and administration. All matters concerning the classification and compensation of positions and the employment, conduct, assignment, training, performance, and separation of employees in the Public Service System shall be governed by applicable regulations and shall be applied equitably to all.

1.4 The Assistant to Governor, Office of Human Resources shall be responsible for providing Management Officials the resources, advice, aids, counsel, and interpretations of statutes and regulations necessary to the effective accomplishment of personnel management and administration in the Public Service System.

As Contracting Officer for all personnel services and employment contracts, the Assistant to Governor, Office of Human Resources shall provide final approval on all personnel transactions.

The Assistant, as delegated by the Governor, is the chief executive of these rules and regulations, and may modify, revise, or change any part or section of these regulations, through promulgation and pursuant to law, when it is necessary and in the best interest of the Government of Pohnpei.

1.5 THE STATE PERSONNEL OFFICER, is charged with the responsibility to plan, develop, and implement programs and procedures which give effect and meaning to the laws of Pohnpei, giving due consideration to the changing needs of programs now in progress, and to those to be initiated in the future.

The State Personnel Officer shall provide review and certification on all personnel services and employment contracts. The State Personnel Officer shall also be responsible to the Assistant to Governor, Office of Human Resources in the overall administration of the personnel system.

1.6 THE PERSONNEL REVIEW BOARD. The Personnel Review Board shall act as an appellate body, with investigative authority, and shall perform any other lawful acts deemed necessary to fulfill its responsibilities.

PART 2 RECRUITMENT

2.1 EXAMINATIONS. Based on the needs of the Government, the State Personnel Officer, shall administer recruitment programs designed to attract fully qualified applicants to the Public Service System. Examinations shall be practical and reasonable and shall provide for ascertaining the qualification of applicants and their relative capacity and fitness for the proper performance of duties in the class of position for which they are applying.

2.2 RECRUITMENT ANNOUNCEMENT. All positions shall be recruited by advertisement for an ample period of time and will include the following information:

- a. job title
- b. pay level
- c. duties
- d. education or skills needed
- e. where to apply
- f. last date to apply

2.3 SECURITY OF EXAMINATIONS. Examinations shall be administered and maintained under conditions affording maximum security at all times. All precautions shall be taken to safeguard the confidential nature of examination questions and related documents. Information concerning the nature and content of tests shall not be divulged to any person before the examinations.

2.4 ADMISSION TO EXAMINATIONS. The State Personnel Officer designates persons authorized to accept applications. Applications for specific positions shall be accepted only during the period specified on the examination announcement.

2.5 CANCELLATION OF EXAMINATIONS. Examinations may be cancelled at any time by the State Personnel Officer, if there is no longer a need for eligible, or if the examination no longer meets the expressed requirements of the government.

2.6 RATING OF EXAMINATIONS. Examinations shall be rated by the Division of Personnel.

2.7 ESTABLISHMENT OF ELIGIBLE LISTS. The Division of Personnel, on behalf of the Assistant to Governor, Office of Human Resources, shall establish and maintain separate lists for all classes of positions in which vacancies exist or are anticipated.

The highest scoring five (5) candidates, in precise numerical order, shall comprise an eligible list. Where there are two (2) or more openings for the same position, for each opening the next two (2) candidates, in precise numerical order, shall be added to the first five (5) to comprise the eligible list.

2.8 PROMOTIONAL LIST. This is a list of permanent employees of the Public Service System who have been determined to be eligible for promotion.

2.9 RE-EMPLOYMENT LIST. Persons who have held a permanent position in the Public Service and who have been demoted without personal cause, or who have been terminated through reduction-in-force, shall be permitted to have their names placed on a re-employment list, provided they request so in writing within ninety (90) days of their termination, to the Chief of Personnel. The names shall be arranged on the list in the chronological order of their separation, and shall be kept on the list for no more than three (3) years from the employment separation date.

2.10 OPEN-COMPETITIVE LIST. This list results from competitive examinations open to the general public, including permanent employees of the Public Service. An open-competitive list shall be certified only after it has been determined that a qualified candidate is not available through the promotional or re-employment lists.

2.11 DURATION OF AN ELIGIBLE LIST. An eligible list shall be maintained for one (1) year, unless extended by the Assistant.

2.12 REPLENISHMENT OF ELIGIBLE LISTS. When an eligible list is reduced to two (2) candidates, a new list may be established through appropriate examinations. Remaining eligibles shall be combined with those on the new list for the remainder of the term of the original list.

2.13 RECRUITMENT PROCEDURE. Whenever there is a position to be filled, the authorized Management Official shall submit, to the Division of Personnel, a Personnel Action requesting recruitment. The State Personnel Officer, through the Assistant to Governor, Office of Human Resources, shall then certify a list of five (5) or less taken from the Division of Personnel's eligible lists in the following order: (1) promotional list, (2) re-employment list, and (3) open-competitive list.

The highest ranking officer of the requesting office, department, or agency shall then make the appointment from the submitted list, unless he or she finds no candidate on the list acceptable. In which case, the official must ask the Assistant to Governor, Office of Human Resources for a new list, and state in writing the reasons for rejecting each of the eligibles on the previous lists. If the Assistant finds the reasons adequate, a new list will be submitted. If the Assistant does not find the reasons adequate, the old list will be resubmitted and the appointment shall be made.

PART 3 POSITIONS AND APPOINTMENTS

3.1 ACCOUNTABILITY OF POSITIONS. A list of all authorized positions shall be maintained by the Personnel Officer, showing the classification and current status of each such position. Changes in the authorized quota of positions for each department or agency shall not be made without the certification of the Division of Personnel, the Assistant to Governor, Office of Budget, Planning & Statistics, and the Assistant to Governor, Office of Human Resources.

3.2 AUTHORIZED POSITIONS. No person shall be appointed to any position in the Public Service until and unless that position has been properly authorized for recruitment.

A position shall be a group of duties and responsibilities assigned by competent authority to be performed by a person or persons. All positions in the Public Service shall be identified in the records of the Division of Personnel by such status as authorized by law.

3.3 TEMPORARY POSITION. A temporary position is an authorized position, based on a need not to exceed one (1) year.

3.4 PART-TIME POSITION. A part-time position is a position which is established for less than full time but with a regularly scheduled tour of duty.

An employee whose scheduled hours are less than twenty (20) per pay period, shall not be entitled to the rights and benefits of these regulations.

3.5 PERMANENT POSITION. A permanent position is based on the continuing need of the government and is authorized to last beyond one (1) year.

3.6 ~~PERMANENT APPOINTMENT~~. Employee who have been appointed to a permanent position and who have satisfactorily completed their initial probationary periods shall hold permanent appointments in the Public Service and are entitled to the full benefits of these regulations. A permanent appointment may be part-time employment with a regularly scheduled tour of duty.

3.7 LIMITED TERM APPOINTMENT. When, for budgetary reasons, a permanent position cannot be funded on a full time, permanent basis, the position may be filled by a limited term appointment of one (1) year or less, but which may be subject to extension, depending upon the needs of the government.

3.8 TEMPORARY APPOINTMENT. A temporary appointment shall not exceed a term of six (6) months, and is the type of appointment used for time limited projects. A temporary appointee is not entitled to the full rights and benefits of these regulations.

3.9 PROBATIONARY APPOINTMENT. Appointees to permanent positions shall serve a probationary period of not more than one (1) year, from the beginning of their service in a particular position or class in the Public Service. The employees must demonstrate their capacity for satisfactory performance before being converted to permanent appointments.

An employee on probationary status is entitled to the benefits of these regulations but does not have the right of appeal on any matter or matters.

3.10 INTERMITTENT APPOINTMENT. An intermittent appointment is one in which a person is employed as a substitute in place of the regular employee who is absent from work. An employee on an intermittent appointment shall not be entitled to the benefits of these regulations.

3.11 EMPLOYMENT CONTRACT APPOINTMENT. In some cases the Division of Personnel may determine that certain individual services are outside of the Personnel System for one or more of the following reasons:

- a. The service to be performed is special or unique and non-permanent and is essential to the public interest, but 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 seek such personnel services through normal Public Service recruitment procedures.
- b. The service involves a temporary position, required in the public interest, for which the need does not exceed six (6) months.
- c. The position requires part-time or intermittent work which does not exceed twenty (20) hours per bi-weekly pay period.
- d. The position is to be filled by inmates, patients, or students of government institutions.
- e. Normal recruitment procedures have failed to produce any eligible for the position.

A personnel service covered by any one of the above conditions causes that position to be exempted from the Public Service System. All exempt employees must be hired by an employment contract.

3.12 HIRING OF A CONTRACT EMPLOYEE. The following steps have been developed to establish a uniform system for the execution and processing of employment contracts:

1. A set of tasks requiring employment of personnel must be written on a position description form. This position description form must then be attached to the Request for Personnel Action Form (Recruitment) and submitted to the Office of Human Resources.
2. Upon receipt of the Recruitment Action and the position description form, the Office of Human Resources will conduct a classification review to determine the proper pay level and salary in accordance with the Public Service System Classification and Compensation Plan.
3. Upon determination by the Office of Human Resources that step 2 places the position/services within the System, the Personnel Action for Recruitment is then forwarded to OBP&S for fund certification and to the Assistant to Governor, Office of Human Resources for final approval. After approval by the Assistant to Governor, Office of Human Resources, the position is advertised under normal recruitment procedures.
 - a. If normal recruitment procedures fail to produce any eligible, then the position is made available to be filled by a contract employee, following the procedures of 'b'.
 - b. If the services or position is determined to be unique, special, and outside of the System, the requesting department/office/agency, with the advice and concurrence of the Personnel Office, shall conduct negotiations with potential applicants regarding the scope and responsibilities of the services required, and the pay level and salary.
4. When the procedures of Step 3 are completed, the requesting department, office, or agency must initiate and sign the Request for Personnel Action for Appointment, enclosing necessary supporting documents and submit the Action to the Office of Human Resources.
5. After certification by the Office of Human Resources, the Appointment Action is then routed to OBP&S for certification that funds are available for the services required. The form is then sent to immigration for preliminary clearance.

6. The contract is then drawn up by the Office of Human Resources. With the certification of the Office of Human Resources that the services or position is indeed exempt from the Public Service Act, the contract is then routed in the following order for the signatures of the required officials:
 - a. The Office of Attorney General for legal sufficiency.
 - b. The Department of Treasury for assignment of the contract number and certification of funds availability.
 - c. The employee or contractor for signature.
 - d. The Assistant to Governor, Office of Human Resources or Contracting Officer of Pohnpei for final approval.
7. The completed and signed contract is then transmitted to the Office of Human Resources for preparation of a Personnel Action for payroll purposes and for proper distribution.
8. In the event travel is involved, the hiring government activity will be responsible for the preparation of all travel documents, and the arrangement of all travel requirements, after the procedures of Steps 1 through 7 have been completed.
9. In the event housing is involved, the hiring activity shall arrange housing.

3.13 PROHIBITED ACTION. Employment of any person without an approved Personnel Action is prohibited. The government shall not be liable for any compensation to any employee working without a properly certified and approved Personnel Action.

PART 4 MEDICAL EXAMINATIONS

4.1 PRE-EMPLOYMENT MEDICAL EXAMINATIONS. Medical examinations are required of any person selected under any type of appointment in the Public Service. Applicants must be physically capable of performing the duties of the position. They must also be free from communicable diseases and present or potential medical problems which would be detrimental to the successful performance of duty, or endanger the health of other employees. Medical examinations shall be required prior to commencing work in the Public Service.

4.2 FITNESS-FOR-DUTY EXAMINATIONS. Physical examinations may be required of employees in the Public Service when certain physical conditions are necessary for the proper performance of assigned duties. The Assistant to Governor, Office of Human Resources upon notification from the concerned department, shall notify the employee when such examinations are required.

4.3 ADMINISTRATION OF MEDICAL AND PHYSICAL EXAMINATIONS. Medical and physical examinations shall be administered by a duly authorized medical officer or staff physician, and shall be recorded on forms prescribed by the Office of Human Resources. Employees of the Public Service are provided such examinations free of charge at the medical facilities of Health Services.

PART 5 POSITION CLASSIFICATION

5.1 POSITION DESCRIPTION. A position description is a formal, officially written statement, by management, documenting the assignment or arrangement of the duties and responsibilities of a position.

5.2 POSITION CLASSIFICATION: means the process by which positions in an organization are identified according to their duties and responsibilities. Like positions are segregated into groups, called classes, and a systematic record is made of the classes found, and of the particular positions found to be of each class.

5.3 CLASS: means one position or group of positions sufficiently similar in respect to their duties, responsibilities and authority that the same title may be used with clarity to designate each position allocated to the class. The same standard qualifications may be required of all incumbents, the same best of fitness may be used to choose qualified employees, and the same schedule of compensation may be applied with equity under the same, or substantially the same, employment conditions.

The class title assigned to a position, in accordance with the Position Classification Plan, shall be the official title and will be used for all personnel, budgetary, and financial purposes. In addition, the official title shall be used for all position organization charts.

5.4 CLASS SPECIFICATION is the plan documenting the general characteristics of the class, including official class title, and a description of the scope of duties and responsibilities of the class, examples of work or typical duties performed, and a statement of the qualifications required to perform the work of the class.

5.5 POSITION CLASSIFICATION PLAN: means classes of positions arranged in a logical and systematic order to reflect all of the kinds and levels of work utilized in the Public Service.

5.6 OCCUPATIONAL GROUP: means a major subdivision of a position classification, generally embracing several series of classes of positions in association or related work specialities, professions, or related activities.

5.7 SERIES OF CLASSES: means classes closely related as to occupational specialty but differing in level of difficulty, responsibility, and qualifications required (e.g., the three classes of Clerk Typist I, Clerk Typist II, and Clerk Typist III make up a series).

5.8 ALLOCATION is the placing of a position into a position class on the basis of the duties performed in the position. It is a position action, not a person action.

5.9 REALLOCATION is the changing of the placement of a position from one class to another. It is a position action, not a person action, and is the result of the restructuring of a number of position classes in a series, or a change in class series structure, or it results from a change in the duties assigned to a position.

5.10 ASSIGNMENT is the designation of the pay level at which a position class is placed. It represents the value to the government of the work performed in that particular class of positions, relative to the value to the government of work performed in all other classes. As the original designation of a position class pay level, it is a position action, not a person action.

5.11. REASSIGNMENT is the removal of a position class from the pay level to which it has been assigned and the designation of a different pay level for that class of positions, and results from a redetermination of the value of the work of the position class being reassigned. It is a position action, not a person action.

5.12. RECLASSIFICATION is the total review and adjustment of all positions and position classes comprising a system, and the process of moving a position from one class to a different class of positions. Changes in classification shall not be made for the sole purpose of raising or reducing pay, but only to reflect clear and significant changes in duties and responsibilities.

5.13 POSITION PLANNING. Supervisors are responsible for position planning. They must analyze the work to be accomplished; decide on work and production methods; determine the requirements for supervision, special technical support, quantitative and qualitative controls; and conduct review and evaluations.

A well defined position has clearly defined operations, tasks or duties, authorities, responsibilities, and supervisory relationships.

5.14 EFFECTIVE DATE OF POSITION CHANGES. The effective date for reallocation, reassignment, or reclassification of a position shall be the first pay period following approval of such action by the Assistant to Governor, Office Human Resources. Exceptions to this rule may be made by the Assistant to Governor on Human Resources, only for such reasons as will expedite public business and not result in an inequitable situation.

PART 6 COMPENSATION

6.1 GENERAL. All positions shall be compensated in accordance with applicable laws, and the provisions of these regulations, in accordance with the following:

- A. Kind and level of work.
- B. Degree of difficulty and responsibility.
- C. Kind, quality and level of qualification requirements.
- D. Relationship to other classes in its own occupational group, and of its occupational group to other occupational groups.
- E. Long-range recruitment market experience.

6.2 ESTABLISHING SALARY UPON APPOINTMENT. Salary shall be fixed at the first step of the appropriate pay level upon initial appointment. Should a higher rate be deemed necessary to recruit, the salary may be fixed at any succeeding step, but not beyond Step 4. Payment of salary above Step 1 of a level must be approved by the State Personnel Officer.

When persons are re-employed after a break in service into a position of the same class and pay level, their salaries may be set at the highest previous rate held, provided the rate does not exceed the salary range of the new pay level.

6.3 PROMOTION. Employees who are promoted from positions in one class to existing positions 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 old pay level. The rate of compensation cannot exceed the rate of the maximum step in the higher pay level.

The effective date for the promotion shall be the new service anniversary date for the promoted employee.

When an employee has been designated as acting in the place of a supervisor for more than ninety (90) days, the employee shall be temporarily promoted, and compensated with two (2) steps in his or her current pay level, but may not exceed the maximum step. In all cases, the employee returns to his or her former salary (grade and step) at the end of the temporary promotion.

No temporary promotion shall exceed a period of one (1) year. Temporary promotions shall not effect an employee's service anniversary date.

6.4 DEMOTION. An employee demoted through no fault of his or her own or on a voluntary basis, to a position in a lower pay level, shall be compensated at a rate not less than his or her current pay rate. But if the existing rate exceeds the rate of the maximum step of the lower pay level, the employee shall be compensated at the maximum step of the lower pay level. Such an employee's service anniversary date shall not change.

An employee demoted as a disciplinary measure shall have his or her compensation reduced to the corresponding step of the lower pay level. The employee's service anniversary date will be changed, with the approval of the Assistant to Governor on Human Resources to the effective date of the demotion for disciplinary reasons.

6.5 REALLOCATION. An employee whose position is reallocated to a class assigned to a higher pay level 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. The service anniversary date of an employee placed in a reallocated position shall not change.

An employee whose position is reallocated to a class assigned to a lower pay level rate shall be compensated at such a lower pay level rate which does not exceed his or her existing rate.

Where the employee's existing rate is beyond the maximum step of the lower pay level, he or she shall be compensated at the maximum step of the lower pay level. In which case, the Assistant to Governor on Human Resources may approved compensation in the form of a lump sum payment to the employee whose salary has been reduced.

6.6 TRANSFER. An employee may be transferred from one position to another if both position are of the same pay level, although they do not have to be of the same class. No changes are made in compensation for a transferred employee, but a minimum of two (2) weeks notice must be given the losing supervisor or department prior to effecting a transfer.

A transfer may also occur when, in the interest of the efficiency of the government, an employee is moved from one government activity to another, without a change in position or duties.

6.7 CHANGE OF DUTY STATION. An employee whose assignment is moved from one location to another has a change of duty station, which does not involve a change in the employee's duties and responsibilities. A minimum of two (2) weeks notice must be given the employee prior to effecting the change of duty station.

6.8 PERFORMANCE INCREASE. When an employee's performance, as measured through an objective evaluation, has met accepted standards of productivity during the waiting period, the employee may be granted a one-step increase in his or her base salary.

An employee on a part-time appointment to a permanent position may be granted an increase after the required number of hours of satisfactory service.

The effective date of a within-grade increase shall be the first day of the first pay period following completion of the required waiting period.

Employees who are employed on an intermittent basis are not eligible to receive within-grade increase.

For those positions for which the normal work schedule is limited to a school year, all approved leave without pay (LWOP) or time spent in a non-pay status taken after school closes in the summer and prior to reopening in the fall, is credible toward the waiting period for a within-grade increase.

Employees on approved training leave without pay may count the time spent in training toward the waiting period of a within-grade increase. A former employee with a break in service of thirty (30) calendar days or more must begin a new waiting period with no credit from the old position.

Within-grade increases are automatic. The employee's supervisor is responsible for ensuring that all within-grade increases are processed on a timely basis. It is mandatory that supervisors document in detail each case of an employee whose work performance is not satisfactory. Copies of such information shall be provided to the employee and transmitted to the Office Human Resources.

When an employee's within-grade increase is delayed, the due date for the next increase also changes to reflect the effective date of the delayed action. The Department of Treasury is responsible for recording all pertinent leave information, which will result in an adjustment of the effective date, on the within-grade increase form.

MERIT INCREASE. An employee may additionally be granted a merit increase, not to exceed one (1) step in the base pay rate in any 104 week period, for sustained superior performance over such a period. Such an additional merit increase will not alter the waiting period for qualifying for the next within-grade increase.

No employee may receive more than one (1) merit increase in a twenty-four (24) month period. Employees shall not be compensated above the maximum step prescribed for their pay level as a result of a merit increase.

To request a merit increase, the supervisor must prepare a memorandum of not more than one (1) typewritten page, which must describe the areas in which the employee has excelled, e.g.,

initiative, judgement, quality, productivity, job knowledge, and communication. For supervisory positions, additional features must be present, such as: development of others, leadership, and job planning.

Statements must be submitted to the Assistant to Governor, Human Resources for approval and must clearly relate the foregoing, concentrating on the areas pertinent to the position involved. Supervisors shall remain aware that a merit increase is not a device to compensate an employee where a supervisor has other reason unrelated to the excellent of the performance of the duties.

6.10 BAR TO DUAL COMPENSATION. No employee shall receive dual compensation for any reason, at any time, except when an employee is engaged as a classroom teacher outside his or her regular work day to teach GED courses. Other exception may be made upon proper justification and with the specific written approval of the Assistant to Governor, Office of Human Resources.

6.11 HOLIDAY COMPENSATION. All employees of the Public Service System are entitled to paid time-off for all legal holidays at the employee's adjusted base salary, provided that the employee has worked a full scheduled number of hours on the day preceding the holiday, and works a full number of schedule hours on the workday immediately following the holiday.

When a holiday falls on a regular non-workday for an employee whose basic workweek is other than the standard Monday-thru-Friday workweek, the workday immediately preceding or succeeding the holiday shall be designed (as determined by administration) as the holiday. Such an employee shall have both days off: the regular non-workday and the designated holiday.

Employees who are required to work on a designated holiday will be paid a holiday differential. But prior approved overtime for the designated holiday will be paid at the normal rate, as for all overtime.

Officials holidays shall be those designated by law.

PART 7 DIFFERENTIALS

7.1 OVERTIME. An employee is eligible for overtime for hours worked in addition to the normal workweek. To qualify, an employee must be assigned these additional duties and the overtime must be applied for in advance.

An employee shall not be entitled to receive overtime while on official travel status. Also, there are certain positions in occupations and professions (teachers and medical officers, eg.) which

do not lend themselves to a standard number of hours per week. These employees are considered to be on an annual salary and are not eligible for overtime. However, every effort will be made to limit the hours of these employees to the standard workweek.

Procedures for qualification for overtime are as follows:

- A. Paid overtime will be approved only for those employees for whom an advance authorization has been granted, and only for the specific projects or tasks for which overtime has been justified, except in times of emergency or to present unnecessary disruption of government services.
- B. Overtime requests for emergency work must be submitted to the Assistant to Governor, Office of Human Resources, for approval, no later than 24 hours after taken or not later than the first working day afterwards.
- C. The actual number of hours worked may not exceed the number of hours requested and approved.
- D. In requesting overtime, supervisors will initiate the request and forward the request to their Management Official for review and concurrence.
- E. Program managers must ensure the approved overtime requests are submitted with the time and attendance sheet to the Finance Office.
- F. All overtime requests shall be approved by the Assistant to Governor, Office of Human Resources, in advance before overtime is performed. Overtime performed without the prior approval of the Assistant to Governor, on Human Resources will be considered voluntary and will not be paid for, except as provided in Item B above.

7.2 OVERTIME CONTROL. Intelligent and responsible control of overtime for all Public Service employees is a continuing task of Management officials. The following steps have been devised to reduce overtime:

1. Ensure that every effort is made to improve management of available man-hours during the workweek; eliminate unessential or low priority work; make certain that reasonable discipline is maintained with respect to hours of work, leave, punctuality, industry, and individual productivity.
2. Examine the purpose of overtime to determine whether the work to be accomplished requires immediate completion. No overtime should be approved to complete any work that could be delayed without undue hardship.
3. Where recurring overtime appears necessary, consider the relative cost of additional personnel versus the current cost of overtime. Where additional personnel would result in less cost to the government, they should be provided by reassigning

employees in less essential positions, whenever possible.

4. Pool clerical personnel among departments of the Executive Branch, and freely loan employees from one activity to another as the needs of the moment require. No situation should be allowed to exist wherein employees are not fully occupied in necessary work.
5. Use available recognition devices: merit increases, performance awards, and priority consideration for promotion to reward employees who make extra effort on behalf of their organizations. This will encourage employees to raise their sights.

7.3 COMPENSATORY TIME. Compensatory time may be awarded in place of overtime, under the same procedures. Compensatory time taken (compensatory leave) must be reflected on the time card in the pay period when it is used. Employees who volunteer for overtime work, or perform such work on their own initiative, are not entitled to compensatory time.

7.4 *Differentials*
~~7.4.1 Differentials~~. A Personnel Action form must be initiated and signed by the Management Official to place an employee on a work schedule which requires that the employee receive a differential. Supervisors are responsible for preparing and submitting to the Finance Office complete duty schedules which identify the employees and their hours of work. These records shall be monitored by the Director of Treasury to ensure the propriety of compensation to each eligible employee. Supervisors must also initiate a Personnel Action to remove an employee from a work schedule which reflects differentials.

At no time may an employee's combined differentials exceed thirty (30) percent of his or her base salary.

Employees on standby differential shall not be entitled to receive overtimes compensation.

7.5 HAZARDOUS WORK STANDARDS. The hazardous conditions must be clearly evident and fully defined, and the employee's exposure to these conditions must constitute a measurable amount of time. Several repeated exposures of a brief time may be collectively measured, and may then possibly provide a valid recognition of the hazard.

Procedures for qualification are the same as for other differentials, except that the requests must include complete definitions of the hazards. The State Personnel Officer will review and certify each Personnel Action for the propriety of the action and the completeness and accuracy of all pertinent information.

Examples of hazardous conditions: handling of explosives; operating x-ray equipment; diving to extreme depths; or work performed at dangerous heights.

7.6 HOLIDAY DIFFERENTIAL. Employees who are required to work a legal holiday shall be compensated at double (2x's) their adjusted base salary for all such hours worked. A holiday differential will not be paid to an employee who is already on a standby differential or on overtime.

PART 8 PERFORMANCE EVALUATIONS

8.1 ESTABLISHMENT OF THE PERFORMANCE EVALUATION PROGRAM. There is hereby established a performance evaluation program for the employees of the Pohnpei Public Service System. Said program shall be administered in accordance with the policies and procedures set out herein.

8.2 PURPOSES. The performance evaluation program is primarily designed to measure how well employees are discharging their duties and responsibilities, to recognize employees who are doing outstanding work, and to highlight areas needing improvement. Periodic performance evaluations shall be used to determine the employees' eligibility for step increases, awards, promotions, retention status in reduction-in-force, training, continuation of employment, and termination from employment.

8.3 GENERAL OBLIGATIONS. All employees and their supervisors shall periodically evaluate the employees' success in meeting critical employment elements and other established performance requirements. Every permanent and probationary employee in the Public Service System shall periodically receive written performance evaluations including the determination of the employee's performance standard.

For the purposes of this Part, the "supervisor" is the official to whom an employee reports directly under the officially approved organization of the department, office or agency.

8.4 PERIODIC REVIEWS. Each supervisor shall personally meet with the employees under his/her supervision to periodically review the objectives of the job, the expected standards of performance and the means for achieving them. These reviews shall include the identification and/or review of the critical performance elements of the employee's position.

8.5 ESTABLISHMENT OF CRITICAL PERFORMANCE ELEMENTS. Every supervisor shall meet personally with the employees under his/her supervision to establish the critical performance elements of the employee's position. These critical performance elements shall be identified by applying guidelines set by the Office of Human Resources. Generally, the critical performance elements are those duties and responsibilities that are so critical to the position as to necessitate the termination of an employee if he/she fails to perform them. If a position does not have any critical performance elements, the continuation of the position is questionable and may be terminated by the Office of Human Resources. The critical

performance elements shall be agreed upon by the supervisor and the employee during the employee's orientation for a new job or when duties are added to the job description. They shall also be reviewed, revised (if appropriate) and agreed to prior to the beginning of each fiscal year. They shall serve as the basis for evaluating the employee's performance.

8.6 PERFORMANCE STANDARDS. The following performance standards shall apply to the performance evaluation program and the performance evaluation reports prepared pursuant to section 8.7:

"Outstanding" performance standard shall be awarded when the employee's performance significantly exceeds satisfactory performance standards and is truly exceptional. To qualify, the employee must have received an "O" rating on all critical performance elements. The supervisor must include a written explanation of how and why the performance was truly outstanding. An employee receiving an outstanding performance standard deserves special recognition and shall be eligible for a within-in-grade increase and other awards.

"Satisfactory" performance standard is given when the employee fully and adequately meets the job's performance requirements. To qualify, the employee must have received an "S" rating or better on all critical performance elements. An employee receiving a satisfactory performance standard shall be eligible for a within-in-grade increase.

"Marginally Satisfactory" performance standard is given when the employee's performance is barely acceptable and improvement is needed. An employee shall receive a marginally satisfactory performance standard if one or more of the critical performance elements is rated "M". An employee receiving a marginally satisfactory performance standard will be allowed to continue employment on the condition that performance improves. The employee's step increase in pay may be delayed for ninety (90) days pending an acceptable improvement in performance; and the step increase may be denied when the employee fails to make such improvement after said ninety (90) days.

"Unsatisfactory" rating is given when the employee's performance fails to meet even the marginally satisfactory standard. The employee's work is unacceptable and improvement is unlikely. An employee shall be rated unsatisfactory if one or more of the critical performance elements is rated "U". An employee receiving an unsatisfactory performance standard will result in termination of employment, disapproval of a step increase in pay, or any other adverse action as deemed appropriate.

8.7 PERFORMANCE EVALUATION REPORT. Each supervisor shall prepare a performance evaluation report for each employee under his/her supervision. The reports shall be based on the periodic reviews described in Section 8.4 and the evaluation of the employee's performance standard. The report shall be in the form prescribed by the Office of Human Resources. Except for employees on probationary status, the performance evaluation period shall coincide with the State's fiscal year, and shall be completed three months prior to the end of the fiscal year.

The completed performance evaluation report must be reviewed and signed by the employee, the supervisor and the supervisor's supervisor, if any. The report shall be submitted to the Office of Human Resources which shall review, certify and file the report in the employee's Official Personnel File (OPF).

8.8 PROBATIONARY EMPLOYEES. Employees on probationary status shall be given a written performance evaluation at the end of the first six (6) months at the position. The remaining probationary period, if any will be included in the subsequent regular performance evaluation. The Office of Human Resources may make adjustments to the performance evaluation period as the situation warrants. For the employees serving a new probationary period following a promotion, the evaluation must be completed at least two (2) weeks prior to the end of the probationary period.

8.9 APPEALS. An employee who believes that his/her performance standard or rating is unjustified may have the matter reviewed pursuant to the grievance procedures.

8.10 CONTRARY PROVISIONS. If any provision of the Public Service System Regulations conflicts with the provisions of this Part 8, the provisions of this Part 8 shall prevail.

PART 9 INCENTIVE PROGRAM

9.1 PURPOSE. This part establishes regulations for the purpose of improving government operations and services through motivating employees.

9.2 GENERAL. The incentive program is intended to benefit everyone - employees, taxpayers, and the government. In addition to the benefits to employees, taxpayers benefit through improvement of government services, less cost, and the government benefits through increased efficiency, low costs, and a better, motivated, and productive workforce.

In order for the program to be utilized effectively to improve individual and organizational productivity, recognition and awards must be initiated and granted in a timely manner. Also, as a motivating force, each recommending official must exercise integrity, proposing recognition and award when they are fully deserved, so that the program is credible at all times.

9.3 RESPONSIBILITY. Each supervisor has the responsibility for the on-going review of work performance and service of his/her employees and for recognizing or recommending recognition of those who deserve recognition and award. The management official takes final action or makes final recommendation on all requests for recognition or award through the incentive program in his/her area of responsibility.

9.4 INCENTIVE PROGRAM COMMITTEE. This committee reviews and evaluates all recommendations for awards and honors, except for letter of commendation and letter of appreciation. The committee consists of five (5) members who are appointed by the Governor. One of the members is designated as chairman who may, in turn, appoint a vice-chairman who will preside over meetings in the absence of the chairman. The presence of the chairman, or vice-chairman, and two (2) members constitute a quorum, and makes final determination on all award nominations, and submits its recommendations to the Assistant to Governor or Governor as appropriate for approval.

The State Personnel Officer attends all meetings and acts as a technical advisor and recording secretary.

9.5 LETTER OF COMMENDATION. Supervisors initiate this letter to recognize an occurrence of exceptional work performance, or for an act or service of the employee that clearly exceeds that normally expected but do not meet the minimum standards for monetary, merit increase, honor, or sustained superior performance award.

9.6 LETTER OF APPRECIATION. A letter of appreciation is given to an employee who upon retirement has not qualified for the Award of Service or for significant progress in an employee's work performance or service in his job or outside of his job.

9.7 MERIT INCREASE. This is a step increase given in recognition of sustained superior performance of an employee in accordance with Part 6.9 of these Regulations for one rating element or more. The step increase may be granted alone or as part of another award such as the sustained superior performance award, employee of the year award, etc.

9.8 SUSTAINED SUPERIOR PERFORMANCE AWARD. This award is given in recognition of an employee's sustained superior or exceptional work performance in his or her position. The review for this award is through the annual performance evaluation program. To qualify for this award the exceptional rating must be in at least three rating elements. This award includes a merit increase, a certificate and appropriate publicity.

9.9 MONETARY AWARD. The government will give monetary award based on a table to be established by the Assistant to Governor, Office of Human Resources to an employee who makes a suggestion or contribution, special act or service or superior performance that significantly reduces cost or improves government operations and services. When benefits to the government can be measured in dollars such as production time, awards are based on money saved during the first year the suggested improvements is in effect or the period of performance being recognized.

9.9.1 SUGGESTION AWARD. Award of this kind is made for an idea submitted by an employee and adopted for use by the government, but only when the employee's suggestion directly contributes to economy or efficiency, or directly increases effectiveness in carrying out government programs or missions. The award is made in the form of monetary payment.

9.9.2 SPECIAL SUPERIOR PERFORMANCE AWARD. This award, in the form of a monetary payment, is granted for significant occurrence of performance exceeding job requirements, and involving contributions so superior or meritorious or will results in savings to government as to warrant special recognition. An employee performance must exceed job requirements in at least one aspect of the position to receive a special superior performance award.

9.9.3 A SPECIAL ACT OR SERVICE AWARD. This award is granted for performance which involves overcoming unusual difficulties, or exemplary handling of an emergency situation related to official employment. Award in this category is made in the form of monetary payment.

9.10 EMPLOYMENT OF THE YEAR AWARD. This award recognizes annually an employee who excells in all aspects of his/her work for at least a period of two years within the government service. Such sustained outstanding work performance must be reflected in the periodic performance evaluation program and recommended by a department/office incentive committee and the State Incentive Program Committee through a procedure to be published by the Assistant to Governor, OHR.

The Governor approves the award. The award includes a merit increase, opportunity for training arranged by the State, a certificate or a plaque, and appropriate publicity.

9.11 DISTINGUISHED SERVICE AWARD. This is the highest award of the State and can only be received by an employee once. This award is made in recognition of the following.

- a. An outstanding contribution to science.
- b. An outstanding skill or ability in the performance of duty for significant period of time and recognized throughout the state.
- c. An eminent career in Pohnpei State.
- d. An outstanding record of administration.
- e. Any other exceptional contributions to the State

This award is approved by the Governor. The award includes a merit increase monetary payment, opportunity for continued contribution arranged by the State a certificate or plaque, and appropriate publicity.

9.12 HONORARY AWARD. An honorary award may be granted independently of, or as a supplement to, a monetary award. It is not intended, however, to serve as a substitute for deserved monetary awards, but is designed to select and bestow singular honor as an official recognition of achievement and as an incentive for further accomplishment. Recommendations for honorary awards should be submitted during the nominee's active service.

9.13 AWARD OF SERVICE. This award, in the form of a plaque and a letter of appreciation, is presented by the Governor upon the retirement or death of an employee who has completed twenty five (25) years or more of government service. A retiring employee who does not qualify for an award of service plaque receives a letter of appreciation from his/her department/office head.

9.14 LENGHT OF SERVICE AWARD. Government employees receive certificates recognizing ten (10), twenty (20), or thirty (30) years of government service. The Office of Human Resources issues these certificates annually.

9.15 DOCUMENTATION. Employee suggestions must be submitted in writing. Recommendations for all awards are to be submitted in writing. The suggestions and recommendations must be accompanied by statements of justification which are brief and factual, emphasizing achievements which are beyond normal work or services requirements, and identifying measurable benefits to the government.

A copy of all approved recognitions and awards is to be filed in the official personnel file of each employee involved.

All suggestions and recommendations are to be submitted to Assistant to Governor, Office of Human Resources.

9.16 PRESENTATION OF AWARDS. Awards are presented in appropriate ceremonies as follows:

a. Distinguished Service Award and Employee of the Year Award are presented at a special annual convocation by the Governor. By their very nature, these awards represent truly significant accomplishments, worth of public note, because these awards reflect credit not only upon the employees being given recognition but in the organization and individuals with whom they work.

b. Service and Monetary Awards. Length of Service for twenty five (25) years of over and monetary awards of \$250 and above are presented by the Governor. Lesser years of service and cash award are presented by each department/office head.

PART 10
TRAINING AND EMPLOYEE DEVELOPEMNT

10.1 **JOB-SKILL TRAINING:** is training intended to improve the employee's performance on his present job or other closely related one. Employees released to attend authorized job-skill training will receive any combination of basic salary, travel expenses when required, and/or a stipend, as applicable to the training involved. Upon completion of training the employee may return to his or her position with full rights and benefits.

10.2 **PROMOTIONAL TRAINING:** is training intended to equip the employee to perform the work of a specific higher position. The government will not pay the costs of such training but may keep the employee on salary during the course of the training, or may hold the employee's position in an incumbent status.

10.3 **EMPLOYEE DEVELOPMENT:** is training intended to improve the employee's abilities and potentials, but is not directly related to his present or impending job. With authorization, the employee may be placed on leave without pay with a guarantee to return to his or her position.

10.4 **REIMBURSEMENT FOR NON-COMPLETION OF TRAINING.** If an employee fails to satisfactorily complete a training course, due to his or her lack of proper attitude or behavior, the employee will be required to reimburse the government for all or part of the training and related costs.

10.5 **EVALUATION OF TRAINING.** The Office of Human Resources shall develop and maintain a system which will provide information and analysis of the effectiveness of training provided. All personnel who attend training courses outside of Pohnpei State are required to submit a written report, including a summary of the course, along with a judgement of the added value gained from the course.

The report must be submitted to the Office of Human Resources no later than ten (10) calendar days after completion of the training. Three (3) months after the employee returns from training, his or her supervisor is required to submit a written report on the progress of the employee in the application of the training to his or her work.

10.6 **APPLICATIONS FOR TRAINING.** Training courses given by agencies outside of Pohnpei will be utilized as necessary, and to the extent the budget will permit. All departments or offices wishing to enroll employees in special training and other academic programs, outside Pohnpei State, must submit to the Assistant to Governor, Office of Human Resources for evaluation, the names of the employees and the content and length of such training, prior to sending an employee abroad for training.

10.7 **EMPLOYEE ORIENTATION.** When an employee is hired or enters a new position, a period of ninety (90) days will be given the supervisor in which to conduct an orientation program for the new employee. The orientation will consist of introducing the employee to the policies, rules, and regulations specific to the employee and the performance of his or her job.

At the end of the initial ninety (90) day period, a report on the completion of such training will be submitted to the Office of Human Resources bearing both the signature of the employee and the supervisor. The report should contain the sequence, content, and duration of training sessions undertaken during the initial ninety (90) day period.

PART 11 LEAVES OF ABSENCES

11.1 ANNUAL LEAVE. Annual leave or vacation shall be granted for the purpose of rest and relaxation, and to provide time off for personnel or emergency reasons. New employees of the Pohnpei State Government must complete a ninety (90) day waiting period before they may apply to use their annual leave.

Full time employees (those who are scheduled to work for 2,080 hours during a twelve month period) shall be entitled to annual leave in accordance with the following schedule:

- a. During the first two years of employment with the State, the employee shall receive 104 hours per twelve months of employment, earned at the rate of four hours biweekly.
- b. Commencing with the third year of employment through the fourteenth year, the employee shall receive 156 hours per twelve months of employment, earned at the rate of six hours biweekly.
- c. Commencing with the fifteenth year of employment with the State and thereafter, the employee shall receive 208 hours per twelve months of employment, accumulated at the rate of eight hours biweekly.

Part-time employees shall receive annual leave proportionate to their scheduled number of work hours per year, provided they work at least twenty hours per pay period.

If an employee is separated from service and if he or she owes for leave taken but not earned or accumulated, the leave may be charged to the employee as provided in section 11.7 of these regulations.

11.2 APPROVAL OF ANNUAL LEAVE. Requests for annual leave must be made and approved in advance on a leave request form. Annual leave requests must be approved by the head of the employee's department, office or other executive agency. Only in cases of emergency will prior approval not be required.

The authority to approve annual leave may be delegated by the administrative head to others within the department, office or executive agency. Such delegation must be in writing and may be revoked by administrative head at any time and for any reason. The revocation shall also be in writing.

11.3 MAXIMUM ACCUMULATION AND LUMP SUM PAYMENT: The maximum accumulation of annual leave for regular public service system employees shall be three-hundred and sixty (360) hours beginning April 1, 1989. Thereafter, any excess over such maximum shall be forfeited unless taken before the end of the leave year in which such excess was accumulated. Unused annual leave accrued prior to April 1, 1985 will be credited to the employee's new accrued annual leave balance. Upon separation from the public service system, lump sum payment will be made for unused accrued annual leave up to 360 hours.

11.4 SICK LEAVE. Sick leave is for use when an employee is physically or mentally unable to perform his or her job. Sick leave may also be taken for other related matters, such as: exposure to a contagious disease that would endanger the health of co-workers; the presence of a contagious disease in the employee's immediate family; or dental, optical, or medical examinations or treatment. Sick leave is earned from the first pay-period of employment and may be used when it is first earned.

Full-time employees earn sick leave at the rate of four (4) hours for each full bi-weekly pay period. Part-time employees earn sick leave at the rate of one (1) hour for every twenty (20) hours of duty in a pay period; but to earn sick leave, part-time employees must have regularly scheduled hours of duty.

11.5 APPROVAL OF SICK LEAVE. Sick leave of more than one (1) day duration shall require certification from a medical doctor, medical officer or medex. For employees working on the outer islands of Pohnpei State or in Madolenihmw, Kitti, or U the certification may be obtained from the Health Assistant assigned in the dispensary located in their area.

11.6 REREDITING OF SICK LEAVE. Former employees who are rehired within three (3) years after their termination will be recredited with the unused sick leave accumulated during their previous employment.

11.7 Advances of annual or sick leave shall not be permitted, or granted after March 31, 1989. Except as provided in the following paragraph, all reference to advance leaves in any other part of the Public Service System Regulations shall have no force or effect.

Advance leaves granted prior to April 1, 1989 shall be paid back, in kind, as such leave accrues to the employee. When an employee has been granted advance leave and is separated before the advance leave is paid back, the value of the advanced leave shall be recovered from any pay due and/or directly billed to the employee. Repayment, however, is not required if the separation is due to death or if the employee resigns or is separated because of a disability which prevents the employee from returning to duty or continuing in the service, and if the disability is the basis for the separation, as determined by medical evidence acceptable to the government.

11.8 JOB-TRAINING LEAVE. A leave of absence with pay for the purpose of job-related training may be granted, by the Assistant to Governor, Office of Human Resources, to permanent employees for a period not to exceed one (1) year. The Assistant to Governor, Office of Human Resources may extend this period for another year.

11.9 COMPASSIONATE LEAVE. An employee may be granted compassionate leave with pay of no more than two (2) consecutive days, in cases of death or imminent death in the immediate family of the ~~employee or the employee's spouse~~. For the purpose of this Part, the term "immediate family" shall be defined as parents, offspring, spouse, brother, or sister, grandparents, and grandchildren. Applications for compassionate leave must be made to the Assistant to Governor, for the Office of Human Resources, or his designee.

11.10 ADMINISTRATIVE LEAVE. Administrative leave is an excused absence authorized under emergency conditions beyond the control of management (e.g., typhoons), or for participation in civic activities on a State-Wide level, or for employment connected examinations, or for such reasons as the Governor may determine (e.g., closing early on Christmas Eve.).

11.11 COURT LEAVE. An employee subpoenaed as a witness, whether as a government witness or otherwise, shall be granted court leave. Employees may also receive court leave when appearing as witnesses before the personnel review Board. Application for approval of court leave must be made to the Assistant to Governor, Office of Human Resources.

11.12 LEAVE WITHOUT PAY. LWOP is approved absence and is granted only to an employee in good standing, to permit the employee to attend bona fide family emergencies, or for justifiable personal or business reasons. If the approving official considers it justifiable, LWOP may be granted for up to ninety (90) days. Any period over the initial ninety (90) days must be approved by the Assistant to Governor, Office of Human Resources.

11.13 MATERNITY LEAVE. For reasons of maternity, an employee's position may be held incumbent for up to six (6) months. An employee who has been granted maternity leave shall have the option to apply annual leave, sick leave, or leave without pay for any time-off. Application for approval of maternity leave must be made to the Assistant to Governor, Office Human Resources.

11.14 EDUCATION LEAVE. Permanent employees who are ineligible for further job-training leave, or who wish to continue the education on a full-time basis, may be granted leaves of absence without pay for a period not to exceed two (2) years. When the Assistant to Governor, Office of Human Resources approves an educational leave, the employee shall have the right to return to his or her position at the end of the leave period.

11.15 UNAUTHORIZED LEAVE. Employees who are absent from duty without prior approval shall be charged as being AWOL (Absent Without Leave) and will be subject to loss of pay and disciplinary action.

11.16 LEAVE APPLICATION. Employees shall be responsible for initiating their own leave requests, using forms, documentation, and explanatory information as may be required. Employees shall initiate such requests sufficiently in advance so as to enable management to make the necessary staff adjustments for coverage of the employees assignments during the absence.

11.17 TIME-OFF FOR RELIGIOUS OBSERVANCES. Employees may be authorized to take time-off when their personal beliefs require that they abstain from work. Several conditions must be observed for the time-off to the authorized:

A. Employees must give management sufficient advance notice, and management must make every reasonable effort to accommodate the request.

B. The employee must elect and work a period of overtime equal to the amount of time-off granted. Overtime pay provisions do not apply to overtime worked for such reasons.

- C. Accurate records must be kept of time-off and overtime, and the privilege denied if it results in interference with efficient government work.

11.18 The accrual of annual leave depends on the completion of a work week in a work status. Therefore an employee who does not complete his/her work week or whatever his/her approved work week may be because of annual leave, suspension, AWOL, LWOP, except for sick and compassionate leaves and use of excess leave, does not earn any annual leave during that week. If he/she completes his/her work week the following work week, he/she earns only half of what he/she normally accrues in a biweekly period. An employee who comes to work late is charged one (1) hour or more of annual leave shall not accrue (annual leave) during that week.

PART 12 ACTIVITIES, RIGHTS, & CONDUCT

12.1 RIGHTS OF EMPLOYEES. All employees in the Public Service shall have the following rights:

- a. To vote for the candidates of their choice and to express their opinions of political matters;
- b. To be an active member of the political organization of their choosing;
- c. To make contributions to a political organization for its general expenditures; and
- d. To form or join any Employee Association, in accordance with the law.

12.2 PROHIBITIONS. Employees of the Public Service System will be subject to disciplinary action if found guilty of the following prohibitions:

- a. Use their office, or government equipment, or official influence for political purposes or for personal gain;
- b. Use their official authority to coerce any person in reference to any political or personal related activity;
- c. Solicit or receive political contributions from anyone while on government time or on government property;
- d. Campaign for any candidate or public office during official working hours; or
- e. Advocating or participating in any strike against the government.

12.3 PUBLIC OFFICE. Employees who are elected and accept an appointment to a public office, which requires full time devotion to the business affairs of that office, shall resign their positions in the Public Service System.

An employee elected to a municipal post or appointed to serve as a member of a board or a quasi-government agency (where the appointment is not made by the Governor and/or subject to the advice and consent of the Legislature), and where the work to be performed is done intermittently, shall have the option of annual leave or leave without pay while performing his or her assigned municipal or board duties which may required performance during the employee's normal working hours.

Employees appointed, by the Governor, to serve as a member of a quasi-government agency may be placed on administration leave, upon approval of the Governor.

12.4 CONDUCT WITHIN PUBLIC SERVICE. Public Service employees are required to conduct themselves in such manner that the work of the government is effectively accomplished, and to observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public or fellow government employees.

12.5 SUBORDINATION TO AUTHORITY. An employee is required to carry out the announced policies and programs of the Pohnpei Government. While policies related to work are under consideration, the employee may, and is expected to, express opinions and points of view; but once a decision has been rendered by those in authority, the employee will be expected to assure, unreservedly, the success of the programs which it is his or her responsibility to effectuate.

If an employee fails to carry out any lawful regulation, order, or policy, or deliberately refuses to obey the proper requests of his or her supervisors, the employee shall be subject to appropriate disciplinary action.

PART 13 TERMINATIONS

13.1 RESIGNATION. Resignations shall be in writing and shall be submitted at least fourteen (14) calendar days in advance of the effective date. An exception may be allowed only upon approval by the Assistant to Governor, Office of Human Resources.

The Management Official shall submit a copy of the written resignation, together with the necessary termination documents, to the Office of Personnel for certification and processing of the action.

Withdrawal of a resignation may be permitted provided the employee makes his or her wishes known in writing, prior to the effective date, and if the Management Official concerned agrees to the proposed withdrawal.

13.2 EXIT INTERVIEW. A personal interview may be provided prior to the effective date of the resignation action, to each employee terminating

service with the Public Service. The interview is conducted for the purpose of obtaining from the employee the true reason (s) for the resignation.

The interview shall be recorded in report form and shall be made a part of the employee's personnel folder (OPF). The interview shall be conducted by a designee of the Assistant to Governor, OHR.

13.3 RETIREMENT. The State Personnel Officer is responsible for verifying, with appropriate offices, the employee's correct date of birth and issuing termination papers to the concerned employee at least thirty (30) calendar days prior to the effective date of termination. Delivery of termination notices shall be treated in the same manner as Adverse Action notices.

An employee wishing to contest forced retirement may appeal, in writing, to the Personnel Review Board within fifteen (15) calendar days of receipt of the termination notice.

13.4 TERMINATION FOR MEDICAL REASONS. An employee shall be terminated for medical reasons when evidence of his or her incapacity to perform the duties of the position are substantiated by a duly authorized physician. An employee terminated for medical reasons shall have no right of appeal or recourse to grievance procedures.

13.5 SEPARATION DURING PROBATION. The Management Official who finds it necessary to separate an employee during probation shall provide the employee with not less than fourteen (14) calendar days advance notice, in writing, specifying the reasons for the separation.

Adverse Action procedures do not apply to these separations but if the employee so requests, the Assistant to Governor, OHR may, at his discretion, insert the employee's name on the eligible list or lists for other positions in the same class.

An employee separated during his or her probationary period may not appeal the decision.

13.6 ABANDONMENT. If the employee is AWOL for six (6) consecutive working days, he or she shall be deemed to have abandoned the position. The Management Official shall file, with the Assistant to Governor, Office of Human Resources, a statement showing termination of employment because of abandonment of the position. The Management Official shall then promptly transmit a copy of the statement to the employee by the most practical means. The decision for termination for abandonment is final and is not appealable.

13.7 DISMISSAL. When it is necessary to dismiss an employee for cause, Management Officials must use Adverse Action procedures.

PART 14
REDUCATION-IN-FORCE (RIF)

14.1 PURPOSE. This part establishes the general regulations under which reduction-in-force shall be accomplished.

14.2 GENERAL. Through reduction in force procedures, the services of an employee may be terminated because of lack of work or fund, but not for disciplinary reasons. Manager should exhaust all administrative alternatives within the organization to place employees through transfer to vacant positions before reduction-in-force must be applied. When it is determined that reduction-in-force must take place, the management official concerned shall, at least 60 days in advance, provide to the Assistant to Governor, OHR notice of reduction-in-force action requirements. The Assistant to Governor shall then institute administrative procedures to assure that all legitimate possibilities for reassignment have been exhausted and that formal reduction-in-force is the only remaining alternative.

14.3 POLICY. It is the policy of the Pohnpei State Government to provide job security to every employee within its available resources. When it becomes necessary to reduce the workforce, every effort will be made to ensure that the reduction is accomplished with a minimum disruption in operations and a minimum impact on each employee affected.

14.4 COVERAGE. The provisions of this Part are applicable to all employees in the executive branch of the Pohnpei State Government except:

- a. Employee in positions in the legislative and judicial branches of the Pohnpei State Government.
- b. Employees whose appointments are made with the advice and consent of the Legislature.
- c. Employees temporarily promoted to be returned to their former positions from which temporarily promoted.
- d. Employees hired under special contracts for a specified term.

14.5 COMPETITIVE AREAS. For all classes of positions and all pay levels, Pohnpei State is by itself a competitive area for reduction-in-force purposes.

14.6 RETENTION REGISTER. The Assistant to Governor, OHR shall establish and maintain a retention register upon which is entered the name and requisite information of each Public Service System employee. Individual merit as shown by: first, current performance evaluation; second, his seniority as measured by total government service; and third, his qualifications in terms of education, training and experience.

These shall be the primary bases for establishing retention registers and order of layoff. When reduction-in-force procedures must be applied, the Assistant to Governor shall prepare a specific retention for each competitive level.

14.7 COMPETITIVE LEVELS. A competitive level is normally comprised of all the positions in the same class which is being abolished or otherwise vacated by reduction-in-force. The Assistant to Governor may define a competitive level as including more than one class of positions if sufficiently closely related, provided all positions included have the same qualifications and provided further, such combination of classes shall be published as part of the RIF procedures by the Assistant to Governor.

14.8 CREDITABLE SERVICE FOR REDUCTION-IN-FORCE.

- a. Public Service since U.S Administration took over.
 - (1) Includes trainees
 - (2) W.A.E. or intermitten employment. Time actually work will be used to compute creditable service.
- b. Employment with Island Trading Company (ITC).
- c. Education personnel under municipal governments (elementary). Elementary schools were administered by and personnel paid by municipal governments until about July 1964.
- d. Employment within TTPI with: Peace Corps Micronesia, Micronesian Legal Services, Community Action Agency and National Weather Services.
- e. Service with the Judiciary and Legislative Branch.
- f. TT Government employment under Seamen's Act.

14.9 RETENTION STANDING. Each competitive level retention register must list at the top of the register, in descending duration order of service as reflected by service computation date, all those employees currently holding an "Exceptional" performance evaluation: following, in descending order of service computation date, all those employees with a "Satisfactory" performance evaluation, and at the bottom of the list, in descending order of service computation date, those employees with a "Less than Satisfactory" performance evaluation.

14.10 COMPETITION WITHIN A COMPETITIVE LEVEL. When a position is the subject of reduction-in-force procedure, the incumbent shall displace the employee with the lowest retention standing in the competitive level.

14.11 RETREAT RIGHTS. When an employee has infufficient retention standing to compete within his competitive level, he shall compete down the line of his promotion. This is known as the exercise of Retreat Rights. An employee released from his competitive level may displace the employee with lowest retention standing below that of the released employee in the highest competitive level from which he was promoted. the employee

shall continue to compete at successively lower levels along the line of promotion until he is placed or, if placement cannot be made, separated by reduction-in-force.

14.12 LIMITATION ON COMPETITION.

A. Obligated Positions are positions from which the incumbent is temporarily absent because of:

- (1). Approved education leave
- (2). Temporary promotion
- (3). Detail to another activity

B. Employee who are incumbents of obligated positions shall not be placed in RIF competition until they have been returned to duty in the obligated positions. Similarly, obligated positions shall not be abolished until the employees return to duty in the positions. The Assistant to Governor must keep records of obligated positions in such form or manner that will assure recognition and protection of the obligated position and its incumbent.

14.13 ORDER OF TERMINATION. The order of termination shall be as follows:

- a. Persons occupying positions under emergency appointment, temporary appointment, and probationary appointment in a competitive level shall be terminated in that progressive order, before R.I.F. competition is instituted.
- b. The employee with the lowest performance evaluation standing and the most recent service computation date has the lowest retention standing and shall be the first released.

14.14 REDUCTION-IN-FORCE NOTICE. When the determination to abolish a position is made and all efforts to place the affected employee in another positions within his competitive area have failed, the Assistant to Governor shall inform the employee, in writing, that he is subject to reduction and that his services shall be terminated on the date specified. The letter shall be dispatched at least 30 calendar days prior to the effective date of termination and shall inform the employee that his name is being placed on the re-employment list. The employee shall sign and date a copy of the letter to acknowledge receipt and return it to the Assistant to Governor, Human Resources.

14.15 FURLOUGH. Furlough is an action placing an employee on non-duty, non-pay status because of lack of funds or work. Furlough shall be used for temporary layoff of periods of less than ninety (90) calendar days. Reduction-in-force is for more than ninety (90) calendar days. Employee who are placed on furlough shall be entitled to accrue sick leave, but not allowed to apply for sick or annual leave.

PART 15
DISCIPLINARY ACTIONS

15.1 WARNING. A warning is an expression by management of a general dissatisfaction with employee behavior. A warning may be in the form of a memo to all of a supervisor's employees, or it may be given verbally in a meeting of assembled employees.

15.2 ADMONISHMENT. An admonishment is an informal, disciplinary measure. The Management Official, or supervisor, may discuss at any time with an employee, minor deficiencies in performance or conduct with the objective of improving the employee's effectiveness. Admonishments shall not be made a matter of record.

15.3 REPRIMAND. A reprimand is a formal means of calling to an employee's attention deficiencies in performance or conduct which, if continued, may result in further disciplinary action. Reprimands are always in writing and should contain specific references to performance deficiencies, citations of instances of misconduct, and a warning that sterner disciplinary measures may be taken if the employee's performance or conduct is not improved. A copy of the reprimand becomes a part of the employee's official personnel file (OPF).

15.4 SUSPENSION FOR LESS THAN THREE (3) DAYS. A Management Official authorized to effect Adverse Action may suspend an employee, for a period not to exceed three (3) working days, for disciplinary purposes. The employee shall be given written notice of the intent to suspend, and 24 hours in which to respond.

The notice shall contain the specific reason (s) upon which the action is based. The employee may respond in person or in writing, stating his or her objections to the suspension. The Management Official shall consider the employee's response and, based thereon, shall proceed with the suspension or withdraw it. A copy of the suspension notice shall be placed in the employee's personnel file (OPF).

An employee may resort to the Grievance Procedures if he or she feels the suspension is improper and not justified.

15.5 DEMOTION FOR CAUSE. Reduction in pay (demotion) means reduction of basic class and pay level of an employee for cause. To reduce class and pay level for disciplinary reasons, Management Officials authorized to take such actions must follow Adverse Action procedures.

15.6 SUSPENSION FOR MORE THAN THREE (3) WORKING DAYS. Adverse Action procedures must be followed by the authorized Management Official to suspend an employee for more than three (3) working days.

15.7 SUMMARY SUSPENSION. With the approval of the Assistant to Governor, OHR an employee may be suspended for a period longer than thirty (30) calendar days, pending an investigation against the employee, when there is a unique situation whereby the employee's presence on the job will endanger the health or life of other employees or the general public.

Procedures for indefinite suspension are as follows:

1. The Management Official must give the employee advance written notice of the proposed suspension and pending investigation.
2. The summary suspension, pending investigation, will become effective 24 hours after the employee's receipt of the proposed notice.
3. The employee is given 24 hours from the time of the receipt in which to show reasons why the suspension should not be effected. The employee may answer in person or in writing.

15.8 DISMISSAL. When the severity of the offense is deemed such, it may be necessary to dismiss an employee. Management Officials will then use Adverse Action procedures.

PART 16 GRIEVANCE PROCEDURE

16.1 PURPOSE. The purpose of this part is to explain in detail the grievance policy of the Pohnpei State Government and the procedures which implement the policy.

16.2 GRIEVANCE POLICY. It is the policy of the Pohnpei State Government to resolve as swiftly and fairly as possible grievances at the lowest possible administrative level; to provide resources through an orderly procedure for satisfactory resolution of complaints; and to provide the employee with the proper legal safeguards as to his/her rights as an employee.

16.3 COVERAGE. The grievance procedure is applicable to all employees of the Public Service System in accordance with equal opportunity and non-discrimination on the bases of race, color, religion, age, sex, national origin or other non-merit factors.

The grievance procedures deals with any complaint or allegation by an employee covering violation, misinterpretation, unfair or unequitable application of the laws, regulations, directives, and policies of the Pohnpei State Government, with the exception of the following:

- a. An adverse action appealable under adverse procedures.
- b. A fitness-for-duty examination or termination for medical reason.
- c. The content of published government policy.
- d. Non-selection for appointment or promotion.
- e. Disapproval of a merit increase or honorary award.
- f. Position reallocation, reclassification, or transfer.

16.4 FREEDOM FROM RESTRAINT. Employee shall be free from restraint, coercion, discrimination, and reprisal in seeking the resolution of their grievance.

16.5 EMPLOYEE'S RIGHT TO SEEK ADVICE. When an employee has a valid reason for not taking a grievance to his/her immediate supervisor, the grievance system allows him to formally seek advice from the State Personnel Officer or a Management Official of higher rank than the employee's supervisor.

16.6 INFORMAL GRIEVANCE PROCEDURE. Prior to involving the formal grievance procedure set forth hereunder, the aggrieved employee shall make every effort to informally resolve the grievance.

The aggrieved employee shall meet with his immediate supervisor or the management official concerned to discuss the matter informally. Both are expected to make a maximum effort to achieve informal settlement of the grievance. If the efforts to resolve the grievance through the informal procedure have failed, the aggrieved employee may proceed to the formal grievance procedure.

16.7 FORMAL GRIEVANCE PROCEDURE.

16.7.1 Step I. Filing with the Department/Office/Agency Head.

The aggrieved employee may file a written statement of the grievance with the head of the department/office/agency concerned with the matter within seven (7) days of the failure to informally resolve the grievance but in no event may it be presented more than 30 days from the act or acts forming the basis of the grievance. The content of the grievance shall include the following:

- a. The identity of the aggrieved employee and the organization in which he/she works.
- b. The specific nature of the grievance.
- c. Names of persons allowed to be involved in the matter.
- d. The specific remedy(ies) sought.
- e. The name of the employee's counsel, if any.

Upon receipt of the statement of grievance, the department/office/agency head shall serve a copy of the statement to all persons named herein. Thereafter the department/office/agency head shall make a decision and communicate such decision, in writing to the aggrieved employee within fourteen (14) calendar days. If no decision is communicated by department/office/agency head within fourteen (14) days, the aggrieved employee may proceed to Step II.

If the grievance is against a department/office/agency head, the aggrieved employee may go directly to Step II. The standard of review shall be in accordance with Step I.

16.7.2 Step II. APPEAL TO GRIEVANCE COMMITTEE. The aggrieved employee may request the grievance committee in this step to resolve his grievance by writing to Assistant to Governor, OHR to constitute a grievance committee. The committee shall be composed of the Assistant to Governor, OHR who will serve as Chairman, one member to be appointed by the aggrieved employee, and one member to be appointed by the Department/office/agency head involved.

The committee shall hold hearings within fourteen (14) days of the constitution of the committee. Minutes of the hearing shall be recorded. The committee shall render its decision on the grievance no later than fourteen (14) days of the close of the hearing.

The grievance shall be resolved by majority vote of the committee. The Standard of review for the committee shall be whether the employee has demonstrated to the committee that the denial of remedy(ies) sought by the aggrieved employee to resolve the grievance was clearly erroneous.

16.7.3 Step III. APPEAL TO THE GOVERNOR. Upon receipt of the grievance committee's decision, either party may within ten (10) days request the Governor to review the decision. The decision of the Governor shall be final.

16.8 MISCELLANEOUS PROVISION.

a. Failure of the aggrieved employee to appeal a decision within the specified time limit shall be deemed as acceptance of the decision.

b. All limits herein shall consist of working days.

c. All time limits may be extended by mutual written agreement stipulating the new extension or re-examination dates.

d. An employee retains the right to be accompanied, represented, and/or advised by a representative of his/her choice. Conversely, the employee has the right to present a grievance without representation.

e. All hearings for grievances by the Grievance Committee will be held during working hours and all personnel required to attend the hearings shall do so without loss of pay.

PART 17 ADVERSE ACTION

17.1 ADVERSE ACTIONS. Adverse action shall be used for dismissals, demotions for disciplinary reasons, and suspensions for more than three (3) working days.

An Adverse Action may not be taken against an employee except for offenses that inhibit the efficiency of the Public Service.

17.2 AUTHORITY. The authority to effect Adverse Actions has been granted to Management Officials by Section 27 of S.L. No. 2L-57-81. The authority to effect Adverse Actions may not be further delegated or redelegated.

17.3 MERIT. All Management Officials should consider the following checklist before a final decision is made to take an Adverse Action.

- A. Have all the sources of information been thoroughly investigated?
- B. Can the facts on hand be verified by substantial evidence which is relevant and material?
- C. In stating the reasons for taking the Adverse Action, have you shown how or why the employee's actions are contrary to the acceptable behavior of an employee?
- D. If there are written directives applicable, are they stated?
- E. Do you, as the Management Official, feel strongly that based on the facts available your proposed Adverse Action will promote the efficiency of the service?

17.4 CONTENTS OF ADVERSE ACTION NOTICE. The letter of proposed Adverse Action must be reviewed by either the Assistant to Governor, OHR or State Personnel Officer.

The letter of proposed Adverse Action shall be delivered to the employee personally when possible. If delivery in person is not possible, certified or registered mail may be used.

- a. The letter must identify a specific proposed action.
- b. The letter must state the reason(s) supporting the proposed action, specifically and in detail, including names, times, and places. The letter should be self-contained, so that a person unacquainted with the facts and circumstances involved can obtain a clear understanding of the reason(s) for the proposed action. The letter must also include a detailed statement of any part of the employee's past record which the Management Official proposes to consider as contributing toward the severity of the proposed action.
- c. The letter must inform the employee that he or she is entitled to review all the material relied on by the Management Official to support the reason(s) specified in the letter, including material relevant to the employee's past record if that record forms part of the basis for the action proposed.
- d. The letter must clearly indicate that it concerns only a proposed action and not a matter already decided upon. The Management Official should carefully avoid making any statement in the initial letter which can be construed as indicating that a decision has already been reached.

e. The letter of proposed action must tell the employee that he or she has a right to answer, orally or in writing, and to submit witnesses and other evidence in support of his or her position at a specified time and place and before a named Management Official or designee. The letter must inform the employee of his or her right to be represented by counsel.

f. The letter must inform the employee that he or she will be allowed a certain number of hours for reviewing the material relied upon in support of the reason(s) in the letter, for preparing an answer, and for securing witnesses and other evidence.

17.5 PROCEDURES. The procedures to effect Adverse Action are as follows:

a. The Management Official authorized to effect Adverse Action must give the concerned employee at least thirty (30) calendar days advance notice of the proposed action.

b. The notice must state any and all reasons for the proposed action, specifically and in detail.

c. The Management Official must assemble and make available to the employee for his or her review, all materials relied upon to support the reasons in the adverse action notice.

d. The Management Official must allow the employee a reasonable amount of time to obtain information and prepare an answer but the employee's presentation of answer must be made within ten (10) calendar days from the day he or she received the proposed notice.

e. If the employee answers, the Management Official must consider the answer and must give the employee a written decision before Adverse Action is effected.

f. The written decision must be made and delivered to the employee within five (5) calendar days after the employee's presentation of answer to the proposed Adverse Action. The decision must state which of the reasons in the proposed action have been found sustained and which have been found not sustained. The decision must also tell the employee of his or her appeal rights.

17.6 EMPLOYEE STATUS. If at all possible, the employee must be kept on active duty status during the notice period. However, in a unique situation whereby the employee's presence or the general public, or government property, the employee shall be placed on summary suspension. Summary suspension is a non-duty, non-pay status; but, with the employee's consent, he or she may be carried on appropriate leave.

17.7 REQUEST FOR CONTINUATION. If the employee requests a continuance of the date set for the employee's answer or presentation of evidence, the Management Official should consider the reason given and should, if it is

appropriate and possible, set a new date within ten (10) calendar days following service of the letter. If the decision is to effect the action originally proposed, or some action less serious, the notice must be delivered to the employee no later than fifteen (15) calendar days before the effective date of the action.

If the decision is for dismissal, then a continuance beyond the ten (10) calendar days should normally be given only on a showing that the employee is seriously ill or that a necessary witness or other evidence is unavailable because of conditions beyond the employee's control. Confinement in jail is not considered such a condition and the presentation on behalf of the employee who is in jail should proceed as scheduled, with a representative of the employee making the presentation on his or her behalf.

The employee may never receive back pay for the time periods covered by continuances requested by the employee.

17.8 NOTICE OF DECISION. The employee must be given a dated and written notice of decision by Management Officials within five (5) calendar days after the answer or presentation by, or on behalf of, the employee. If no answer or presentation is made, then the decision must be made within five (5) calendar days after such was due.

PART 18 EMPLOYEE APPEALS

18.1 APPLICATION FOR APPEAL. When the decision is for dismissal, demotion, or suspension of more than three (3) working days, the employee may file an appeal within fifteen (15) working days of the delivery of the decision. The appeal application must give the employee's reasons for contesting the Adverse Action, and it should also include a request for a hearing, if the employee so desires. The appeal must be in writing and addressed to the Personnel Review Board and delivered personally or by registered mail to the Assistant to Governor, Office of Human Resources.

Employees located in the outer islands must also meet the fifteen (15) days period for filing an appeal. This can be accomplished by submitting the written appeal to the Chief Magistrate or the Community Court Judge, who shall certify the date of presentation. The employee shall then mail the appeal letter to the Assistant to Governor, Office of Human Resources.

The Personnel Review Board hearing shall be held within fifteen (15) calendar days after the Assistant to Governor, OHR receives the appeal request.

18.2 RIGHTS OF THE PARTIES. In any appeal, the appellant employee and the Management Official have certain rights which shall not be denied.

a. Right to a Hearing: Upon filing of an appeal by an employee, both the responsible Management Official and the employee are entitled to a full and fair hearing before the Personnel Review Board, to present evidence, and to be represented by counsel.

b. Only one hearing shall be held unless the Personnel Review Board determines that unusual circumstances require a second hearing.

c. It should be noted that the hearing provided by this Part is separate and distinct from the employee's answer and presentation of evidence in response to a letter of proposed Adverse Action. Any evidence may be presented at the hearing which the Board allows that bears on the issue of whether the Advers Action taken was justified and proper.

18.3 DENIAL OF HEARING. The Personnel Review Board may make its determination to deny a hearing on the appeal when a hearing is impractical by reasons of unusual location or other extraordinary circumstances. In this event, the Personnel Review Board must notify both parties in writing of the reason(s) for denying a hearing.

If the Personnel Review Board determines that no hearing is reasonably possible, the Management Official and the employee will be notified to submit, in writing, any additional evidence they desire to present on the issues so that a decision may be made on the record without a hearing.

18.4 FREEDOM FROM REPRISAL OR INTERFERENCE. Any employee and his representative must be free to use the hearing system without restraint, interference, coercion, discrimination, or reprisal. An employee, whether acting in an official capacity for the government or on any basis, must not interfere with or attempt to interfere with, another employee's exercise of his or her rights under this Part.

To be fully effective, the spirit, as well as the letter of this requirement, must be enforced. It is not enough for an official to refrain from overt threats or interference. The official must also refrain from making any statement or taking any action that has the appearance of a threat, interference, or intimidation.

18.5 EMPLOYEE REPRESENTATION. An employee has the right to present an appeal without representation. The employee also has the right to be accompanied, represented, and advised by a representative of his or her choice, at any state in the proceedings.

An employee may change his or her representative, but to do so, must notify the Personnel Review Board, in writing, of the change. The employee may select another government employee as his or her representative provided that such employee is willing to accept the task. In addition, the representative must be free to do so; that is, not be disqualified because of a conflict of position or unavailability to serve in that capacity because of priority needs of the service, or unreasonable cost to the government

as determined by the Assistant to the Governor. The employee is free to select as his representative anyone outside the government service, but wholly at the employee's own expense.

18.6 PREPARATION FOR APPEAL. An employee is entitled to a reasonable amount of official time to prepare his or her appeal while otherwise on active duty status. If an employee's representative is a government employee, then he or she is also entitled to a reasonable amount of official time to prepare the appeal, if otherwise on active duty status. The appropriate official shall determine the reasonable amount of official time that is to be granted and shall inform the supervisors of both the appellant and the representative.

The time to be allowed must necessarily depend on the facts and circumstances of each case; the number and nature of the reasons stated in the letter of decision; the volume of supporting evidence; the availability of witnesses; and similar considerations. If preparation requires more time than was originally considered reasonable, the employee or representative may request additional time, and must explain fully why more time is needed. The appropriate Management Official will determine if the request is reasonable and if it should be granted; and, if granted, will make necessary arrangements.

18.7 APPEAL FILE. When an employee files an appeal from Adverse Action with the Personnel Review Board, the Division of Personnel must establish and maintain an appeal file containing all available and pertinent documents. In addition, the division must immediately forward copies of all documents to the Personnel Review Board. The employee appeal file is independent, separate and distinct from the Official Personnel File (OPF).

Included in the appeal file:

- a. A copy of the letter of proposed action.
- b. The material relied on by the Management Official to support the reasons listed in the letter of proposed action.
- c. The employee's written answer, if any.
- d. Copies of documents presented as evidence.
- e. A copy of the letter of decision.
- f. The employee's written notice of appeal.
- g. Any pertinent evidence developed after issuance of the letter of proposed Adverse Action.
- h. The reasons for not granting a hearing when one is requested but not granted.
- i. The transcript of the Personnel Review Board hearing when a hearing is held.
- j. A copy of the notice of decision of the Personnel Review Board.

18.8 STATUS OF EMPLOYEE DURING THE APPEAL. If an employee appeals a Management Official's decision given in accordance with Adverse Action procedures, that decision shall remain in effect until the Personnel Review Board's decision on the appeal.

18.9 DECISION OF THE HEARING PANEL. Seven (7) calendar days after the close of the hearing or the receipt of the written final summation by the parties (which must be delivered within three (3) days after the end of the hearing), the Personnel Review Board shall deliver a written statement of its findings of fact and its recommendations concerning the Adverse Action that was appealed.

The Personnel Review Board shall deliver this statement, with supporting documentation as it deems appropriate, to the highest Management Official responsible for the agency or department in which the appellant is, or was, employed, along with two signed copies to the Chief of Personnel, one for the Appeal File and one to be delivered to the appellant.

If the Personnel Review Board does not submit its written findings within seven (7) days, then the Management decision of Adverse Action shall be upheld.

18.10 STANDARD OF REVIEW. The Personnel Review Board must uphold the Management decision unless it finds that the facts on which the Adverse Action was based are clearly erroneous.

If the Management decision was based on a correct view of the facts, and if the Adverse Action will have a tendency to promote the efficiency of the Public Service, then the Management decision must be upheld.

PART 19 BENEFITS AND ALLOWANCES

19.1 PURPOSE. The purpose of this part is to explain the benefits and allowances that are given or available to the employees of Pohnpei State Government.

19.2 GENERAL. In addition to the employees' salaries, the following benefits are provided or available to all employees of the Pohnpei State Government.

19.3 SOCIAL SECURITY. Employees of Pohnpei State Government are eligible for social security benefit under the FSM Social Security System. The State provides the employees' share of the contribution to the system. The program provides for old age (60 years or older), disability, and survivors benefits.

The Office of Personnel, Human Resources assists employees who retire or are disabled and their survivors in processing their benefits with the FSM Social Security Office.

19.4 PRIOR SERVICE. Employees who were in government service five (5) or more years cumulatively prior to 1968 are eligible for prior service benefit upon retirement at age 60, disability or deceased.

19.5 WORKMAN'S COMPENSATION. This benefit is provided to all employees of the Pohnpei State Government for duty-connected illness or injury.

19.6 OPTIONAL BENEFITS. The Pohnpei State Government shall make available the following benefits to all employees:

19.6.1 Group Life Insurance. This benefit is available to all employees who are employed for more than ninety (90) days and who work at least twenty (20) hours per week.

19.6.2 Group Health Insurance. Group health insurance is available to all employees who are employed for more than ninety (90) days and who work at least twenty (20) hours per week.

19.7 RETIREMENT PLAN. The Pohnpei State Government shall develop a retirement plan for its employees.

19.8 TRANSFER ALLOWANCE. This allowance is given to an employee recruited or transferred beyond commuting distance from his place of permanent residence for work elsewhere. The allowance is equal to per diem at the established rate for the new duty station for a period not exceeding thirty days from the date of entry into the new duty station. The transfer allowance does not cover persons employed on a local hire basis, or any positions and appointments of a temporary nature, as defined by the regulations.

Transfer allowance for additional dependents joining the employee after one year from the date of arrival at the new duty station will be made only in unusual cases where it can be substantiated that such additional dependents could not have joined the employee earlier because of reasons of extreme hardship, health, completion of a school term, or similar reasons which provide clear evidence that earlier travel was impossible.

For the purpose of these regulations, "dependents" are restricted to the following:

- a. Spouse;
- b. Dependent parents of the employee or spouse;
- c. All dependent unmarried children, no age restriction, who because of a physical or mental handicap are unable to support themselves; and
- d. All dependent unmarried children, under the age of 21, of either employee or spouse.

bedroom - \$150.00
bathroom - \$125.00
kitchen - \$100.00
studio - \$75.00

19.9 TEMPORARY HOUSING ALLOWANCE. When an employee is transferred to a new duty station where housing is not immediately available, the employee may be paid a temporary housing allowance, pending occupation of quarters, for a period not to exceed sixty days and at the rate the government uses in leasing its houses. However, an employee cannot receive housing allowance and per diem at the same time.

19.10 EXTENDED EMPLOYMENT BENEFITS. The following benefits are applicable to employees who are recruited from outside of Pohnpei State to work for the Pohnpei State Government. The benefits may be added to the employee's contract as needed for recruitment incentive and employee retention.

19.10.1 Housing. The State shall provide housing for full-time employees during the terms of their contracts. When State housing is assigned, the employee must comply with all housing rules and regulations, pay a security deposit and, if applicable make timely payments of rent and utilities.

19.10.2 Transportation. The State shall provide transportation from point of hire to the duty station by the simplest, most economical, and most direct route for the full-time employee, spouse, and dependents. The State shall provide return transportation from the duty station to the point of hire by the simplest, most economical, and most direct route for the same employee, spouse and dependents at the termination of the final contract.

19.10.3 Household Effects. The State shall provide shipment of household effects from the point of hire to the duty station and return by the simplest most economical, and most direct route according to the following formula:

Single Employee	1,500 lbs net weight
Employee with spouse and dependents	2,500 lbs net weight

There are no restrictions, except as provided by laws, rules and regulations of the shipping company on what may be transported. Expense incurred by reasons of excess poundage and insurance must be born by the employee. Only one shipment per employee is allowed. Transportation for automobiles and boats may be covered but all duties, taxes, and related expense must be born by the employee.

A 200-pound air freight shipment of necessary items prior to the arrival of the shipment of the household effects is allowed for employee with dependent and 100-pound air freight shipment for single employee.

PART 20
HOURS OF WORK

- 20.1 STANDARD HOURS. The standard working hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays, with one hour midday break. Reasonable steps shall be taken to stagger the midday break so that some member of the staff is on duty at all times at minimum, to answer the telephone.
- 20.2 DEVIATION FROM STANDARD HOURS. The head of each department, office, and other executive agency having public service employees may establish or vary the standard working hours, but only when the specific situation or job requirement necessitates such deviation. Personal convenience or preference shall not be adequate grounds for deviation.
- 20.3 ACCOUNTABILITY. The head of each department, office and other executive agency having public service employees shall be responsible for maintaining a reliable system for monitoring the times and hours of work of each public service employee.