



SECRETARIAT OF THE PACIFIC REGIONAL ENVIRONMENT PROGRAMME

STAFF REGULATIONS

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REGULATION 1 SCOPE AND APPLICATION

- a) These Regulations set out the obligations and rights of the Secretariat of the Pacific Regional Environment Programme (SPREP) and its employees. These Regulations contain the broad principles of the Secretariat's staff policy. The Director General will devise, implement and enforce policy, procedures and processes consistent with these Staff Regulations.
- b) These Regulations are to be construed and interpreted according to the Laws of Samoa. In cases of conflict or silence, the latter will prevail.

REGULATION 2 DEFINITIONS

"allowances" means remuneration other than salary but does not include money received to meet expenses incurred by an employee in the course of duty.

"CROP" means the Council of Regional Organisations in the Pacific.

"dependant" means the spouse and legally and financially dependent children of an employee.

"dependent child" means an employee's unmarried, legally and financially dependent, natural or legally adopted child who is: (i) under the age of 16 years; or (ii) under the age of 19 years if undertaking full-time study at a secondary school; or (iii) under the age of 25 years if enrolled and undertaking full-time study at a university or other tertiary institution; or (iv) mentally or physically incapacitated.

"Director General" means the Director General of SPREP

"employee" is a general term which refers to staff engaged under an employment contract with the Secretariat

"establishment" means employee positions approved by the SPREP Meeting.

"expatriate" means an Employee in a Position Advertised Internationally (EPAI), who is not a citizen or permanent resident of Samoa and resides in Samoa only by virtue of employment with the Secretariat.

"local" means an employee who is not an expatriate.

"EPAI" means Employees in Positions Advertised Internationally

"EPAL" means Employees in Positions Advertised Locally

"immediate family members" means spouse, children, parents, brothers and sisters of the employee

"internationally" as it applies to recruitment, means global market including all SPREP Members and Samoa

"recognised home" means the place agreed to between the employee and the Secretariat as the employee's home

"salary" means the basic annual rate of pay for the job which is specified in the Secretariat's salary scale.

"SPREP" means the Secretariat of the Pacific Regional Environment Programme.

"SPREP Meeting" means the governing organ of SPREP established under Article 1 and described in Article 3 of the Agreement Establishing SPREP (1993).

"staff" is a general term which includes employees and individuals assigned to the Secretariat from or under arrangements with other organisations

"Young Professional" means an individual national of a Pacific Island country or territory under the age of 32 engaged in a short-term employment contract with the Secretariat.

REGULATION 3 STATUS OF STAFF

- a) Employees are international civil servants. Their responsibilities as employees are not national but exclusively international.
- b) Employees shall make the following written declaration witnessed by the Director General or his or her authorised representative:

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

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

- c) The Director General is responsible for the proper functioning of the Secretariat and shall ensure that the rights and duties of all employees, as set out in these Regulations and in related policies, procedures and instructions, are respected and consistently applied.
- d) The Director General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be securing employees of the highest standards of competence, integrity and efficiency.
- e) The Regulations apply to all Secretariat employees and where appropriate, to the Director General.

REGULATION 4 PRIVILEGES AND IMMUNITIES

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

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

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

REGULATION 5

GENERAL RIGHTS AND OBLIGATIONS

- a) All employees are subject to the authority of the Director General. In exercising this authority, the Director General shall seek to ensure that necessary safety and security arrangements are made for employees carrying out the responsibilities entrusted to them.
- b) In the performance of their duties, no employee shall seek or accept instructions from any Government or from any other source external to the organisation.
- c) By accepting appointment, all employees are bound to discharge their functions and regulate their conduct with the interests of the Secretariat only in view.
- d) While employees' personal views and convictions, including their political and religious convictions, remain inviolable, all employees shall ensure that those views and convictions do not adversely affect their official duties or the interests of the Secretariat. Employees shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the Secretariat. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on the status of the Secretariat, or on the integrity, independence and impartiality required by that status.
- e) All employees shall observe the Values and Code of Conduct established by the Secretariat. These may be revised from time to time to reflect expected level of behavior.
- f) Employees shall not use their office for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favour. Employees shall not use their office for personal reasons to prejudice persons they do not favour.
- g) Employees shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants.
- h) Employees shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorisation of the Director General. These obligations do not cease on completion of service.

Honours, Gifts or Remuneration

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

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

Conflict of Interest

- k) Employees shall not be actively associated with the management of, or hold a financial interest in, any profit-making business or other concern that may influence the discharge of their duties and may bring into question the integrity and impartiality of the employee and the Secretariat.

Outside Employment and Activities

- l) Employees shall not engage in any outside occupation or employment, whether remunerated or not, without the express approval of the Director General.
- m) The Director General may authorise an employee to engage in an outside occupation or employment, whether remunerated or not, if:
 - i. The outside occupation or employment does not conflict with the employee's official functions or status as an international civil servant;
 - ii. The outside occupation or employment is not against the interests of the Secretariat;
 - iii. The outside occupation or employment is permitted by local law wherever it occurs.

Use of the Secretariat's Property

- n) Employees shall use the property and assets of the Secretariat only for official purposes and shall exercise reasonable care when utilising such property or assets.
- o) Employees must respond fully to requests for information from other employees and individuals authorised to investigate the possible misuse of funds, waste or abuse.

REGULATION 6 APPOINTMENTS

Director General

- a) The Director General is appointed by the SPREP Meeting under such terms and conditions as it determines:
 - i. When the position of Director General is vacant, the Director General's functions and powers shall be exercised according to the instructions of the Chairperson of the SPREP Meeting and in the absence of such instructions, by the Deputy Director General.
 - ii. When the Director General is absent from Headquarters, the Deputy Director General shall be designated to act as Director General. In the event that both are absent, an officer of the Director General's choice shall be designated Officer-in-Charge.

Employees

- b) The power of appointment rests with the Director General.

- c) When appointing employees, the Director General shall comply with the Staff Regulations, Recruitment & Selection and Remuneration policies and procedures.

Appointment Policy

- d) The Secretariat shall recruit from the following markets unless there are specific agreements with donors and funding agencies. In those circumstances, the Director General shall apply discretion:
 - i. EPALs - international market.
 - ii. EPALs - local market, appointments are open to permanent residents of Samoa only.
 - iii. Young Professionals - Pacific Island member countries and territories
- e) The Director General will ensure that a robust and transparent recruitment process is followed and that selection shall be solely on the grounds of merit. The most important criteria shall be the required qualifications, skills, experience, competence and personal integrity of candidates.
- f) Men and women are equally eligible for all positions in the Secretariat.
- g) In selecting employees, the Director General shall give due consideration to the nationals of SPREP Pacific island member countries and territories, and to the desirability of obtaining equitable national representation.
- h) When two applicants for an EPAL position are rated equally suitable on merit based criteria, and one is a Secretariat employee, preference shall be given to the existing employee.
- i) An appointment is only valid when an offer of employment is signed by the Director General or Deputy Director General and the appointee, outlining the position duties and terms and conditions of employment.
- j) An appointment may be:
 - i. Temporary: Usually made to replace an employee who has left the Secretariat at short notice or is on long term leave or where there is a need for specific “one-off” duties. Appointment should not exceed a period of six months.
 - ii. Fixed Term: A fixed term appointment shall not exceed a maximum of three years.
 - iii. Short term: A short term appointment is for any period less than three years and is subject to such terms and conditions as the Director General determines depending on the needs of the Secretariat and availability of funding.
- k) A fixed term appointment of an EPAL is renewable after every three years subject to the needs of the Secretariat, funding availability and the employee’s work performance.

Six Year Rule

- l) A fixed term appointment of an EPAL is renewable after the first three years subject to the needs of the Secretariat, funding availability and the employee’s work performance.
- m) When an aggregate period of six years has been served by an EPAL, that position will be re-advertised internationally. The incumbent is eligible to apply and the Director General can reappoint the incumbent based on the merit based recruitment and selection process, provided a report is made to the next SPREP Meeting.
- n) Where the incumbent is successful in regaining his or her position, the appointment will be for a term set by the Director General based on the Secretariat needs and funding availability and will be advertised

after 3 years, and so on, for as long as the incumbent is successfully reappointed on consecutive applications. At each advertisement, the incumbent will be eligible to apply and to be reappointed based on a transparent, rigorous and merit based process.

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

Starting Dates

- p) An EPAI recruited from outside of Samoa starts from the date of leaving point of recruitment to take up appointment with the Secretariat.
- q) EPAIs recruited from Samoa and all EPALs start from the date of taking up appointment with the Secretariat.

Conditions Of Appointment

- r) The length, terms and conditions of appointment may be varied by the mutual agreement in writing of the Director General and employee.
- s) Appointment is provisional until confirmed. This is subject to a satisfactory medical examination by a recognised medical practitioner and satisfactory completion of a probationary period.
- t) The probationary period is 6 months which may be extended or reduced by the Director General. At the end of the probationary period the Director General may:
 - i. confirm the appointment;
 - ii. extend the probationary period; or
 - iii. terminate the appointment.

REGULATION 7 REMUNERATION

- a) The Remuneration Regulations outline the principles governing the terms and conditions of employment at the Secretariat. These governing principles are determined by the SPREP Meeting and they outline the mutual rights and obligations of the Secretariat and its employees.
- b) These remuneration principles are established in line with the CROP Harmonisation principles to ensure the Secretariat provides a fair, equitable and competitive remuneration package. The Director General will devise, implement and enforce policies, procedures and processes consistent with these Remuneration Regulations.
- c) To be most effective in practice, the CROP Harmonisation Principles should be seen as a flexible guideline for participating CROP agencies rather than a set of rules that must be rigidly applied. Harmonised positions should be the starting point for the Secretariat, and wherever possible should be adhered to. Where harmonisation cannot meet the requirements of the Secretariat, other options may be explored. The Secretariat will choose its own mode of implementation of the agreed harmonised principles based on its own particular situation. The Director General will report to the SPREP Meeting any deviation from the common CROP practice and the reason(s) for such a deviation.
- d) These Regulations apply to all Employees of the Secretariat who are engaged under a Secretariat employment contract. These Regulations do not apply to individuals who are not employees of the

Secretariat but engaged or assigned to the Secretariat under other arrangements e.g. secondments from other organisations, independent contractors, attachments, volunteers or consultants.

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

Remuneration Principles

- f) The Secretariat is committed to a performance-based remuneration policy which is related to the relevant reference markets and is affordable for the Secretariat. It will employ a remuneration system that is robust, fair, competitive and allows for the recruitment and retention of talented, skilled and motivated people, who are focused and committed to the vision of the Members and delivery of the Secretariat's Strategic Plan. The Secretariat will ensure that the system is equitable to both the Members and to employees.
- g) The Secretariat's reward and recognition system will have the active support and commitment of employees, management and Members, will be open and transparent, and easy to understand and administer. Furthermore, the systems will be consistently applied, flexible, affordable and related to the relevant markets, with pay being directly linked to performance.
- h) Annual remuneration review is directly linked to performance.

SALARY SCALES

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

Employees in Positions Advertised Internationally (EPAI)

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

Special Drawing Rights

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

Stabilisation Mechanism

- iii. The Stabilisation Mechanism is a floor and a ceiling, which provides the boundaries between which EPAI salaries will be paid.
- iv. The boundaries are a floor and ceiling set at 5% above and below a reference point.
- v. The reference point is the average SDR exchange rate of the twelve months to December of the previous year, which is recalculated annually to apply from 1 January.
- vi. If the SDR exchange rate used to calculate salaries falls below the floor, the floor rate is used to calculate salaries, and if the actual rate rises above the ceiling, then the ceiling rate will be used.

Employees in Positions Advertised Locally (EPAL)

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

- i. EPAL salary scales are based on 10% above the upper quartile of the Apia Employment Market.
- ii. Salaries are denominated in local currency, Samoan Tala, and are paid on a fortnightly basis.

SALARIES

Job Evaluation

- k) All Secretariat positions will be job sized to determine which band in the Secretariat's salary scales the position will be placed. The Job Evaluation methodology to be used will be the one adopted by the CROP Agencies. Where possible, the evaluation shall be conducted or verified by an independent party.
- l) Job Evaluation is a methodology adopted by the Secretariat to evaluate the value of a job based on the needs of the Secretariat. It is not an evaluation of the job holder's skills and experience or performance.

Salary Progressions

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

REGULATION 8 PERFORMANCE DEVELOPMENT

- a) All Secretariat employees shall be subject to a robust and transparent Performance Development System which includes regular performance appraisals and feedback.
- b) The Director General shall ensure that the Performance Development System is in line with best practices, is well documented, understood and implemented. The system should focus on development and appropriate reward of high performers and have specific measures to deal with poor performers.

Learning and Development

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

REGULATION 9 ALLOWANCES AND OTHER ENTITLEMENTS

DIRECTOR GENERAL

Representational Allowance

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

Accommodation and Utilities Allowance

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

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

Domestic Allowance

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

DEPUTY DIRECTOR GENERAL

Representational Allowance

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

FOR EPAIs RECRUITED FROM OUTSIDE SAMOA

Relocation and Repatriation Expenses:

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

Travel

- i. The Secretariat will provide economy air travel and accommodation en-route by the most direct and/or most economical route or fare. For the Director General and dependants, travel is on business class.
- ii. In exceptional circumstances, the Director General has discretion, after taking family circumstances into account, to extend this travel to include dependants who arrive within six months of the start of appointment or leave within one month of termination.

Removal Expenses

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

Establishment Grant

- iv. To assist with establishment expenses, the Secretariat will provide an establishment grant upon arrival in Apia. This grant shall be reviewed regularly based on independent advice on local market conditions and is will be outlined in the Remuneration Policy

Temporary Accommodation

- v. The Secretariat will cover accommodation at a suitable hotel or other fully furnished accommodation for up to six working days or such other period, up to a maximum of twelve working days, as the Director General considers reasonable in the circumstances. EPAIs will not be paid housing assistance for the period when temporary accommodation costs are met by the Secretariat.

SPREP Assistance

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

Repatriation Allowance

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

Ineligibility

- viii. The entitlements prescribed in Regulation 9(f) do not apply and, at the Director General's discretion, may be withheld in whole or in part if all or part of the expenses are met from some other source; or (within 12 months of appointment the staff member resigns appointment under Regulation 11 (a)(ii) - (iii) or is dismissed under Regulation 12(b) (iv) - (v).

FAMILY PROVISIONS

Home Leave

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

School holiday travel

- h) One return economy class flight each year between place of education and Apia by:
 - i. Each dependent child being educated outside Samoa; or
 - ii. One travel per staff member per annum for the staff member or spouse to visit the child, providing the journey is not made within the final six months of the contract.
 - iii. For the purposes of this subsection the "place of education" is taken to be the recognised home.

FOR ALL EPAIs

Cost of Living Differential Allowance

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

Education Allowance

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

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

Housing Allowance

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

Security Allowance

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

FOR ALL EPALs

Overtime

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

Overtime Rates of Pay

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

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

Meal Allowance

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

Transport Assistance

- iii. EPALs required to work more than one hour's overtime on a normal working day shall be:
- taken home by the Secretariat transport, if it is available, and if not, by taxi at the Secretariat's expense, or
 - is entitled to an allowance equivalent to prevailing public transport rates.
- iv. EPALs required to work overtime on weekends or public holidays shall be;
- taken to and from work by the Secretariat transport, if it is available, and if not, by taxi at the Secretariat's expense: or
 - entitled to claim an allowance equivalent to prevailing public transport rates.

Gratuity Payment

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

FOR ALL EMPLOYEES

Medical Insurance

- p) All employees and their dependants will have all reasonable medical, dental and optical expenses covered under the Secretariat's medical scheme. An employee may take out additional cover at their own cost.

Life and Personal Accident Insurance

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

Superannuation

- r) EPAs who are nationals of Samoa and all EPAs are required to contribute to the Samoa National Provident Fund (SNPF).
- s) The Secretariat will make a contribution to the SNPF equivalent to seven percent of base salary. Should the minimum legal requirement for contributions payable by Samoan nationals to the SNPF is increased to exceed seven percent of base salary, the Secretariat shall make a contribution to the SNPF equal to such minimum legal requirement for contributions.
- t) An EPA who is not a Samoan national will receive a payment of seven percent of base salary. Should the minimum legal requirement for contributions payable by Samoan nationals to the SNPF is increased to exceed seven percent of base salary, the Secretariat shall make a payment equal to such minimum legal requirement for contributions to the SNPF.

Higher and Extra Duties Allowances

- u) An employee may be required by the Director General to undertake the duties of a senior or other position, from time to time, whether or not the circumstances justify higher or additional pay.
- v) The Director General may consider a payment of a Higher and Extra Duties Allowance to an employee who carries out the full duties of another higher graded position or other extra duties in line with the Higher and Extra Duties policy.

REGULATION 10 LEAVE AND HOLIDAYS

- a) The Secretariat will provide Employees with reasonable leave provisions for recuperation, recreation and other personal commitments.
- b) Leave year begins from the date of appointment.
- c) All Samoan public holidays shall be observed by all employees of the Secretariat unless the Director General decides otherwise.

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

Annual Leave

- e) EPALs are entitled to 25 days Annual Leave per annum.
- f) EPALs are entitled to Annual Leave per annum in accordance with the following schedule:

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

- g) Annual Leave may be accrued up to a maximum of 50 working days for the duration of a fixed term contract.
- h) If a Samoan public holiday or a holiday declared by the Director General is observed on a normal working day while an employee is on annual leave or on duty travel, that day shall be added to their entitlement. The Secretariat will only pay salary in lieu of unutilised leave at the end of a contract. Cases involving dismissal under Regulation 12(b)(iv)-(v) will not receive salary in lieu of unutilised leave.

Sick Leave

- i) All Employees are entitled to 30 days Sick Leave per annum.
- j) Sick Leave may be accrued up to a maximum of 90 working days for the duration of a fixed term contract. If a Samoan public holiday or a holiday declared by the Director General is observed on a normal working day while an employee is on sick leave, that day shall not be added to their entitlement.
- k) The Secretariat will not make any salary payment in lieu of untaken sick leave at the end of a fixed term contract.
- l) A Medical Certificate must be produced if an Employee's absence from the office is more than 2 consecutive days.
- m) A maximum of 6 days per annum may be taken as uncertified sick leave. Uncertified sick leave is for cases where the employee is away sick for two days or less.
- n) The Director General may at any time withdraw the dispensation from the requirement to furnish a medical certificate, or require an employee to undergo a medical examination from a designated medical practitioner, when certified sick leave appears to be excessive.
- o) If an employee falls sick while on annual leave and produces a medical certificate to that effect, the period of sickness shall be recorded as sick not annual leave.
- p) Sick leave may not be used by a staff member to meet his or her extended family responsibilities, or for any reason other than personal sickness of the employee.

Other Leave

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

Maternity Leave

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

Paternity Leave

- r) For all male Employees. Five working days per situation.

Compassionate

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

Examination Leave

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

Special Leave Without Pay

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

REGULATION 11 CESSATION OF EMPLOYMENT

- a) An appointment may be terminated when:
 - i. a contract reaches the end of its term without being renewed or extended;
 - ii. either the Secretariat or the employee gives to the other one month's notice in writing; or
 - iii. without notice, either the Secretariat or the employee paying to the other one month's salary in lieu of notice;
 - iv. an employee is dismissed with or without notice as a disciplinary measure.

Certificate of Service

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

Retention of Pay

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

Redundancy

- d) The Director General may terminate the appointment of any employee, prior to completion of their contract term of service, if, in their judgment, the needs of the Secretariat have changed and therefore the position is no longer required.
- e) Where the Director General terminates the appointment of an employee because of this Regulation, the Secretariat shall give at least one month's notice and pay an indemnity of salary and allowances to the employee concerned according to the following schedule:

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

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

REGULATION 12 DISCIPLINE

Offences

- a) An employee commits an offence who:
- Willfully disobeys a lawful order of the Director General or of any other officer to whom the employee is formally responsible;
 - Willfully disregards the Staff Regulations;
 - Is negligent, inefficient or incompetent in the exercise of his or her duties;
 - Willfully acts without regard to the Secretariat's interests;
 - Behaves disgracefully or improperly either in an official capacity or otherwise; or
 - Steals or misappropriates the funds or property of the Secretariat.

Penalties

- b) The Director General may discipline an employee found guilty of an offence by:
- An official reprimand;
 - A fine not exceeding 14 days' salary;
 - Demotion to a lower step in the band of the offender's position;
 - Dismissal with notice under Regulation 11(a)(iv); or

- v. If the offence is theft or misappropriation of the Secretariat's funds or property, by summary dismissal without notice.

Procedures

- c) No employee suspected of committing an offence shall be penalised under Regulation 12(b) unless guilt is confirmed by:
 - i. The employee's own admission; or
 - ii. The outcome of criminal proceedings; or
 - iii. The findings of an internal inquiry conducted as soon as practicable by the Director General (or in his or her absence by the Deputy Director General) and two other employees, one of whom may be nominated by the suspected employee.

Suspension

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

REGULATION 13 GENERAL

Normal Hours of Work

- a) The Director General has the right to call upon the services of employees to the extent considered reasonable.
- b) Normal office hours are 8 am to 12 noon and 1 pm to 4.35 pm Monday to Friday, making a total of 37 hours 55 minutes per week.

Documentation

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

REGULATION 14 AMENDMENT TO STAFF REGULATIONS

- a) The Director General is authorised to make changes to these Staff Regulations subject to advice to the SPREP Meeting on these amendments where there are no significant financial implications. Any changes to these Staff Regulations that have significant financial impacts shall be approved by the SPREP Meeting.