



PUBLIC SERVICE REGULATIONS

OF THE

REPUBLIC OF THE MARSHALL ISLANDS

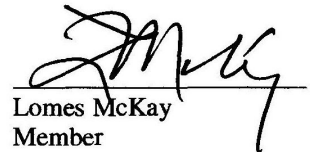
September 2008


Revised: September, 2008

Pursuant to Article VII of the Constitution of the Republic of the Marshall Islands as well as the provisions of MIRC Title 5 Chapter 1 section 2, the Public Service Commission hereby adopts these Regulations to supersede all previous publications.

In witness whereof, we hereby place our signature this _____ day of _____, 2008.

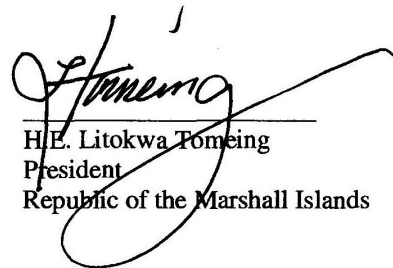

Cent Langidrik
Chairman
Public Service Commission


Lomes McKay
Member
Public Service Commission


Raynard Gideon
Member
Public Service Commission

Pursuant to Article VII of the Constitution of the Republic of the Marshall Islands as well as the provisions of MIRC Title 5 Chapter 1 section 2, the Cabinet approved the above Regulations.

In witness whereof, I hereby place my signature this 16th day of March, 2008.


H.E. Litokwa Tomeing
President
Republic of the Marshall Islands

PUBLIC SERVICE REGULATIONS

Pursuant to the Constitution of the Republic of the Marshall Islands and Title 5 MIRC Section 2(a) of the Public Service Commission Act, the Public Service Commission, with the approval of Cabinet, hereby makes the following regulations:

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REGULATIONS

1. Title and commencement

- (1) These regulations may be cited as the Marshall Islands Public Service Regulations.
- (2) These regulations which became effective on the 1st day of April, 2008 supersedes all other prior Public Service Regulations.

2. Interpretation

- (1) Unless otherwise indicated by the context, words used in these regulations mean the following:

“Act” means Title 5 MIRC the Public Service Commission Act, 1979.

“Casual worker” means a person engaged pursuant to the provisions of Part IX of these regulations.

“Chief Secretary” means the Chief Secretary established pursuant to Article VII of the Constitution of the Republic of the Marshall Islands.

“Commission” means the Public Service Commission established pursuant to Article VII of the Constitution of the Republic of the Marshall Islands.

“Contract Employee” means a person employed under a contract of service under regulation 25 of these regulations.

“Constitution” means the Constitution of the Republic of the Marshall Islands.

“Controlling Officer”, in relation to any employee, means the person who is for the time being in charge of that employee and authorized to require him to do or abstain from doing any act or thing in relation to his duties and conduct.

“Department” means each separate organization of the Service established as such by Act or by the Constitution.

“Employee” means a person employed in the Service, whether as an officer, probationer, contract employee, or temporary employee; but does not include a person engaged as a casual worker.

“Head of Department” means the Secretary or specified Public Service or other Officer responsible for the proper management of the Ministry and accountable to the Minister primarily responsible.

“Instructions” means instructions issued by the Commission pursuant to the Constitution, the Act and regulation 3 of these regulations.

“Minister Primarily Responsible” means the member of the Cabinet to whom a Ministry or office is allocated under Article V, Section 5 of the Constitution.

“Ministry” means each separate department, office or organization described or established as such by the Constitution, by Act, or by Cabinet.

“Officer” means an employee other than a probationer, a contract employee, or a temporary employee.

“Office Circular” means the Public Service Official Circular, issued by the Commission.

“Permanent Staff” means the employees of the Republic of the Marshall Islands Public Service other than contract employees, temporary employees and casual workers.

“Probationer” means an employee on probation in accordance with regulation 21 of these regulations.

“Quarters” means any premises made available to an employee by the Government for use as a residence; and includes any area of land occupied in conjunction with the residence.

“Service” means the Republic of the Marshall Islands Public Service established pursuant to Article VII of the Constitution.

“Temporary Employee” means any employee engaged in a temporary capacity under Regulations 24 and 26 of these regulations.

- (2) Subject to subclause (1) of this regulation, expressions used in these regulations shall have the same meanings as they have in the Constitution, the Republic of the Marshall Revised Code, or the Act. Where the male personal pronoun or possessive is used, it refers equally to male and female employees.

PART I – GENERAL PROVISIONS

3. Instructions

- (1) These Regulations implement the provisions of the Constitution and the Public Service Commission Act of the Republic of the Marshall Islands, and subsequent amendments thereto, which establish a Public Service of the Government of the Republic of the Marshall Islands. It also identifies the functions and powers of the Public Service Commission which will be the employing authority for the Public Service and will have the general oversight and control of its organization and management and will be responsible for reviewing the efficiency and economy of all departments and offices of Government.

Subject to any Law, the Public Service Commission may prescribe and determine the condition of employment of employees of the Public Service and will have such other functions and powers as may be conferred on it by or pursuant to Act.

The Public Service Commission Act, in part, empowers the Public Service Commission – “To adopt and enforce all regulations necessary to execute its powers and duties under the Constitution and granted to it by Act.”

In addition to the direction given to the Public Service Commission by the Constitution with regard to appointments, decisions and conditions within the Public Service, the Commission will also act as a totally neutral body, and will not allow any prejudice or outside influence to interfere with its action. Because of unique community relations, particular emphasis must be placed on avoiding the influence of political, religious, social and family ties.

- (2) Instructions may be published in Commission Circulars or in such other manner as the Commission thinks fit.
- (3) Where power is conferred on the Commission by these regulations to determine, prescribe, require or specify any matter, thing or act, the Commission may exercise the power by issuing instructions or in any other lawful manner.
- (4) The Commission may determine from time to time by instructions issued under this regulation such other conditions of employment as it thinks fit, not being conditions otherwise prescribed by these regulations.

4. Supply of copies of regulations, instructions and directions

- (1) The Commission shall cause sufficient copies of these regulations and of all instructions and written directions to be made available for perusal by employees.
- (2) It shall be the responsibility of each Head of the Department (or other duly authorized officer) to ensure that each instruction is made available to every public servant in his organization and that every controlling officer explains each instruction to his staff.

5. Employees to peruse regulations, instructions and directions

- (1) Every employee shall be deemed to have notice of –
 - (a) All instructions and directions that have been translated in Marshallese and published in the Commission Circulars; and
 - (b) All Instructions and written directions of which copies have been made available to him in accordance with regulation 4 of these regulations; and
 - (c) All other instructions and directions, the contents of which have been actually communicated to him in any other manner.
- (2) Ignorance by an employee of any instructions or directions of which he has had notice under subclause (1) of this regulation shall not excuse any breach of those instructions or directions by him.

6. Notices to employees

Where under these regulations any notice is required to be given to an employee in respect of any decision or other matter, it shall be sufficient compliance with such requirement if the notice is published in a Commission Circular or is sent to the employee by letter or telegram addressed to him at his usual place of employment, or at his last known place of abode.

7. Efficiency and economy

The Commission shall take proper measures to procure efficiency and economy in the performance by the Service of its functions, including –

- (a) The application of modern organization and management systems
- (b) The avoidance of extravagance and waste
- (c) The control of the volume of work performed
- (d) The adequate training of employees
- (e) The maintenance of a proper standard of conduct by employees
- (f) The encouragement of employees to submit suggestions for increasing the efficiency of the Service or for diminishing the volume of work and cost of the Service.

8. Inspections of ministries

- (1) The Commission may from time to time as it thinks necessary, cause any person or persons (being employed in the service or otherwise) authorized by it for the

- purpose, to inspect each or any ministry solely to determine that Ministry's efficiency and economy.
- (2) The Commission may invite a member of the Ministry or agency concerned to contribute to and take part in the inspection process.
 - (3) On completing the inspection, the person or persons making the inspection shall –
 - (a) submit to the Commission a written report on the efficiency of each ministry or part thereof inspected; and
 - (b) specify in the report any changes and measures that are considered necessary to maintain or increase the efficiency of each ministry inspected.

9. Responsibilities of Controlling Officers

- (1) Every head of the department shall be responsible for the proper management of that ministry to the Minister primarily responsible.
- (2) Every Controlling Officer in charge of a branch or section of a ministry shall be responsible to the head of his department for the proper management of that branch or section.

PART II – APPOINTMENTS, STATUS AND TENURE OF EMPLOYEES

10. Appointments to Public Service

- (1) Subject to the provisions of the Constitution, the Public Service Act, and these Regulations, all appointments to the Public Service shall be made by the Commission.
- (2) Subject to the provisions of the Constitution, the Act, and these Regulations, the Commission shall, in making appointments to the Public Service, have regard to the need to maintain and develop an efficient career service based on recruitment of applicants adequately qualified for the exacting requirements of the Service, but no appointment to the Public Service shall be made unless the Commission is satisfied that the appointment is necessary, and that the person appointed has clearly more merit for the position to be filled than any officer who is qualified and available for the position; and for the purpose of this clause merit shall be determined in accordance with Regulations 11(5) and 12 of these Regulations.
- (3) Every appointment of any person to be an officer or probationer shall be notified within the Public Service by official circular or otherwise.
- (4) Position establishment & classification:
 - (a) The Commission shall establish all positions in the Public Service with the Concurrence of the Cabinet.
 - (b) Each Ministry shall follow the procedures established by the Commission for the establishment of position.
 - (c) All positions in the Public Service shall be classified according to the classifications, levels and posts specified in Schedule One.
- (5) Notwithstanding the provisions under Regulation 10(1) and 10(2), appointments of Ambassadors and foreign service officers of the Ministry of Foreign Affairs

shall be in accordance with the Ministry of Foreign Affairs Act and regulations promulgated thereunder.

11. Appointments of Officers to vacancies

- (1) Subject to the provisions of the Constitution, the Act, and these Regulations, all appointments of officer to vacancies in the Public Service shall be made by the Commission.
- (2) The Commission shall whenever practicable announce every vacancy or prospective vacancy in an established position by Public Service Circular or in such other manner as it thinks sufficient to enable any officer qualified for appointment to make application therefore.
- (3) Notwithstanding anything in clause (2) of this regulation, the Commission may in any case fill any vacancy without having notified the same.
- (4) In the event of two (2) or more officers being available for the same position, preference shall be given to that officer who, in the opinion of the Commission, has the most merit for appointment to the position in accordance with clause (5) of this regulation.
- (5) For the purpose of these regulations and subject to regulation 12 of these regulations, the merit of an officer for promotion shall be determined by:
 - (a) Work experience and competence shown in performance of duties previously carried out by him; and
 - (b) Personal qualities, characteristics, and attributes relevant to the position to be filled; and
 - (c) Relevant educational or other qualification:
Provided that, where two or more officers who are applicants for a vacancy are adjudged to be equal in merit for promotion having regard to the matters specified in the foregoing provisions of this clause, regards shall be given to the length of continuous permanent service of each officer.
- (6) Every promotion of an officer or probationer shall be notified within the Public Service by official circular or otherwise.

12. Preference to Marshallese citizenship

Where applicants for a vacant position are of differing nationalities or citizenship, and other otherwise suitably and adequately qualified within the criteria contained in clause 5(c) of regulation 11 of these regulations, Marshallese citizenship shall be considered and taken into account as the prime criterion for appointment or promotion, as applicable, to the vacant position.

13. Announcement of vacancy

Any announcement of a vacant position shall not be made until the establishment and classification of such position has been approved, and authorized for announcement.

14. Educational qualifications for appointment

- (1) The Commission may specify a standard of education that shall be required as a minimum educational qualification or qualifications for appointment as an employee to the Service or as an employee to any specified class or classes of position in the Service.
- (2) The minimum educational qualifications required for appointment in each class or position level of the Public Service shall be as specified in Schedule Two.

15. Medical examination

The Commission may require any applicant for appointment as an employee to undergo, at his own expense or at the expense of the Commission as the Commission shall decide, a medical examination by a Medical Officer.

16. Examination of skill or aptitude of applicants for appointment

- (1) Examinations of applicants for appointment to any position may be by way of oral or written test, interview, or other means deemed appropriate by the Commission.
- (2) After review of applications for appointment to any position, the Commission may decide a form of examination of applicants is required.
- (3) If examination is deemed necessary, a suitably qualified examiner or examiners will be appointed by the Commission, and the required form of examination shall be conducted under conditions affording privacy to the examinee.
- (4) Where practicable, the identity of examinees will be kept confidential, and the results of examinations will be confidential to the examiners and to the Commission or to the Appeal Committee, where appropriate, under Regulations 75(1) of these Regulations.

17. Selection of applicants for appointment

- (1) Following receipt of all applications for appointment to a position, the Commission may appoint members to form a selection committee, whose functions shall be:
 - (a) to select from the list of applicants whose background of experience and qualification may provide sufficient competence to adequately fill the position;
 - (b) to test, examine or interview as required by the Commission those selected under (1), and to determine in its judgment the most suitable applicant to competently fill the position, within the terms of Regulation 11(5) of these Regulations;
 - (c) to recommend to the Commission, with reasons therefore, the appointment of such suitable applicant.
- (2) If the selection committee is of the opinion that none of the applicants considered can adequately carry out the functions of the position, it shall report to the Commission accordingly, with reasons, and may recommend that the position be announced or re-announced, as appropriate.

- (3) Procedures for recruitment and selection are prescribed by the Commission in Schedule Three.

18. Mode of appointment

- (1) Subject to subclause (9) of this regulation, the appointment of any employee to the Service shall not be valid unless it is made by the Commission in writing and an approved personnel action has been issued by the Commission.
- (2) The Commission shall, when making an appointment, specify the capacity in which the applicant has been appointed to the Service, and notify him accordingly. The effective date of employment shall be the beginning pay period after the signature date of the Commission on a person's personnel action.
- (3) At no time, until such notice of appointment has been given, will any applicant for a position be given by a person any indication of his status or any other information whatsoever in regard to the consideration or selection of himself or another applicant.
- (4) The Commission shall notify the Service by Commission Circular or other suitable means of every appointment or promotion in respect of which a right of appeal exists under Regulation 73 of these Regulations.
- (5) Every appointment to, or promotion in, the permanent staff shall be provisional until –
 - (a) all appeals lodged in accordance with these Regulations in respect of the appointment or promotion have been disposed of; or
 - (b) where no such appeals are lodged, the time allowed for the lodging of such appeals has expired.
- (6) The Commission may at any time cancel a provisional appointment or promotion.
- (7) A provisional appointment or promotion shall be deemed to be cancelled in those cases where the Commission gives effect to a recommendation of the Appeals Committee allowing an appeal against that appointment or promotion.
- (8) Promotions:
 - (a) For the purpose of promotions in the Public Service under this Regulation, the Commission may seek recommendation from a Selection Committee on promotions or may deal on its own with or without consultation with the Head of the Department.
 - (b) Any employee in the Public Service shall be eligible for promotion if he has completed three years of permanent service in a post or grade which is one level below the vacant post;

Provided that any employee in the following circumstances shall not be entitled to be a potential candidate for the promotion:

- (i) If suspended under regulation 71 of Public Service Regulations, during the period of each suspension.
- (ii) If penalized under regulation 70(c), (d), (e), (f) and (g) of Public Service Regulations, one year from the date of such penalties imposed.

- (c) While making recommendations for promotion to a permanent position, preference shall be given to a candidate with highest merit for promotion to the position. The merit of an employee for promotion to a position shall be determined in accordance with regulations 11 clause 5 and 12 of these regulations.
- (d) The Committee or the Commission shall evaluate a candidate's performance appraisal reports from the last three years, educational qualifications, seniority of a candidate, and other identified attributes that are relevant to the position before making recommendations or decisions for promotion to a position.
- (e) The Commission shall announce the vacancy of promotion within the Public Service. The announcement shall include the position specifications of the post to be filled by means of promotion, and the eligibility criteria for candidates to submit application to the Commission for promotion.
- (f) Notwithstanding anything contained in clause (e) of this section, the Commission may promote any employee without making such announcement.
- (g) Where it is necessary to determine the seniority of the candidates for the purpose of promotion, the following guidelines shall be considered:
 - (i) The date of appointment or promotion to present post or grade. The candidate with earliest date of appointment or promotion shall be considered senior.
 - (ii) If seniority can not be determined as per (i) above, the candidate with the earliest date of joining the Service shall be considered senior.
 - (iii) If seniority is not determined as per (i) and (ii) above, ages of the candidates may be taken into account, the oldest being the senior one.
- (9) The Public Service Commission may, during a State of Emergency, verbally appoint employees or staff to deal with urgent matters arising during such emergency. Shortage of personnel in any Ministry shall not constitute an emergency and therefore shall be subject to the procedures prescribed under subclause (1) of this regulation.

19. Permanent staff

- (1) The permanent staff of the Service shall consist of every officer and every probationer.
- (2) Subject to subclauses (3) and (4) of this Regulation, no person shall be appointed to the permanent staff if his age is less than 15 years, or retained on the permanent staff if his age more than 60 years.
- (3) The Commission may, for the efficiency of the Service and the need of the Ministry concerned, enter into a contract of service for a term not exceeding 3 years with any person who has attained the age of 60 years but less than 63 years:

Provided that the contract will be deemed to contain a provision that the contract may be terminated at any time by the Commission on account of serious misconduct of the employee but that the period of employment shall be governed in all other respects by the terms of the contract.

Provided also that the provisions of these Regulations shall apply to contract employees under this clause of in the same manner as they apply to other employees, except to the extent that they are inconsistent with this clause or with the express terms of the contract of service.

- (4) A person over 64 years shall not be retained on contract unless the Commission determines that:
- (a) this is necessary for the efficiency of the Service;
 - (b) it is in the public interest to do so; and
 - (c) the person consents to the continued employment.

Any extension of service under this provision shall be reviewed by the Commission annually.

20. Effective date of appointments and promotions

- (1) Any appointment or promotion to a position in the Service may be made with effect from a date to be specified in the instrument of appointment or promotion, whether or not that date is earlier or later than the date on which the power of appointment or promotion is exercised.
- (2) When a person is appointed or promoted to a vacant position in the Service, his salary in respect of that position shall be payable from such date as the Commission shall determine.

21. Probation

- (1) Persons appointed to the permanent staff of the Service shall normally be on probation for such period, not being less than 3 months or more than 2 years, as the Commission determines.
- (2) Notwithstanding clause (1) of this Regulation, the Commission may in any particular case determine that any person who is appointed to the permanent staff shall not be on probation.
- (3) The Commission may from time to time, by notice in writing to any probationer, extend his period of probation for any specified period not exceeding 12 months at any one time.
- (4) The Commission may at any time, in writing, confirm the appointment to the Service of any probationer or annul his appointment.
- (5) Every such confirmation shall take effect on the date of the instrument of confirmation, or, as the case may be, on such earlier or later date as may be specified in that behalf in the instrument.
- (6) Notwithstanding that the period of probation of any probationer may have expired, and whether or not he is appointed to any other position in the Service, he shall, while he remains in the Service, be deemed to be employed on probation

until his appointment to the Service shall then be deemed to be confirmed under this Regulation.

22. Termination of employment of officers

- (1) Every officer employed by the Public Service Commission must give proper notice to the Commission if the officer intends to:
 - (a) resign from his or her post; or
 - (b) in the case of an officer on contract, not renew the contract in the upcoming financial year.
- (2) A notice to the Commission under paragraph (1) must be in writing, and forwarded to the Commission at least 30 days (for (1)(a)) or 60 days (for (1)(b)) before the effective date of the resignation.
- (3) The employee must also forward a copy of the notice of resignation to the Chief Secretary, the relevant Minister and the Head of Department under which he or she is employed.
- (4) Upon acceptance of a notice of resignation, the Commission (or delegated nominee) shall serve a notice in writing to the employee accepting the resignation and outlining the following:
 - (a) effective date of resignation;
 - (b) entitlements (financial or otherwise) under the contract or these regulations;
 - (c) amounts owing (if any) to the Government and likely to be deducted from the entitlements in (c).
- (5) The Commission may revise the entitlements in 4(b) of an officer who gives does not provide proper notice in accordance with paragraphs (2) and (3).
- (6) An employee that is terminated with cause shall not be entitled to any amount, annual compensation or other benefits normally due on resignation.
- (7) An employee on contract that is terminated without cause shall be treated in accordance with the terms of the contract and entitled only to such amounts provided by the contract.

23. Retirement through illness

If, in the opinion of the controlling officer, any officer is inefficient or unable properly to perform the duties of his office through repeated or continuous illness or disability, the matter shall be reported to the Commission which may have the officer medically examined with a view to his retirement from the Service as being medically unfit for further duty.

24. Temporary employees

- (1) Where, in the opinion of the Commission the interest of the Service so requires, the Commission may appoint, as it thinks fit, temporary employees to established positions. Temporary employees will receive no other benefits or remuneration beyond basic pay, but disciplinary provisions of these Regulations will apply.

- (2) Subject to regulations 10 & 19 of these Regulations, any temporary employee may be appointed to the permanent staff at any time.
- (3) Every temporary employee shall be removable by the Commission or may resign at any time, by the giving of 7 days notice, and shall not, in any event be employed as temporary staff in any position for a period of more than 90 days, or for such time necessary to fill such position after normal announcement, selection and appointment procedures, whichever is less.

25. Contract of service in special cases

- (1) The Commission, may in any special case enter into a contract of service with any person, provided that the contract shall include the following terms:
 - (a) that the contract may be terminated at any time by the Commission on account of serious misconduct of the employee but that the employment shall be governed in all other respects by the terms of the contract;
 - (b) that the provisions of the Republic of the Marshall Islands Public Service Regulations and all instructions issued thereunder shall apply to the contract employee under the contract in the same manner as they apply to other employees except to the extent that they are inconsistent with the terms of the contract.
- (2) Any contractual appointment may be made for two years, renewable each year thereafter provided that –
 - (a) within the foreseeable future there is no Marshallese capable of carrying out the duties of that position;
 - (b) the contract employee's performance and conduct have been consistently of a high standard; and
 - (c) the employee's skills are up to date and fully adequate for the position.
- (3) Notwithstanding paragraph (2), if the interest of the Public Service so requires, the Commission may appoint or renew contract for lesser or more periods.
- (4) Any contract of service that has not been initiated or approved by the Commission shall not be valid.

26. Emergency appointments

- (1) When a disaster has occurred, or is about to occur, ministries needing additional staff to deal with the state of emergency will inform the Commission of their requirements;
- (2) the Commission will direct other ministries to release suitable employees to affected ministries, and arrangements will be made, with the approval of Cabinet to recruit additional staff from outside the service for the period of emergency,

- (3) such emergency appointments will terminate when the condition ceases to exist, and will be phased out as needs diminish,
- (4) hourly rates and overtime, as applicable, will be paid to staff employed on emergency appointments, and the provisions of Public Service Regulations shall apply as for temporary appointments.

PART III – GRADING

27. Grades of service

- (1) The Service shall be divided into such grades as the Commission from time to time determine.
- (2) The Commission shall place every officer or probationer in a grade.

28. Allocation of grades

- (1) The grade in which an officer or a probationer is placed shall be determined according to the level of responsibility and skill required to be exercised in the performance of the duties allocated to him.
- (2) The Commission shall conduct a continuous review of the grading of the Service and in doing so shall ascertain whether or not there is any need to adjust the salary scale or grading pattern, and ensure that every position is placed in a grade appropriate to the level of responsibility and skill required for that position.
- (3) If the grading assigned to a position under subclause (2) of this Regulation does not coincide with the grading of the person holding the position, as determined by subclause (1) of this Regulation, the Commission may appoint the holder of the position at its new grading, or may declare the position vacant and fill it in any authorized manner.
- (4) When any position or officer is graded or regarded under these Regulations, the Commission may direct that the grading or regarding shall take effect retrospectively as from such date as it thinks fit. The decision of the Commission as to the date of any such grading shall be final.

29. Review of grading

- (1) Every officer shall have the right to apply to the Commission in writing for a review of the grading of the position that he occupies if he has not applied to the Appeals Committee constituted under regulation 75 of these Regulations within the period of 5 years immediately preceding the application.

Provided that nothing in this subclause shall prevent any officer from making representations to the Commission at any time on the grading of the position.

- (2) On receipt of any application under clause (1) of this Regulation, the Commission shall review the case, and shall notify the officer in writing of the result of the review.

- (3) If the officer is not satisfied with any decision of the Commission given under clause (2) of this regulation, he may within 21 days after the notification of that decision, apply to the Appeals Committee for a review of the grading.
- (4) Where the Commission agrees to change the grading of a position as a result of a decision made under clause (2) of this Regulation, or adopts and gives effect to the recommendation of the Appeals Committee in accordance with regulation 75 (11 or 12) of these regulations, the Commission may appoint the applicant to the position at its new grading or may declare the position vacant and fill it in any authorized manner.

30. Performance evaluation of employees

- (1) Each Head of Department shall furnish to the Commission on the prescribed form a performance evaluation of each employee by his controlling officer, of conduct, diligence, efficiency and merit for promotion: in the case of a Head of Department, the performance evaluation shall be carried out by the Chief Secretary in consultation with the Minister primarily responsible for the Ministry.
- (2) The performance evaluation of each employee shall be carried out at least once a year.
- (3) The head of the department shall follow the procedures prescribed by the Commission for performance evaluation of employees.

30A. Reassignment or transfer of employees

- (1) Having reviewed the information submitted by each Head of Department under clause 30 regarding the performance of employees, or at such other time that the Commission determines, the Commission may authorize the reassignment or transfer of a public service employee to another position that is lower than the employee's current position
- (2) Where the employee is reassigned or transferred to another position that is lower than the employee's current position, the employee's grade and salary will be adjusted as appropriate, to be commensurate with the duties and responsibilities of the new position.
- (3) The Commission will initiate any necessary amendments to an employee's personnel action to reflect the salary reduction or adjustment stipulated in subclause (2).

31. List of employees

The Commission shall publish a list of employees annually, in such form and with such particulars as it determines.

PART IV – REMUNERATION OF EMPLOYEES

32. Advancement on merit

Under the authority conferred upon it by the Constitution, the Commission shall from time to time as it sees fit, and with the concurrence of Cabinet, determine scales of salaries to be paid within the Public Service and shall allot a salary level or scale of salaries to each grade established under Regulations 27 and 28 of these Regulations:

Provided that notwithstanding that scales of salaries may have been determined by the Commission for any position or grade, the Commission may direct that any employee shall not progress beyond the point in the scale at which he is placed and the Commission may make advancement beyond, that point conditional upon the Commission being satisfied that the employee's merit and conduct warrant such advancement.

- (1) Salaries:
 - (a) Every Public Service employee shall receive salary effective from the date on which he officially assumes office.
 - (b) Every employee shall receive salary bi-weekly, which shall be calculated by dividing the yearly salary amount by 26, or monthly, as appropriate.
 - (c) Salaries applicable to government employees placed in each class or level or grade are presented in Schedule Four.
 - (d) Salaries due to any public service employee shall be paid to him.
 - (e) The salary of any public service employee shall not be reduced, except under orders issued under part VII of these Regulations.

- (2) Appointments in salary scale:
 - (a) Any person appointed in the established salary scale shall receive the minimum salary indicated in such a scale. The Commission may award up to two increments (steps) increase in the scale in case the person holds more experience and qualifications than the minimum educational requirements for the post or in the case of non-availability of person on the minimum scale of the salary.
 - (b) Any Public Service employee promoted to higher level shall also receive the minimum salary specified for such level or class. But in case the amount of his present salary is equal to or higher than the minimum salary specified for such class or level, his salary shall be fixed at one step higher in new scale than the salary received at present.

- (3) Payment of increment:
 - (a) The Public Service Commission may approve for each employee the payment of the next increment step in the grade assigned to the position if:
 - (i) the employee has spent three (3) years of satisfactory services on the present incremental step;
 - (ii) the head of the department certifies to the Commission that the duties of the position still justifies its grading and the employee is carrying out competently the full duties of the position and is worthy in every respect;

- (iii) the performance ratings for three consecutive years show satisfactory performance.
- (b) In case an employee reaches the maximum level of the scale, he shall be entitled to next higher incremental step provided that the employee meets the requirements as per clause (a) above. No further increment shall be allowed when an employee reaches to the maximum limit of one level higher than the position established for.
- (c) No increment increase in salary shall be given to an employee for the periods penalized under sections 70 and 71 of these Regulations and on leave without salary.
- (d) The Commission may withhold its approval to payment of the next incremental step if it considers that the employee's conduct does not justify for such incremental increase.
- (e) The Commission may approve, on the recommendation of the head of the department, payment of next incremental step sooner than three (3) years but not sooner than two (2) years, if the head of the department certifies that the employee is displaying exceptional performance ability and the Commission in its judgment agrees on it.

(4) Group life insurance program:

Any government employee, at his option, can join Group Life Insurance program which is coordinated by the Office of the Public Service Commission.

(5) Health coverage:

All employees of the government including contract employees shall contribute to the Health Basic Plan as per the requirements set out by the Act.

(6) Contributions to Social Security Fund:

All employees of the government including contract employees shall contribute to the Social Security Fund as per the requirements set out by the Act.

33. Examinations

The Commission may, with the consent of the Cabinet, direct that an employee shall not proceed beyond a specified maximum salary until he has passed any qualifying examination that the Commission specifies.

34. Special consideration of merit

In any case of outstanding merit, or when any employee has passed an examination which in the opinion of the Commission is deserving of special consideration, the Commission may in its discretion accelerate the advancement in salary of that employee or may approve the payment to him of a special allowance or a lump sum.

PART V – GENERAL CONDITIONS OF EMPLOYMENT

35. Hours of attendance

The Commission shall from time to time prescribe the hours of attendance to be observed by employees each week and each day of the week.

36. Additional hours of duty

- (1) Any employee who is called upon by his controlling officer to work additional hours, shall work during such additional hours as the controlling officer requires.
- (2) Payment for additional hours may be made at such rates and subject to such conditions as the Commission from time to time determines.

37. Special allowances

- (1) In appropriate circumstances and on such conditions as it sees fit, the Commission may approve the payment of special allowances to employees to recognize or recompense them for such specific conditions or circumstances arising from the nature or location of their Service employment.
- (2) Schedule Six of these regulations set out special differential payments to which employees may be entitled.

38. Records of attendance

In every Ministry, attendance books or other records of attendance shall be kept.

39. Absence from place of employment

No employee shall leave his place of employment during the prescribed hours of attendance, except on official business or with the permission of his controlling officer.

40. Care of public property, supplies and equipment

Every public employee shall exercise strict care and economy in the use of supplies, stationery, and other property or properties of the Republic of the Marshall Islands or of any other body or person to whom the Service employee is responsible from time to time.

41. Accounts and public money

Every employee shall exercise strict care in the handling of money held by him on behalf of the Government, and the observance of all instructions relating to accounts and to the

collection, custody, or payment of public money, or money held in trust for which he is accountable.

42. Liability not to be incurred

No employee shall, without proper authority, incur or attempt to incur any liability, or to make or vary or attempt to make or vary any contract, on behalf of the Government or any department.

43. Private employment

Except with the express approval of the Commission, which it may at any time withdraw, no person shall accept appointment or election to any public office or to any paid office in connection with any commercial or industrial business, or undertake any private employment or trade, or the private practice of any profession or trade.

Provided also that nothing in this regulation shall prohibit an employee from becoming a member or shareholder of any incorporated company or society or persons registered as such.

44. Remuneration for official services

- (1) Except with the express approval of the Commission, no employee shall receive or accept, otherwise than for the use of his ministry, any gratuity, fee, reward, or other remuneration of any kind whatsoever, except his salary and any allowance owing to him under these regulations for any services performed by him for the Government of the Marshall Islands, or for his attendance in an official capacity under a subpoena or other to give evidence or to produce documents in any Court.
- (2) Notwithstanding clause (1) of this Regulation, any necessary and reasonable expenses incurred and paid for by the employee, in the performance of the service or in attending at the Court, may be refunded to him.

45. Solicitation or acceptance of gifts

- (1) No employee or casual workman shall, directly or indirectly, solicit or accept gifts or presents from any member of the public who is concerned, directly or indirectly, with any matter connected with the duties of the employee or casual workmen, or of the Service generally.
- (2) Nothing in this regulation shall prohibit the acceptance by an employee –
 - (a) of any gift made as a token of courtesy according to the local custom, if notification of the receipt of the gift is made to the Commission through the controlling officer by the first available means of communication; or
 - (b) with the permission of the Commission, of a public testimonial presented to the employee on his retirement from the Service, or on his transfer from one locality to another; or
 - (c) of a presentation to the employee from fellow employees.

- (3) The Commission may require any employee to return any gift referred to in subclause (2)(a) of this regulation, or may forbid any employee to receive any such gift.
- (4) Public Service employees must, at all times, adhere to the provisions of the Ethics in Government Act or other such legislation governing this issue.

46. Borrowing and lending of money

- (1) No employee shall borrow or attempt to borrow money from a subordinate employee.
- (2) No employee shall make any unauthorized loan or allowance to himself or to any other person out of money paid to or held by him in his capacity as a receiver or Government revenue, or any other funds of which he has custody as part of the duties of the position he occupies.

47. Use of official information

- (1) Every employee shall be required, on first taking up employment in the Service, to complete a formal declaration in a form approved by the Commission to the effect that his attention has been drawn to the provisions of this regulation.
- (2) No employee shall use for any private purpose or other than for the discharge of his official duties any information gained by or conveyed to him as an employee of the Service, except for such information or types of information as may be defined by the Head of Department, or by the Minister.
- (3) No information gained by an employee of the Service through official duty shall be divulged, directly or indirectly, or otherwise used by an employee, and no communication to the press or to the public on matters affecting the Service shall be made by any employee, provided that the head of the department, or the Minister where the employee concerned is the head of the department, may define such information or types of information which may be so divulged, used or communicated.

48. Outside influence

- (1) No employee may seek the influence of any person in order to obtain any promotion, transfer or other advantage.
- (2) Nothing in this regulation shall apply to evidence given on behalf of any employee before any Court or the Appeals Committee, or to any application or representations made to the Commission in any manner prescribed by instructions.

49. Political rights of employees

All public service employees shall have right to –

- (1) vote for the candidates of their choice, and to express their opinions on political matters, subject however to the limitation imposed by regulation 50 of these regulations;
- (2) be an active member of the political party or organization of their choosing;
- (3) make voluntary contributions to a political party for its general expenditure;
- (4) become a candidate for political office, providing campaigning does not take place during his official working hours, or on official premises.

50. Political restrictions applicable to employees

No employee of the Public Service shall –

- (1) use his official position or official influence to interfere with the orderly workings of any election, or to affect the results of the election;
- (2) use his official position to influence any person or political party in an politically related activity;
- (3) solicit or receive contributions during official working hours, or on Government property;
- (4) campaign for any candidates for public office during his official hours, nor in any circumstances shall he campaign on Government property.

51. Public servants standing for political office

- (a) A public service employee who becomes a candidate for a seat in the Nitijela or a Local Government may be granted leave of absence by the Commission. The candidate shall give written notice of candidature to the Commission through his controlling officer and Head of Department not later than 14 days before nomination day. Leave of absence may be granted as follows:
 - (1) leave shall commence on nomination day or an earlier date established by the Commission, and shall continue until 7 days after polling day, if the candidate is unsuccessful in the polls. If the candidate withdraws his nomination, he may resume duty on the working day following his withdrawal;
 - (2) during the period of leave, the candidate shall not be required or permitted to carry out official duties, and unless he has annual leave due, shall not be entitled to receive salary or other remuneration as an employee; provided, however, that the candidate's other rights as an employee shall not be affected by his candidature.
- (b) A public service employee declared elected as a member of the Nitijela or a Local Government shall be deemed to have resigned from his employment in the Public Service from the date of such declaration.

52. Transfers

- (1) The Commission may direct any employee to transfer from one position to another position or from one location to another location or from one ministry to

- another ministry and the employee so directed shall transfer accordingly and shall perform any duties assigned to him in that other position, location or ministry.
- (2) An officer or probationer transferred, or taking up duty on first appointment to a location or island not his place of residence at the time of first appointment may, subject to the approval of the Commission, be entitled to the following –
- (i) travel costs borne by Government for himself and his dependents, together with his household goods and personal effects within limits to be established by the Commission as it sees fit;
 - (ii) housing allowance if the employee is required to work at a duty station and be located at a place than his or her place of residence.
- (3) Similarly, on transfer back to his original place of residence at time of initial appointment, or on termination of his employment in the Service, an officer shall be provided transportation for himself, his dependents and household goods and effects to such place of residence at official cost:
Provided that transportation costs will not be accepted as an official charge –
- (i) on termination of employment unless the officer or probationer concerned has been resident in the location or island, not being his place of residence at time of appointment, for more than one year; except that in the case of termination of employment through his serious illness or incapacity through no fault of his own, or similar serious illness of his dependents, this proviso shall not apply;
 - (ii) if the officer or probationer does not return on termination of service to the location or island from which he was first appointed;
 - (iii) if an official or probationer is transferred from one location to another at his own request, such transfer not being primarily to the advantage of his ministry.

53. Obedience to instructions

- (1) Every employee shall obey promptly and readily all lawful orders given to him by his controlling officer.
- (2) If any employee considers that he has ground for complaints arising out of any such order or from any other cause, he may report the matter through official channels to the Commission, but shall nevertheless as far as possible carry out any orders lawfully given to him until they are countermanded.

54. Residential headquarters

- (1) Employees may be provided with quarters and furniture on such conditions in respect of occupancy, tenure, possession, and payment of rent as the Commission may from time to time prescribe;
Provided that no employee shall be entitled as of right to have quarters or furniture allotted to him, unless specified by Act.
- (2) Any rent payable pursuant to clause (1) of this Regulation may be deducted from the employee remuneration, or from any other money due to him, without further authority than this regulation.

PART VI – LEAVE OF ABSENCE

55. Study and training courses

In certain circumstances, the Commission may approve leave on full or part-pay, or without pay, with or without grants towards the cost of tuition and other expenses, for study purposes and/or training courses which are relevant to the employee's duties and within Government and Commission policy as promulgated from time to time. The following terms and conditions for study and training shall be followed:

- (1) In case it is necessary for any Public Service employee to engage in study or training, he shall be entitled to study leave not exceeding 2 years in his entire Public Service career. Such leave may be granted in one or more installments.
- (2) Study leave shall be entitled to a permanent employee who has worked at least three years continuously in the Public Service.
- (3) A Public Service employee shall duly submit a written application to the Commission, through his usual office, indicating the period of leave sought by him, the reasons for seeking such leave, documents relating to educational institution, subject of study, financial sources for such study, a statement as to whether permission for admission to such university or training center has been obtained or not, and such other particulars that will make it necessary for the Commission to consider the application.
- (4) The head of the department or agency must recommend that the subject of study is necessary for the ministry and can leave the applicant for the duration of such leave period.
- (5) The employee must submit a progress report of his study every six month to the Commission and other particulars as required by the Commission.
- (6) A Public Service employee approved for study leave shall sign a bond and agree to the terms and conditions established for such study leave by the Commission.
- (7) A Public Service employee who is on study leave shall be entitled for any other leave under the Public Service Regulations, provided he is given full or half salary during such leave. No leave shall accrue if the study or training leave has been approved without payment of salary.

56. Annual leave

Employees may be granted annual leave for such periods and subject to such conditions as the Commission from time to time prescribes. Annual leave shall be administered as follows:

- (1) Every Public Service employee shall be entitled to annual leave at the rate of eight hours for every pay period.
- (2) The maximum amount of leave that can be accumulated at the end of the leave year, December 31, is 208 hours.

- (3) At the end of each year, annual leave to the credit of an employee in excess of 208 hours shall be dealt with as follows –
 - (a) the first 80 hours in excess shall be paid to the employee in the cash equivalence; and
 - (b) hours in excess of 288 hours will be forfeited.
- (4) Ninety (90) calendar days continuous service in a full-time position with regularly scheduled hours is required before annual leave can be taken.
- (5) Every employee shall submit an application to their Controlling Officer for availing their accumulated leave.
- (6) Public service employees on annual leave shall be paid full salary.
- (7) In case a Public Service employee leaves or resigns his service in any manner, he shall be paid salary for his accumulated leave for a maximum of 208 hours.
- (8) Annual leave must be requested in advance except for bonafide emergencies.

57. Special leave

In special cases, the Commission may grant special leave of absence with or without pay, for a period not exceeding one month. The following terms and conditions for special leave shall be followed -

- (1) any employee without accrued annual leave and sick leave may request for convincing reasons that the Commission grant a special leave which may not cumulatively exceed one year during the entire period of service:
- (2) no public service employee shall be granted special leave if the ground for requesting such leave is medically related and that employee's physician indicates that the employee will be permanently unable to return to his or her duties at the end of the period of leave:
- (3) no public service employee shall ordinarily be granted special leave unless he has completed at least one year of continuous service in the Public Service:
- (4) no leave shall accrue during the period when employees are on special leave. However, if the special leave is granted with salary, employees shall receive their leave entitlement as per the regulations.

58. Maternity leave

Female employees may be granted maternity leave for such periods and subject to such conditions as the Commission from time to time prescribes. The following conditions for maternity leave shall be followed:

- (1) The employee shall be entitled to 20 work days of maternity leave. This leave can be taken before and/or after delivery.
- (2) The employee on maternity leave shall be paid full salary.
- (3) Maternity leave shall be granted only for four deliveries. If a female employee requires maternity leave for more than four deliveries or requests for more leave due to unfitness to return to duty station, 20 working days maternity leave shall be granted chargeable to her accumulated annual leave or sick leave or special leave.

59. Compassionate leave

Permanent and contract employees may be granted compassionate leave with pay of no more than five working days in cases of death or imminent death, in the immediate family of the employee's mother, father, spouse, immediate natural or adopted offspring, brother or sister, and grandfather and grandmother. The Head of Department shall be responsible for approving requests for compassionate leave.

60. Administrative Leave

Administrative leave is authorized under emergency conditions beyond the control of the government, for participation in civic activities in the interest of the Government, or employment connected examinations. Absence from duty under authorized administrative leave is excused absence without loss of pay and without charge to leave. The head of ministry shall be responsible for approving administrative leave.

61. Payment for leave on death of employee

On the death of an employee, the Commission may approve payment to his spouse or other beneficiaries of a cash grant equal to the salary or wages that may have been granted to him for any period of leave if he had retired on the date of his death.

62. Sick leave

- (1) Employees may be granted sick leave, on account of sickness or accident, for such periods and subject to such conditions as the Commission determines from time to time.
- (2) No employee shall absent himself from duty under a false plea of sickness or accident.
- (3) Every Public Service employee shall be entitled to sick leave at the rate of four (4) hours per pay period. There is no limit to the amount of sick leave that can be accumulated.
- (4) Any Public Service employee who requests for sick leave for illnesses of more than three (3) days duration shall require to submit a certificate from a qualified Medical Officer giving details of the illness and the treatment being administered.
- (5) Public Service employees on sick leave shall be paid full salary.
- (6) No payment shall be made for accumulated or unused sick leave credits. Sick leave balances, however, will be reserved and credited to the employee if reemployed within three years following employee's last resignation or termination.
- (7) In case the accrued sick leave is not sufficient for an employee, the employee may request for annual leave or special leave.

63. Medical examination

An employee, if so required by his controlling officer, shall for the purpose of ascertaining his fitness to perform his duties, submit himself to examination by a Medical Officer at such place and time as may be directed by the controlling officer, and subject to such conditions in respect of the costs of the examinations as the Commission from time to time prescribes.

64. Holidays

- (1) Statutory holidays prescribed by any Act of the Nitijela shall be observed in the Service.
- (2) The Commission may, subject to the approval of Cabinet, prescribe additional holidays to be observed in the Service as “Commission holidays.”

65. Unauthorized absence and administration of leave

- (1) Notwithstanding regulation 69 of these regulations, an employee who absents himself from duty, or who fails to return to duty, and in either case continues to be absent without permission for a period of not less than 4 weeks, shall be deemed to have forfeited office.

Provided that notice of the effect of this regulation shall during such absence, but not sooner than 14 days after the first day of such absence, be sent by letter or telegram to the employee at his usual or last known place of duty before the expiration of the week beginning with the day after the date on which the notice is so sent or the expiration of 4 weeks absence from duty, whichever is the later.

- (2) If the employee subsequently satisfies the Commission that there was a valid reason for his absence and for his failure to inform the Commission earlier of that reason, the Commission may reinstate the employee. In such case, the employee shall be deemed not have forfeited office, but to have been on leave from the Service during the period of absence.
- (3) Leave shall be administered as follows:
 - (a) Leave is not a matter of right but a privilege to public service employees. Public service employees shall not claim leave as their right. The controlling officer or head of the department shall have the authority to approve or disapprove leave of absence at any time depending upon the need of services.
 - (b) Any public service employee under leave shall not join the office unless it is approved by the Head of Department or the authority empowered for sanctioning leave.
 - (c) The Commission, with the concurrence of the Minister primarily responsible, will be responsible for approving the leave of the Head of Department. The Head of Department or his authorized officer or controlling officer shall be responsible for approving leave for other staff under his jurisdiction.
 - (d) The education leave and special leave shall not be approved by any authority other than the Public Service Commission.

- (e) For the purpose of obtaining leave under these regulations, a public service employee shall duly submit an application to the head of the department or controlling officer indicating the period of leave sought for and the reasons for such leave. The Head of Department shall inform or give a notice in writing to such employee indicating where the leave has been sanctioned or not.
- (f) The authority sanctioning leave shall be responsible for maintaining the records of leave taken by the employees under his jurisdiction. The authority shall submit a copy of leave records of all employees every six months to the Public Service Commission.
- (g) In case any employee is transferred or promoted from one office to another, a notice of such transfer or promotion as well as a copy of the leave records shall be forwarded to his new office.
- (h) The head of the department and the employee concerned shall schedule the leave in such a way that the work is not affected as well as accumulated leave is not forfeited.

PART VII – DISCIPLINARY PROVISIONS

66. Minor offences

In case of a minor offence against discipline, an employee may be reprimanded or cautioned by his controlling officer.

67. Unsatisfactory work or conduct

Whenever it is found that the work or conduct of an employee is unsatisfactory, he shall be notified in writing by his controlling officer of the fact and of the way in which he is failing to meet the required standard.

68. Conviction for offences

If an employee, other than a probationer, is convicted of any offence, he shall notify his controlling officer, who shall report the circumstances relating to the offence through official channels to the Commission. Upon being notified of an employee's conviction, the Commission may apply one or more of the penalties under regulation 70.

69. Complaints and inquiries

- (1) Whenever it is alleged that any employee, other than a probationer, is guilty of –
 - (a) Habitual irregularity in time of his arrival at or departure from his place of employment; or
 - (b) Absenting himself from his place of employment or from his official duties without leave or without any other valid excuse, during the prescribed hours of his attendance; or

- (c) Disobeying, disregarding, or making willful default in carrying out any lawful order or instructions given by any person having authority to give the order or instructions; or
 - (d) Displaying insubordination by word or by conduct; or
 - (e) Negligence, carelessness, or indolence in the discharge of his duties; or
 - (f) Inefficiency or incompetence in the discharge of his duties; or
 - (g) Behaving in an insulting or threatening manner; or
 - (h) Behaving in a manner calculated to cause inconvenience or unreasonable distress to other employees, or to affect adversely the performance of their duties; or
 - (i) Using intoxicating liquor or drugs to excess, or in such a manner as to affect adversely the performance of his duties; or
 - (j) Failing to comply with any requirement of these regulation, or of any other regulations, or of any instructions or of any directions applying in the service; or
 - (k) Any disgraceful or improper conduct in his official capacity, or any other improper conduct that affects adversely the performance of his duties or brings the Service into disrepute; or
 - (l) Improperly using property or supplies for the time being in official custody or under his control, or failing to take reasonable care of such property or supplies.
 - (m) Willful deception as to any matter relating to his employment or the performance of his duties –
the circumstances shall be reported by his controlling officer through the head of the ministry to the Commission.
- (2) On receipt of any report under subclause (1) of this regulation, the Commission shall notify the employee of the nature of the complaint made against him, and shall require him to state in writing, within a reasonable time to be specified in the notice –
- (a) whether he admits or denies the truth of the complaint; and
 - (b) any further explanation that the employee may wish to make in respect of the complaint.
- (3) If the employee does not deny the truth of the complaint within the time specified, he shall be deemed to have admitted the truth thereof.
- (4) After the expiry of the time specified, the Commission may determine on the evidence before it on the truth of the complaint, or if the Commission is of the opinion that the complaint should be investigated by a member of the Commission or by any other person or persons specially appointed for the purposes, it shall make such an appointment, and the person or persons appointed shall hold an inquiry into the complaint.
- (5) In respect of any complaint made against an employee under this regulation, the person or persons appointed under subclause (4) of this regulation to hold an inquiry may summon and examine on oath any person whose evidence may be necessary or material.
- (6) The employee in respect of whom the complaint is made shall be entitled to be present at all times during the inquiry and may be represented by counsel or an

- agent and shall be entitled either personally or through his counsel or agent to make representations, call evidence, and cross-examine other witnesses who give evidence, in respect of the complaint.
- (7) After holding the inquiry, the person or persons appointed under subclause (4) of this regulation shall report to the Commission his or their opinions as to whether the complaint is true or untrue, and shall also forward to the Commission a copy of all evidence taken in the inquiry.
- (8) Where –
- (a) an employee admits the truth of a complaint made against him under this regulations; or
 - (b) the Commission is satisfied, after considering this regulation and the evidence forwarded with the report, or that a complaint against an employee in respect of which an inquiry has been held under this regulation is true –
- the Commission may for the purposes of these regulations be satisfied that the complaint is established.
- (9) If, in respect of any complaint made against an employee under this section, the Commission does not find the complaint against an employee established, he shall be deemed to be not guilty of the complaint.
- (10) The Commission shall, within 14 days of deciding any complaint against an employee under this regulation, notify him in writing of its decision.

70. Penalties for offences

If an employee is convicted by a Court of competent jurisdiction of any offence, or if the Commission is satisfied a complaint is established under regulation 69 of these regulations against an employee, the Commission may impose upon him one or more of the following penalties:

- (a) dismissal with such notice as the Commission specifies;
- (b) transfer to other duties in the Service;
- (c) reduction of the rate of salary of the employee (with or without a consequent reduction in grading);
- (d) stoppage of pay, not to exceed 2 weeks gross entitlement;
- (e) placing on probation for a period not exceeding one year;
- (f) reprimand and warning;

provided that where a penalty is imposed under paragraph (a) or paragraph (b) of this regulation, no other penalty may be imposed by the Commission.

71. Suspension of employees

- (1) Any employee who is at any time considered by his controlling officer to be unfit to perform his duties efficiently, by reason of intoxication or the use of drugs, shall be suspended from duty by his head of ministry or such other person as may from time to time be authorized to take such action under this regulation, until such time as he is in the opinion of his Head of Department again capable of performing his duties efficiently.

- (2) Subject to subclause (6) of this regulation, any employee who has been charged with a felony offence may be suspended by the head of ministry without pay until the matter has been determined by the Courts. Any employee who has been charged with a misdemeanor offence may be transferred to other duties by the Commission or suspended from duty with pay, until the matter has been determined.
- (3) Any employee who has been reported under regulation 69 of these regulations to the Commission may be transferred to other duties or suspended from duty by the Commission pending the determination of the complaint.
- (4) In the case of an emergency, any employee may be suspended from duty by the Head of Department who shall forthwith report the circumstances to the Commission. Such suspension shall expire after 5 working days from the date of suspension unless the Commission confirms the suspension within that period of time. The Head of Department may revoke any suspension made under this subclause at any time prior to its confirmation by the Commission.
- (5) The Commission may, if it sees fit, revoke any suspension made under subclause (4) of this regulation.
- (6) If any employee who has been suspended under this regulation is subsequently found not guilty of the offence to which the suspension relates, he shall be paid any loss of earnings that he may have suffered while so suspended; but in every other case the employee shall receive no pay for the period of suspension, unless the Commission otherwise directs.
- (7) Prior to exercising the right to suspend an employee under this regulation, the head of ministry must ensure that all disciplinary provisions under these regulations have been followed. The Commission may revoke the decision of the head of ministry to suspend an employee, if the disciplinary provisions stipulated under these regulations have not been followed.

72. Incriminating questions

No employee may refuse to answer any question solely on the grounds that it could lead to a charge under these regulations:

Provided that any employee who so wishes shall be entitled before any interrogations to consult his attorney, or such other person at the time resident in the Republic of the Marshall Islands as he may nominate.

PART VIII – APPEALS

73. Rights of appeal

- (1) Every officer shall have a right of appeal in accordance with this regulation to an Appeals Committee –

- (a) Against any determination of the Commission to appoint any person other than an employee, or to promote any employee, to a position on the permanent staff with a higher maximum salary than that of the appellant; or
 - (b) Against a decision of the Commission made under regulation 69 of these regulations that a complaint is established; or
 - (c) Against a decision of the Commission or head of ministry under regulation 71.
- (2) Notwithstanding subclause (1) of this regulation, no appeal shall lie against any determination of the Commission specified in paragraph (a) of that subclause if –
- (a) the appellant is prohibited under Regulation 33 of these regulations from proceeding to the position of which the determination is made; or
 - (b) when the vacancy has been announced by the Commission, the applicant has not applied for the position in respect of which the determination is made within the time specified in the notification of vacancy.
- (3) Notices of appeal under this regulation shall be forwarded to the Commission in writing within 14 days after the notification of the decision appealed against, or within such extended time as the Appeals Committee may in any case allow after sufficient reasons have been shown in writing by the appellant.
- (4) The Commission shall forward copies of the notice of appeal to the Chairman of the Appeals Committee within one week after the date of receipt of such appeal.

74. Hearing of appeals

Any appeal under Regulation 75 of these regulations shall be heard and finally determined by the Appeals Committee established under Regulation 75 of these regulations.

75. Appeals committee

- (1) There is hereby established a committee to be called the Appeals Committee.
- (2) The Committee shall consist of –
- (a) An officer of the Service or a retired officer or other person who shall be Chairman of the Committee;
 - (b) An officer of the Service or a retired officer, to be appointed as the official member on the nomination of the Commission;
 - (c) Two persons, being officers or retired officers, to be appointed as service members on their election as such by Public Service employees by such means as the Commission may determine;
- Provided that two officers employed in the same ministry shall not be so appointed.
- (3) The members of the Committee shall be appointed by the Commission and shall hold office for a term not exceeding 5 years, and any such member may from time to time be reappointed.
- (4) The service members shall not be entitled both to sit as members of the Committee at the same time, and shall mutually agree as to which of them shall

- act as a member of the Committee at any particular appeal. In default of such agreement, the Chairman shall determine by lot which of the two service members is to act at that particular appeal, subject to the provisions of subclause 5 and 6 (b) of this regulation.
- (5) No member shall act on the Committee in any appeal affecting an officer of the ministry in which the member is an officer, or in any appeal affecting him.
 - (6)
 - (a) The Commission may from time to time appoint as a deputy of the Chairman or of the official member of the Committee a person who is eligible for appointment to the office of Chairman or member whose deputy he is to be. Any such deputy shall act for such time as the Chairman shall specify.
 - (b) The Commission may appoint as the deputy of a service member the next most qualified officer or retired officer under the last election held in terms of subclause 2(c) of this regulation, to act in appeal case or situations arising under subclauses (4) or (5) of this regulation, for such time as the Commission shall specify.
 - (c) Notice of every appointment to the Appeals Committee, other than the appointment of a deputy under subclause (6) hereof, shall be published in the Marshall Islands Gazette.
 - (d) The following provisions shall apply with respect of each member of the Appeals Committee appointed under subclause (2) of this regulation.
 - (a) He shall be paid such remuneration as Cabinet determines from time to time on the recommendation of the Commission.
 - (b) He may resign his office by notice in writing to the Commission, or he may be removed from office by the Commission on the ground that he is unable to discharge the functions of his office.
 - (9) The Appeals Committee shall sit at such place as may from time to time be determined by the Commission.
 - (10) Except as otherwise provided in these regulations, the Appeals Committee shall determine its own procedure and may consider any appeal or application on the basis of written submissions, and receive such evidence as it thinks fit, whether or not that evidence would be legally admissible in a Court of Law.
 - (11) The Appeals Committee shall make recommendation to the Commission that the appeal should be allowed or disallowed or in the case of an application for review of grading, that the grading of the applicant should be adjusted or should not be adjusted, and may add to its recommendation such comments as it thinks fit.
 - (12)
 - (a) The Commission shall either –
 - (i) forthwith adopt and give effect to the recommendation, or
 - (ii) for special reasons which shall be stated in writing return the recommendation to the Committee for reconsideration.
 - (b) When the Appeals Committee has reconsidered the special reasons stated under paragraph (a)(ii), it shall make to the Commission its final recommendation which may be either the original or another recommendation and the Commission shall then either forthwith adopt and give effect to such final recommendation, or if it does not shall include such failure to do so in a an appropriate section of its Annual Report through Cabinet to the Nitijela.

- (13) If any appeal is, in the opinion of the Appeals Committee, frivolous or vexatious, the Committee may in any such case require the appellant to pay all or such part of the costs of the appeal as the Committee may specify.

PART IX – CASUAL WORKERS

76. Engagement of casual workers

- (1) The Commission, or the holders for the time being of such offices or positions as may be designated in that behalf by the Commission, may engage and discharge such casual workers as may from time to time be required.
- (2) The conditions of employment of casual workers, including pay and allowances, shall be such as the Commission determines from time to time.

PART X – DELEGATION OF AUTHORITY ISSUED BY THE PUBLIC SERVICE COMMISSION

77. Delegation of authority in emergency

- (1) If a Head of Department is unable to carry out his or her duties due to a medical emergency or to death, the Public Service Commission shall delegate the responsibilities of the Head of Department to a competent officer, until such time that a permanent replacement is hired to the post, or until the Commission determines.

78. Delegation of authority in absence of delegation by Head of Department

- (1) If a Head of Department is away from his or her post, whether due to traveling or some other reason and has not delegated the duties of the post to another person, the Public Service Commission shall delegate the responsibilities of the Head of Department to a competent officer, until such time that the Head returns to his or her post.

PART XI – HEALTH PROCEDURES FOR RECRUITMENT AND RETENTION OF STAFF

79. Procedures for recruitment

- (1) Before a person is appointed to the public service or engaged under a special contract under these regulations, he or she must submit to the

Public Service Commission a health certificate indicating that he or she does not have:

- (a) HIV/Aids;
- (b) TB; or
- (c) a contagious or communicable disease as notified by the Secretary of Health.

- (2) If a person does not have a clear health certificate, the Commission shall determine whether it would be in the best interests of the Republic to hire the prospective candidate and after due consideration, inform the candidate of its decision.

80. Requirement for annual health checks

- (1) Each year, a public service employee or a person working under a special contract shall submit to the Public Service Commission a health certificate with the same requirements in 79(1).
- (2) The Commission shall make the determination set out in 79(2), and if applicable, follow the procedures in Part XII below.

PART XII - PROCEDURE TO BE FOLLOWED WHERE A MEMBER OF STAFF HAS A COMMUNICABLE OR CONTAGIOUS DISEASE

81. Procedure for staff with HIV Aids

- (1) If it is medically known to the Commission that a public service employee has HIV Aids, the Commission shall meet with the Secretary of Health and the employee to consider the following:
 - (a) the risk (if any) to other employees or members of the public in light of the person's occupation;
 - (b) precautions or measures to minimize the risk of infecting others;
 - (c) any other measures that the Commission or Secretary of Health deems appropriate.
- (2) Where, due to his or her illness, the staff member is no longer able to carry out his or her functions, the Commission shall initiate the process for medical retirement of the employee.

82. Procedure for staff with TB or other contagious diseases

- (1) If it is medically known to the Commission that a public service employee has TB or some other contagious disease, the Commission shall meet with the Chief Secretary, Secretary of Health and the employee to consider the following:

- (a) the risk to other employees or members of the public in the light of the person's occupation;
 - (b) precautions or measures to minimize the risk of infecting others;
 - (c) any other measures that the Commission or Secretary of Health deems appropriate.
- (2) Where, due to his or her illness, the staff member is –
- (a) continuously absent from work, the Commission shall determine whether it would be in the best interests of the Government to retain the employee's services or offer the employee reasonable compensation before termination;
 - (b) no longer able to carry out his or her functions, the Commission shall initiate the process for medical retirement of the employee.

83. Non-discrimination and confidentiality requirements

- (1) A person with HIV Aids, TB or some other communicable or contagious disease shall not be discriminated against. The Commission shall make its decisions fairly, taking into account the interests of the employee, the Government and other members of the public service.
- (2) The Commission shall keep all health information obtained under Parts XI and XII confidential and must not release this information except with the consent of the employee concerned.

SCHEDULE ONE

Classification, Levels & Posts

(related to Regulation 10 (4) (c) of the Public Service Regulations)

(1) CLASSIFICATION:

(a) Public Service positions are classified into following occupational groups:

(1) Classification One (1): General Administrative, Managerial, and Related Occupational Group:

Sub-classifications under the General Administrative, Managerial, and related Occupational group are as follows:

1.1. General Administration, Management, and related Occupation:

1.2. Accounting, Auditing, Taxation, and related occupation:

1.3. Immigration, Labor and related occupation:

1.4. Supply related occupation:

1.5. Service, Support, and related occupation:

(2) Classification Two (2): Legal and related Occupational Group:

(3) Classification Three (3): Data, Information, and related Occupational Group:

(4) Classification Four (4): Agriculture and related Occupational Group:

(5) Classification Five (5): Fisheries and related Occupational Group:

(6) Classification Six (6): Medical, Public Health and related Occupational Group:

(7) Classification Seven (7): Technical, Mechanical Engineering, Trade Group:

(8) Classification Eight (8): Education, Social and related Occupational Group:

(b) The Public Service Commission shall amend the existing established occupational classifications or establish any other new classification for any other occupations, as appropriate, from time to time.

2. LEVELS:

- (a) Public Service positions shall be classified into sixteen (16) levels. The Public Service Commission shall add or delete level or levels to the existing levels, as appropriate, from time to time.
- (b) For classification purpose, position levels are defined as follows:
 - (i) Sixteen and fifteen (16 & 15) are classified as Special levels, established for compensation purposes for certain jobs that are very important and critical for the Republic of the Marshall Islands.
 - (ii) Nine (9) to fourteen (14) are defined as managerial levels, with managerial and operational responsibilities.
 - (iii) Six (6) to eight (8) are defined as operational levels, skilled and specialized positions, responsible for main program delivery in ministries and agencies.
 - (iv) Three (3) to five (5) are defined as clerical levels, semi-skilled positions, responsible for program delivery or assisting program delivery staff in ministries and agencies.
 - (v) One (1) and two (2) are defined as service and support levels, unskilled positions, for manual and physical work.
- (c) The following shall be the guidelines for established positions at each level of classification:

Levels Sixteen & Fifteen (16 & 15)

Levels sixteen and fifteen (16 & 15) are established to accommodate hiring of very high level professional people for the jobs that have high national value and importance for the country and such skills are not readily available in the Republic.

Level Fourteen (14):

Level fourteen (14) include Heads of multiple agencies or an independent agency with an overall responsibility for the planning, organizing and controlling of that agency or agencies.

Level Thirteen (13):

Positions at this level include head of each department or an agency; or positions with equivalent responsibilities of a Head of Department or an agency with an overall responsibility of planning, organizing and controlling for achieving the mission of a ministry or an agency.

Level Twelve (12):

Positions at this level include heads of each independent agency or department or any affiliated institutions that work under the supervision of a ministry or any other authority;

or deputies of a ministry or positions with equivalent responsibilities of a Head of an agency or deputies in a ministry with overall responsibility of planning, organizing and controlling for achieving the results of an agency, department or any institutions under the supervision of a ministry or any other authority.

Level Eleven (11):

Positions at this level include assistants to staff of level thirteen (13) and twelve (12) with overall responsibilities of managing the work of multiple divisions under the supervision of a Head of Department or an agency or positions with equivalent responsibilities of managing the work of multiple divisions.

Level Ten (10):

Positions at this level include chiefs of division within a ministry or an agency with specific responsibilities of managing the functions of a division or positions with equivalent responsibilities of a Division Chief.

Level Nine (9):

Positions at this level include deputy chiefs of division or Section Chiefs or positions with equivalent responsibilities include both managerial and operational responsibilities. Positions at this level would normally require Associate Degree plus four (4) years experience or equivalent qualifications and experience in the related field.

Level Eight (8):

Positions, both administrative and technical, at this level include senior operational level staff, normally senior specialist or senior supervisors, highly skilled or specialized in their specific field by means of experience or qualifications or training, responsible for delivering programs in the ministries. Duties and responsibilities may include complex routine issues, may involve supervisory responsibility for 5 or more staff members or a unit or a ward. Positions at this level would normally require Associate Degree plus three (3) years experience or equivalent qualifications and experience in the related field.

Level Seven (7):

Positions, both administrative and technical, at this level include operational level staff, specialist or supervisors, skilled or specialized in the specific field, responsible for delivering programs in the ministries. Duties and responsibilities may include complex routine issues, may involve supervisory responsibility for less than 5 staff members. Positions at this level would normally require Associate Degree plus two (2) years experience or equivalent qualifications and experience in the related field.

Level Six (6):

Positions, both administrative and technical, at this level include operational level staff, skilled or experienced in specific field. Position at this level will have no supervisory responsibility and would be responsible for program delivery in ministries. Positions at this level would normally require Associate Degree in the related field or equivalent qualifications in the related field.

Level Five (5):

Positions, both administrative and technical, include senior clerical or technical staff responsible for specific clerical or technical works. Duties include advanced and complex routine work. Positions are often referred to as “Technician” rather than “Specialist” or “Supervisor”. At entry, High School Graduate plus three (3) years experience or equivalent qualifications would require for positions at this level.

Level Four (4):

Positions, both administrative and technical, include semi-skilled clerical and technical staff, responsible for delivering programs or assisting senior program delivery staff in the ministries or agencies. Duties may include simple routine work. At entry, positions would require High School Graduate or equivalent training.

Level Three (3):

Positions, both administrative and technical, include semi-skilled clerical and technical staff, responsible for delivering programs or assisting senior program delivery staff in the ministries or agencies. Duties may include simple routine work. At entry, positions would require High School Graduate or equivalent training.

Level Two (2):

Positions, both administrative and technical, include trainees to level three (3) with some training and experience or general support staff of unskilled level. Duties and responsibilities may include normal physical and routine work.

Level One (1):

Positions, both administrative and technical, include general support staff of unskilled level. Duties and responsibilities may include normal physical and routine work.

3. Posts:

- (a) The post titles in the Public Service shall reflect the actual duties and responsibilities assigned to a position.
- (b) The posts established in each occupational grouping are provided in Annexure One (1). The Public Service Commission shall add or delete to any established posts in the Public Service, as appropriate, from time to time.
- (c) The following shall be the guidelines for establishing position or post titles in the Public Service.
 - (i) Positions at levels nine and above are defined as managerial positions. Therefore the managerial position titles such as Director, Manage, Officer, Chief, Deputy Chief, Supervisor (in some cases), Assistant Analyst, etc. may be used, in conjunction with the appropriate functions (examples: Director of Finance; Manager, Administration & Training;

Personnel Officer; Chief Procurement & Supply; Deputy Chief Procurement and Supply; Supervisor (roads and grounds), etc.); where appropriate, in the Public Service.

- (ii) Positions at levels six (6) to eight (8) are defined as skilled positions. Position or post titles such as, Specialist, Coordinator, Counselor, Controller, Supervisor, etc. may be used in conjunction with the appropriate functions, where appropriate, in the Public Service.
- (iii) Positions at levels three (3) to five (5) are defined as semi-skilled positions. Position titles such as, special worker, Security Guard, Cook, Watchman, etc. may be used, where appropriate, in the Public Service.
- (iv) Positions at levels one (1) and two (2) are defined as unskilled positions. Position titles such as, special worker, Security Guard, Cook, Watchman, etc. may be used, where appropriate, in the Public Service.

Annex One (1)

List of Position Classification - By Occupations

Classification One (1): General Administrative, Managerial, and related Occupational Group:

Sub-Classification 1.1: General Administration, Management and related occupation.

Position	Grade
Chief Secretary	14
Cabinet Advisor	13
Economic Advisor to the Cabinet	13
Permanent Secretary	13
Special Assistant to the President	13
Clerk of the Cabinet	13
Deputy Secretary	12
Director, Planning & Statistics	12
RMI Representative USAKA	12
Deputy Permanent Representative/UN	12
Banking Commissioner	12
Clerk of the Nitijela	12
Assistant Secretary	11
Under Secretary	11
Assistant Commissioner	11
Division Chief	10
Assistant Clerk of the Nitijela	10
Chief, Administration & Finance (Division)	10
Presidential Aide	10
Chief, Commerce & Industry	10
Presidential Assistant	10

Foreign Service Officer	10
First Secretary	10
Administrative Officer II	10
Personnel Officer II	10
Deputy Chief of Division	9
Chief, Administration & Finance (Division)	9
Section Chief	9
Deputy Chief, Administration & Finance	9
Chief, Protocol Officer	9
Administrative Officer I	9
Personnel Officer I	9
RMI Liaison Officer	9
Public Relations Officer	9
Director of Personnel	9
Secretary to the President	9
Administrative Specialist III	8
Personnel Specialist III	8
Program/Project Coordinator III	8
Protocol Officer	8
Admin./Account Specialist III	8
Tourism Specialist	8
Secretary to the PS Commission	8
Secretary to the Chief Secretary	8
Executive Secretary III	8
Administrative Specialist II	7
Program/Project Coordinator II	7
Personnel Specialist II	7
Admin./Account Specialist II	7
Executive Secretary II	7
Administrative Specialist I	6
Personnel Specialist I	6
Program/Project Coordinator I	6
Administrative/Account Specialist I	6
Executive Secretary I	6
Administrative Secretary III	5
Personnel Technician III	5
Receptionist III	5
Secretary III	5
Administrative Secretary II	4
Personnel technician II	4
Secretary II	4
Receptionist II	4
Administrative Secretary I	3
Personnel Technician I	3
Secretary I	3
Receptionist I	3
Clerk/Typist	2
Data Entry Clerk	2
Clerk II	2
Telephone Operator II	2

Telephone Operator I	1
Clerk II	1
Any other position classified at appropriate level by the Commission.	

Sub-Classification 1.2: Accounting, Auditing, Taxation, and related occupation.

Assistant Auditor General	12\13	
Chief Staff Auditor		10
Chief, Program & Budget Officer		10
Director, OIDA		10
Chief of Accounting		10
Chief Treasurer		10
Budget Officer II		10
Fiscal Officer II		10
Chief, Revenue & Taxation		10
Deputy Chief, Program & Budget		9
Deputy Chief, Accounting		9
Deputy Chief, Treasurer		9
Finance Director		9
Fiscal Officer I		9
Budget Analyst I		9
Deputy Chief, Revenue & Taxation		9
Accounts & Administrative Officer		9
Tax Officer		9
Deputy Chief, Staff Auditor		9
Staff Auditor III		8
Budget Specialist III		8
Accountant III		8
Tax Accountant III		8
Tax Auditor		8
Customs Inspector III		8
Tax Accountant II		7
Customs Inspector II		7
Budget Specialist II		7
Accountant II		7
Staff Auditor II		7
Budget Specialist I		6
Accountant I		6
Tax Accountant I		6
Customs Inspector I		6
Staff Auditor I		6
Accounting Technician III		5
Tax Technician III		5
Staff Auditor Trainee		5
Accounting Technician II		4
Tax Technician II		4
Tax Technician I		3
Accounting Technician I		3
Accounting Clerk		2
Any other position classified at appropriate level by the Commission.		

Sub-Classification 1.3: Immigration, Labor and related occupation:

Chief Immigration Controller	10
Chief Labor Division	10
Deputy Chief, Immigration Controller	9
Deputy Chief, Labor Division	9
Immigration Controller III	8
Labor Controller III	8
Immigration Controller II	7
Labor Controller II	7
Immigration Controller I	6
Labor Controller I	6
Immigration Inspector III	5
Labor Inspector III	5
Immigration Inspector II	4
Labor Inspector II	4
Immigration Inspector I	3
Labor Inspector I	3
Any other position classified at appropriate level by the Commission	

Sub-Classification 1.4: Supply related occupation:

Chief Procurement & Supply Officer	10
Deputy Chief, procurement & Supply Officer	9
Procurement Officer	9
Supply Specialist III	8
Supply Specialist II	7
Supply Specialist I	6
Supply Technician III	5
Supply Technician II	4
Supply Technician I	3
Warehouseman II	2
Warehouseman I	1
Any other position classified at appropriate level by the Commission.	

Sub-Classification 1.5: Service, Support and related occupation:

Cafeteria Manager	4
Kitchen Supervisor	3
Cook III	3
Cook II	2
Cook I	1
Kitchen helper	1
Special Worker II	2
Special Worker I	1
Casual Worker II	2
Casual Worker I	1
Watchman II	2
Watchman I	1

Security Guard Supervisor	3
Security Guard II	2
Security Guard I	1
Laundry Worker II	2
Laundry Worker I	1
Any other position classified at appropriate level by the Commission.	

Classification Two (2): Legal and related Occupational Group:

Attorney General	14
Chief Prosecutor	13
Legislative Counselor	13
Assistant Attorney General	13
Chief Legal Aid Officer	13
Chief Public Defender	13
Assistant Public Defender	11
Assistant Chief Prosecutor	11
Prosecuting Officer II	10
Chief, Trial Assistant	10
Prosecuting Officer I	9
Deputy Chief, Trial Assistant	9
Legal Secretary III	8
Trial Assistant III	8
Prosecutor III	8
Trial Assistant II	8
Legal Secretary II	7
Prosecutor II	7
Legal Secretary I	6
Prosecutor I	6
Trial Assistant I	6
Legal Secretary Trainee	5
Any other position classified at appropriate level by the Commission.	

Classification Three (3): Data, Information, and related Occupational Group:

Director, Planning & Statistics		12
System Analyst	11\12	
Computer Programmer	11\12	
Senior Statistician		10
Data Officer II		10
Statistician		9
Data Officer I		9
Director, Vital Statistics		9
Computer Specialist III		8
National Population Coordinator		8
Statistics Specialist III		8
Computer Specialist II		7
Statistics Specialist II		7
Computer Specialist I		6
Statistics Specialist I		6

Data Processing Technician III	5
Statistics Technician III	5
Computer Operator III	5
Computer Operator II	4
Statistics Technician II	4
Data Processing Technician II	4
Statistics Technician I	3
Data Processing Technician I	3
Computer Operator I	3
Any other position classified at appropriate level by the Commission.	

Classification Four (4): Agriculture and related Occupational Group:

Chief Agricultural Officer	10
Deputy Chief Agricultural Officer	9
Agricultural Technical Advisor/Trainer	9
Agriculture Specialist III	8
Agriculture Specialist II	7
Agriculture Specialist I	6
Agriculture Counselor/Trainer Specialist	6
Quarantine Inspector III	5
Agriculture Technician III	5
Livestock Technician III	5
Agriculture Counselor/Trainer	5
Agriculture Expert Agent III	5
Quarantine Inspector II	4
Livestock Technician II	4
Agriculture Technician II	4
Agriculture Exp. Agent II	4
Quarantine Inspector I	3
Livestock Technician I	3
Agriculture Technician I	3
Agriculture Extension Agent I	3
Quarantine Inspector Aide	2
Farm Worker II	2
Nurseryman	1
Farm Worker I	1
Gardener II	2
Gardener I	1
Any other position classified at appropriate level by the Commission.	

Classification Five (5): Fisheries and related Occupational Group:

Director of MIMRA	12
Principal, Fisheries Training	11
Instructor (Fisheries)	10
Deputy Director of MIMRA	10
Training Coordinator (Fisheries)	9
Chief, Agriculture Officer	9
Fisheries Expert	9

Fisheries Specialist III	8
Fisheries Specialist II	7
Fisheries Specialist I	6
Fisheries Technician III	5
Fisheries Technician II	4
Fisheries Technician I	3
Fishery Project Site in-Charge	2
Fishery Port Sampler	1
Fisheries Port Site Worker	1
Any other position classified at appropriate level by the Commission.	

Classification Six (6): Medical, Public Health and related Occupational Group:

Chief of Staff, Hospital	14
Medical Director, Public Health	13
Staff Physician (all Specializations)	13
National Health Planner	13-12
Dentist	12
Medical Officer	12
Medical Officer (Intern)	11
Chief Pharmacist	11
Anaesthetist	11
Director, OIDS	10
Chief of Nursing	10
Chief, Medical Laboratory	10
Director, Communicable Diseases	10
Medex	10
Director, MCH	10
Chief Nutritionist	10
Program Director, Public Health	10
Director, Family Planning	10
Deputy Chief Nurse	9
Assistant Director, MCH	9
Deputy Chief Pharmacist	9
Deputy Chief Medical Laboratory	9
Director of Human Services	9
Director, Hospital Support	9
Medical Technologist II	9
Senior Nutritionist	9
Deputy Director, Family Planning	9
X-Ray Supervisor	9
Medical Technologist I	8
Family Planning Specialist III	8
Coordinator, Social Work	8
Head Nurse	8
Supervising Nurse	8
Specialized Nurse	8
Medical Lab. Specialist III	8
Supervisor, Material Management	8
Coordinator III, Human Services	8

Nutritionist III	8
Medical Records Specialist III/Supervisor	8
Head Nurse	8
Supervising Nurse	8
Specialized Nurse	8
Medical Lab. Specialist III	8
Supervisor, Material Management	8
Coordinator III, Human Services	8
Nutritionist III	8
Medical Records Specialist III/Supervisor	8
Coordinator, MCH	8
Pharmacy Specialist III	8
X-Ray Assistant Supervisor	8
Health Planner III	8
Staff Nurse III	8
Dental Nurse III	8
Health Education Specialist III/Counselor	8
Supervisor, Hospital Maintenance	8
X-Ray Specialist II	7
Nutritionist II	7
Staff Nurse II	7
Patient Accounts Supervisor	7
Assistant Supervisor, Material Mgmt.	7
Family Planning Specialist II	7
Health Planner II	7
Medical Records Specialist II	7
Medical Lab. Specialist II	7
Pharmacy Specialist II	7
Coordinator II, Human Services	7
Staff Nurse II	7
Dental Nurse II	7
Health Education Specialist II/Counselor	7
Nutritionist I	6
Nutrition Program Coordinator	6
X-Ray Specialist I	6
Staff Nurse I	6
Dental Nurse I	6
Pharmacy Specialist I	6
Medical Lab. Specialist I	6
Health Education Specialist I	6
Mental Health Coordinator	6
Medical Records Specialist I	6
Medical Referral Coordinator	6
Health Information Specialist	6
Health Planner I	6
Family Planning Specialist I	6
Geriatric Program Coordinator	6
Physical Therapist	6
Coordinator I, Human Services	6
Population & Family Life Education Coordinator	6

Alcohol Substance Abuse Coordinator	6
Medical Supply Specialist	6
Surgical Technician III	5
Practical Nurse III	5
Health Assistant III	5
Health Fitness Educator	5
Pharmacy Technician III	5
Health Educator III	5
Medical Lab. Technician III	5
Medical Supply Technician III	5
X-Ray Technician III	5
Environmental Supervisor	5
Dental Lab. Technician III	5
Dental Assistant III	5
Medical Records Technician III	5
Psychiatric Technician III	5
Surgical Technician II	4
Medical Lab. Technician II	4
Pharmacy Technician II	4
Health Educator II	4
Dental Assistant II	4
Psychiatric Technician II	4
Dental Lab. Technician II	4
Medical Records Technician II	4
Medical Supply Technician II	4
Practical Nurse II	4
Health Assistant II	4
X-Ray Technician II	4
X-Ray Technician I	3
Surgical Technician I	3
Psychiatric Technician I	3
Health Educator I	3
Practical Nurse I	3
Mental Health Technician I	3
Medical Records Technician I	3
Dental Lab. Technician I	3
Patient Referral Technician I	3
Medical Supply Technician I	3
Medical Lab. Technician I	3
Pharmacy Technician I	3
Patients Account Cashier	3
Dental Assistant I	3
Health Assistant I	3
X-Ray Aide II	2
Pharmacy Aide II	2
Health Assistant Trainee	2
Practical Nurses Trainee	2
Medical Records Clerk	2
Medical Supply Aide II	2
Dental Assistant Trainee	2

Medical Lab. Aide II	2
X-Ray Aide I	1
Pharmacy Aide I	1
Medical Lab. Aide I	1
Medical Supply Aide I	1
Any other position classified at appropriate level by the Commission.	

Classification Seven (7): Technical, Mechanical, Engineering, Trades related Occupational Group:

Manager of Weather Station	12
Architect Engineer	11
Civil Engineer	11
Mechanical Engineer	11
Electrical Engineer	11
Marine Engineer	11
National Disaster Control Officer 11	
Chief Surveyor	10
Chief of CGMA	10
Chief, Program & Project	10
Chief of Weather Station	10
Chief, Carpentry & Inspection	9
Deputy Chief, Program & Project	9
Marine Engineering Instructor	9
Chief, Welder	9
Communications Officer	9
Electronic Supervisor	9
Chief, Air-Con/Elect/Freezer	9
Master, YFU 77	9
Senior Weather Specialist	9
Master, YFU 76	9
Captain	9
Deputy Manager, Weather Services	9
Deputy Chief Surveyor	9
Electronic Technician III	8
Supervisor (Roads & Grounds)	8
Supervisor (Construction)	8
Supervisor (Air-condition & Freezer)	8
Supervisor (Electricity)	8
Supervisor (Heavy Equipment Mechanic)	8
Trades Specialist III	8
Weather Service Specialist III	8
Supervisor (Boat Mechanic)	8
Supervisor (Plumbing)	8
Printing Supervisor	8
Supervisor (Carpenter)	8
Survey Specialist III	8
Electronic Technician II	7
Trades Specialist II	7
Weather Service Specialist II	7
Assistant Master YFU 77	7

Assistant Master YFU 76	7
Boat Mechanic Specialist II	7
Inspector II (Roads & Grounds)	7
Inspector II (Construction)	7
Inspector II (Air-condition & Freezer)	7
Inspector II (Electricity)	7
Inspector II (Welder)	7
Inspector II (Carpentry)	7
Inspector II (Heavy Equipment Mechanic)	7
Printing Specialist II	7
Survey Specialist II	7
Weather Service Specialist I	6
Electronic Technician I	6
Radio Operator	6
Trades Specialist I	6
Inspector I (Welder)	6
Marine Mechanic Specialist I	6
Inspector I (Roads & Grounds)	6
Inspector I (Construction)	6
Inspector I (Air-condition & Freezer)	6
Inspector I (Electricity)	6
Inspector I (Carpentry)	6
Inspector I (Heavy Equipment Mechanic)	6
Printing Specialist I	6
Survey Specialist I	6
Draftsman III	5
Survey Technician III	5
Weather Service Maintenance Technician	5
Auto Mechanic For II	5
Surveillance Technician III	5
Carpenter Fore II	5
Electrician Fore II	5
Heavy Equipment Mechanic Fore II	5
Air-con/Freezer Fore II	5
Chief Mate	5
Sheet Metal Fore II	5
Welder Fore II	5
Plumber Fore II	5
Boat Mechanic Fore II	5
Chief Engineer, YFU	5
Heavy Equipment Operator II	5
Printing Supervisor	5
Light Machine Operator II	5
Draftsman II	4
Survey Technician II	4
Surveillance Technician II	4
Auto Mechanic Fore I	4
Carpenter Fore I	4
Electronic Fore I	4
Heavy Equipment Mechanic Fore I	4

Air-con/Freezer Fore I	4
Sheet Metal Fore I	4
Welder Fore I	4
Plumber Fore I	4
Boat Mechanic Fore I	4
Heavy Equipment Operator I	4
Light Machine Operator	4
Printing Technician II	4
Surveillance Technician I	3
Auto Mechanic	3
Carpenter	3
Electrician	3
Heavy Equipment Mechanic	3
Air-con/Freezer Mechanic	3
Sheet Metalist	3
Welder	3
Plumber	3
Boat Mechanic	3
Heavy Equipment Operator	3
Light Machine Operator	3
Printing Technician I	3
Second Mate	3
Survey Technician I	3
Draftsman	3
Auto Mechanic Assistant/Trainee	2
Carpentry Assistant/Trainee	2
Electrician Assistant/Trainee	2
Heavy Equipment Mechanic Asst./Trainee	2
Air-con/Freezer Mechanic Asst./Trainee	2
Welder Assistant/Trainee	2
Plumber Assistant/Trainee	2
Boat Mechanic Assistant/Trainee	2
Heavy Equipment Operator Asst./Trainee	2
Light Machine Operator Asst./Trainee	2
Deck Hand II	2
Printing Assistant/Trainee	2
Boatswain Mate II	2
Surveying Aide II	2
Surveying Aide I	1
Deck Hand I	1
Boatswain Mate I	1
Trades Helper	1
Any other position classified at appropriate level by the Commission.	

Classification Eight (8): Education, Social, and related Occupational Group:

Chief Archaeologist	13
Chief, Electoral Administration	10
Asst. Historic Preservation Officer	10
Coordinator, Scholarship	10

Instructor	10
Chief, Local Government	10
Director, Language Commission	10
Chief, Women Development Officer	10
Chief, Drug Enforcement Officer	10
Broadcasting Director	10
Recreation Manager	9
Deputy Chief, Women Development Office	9
Public Relation Officer	9
Deputy Chief, Drug Enforcement Officer	9
Deputy Chief, Community Development	9
Election Referenda Officer	9
Chief Translator	9
Education & Counseling Officer	9
Social Program Officer	9
Food & Nutrition Officer	9
News/Bulletin Officer	9
Chief, Youth Bureau	9
Education Counselor III	8
Election Registration Coordinator	8
Coordinator, School Hot Lunch	8
Recreation Specialist III	8
Registration Coordinator	8
Education Counselor II	7
Recreation Specialist II	7
Youth Bureau Coordinator	7
Radio News/Program Producer II	7
News Reporter II	7
Outreach Coordinator	6
Education Counselor I	6
Radio News/Program Producer I	6
Media Specialist	6
Recreation Specialist I	6
Field Trip Coordinator	6
News Reporter I	6
Radio News Announcer II	5
Recreation Technician III	5
News Reporter	5
Registration Technician III	5
Radio News/Program Producer	5
Publication Technician III	5
House Parent Counselor III	5
Recreation Technician II	4
Publication Technician II	4
Registration Technician II	4
House Parent Technician II	4
Publication Technician I	3
Recreation Technician I	3
House Parent Counselor I	3
Registration Technician I	3

House Parent II	2
House Parent I	1
Any other position classified at appropriate level by the Commission.	

SCHEDULE TWO

(related to Regulation 14 (2) of the Public Service Regulations)

Minimum Educational Qualifications Requirement for Appointment in the Public Service

- (1) The following education, training and experience requirements are established for appointment in each grade or position level of the Public Service.

Grade Level One (1)

Completion of grade eight (8) and ability to understand both English and Marshallese.

Grade Level Two (2)

Completion of grade eight (8) and read and write in English and Marshallese and at least two (2) years in level one or equivalent experience in related field; **or** read and write in English and Marshallese and completed at least a 3-6 months of apprenticeship training program in related field.

Grade Level Three (3)

High School Graduate

or

Read and write in English and Marshallese and completed at least 3-4 months apprenticeship training program and two (2) years in level two or equivalent experience or a nine (9) months of apprenticeship training program in the related field.

Grade Level Four (4)

High School Graduate and at least two (2) years in level three or equivalent experience in related field.

or

Read and write in English and Marshallese and completed at least a 3-6 months apprenticeship training program and two (2) years in level three or equivalent experience in the related field.

Grade Level Five (5)

High School Graduate and at least three (3) years in level four or equivalent experience in related field.

or

Completion of at least a nine (9) months of apprenticeship training program and three (3) years in level four or High School Graduate and completion of at least a nine (9) months training program without experience or equivalent experience in related field.

Grade Level Six (6)

Associate Degree in related field

or

High School Graduate and completion of at least a nine (9) months of apprenticeship training program with two (2) years of experience; or High School Graduate and completion of at least an eighteen (18) month apprenticeship training program in related field.

Grade Level Seven (7)

Associate Degree in area and two (2) years of experience in level six or equivalent experience;

or

High School Graduate and completion of at least eighteen (18) months of an apprenticeship training program with two (2) years in level six or equivalent experience; or High School Graduate and completion of at least a nine (9) months of apprenticeship training program and three (3) years in level six or equivalent experience in related field.

Grade Level Eight (8)

Associate Degree in area and three (3) years in level seven or equivalent experience;

or

High School Graduate and completion of at least eighteen (18) months of an apprenticeship training program with three (3) years in level seven or equivalent experience or High School Graduate and completion of at least a nine (9) months of apprenticeship training program and four (4) years in level seven or equivalent experience in related field.

Grade Level Nine (9)

Associate Degree in area and four (4) years in level eight or equivalent experience;

or

High School Graduate and completion of at least eighteen (18) months of an apprenticeship training program with four (4) years in level eight or equivalent experience.

Grade Level Ten (10)

Bachelor Degree in area

or

Certificate/license equivalent to Bachelor Degree in related field.

Grade Level Eleven (11)

Masters Degree in area or license/certificate equivalent to masters degree in related field;
or
Bachelor Degree in area with two (2) years in level ten or equivalent experience in related field;

Grade Level Twelve (12)

Masters Degree in area and two (2) years in level eleven or equivalent experience in related field;
or
Bachelor Degree in area with three (3) years in level eleven or equivalent experience in related field.

Grade Level Thirteen (13)

Masters Degree in area and three (3) years in level twelve or equivalent experience in related field;
or
Bachelor Degree in area and four (4) years in level twelve or equivalent experience in related field;

Grade Level Fourteen (14)

Masters Degree in area and four (4) years in level thirteen or equivalent experience in related field;
or
Bachelor Degree in area and five (5) years in level fourteen or equivalent experience in related field.

Grade Level Fifteen (15)

Masters Degree in area and more than five (5) years in level fourteen or equivalent experience in related field;
or
any other combination of qualifications and experience as determined by the Commission to suit the job requirement.

Grade Level Sixteen (16)

Masters Degree in area and more than seven (7) years in level fifteen or equivalent experience in related field; or any other combination of qualifications and experience as determined by the Commission to suit the job requirement.

- (2) Notwithstanding anything contained in clause one (1), the Commission may establish any other combination of qualifications or any other attributes required for specific job or jobs in order to attract suitable and qualified candidates in the Public Service.
- (3) Any decisions as to the certification of certificate, ie. whether the training or study course or license or certificate is equivalent to High School Graduate or Associate Degree or Bachelor Degree or Masters Degree shall be made by the Public Service Commission.

- (4) Equivalent experience means performance of same or similar position duties, number of years of duty performance, and documented knowledge, abilities and skills required for the position or combination thereof that ensure that applicant meets minimum qualification.

SCHEDULE THREE

Procedures for Recruitment & Selection of Candidates:

(related to regulation 17 (3) of the Public Service Regulations)

Procedures for recruitment & selection:

- (1) When a position is to be filled by means of open competition, the Commission shall make announcement of such position according to section 11 of the Public Service Regulations.
- (2) The announcement of vacancies shall include position title, grade, salary scale, place of work, description of duties, educational qualification requirement (regulation 14), form of examination required for appointment (regulation 16), whether permanent or temporary, and the deadline for submission of application.
- (3) The announcement to be made by the Public Service Commission shall stipulate a minimum of fifteen (15) days for the submission of applications by candidates. In a case where a position has to be re announced because of one or other reasons, it will stipulate a minimum of ten (10) days for submission of applications. The application form shall be as prescribed by the Public Service Commission.
- (4) An acknowledgement receipt shall be issued to all candidates on the day on which applications are received by the Commission.
- (5) For the purpose of selection of candidates for appointments in accordance to Public Service Regulations, the Public Service Commission may form a Selection Committee consisting of the following members of any other members as deemed appropriate or may act on its own without forming such a Committee.
 - (a) Assistant Commissioners for personnel
or Representative Chairperson
 - (b) Head of the department concerned
or Representative Member
 - (c) Assistant Commissioner for Administration
& Training or Representative Member
- (6) Notwithstanding anything contained in clause (5), in a case where the selection is for a Permanent Secretary position, the Commission shall request, where practicable, the Chief

Secretary to be the Chairperson of the Selection Committee and the Assistant Commissioner for Personnel and Assistant Commissioner for Administration and Training shall serve as Members.

- (7) The Selection Committee shall consider criteria for selection set out in these Regulations, and in the applicable laws of the Republic which govern a particular Ministry.
- (8) A successful candidate shall be required to comply with the health requirements set out in Parts XI and XII.

**Procedures for Establishment of Positions:
(Related to Regulation 10 (4) (b))**

The following procedures are adopted by the Commission for establishment of positions in the Public Service.

- (1) Each Ministry or agency required to establish a new position shall submit to the Commission:
 - (a) Proposed position title, grade, salary scale,
 - (b) a proposed job description,
 - (c) proposed and present organizational chart,
 - (d) and a note indicating specific measurable reasons for the establishment of a new position (s) and the source of funding.
- (2) The Commission, upon receipt of the request from the concerned Ministry shall look into the needs for such a position(s) considering whether:
 - (a) the duties are reasonable and appropriate to the need of the department;
 - (b) the duties are within the policies of the government;
 - (c) the position title adequately describes the functions to be performed and is consistent with other position titles in the public service;
 - (d) the grade and amount of salary ensure the relative worth for the job and is consistent within the grading structure of the Public Service;
 - (e) there is fund for the establishment of a new position.
- (3) The Commission, after a study according to clause (2) above, shall either (a) present a Cabinet Paper to the Cabinet for approval or (b) will write to the concerned ministry with justifications for Commission disapproval of position establishment.
- (4) In case the ministry is not satisfied with the decision of the Commission as per (b) above, the ministry may present a Cabinet Paper to the Cabinet including the justifications given by the Commission for consideration.

- (5) The Commission, upon the approval or disapproval from the Cabinet shall notify the concerned ministry as to the status of establishment of the position.
- (6) The Commission shall also approve the new organization chart and the job description and shall forward a copy of the same to the concerned ministry.
- (7) After approval, the Public Service Commission shall maintain records of the position, its grading, organizational chart and job description, indicating the date of approval into appropriate file.
- (8) In case the ministry is required to make necessary adjustments to the established positions (change in position title or abolishing an established position or creating a new position in lieu of abolished positions, etc.), the ministry shall process such matter through Public Service Personnel Action Form with other relevant information that helps the Commission to reach a decision.

SCHEDULE FOUR

Public Service Basic Salary Scale (Revised 1997) (All amounts are annual rate in Dollars)

Pay Level	Step	1	Step	2	Step	3	Step	4	Step	5
16		36,000		38,000		40,000	=		=	
15		32,000		34,000		36,000	=		=	
14		31,000		33,000		35,000	=		=	
13		27,000		28,000		30,000	=		=	
12		24,000		25,000		27,000	=		=	
11		21,000		22,000		23,000	=		=	
10		18,000		19,000		20,000	=		=	
9		13,045		13,935		14,895		15,925		17,025
8		10,025		10,710		11,440		12,220		13,045
7		8,785		9,380		10,025		10,710		11,440
6		7,735		8,240		8,785		9,380		10,025
5		6,795		7,255		7,735		8,240		8,785
4		5,995		6,385		6,795		7,255		7,735

3	5,285	5,630	5,995	6,385	6,795
2	4,670	4,965	5,285	5,630	5,995
1	4,160	4,395	4,670	4,965	5,285

SCHEDULE FIVE

(related to Regulation 35 of the Public Service Regulations)

HOURS OF ATTENDANCE AND TIME-CLOCK REQUIREMENTS

Pursuant to regulation 35, the following rules shall apply:

1. Appointment of and functions of a timekeeper

- (1) Every head of a ministry, agency or department shall appoint a timekeeper to be responsible for ensuring that:
 - (a) the Ministry, department or agency complies with requirements under subclause (3) of this Schedule;
 - (b) every employee uses the time clock installed within each office to record their attendance at work;
 - (c) attendance cards and records of all employees are kept and maintained;
 - (d) the time clock is regularly maintained;
 - (e) timecards are checked every day for errors and malfunctioning of the time clock;
 - (f) requests are made for repairs or replacement of time clocks as required;
 - (g) employees are provided with information on how to use the time clock properly and in compliance with the requirements under this Schedule.

2. Prescribed hours of work

- (1) Subject to subclause (2), the prescribed hours of work for each employee shall be 8:00am to 5:00pm, Monday to Friday, with one hour (12:00noon to 1:00pm) allocated for lunch each day.
- (2) The Public Service Commission may, from time to time, determine the hours of work for shift workers or employees engaged under special contracts of service.

3. Standard times and recording an employee's attendance

- (1) To ensure that fairness and consistency are maintained throughout the public service, and to ensure that time and attendance of employees are recorded properly, the following rules shall apply:

- (a) When **reading** a punched timecard, the timekeeper shall follow this standard when filling out a time-sheet:

Between 7:55 and 8:05 am = **8:00am**

Between 8:06 and 8:20 am = **8:15am**

Between 8:21 and 8:35 am = **8:30am**

Between 8:36 and 8:54 am = **8:45am**

Between 8:55 and 9:05 am = **9:00am**

- (b) When **recording** hours of attendance from timecards, the timekeeper should follow this rule or standard:

Always **record the exact hours and minutes** of attendance as reflected on each timecard when filling out the time sheet.

No hour or minute **marked by a pen or pencil** shall be honored unless initialed by the Secretary of a Ministry, or the timekeeper.

- (c) The timekeeper shall monitor the following **rules** for punching in and out.

- (i) Each working day an employee should do the following:

Punch in when reporting to work in the morning

Punch out when going out for lunch (one-hour lunch)

Punch in when reporting back to work after lunch

Punch out when finishing work for the day.

- (ii) Each employee is required to punch **only** his or her timecard;
- (iii) **Marking** the timecard is not allowed except when done by the Secretary or the timekeeper if the time clock has malfunctioned.
- (iv) Where a time clock is found to be **malfunctioning**, an employee shall inform the Secretary or the timekeeper.
- (v) The time clock machine is government property and therefore **should not be abused**.

SCHEDULE SIX

(related to Regulation 27 of the Public Service Regulations)

APPLICATION OF DIFFERENTIALS

Night Differentials (ND)

The 15% night differential is authorized and given to employees that are required to work night shifts. The night differential only applies when an employee is placed and actually works night shifts. If an employee is not placed and does not work night shifts, the night differential shall not apply.

Standby Differentials (SD)

The 20% standby differential shall apply only to those employees that are listed on a standby roster for a particular day or week. The standby roster must have been prepared by a controlling officer and approved by the head of a ministry. The roster must be attached to the timesheet submitted to the Payroll Division, Ministry of Finance. Any employee that is not listed on a standby roster for a particular day or week shall not receive the 20% standby differential.

Ebeye Differentials (ED)

The 20% Ebeye differential shall apply only to:

- (a) citizens of the Republic of the Marshall Islands:
- (b) citizens of Palau and the Federated States of Micronesia, as approved by the Commission.

Contracted expatriates shall not be entitled to this differential.