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# CHAPTER 1 – INTRODUCTION

## CHAPTER 2 – CATEGORIES OF EMPLOYMENT AT PARLIAMENT

Parliament is served by the NPO through its staff, which comprise those employed through the Ministry of Public Service ('MPS') and those engaged through the UNDP Parliamentary Strengthening Project ('Project'). This Chapter only describes the different categories of employment engaged through the Public Service.

### 2.1 Categories of employment

In the NPO establishment, staff members are recruited into 2 categories of positions: permanent/established public offices and other employees of the NPO.

#### 2.1.1 Public Offices

These are permanent or established offices within the Public Service (through the NPO establishment) graded within L3 to Super Scale 4. For public offices in L3 to L13, the Clerk initiates the recruitment process and makes recommendations for appointments to the Public Service Commission ('Commission').<sup>1</sup> For offices in Super Scale 1 to 4, the Clerk also initiates the process but makes recommendations to the Commission through the Permanent Secretary of the Ministry of Public Service ('PS Public Service').<sup>2</sup> Public offices are filled by the following types of officers.

##### (i) *Permanent officers*

These are public officers who hold permanent or established positions on open-ended appointment (i.e., does not have a fixed term).

##### (ii) *Permanent temporary officers*

These are public officers who hold either of the following types of position:

- (a) permanent temporary officers: these officers hold temporarily vacant permanent positions on an hourly, weekly or monthly basis (working full-time) until such positions are filled;<sup>3</sup>
- (b) permanent part-time officers: these officers hold temporarily vacant permanent positions on an hourly, weekly or monthly (working part-time) until such positions are filled;<sup>4</sup>
- (c) permanent fixed-term contract officers: these officers hold permanent positions under a contract of service for a term fixed by the contract;<sup>5</sup> and

<sup>1</sup> GO, Ch B, s 107(b).

<sup>2</sup> Ibid, Ch B, s 107(c).

<sup>3</sup> GO, Ch B, s 1001.

<sup>4</sup> Ibid, Ch B, ss 1001 & 1007.

<sup>5</sup> Ibid, Ch B, s 112(c).

- (d) special duties temporary officers: these officers hold permanent positions created for special functions at the discretion of the PS Public Service.<sup>6</sup>

Appointments into permanent temporary offices depend on the level of the permanent office concerned. If the vacant permanent position is between L1 and L13, the Clerk's submission to temporarily fill that position with one of the three types of officers above will be made directly to the Commission. If the vacancy is between Super Scale 1 and 4, the submission will be made to the Commission through the PS Public Service.

The duration of the temporary appointment also affects the recruitment process (covered in the next Chapter).

### 2.1.2 Other Employees

The following are other employees of the NPO who are not public officers.

#### (i) *Casual workers (labourers)*

Casual workers cater for casual and unskilled work for the NPO,<sup>7</sup> but are not part of the formal establishment of the NPO or of the Public Service.<sup>8</sup> The Clerk creates casual positions, or fills these, on an irregular or intermittent basis, as and when needed during a year, including as a response to an urgent need or emergency situation. The Clerk initiates the recruitment process for a casual position and recommends to the PS Public Service for appointment.<sup>9</sup> Examples include the positions of cleaners and gardeners.

This type of position lasts as long as the related casual work exists, at the discretion of the Clerk. The minimum is a day.

Before creating or filling a casual position, the Clerk will decide how long it is to last. Such fixed term casual work terminates when that term lapses.

If a fixed term cannot be ascertained, the duration of the engagement will be open-ended. This means that the successful applicant will work on a daily basis until the work is completed or the Clerk directs that such work is no longer needed.

Open-ended casual work terminates at any time when the Clerk gives one day's notice. If a casual worker has worked continuously for a month, he or she can apply to the Clerk to extend the basis of engagement from daily to weekly.

<sup>6</sup> Ibid, Ch B, s 1009.

<sup>7</sup> GO, Ch S, s 101 (definition of 'labourer').

<sup>8</sup> Ibid, Ch B, s 104.

<sup>9</sup> GO, Ch S, s 102.

After 1 year of service, the worker can apply to extend the basis to monthly. From this point onwards, the open-ended casual worker will be engaged on the same basis as a non-established employee (see below).

### *(ii) Non-established employees*

Non-established employees ('NEE') cater for semi-skilled or skilled work, and are graded between L1 and L2. This is to be filled by a semi-skilled or skilled worker, artisan or craftsperson, but not an apprentice or casual worker.<sup>10</sup> It is not part of the formal establishment of the NPO or of the Public Service.<sup>11</sup> The Clerk initiates the recruitment process for a NEE position and recommends to the PS Public Service for appointment.<sup>12</sup>

At the NPO, this type of position is on a monthly basis, but open-ended in terms of its duration.<sup>13</sup> Unlike a casual position, once a non-established position has been created, abolishing it can only be done in the same way a public office is abolished.

### *(iii) Temporary employees*

Temporary employees hold temporary positions created against sub-heads in the NPO's budget other than the salary sub-head. Such positions are not permanent or established but are created for specific temporary purposes. Temporary employees are not public officers although some Public Service rules still apply to such employees.

The Clerk will create temporary employee positions when the NPO needs additional assistance with clerical or similar tasks, or a specific project or task that is time limited arises. There are three types of temporary employees: temporary clerical assistants and special temporary employees.

#### *(a) Clerical Assistants*

Clerical assistants are employees engaged temporarily to undertake time limited tasks that are clerical in nature,<sup>14</sup> which the Clerk considers necessary from time to time and during certain periods (for example during sitting days of the Parliament). The Clerk appoints clerical assistants directly.<sup>15</sup>

Examples include employees recruited to assist the Hansard office, Registry office, Library or Accounts office.

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<sup>10</sup> GO, Ch S, s 101 (definition of 'non-established employee').

<sup>11</sup> Ibid, Ch S, s 104.

<sup>12</sup> GO, Ch B, s 107(a) and Ch S, s 102.

<sup>13</sup> Ibid, Ch S, s 201. This provision allows a term of engagement for non-established positions for less than a month but in light of casual positions that can go up to a month, NPO is better off leaving work requiring less than a month to casual workers.

<sup>14</sup> GO, Ch B, s 1101.

<sup>15</sup> GO, Ch B, s 1102.

A clerical assistant will be engaged for up to a maximum of 3 months, at the discretion of the Clerk,<sup>16</sup> depending on the task involved.

### (b) Special Temporary Employees (Political Appointees)

This sub-category of temporary employees cover persons employed to perform specified political tasks.<sup>17</sup> Appointment is made directly by the Secretary to Cabinet (after consulting the Commission)<sup>18</sup> to the NPO establishment through a contract of service,<sup>19</sup> although the Clerk manages such employees. At the NPO, the only political appointees are those appointed to serve the Leader of the Opposition and the Leader of the Independent Group.

Political appointees are not public officers but are subject to the disciplinary rules and processes of the Public Service applicable to permanent public officers (see Chapter XX).<sup>20</sup> All other terms and conditions of a political appointee are confined to what is set out in his or her contract.<sup>21</sup> The Clerk has no say on such terms and conditions as these are matters for the Secretary of the Cabinet, Leader involved and the political appointee to agree on.

The duration of a political appointee's term depends on his or her contract. It could be for a fixed term or tied to the term of office of the Leader the appointee serves. Again, the Clerk has no say on the term.

## 2.2 NPO Establishment Overview

[CONSIDER INSERTING A TABLE OF THE POSITIONS THAT FALL UNDER THE ABOVE CATEGORIES AND SUB-CATEGORIES AT THE NPO AS AT 2011]

In summary, parliamentary staff members serving at Parliament through the NPO establishment (Public Service) include:

- (a) public officers:
  - permanent officers – the bulk of staff members fall under this category; and
  - permanent temporary officers – the Clerk engages acting officers on full-time basis whenever a permanent officer is on long leave or goes abroad, but there are no part-time, contract based or special duties temporary officers as yet at the NPO; and
- (b) other employees:
  - casual workers – include gardeners and cleaners, but these casuals have been engaged long enough that they are now engaged on the same level and terms as NEE;
  - NEE – include security guards, orderly, receptionist and drivers; and

<sup>16</sup> GO, Ch B, ss 1102 & 112(b)(v).

<sup>17</sup> *Public Service (Special Temporary Employees) Rules* 2005, r 2 (definition of 'special temporary employee').

<sup>18</sup> *Ibid*, r 3(1).

<sup>19</sup> *Ibid*, r 2 (definition of 'special temporary employee').

<sup>20</sup> *Ibid*, r 4(3).

<sup>21</sup> *Ibid*, r 4(1) and (2).

- temporary employees – include clerical assistants who are usually engaged to assist Hansard during or after long meetings, and a few political appointees working at the offices of the two Leaders.

[INSERT DIVISIONS AND DEPARTMENTS]

These categories of NPO officers are loosely grouped into a number of in-house ‘departments’, ‘units’ and ‘teams’ which may be conveniently classified as follows:

[INSERT LIST OF DEPARTMENTS/UNITS]

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## CHAPTER 3 – EMPLOYMENT

### 3.1 Employment policy

The NPO aims to develop an exemplary workforce, within the Public Service, which provides effective parliamentary services and support to enable the National Parliament to fulfil its functions. Such a workforce will contribute to the Public Service's mission develop a competent and sustainable Public Service that is founded on strong ethical leadership and effective human resources management practices.

### 3.2 Principles

To achieve the above policy the NPO is guided by certain fundamental principles to ensure that recruitment and selection processes are ethical, fair and effective. These principles include public interest, competitive merit based selection, seniority, gender equity, and regard for workers in provinces and for special needs.

#### 3.2.1 Public interest

In recruiting officers, the NPO must always bear in mind the wider public interest.<sup>22</sup> This is best served in the NPO's selection process by:

- use of non-discriminatory and competitive merit selection processes and practices;
- minimising undesirable conduct at the workplace;
- minimising long term temporary appointments;
- retaining and improving the skills and expertise of its officers; and
- using competence as the basis for the training, development and career progression of officers.

#### 3.2.2 Competitive merit based selection

The central principle of this employment policy is use of a competitive merit based selection process for all recruitments, subject to certain clear exceptions.<sup>23</sup>

At the NPO this process aims to ensure that:

- every eligible Solomon Islander has an opportunity to work for Parliament;
- selection is based on his/her capacity to perform the relevant functions;
- the best candidate is recruited to contribute to NPO's broader employment policy; and
- each recruitment contributes to delivery of high quality services to Parliament and its Members and committees.

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<sup>22</sup> "Public interest" is an overarching principle that is regularly relied on in the *General Orders of the Public Service of Solomon Islands 1986*. Examples from the rules on recruitment include Ch. B, ss 210 and 301.

<sup>23</sup> *Public Service Commission Regulations 1998* (as amended in 2006), reg 21 ('PSC Regulations'); and *General Orders of the Public Service of Solomon Islands 1986*, Ch. B s 109(c) ('GO'). Exceptions are dealt with further on in this Chapter.

Competitive merit based selection uses practices that are designed to be ethical, fair and effective.

Ethical practices mean that these must be conducted with integrity, impartiality, professionalism, accountability and confidentiality.

Fairness entails practices that do not discriminate as defined by the *Constitution*;<sup>24</sup> encourage and support diversity amongst NPO staff; provide a fair chance of working for Parliament to all eligible Solomon Islanders; are transparent and provide a clear audit trail; are understood by prospective applicants; enable appropriate feedback to applicants; and set clear minimum standards of the selection process.

Effectiveness means that persons recruited are those who can support the NPO in meeting its corporate goals and achieving timely and high quality outcomes.

### 3.2.3 Seniority

In filling vacancies, seniority of public officers will be taken into account where the relevant policies and rules (further below) require. Seniority refers to the total and unbroken length service of a public officer, counting from the date on which he or she was appointed to a substantive position/grade.<sup>25</sup>

### 3.2.4 Gender equity

The recruitment process also takes into account gender equity amongst NPO staff.<sup>26</sup>

On this basis, the Clerk has the following discretionary powers:

- (a) to recommend the appointment of a female or male applicant to a position in a unit/team/division if, in the Clerk's opinion, there is gross imbalance in gender equity in the NPO establishment or the relevant unit/team/division; and
- (b) to consider existing gender equity (or lack of it) when applying to create new positions.

The Clerk will only exercise the discretion in paragraph (a) for positions graded **L7** and above if the applicant meets the minimum qualification and experience,<sup>27</sup> and this rationale will be noted on the relevant paperwork.

<sup>24</sup> *Constitution of Solomon Islands 1978*, s 15(2) and (4). Subsection (2) prohibits discriminatory treatment when implementing written law or carrying out functions of a public office or authority. Subsection (4) defines "discriminatory" as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description."

<sup>25</sup> GO, Ch B, s 301.

<sup>26</sup> GO, Ch B, s 107

<sup>27</sup> The GO (Ch. B, s 107) only requires a Responsible Officer to take into account gender equity, but does not go on to specifically permit affirmative action in favour of a particular gender in the sense envisaged by section 15(5)(g) of the *Constitution*. Ignoring even minimum qualification and experience requirements when recruiting is discriminatory and in violation of section 15(2) & (4) of the *Constitution* unless affirmative action is expressly and specifically prescribed.

### 3.2.5 Workers from the provinces

The recruitment process also takes into consideration workers from the provinces.<sup>28</sup> This means that the process will bear in mind the desire to have provincial workers to participate at the NPO level, and will ensure that there is reasonable representation of all provinces in the NPO.<sup>29</sup>

In filling a new position or vacancy, the Clerk may recommend:

- (a) a provincial applicant over a Honiara-based applicant; and
- (b) an applicant from a particular province if there is no or very low representation of that province in the relevant unit/team/division, or in the NPO in general.

The Clerk will only exercise these discretionary powers if the applicant meets the minimum qualification and experience required.

In this section "provinces" refer to all 9 provinces and their headquarters, but excludes Honiara City.

### 3.2.6 Special Needs (Disability)

The recruitment process will take into account the desire for persons with special needs (disability) to participate in the affairs of Parliament and the Public Service,<sup>30</sup> especially those residing in urban areas.<sup>31</sup>

A "disabled person" means one who has fully or partially lost his/her bodily functions through illness or deformity at birth, thus making it hard for that person to get and keep a suitable job, or to work.<sup>32</sup> This excludes a person who suffers from:

- (a) tuberculosis, leprosy or a chronic heart condition;<sup>33</sup> or
- (b) a disability (of any kind) of the mind.<sup>34</sup>

When a vacancy arises, the Human Resources Manager ('HRM'), in consultation with the Clerk, will assess:

- (a) whether the functions of the vacancy could be physically and proficiently carried out by a disabled person,<sup>35</sup> though any educational criteria remains the same,<sup>36</sup> and

<sup>28</sup> GO, Ch. B, s 107

<sup>29</sup> GO (Chapter B) does not specifically call for balanced representation of all provinces. However, a recruitment process that appears to be dominated by one or a few provinces may be accused of one designed to have discriminatory outcomes as defined by section 15 of the *Constitution*. As such, taking this factor into account does not violate any existing rule and is prudent.

<sup>30</sup> Required by GO, Ch. B, s 107.

<sup>31</sup> GO, Ch. B, s 1302.

<sup>32</sup> GO, Ch. B, s 1301. Note that this provision does not take into account *mental or psychological disability*.

<sup>33</sup> Ibid.

<sup>34</sup> Mental disability is treated very differently under Solomon Islands laws. The key response to persons with such condition is medical treatment, custody and handling his or her affairs and properties under the *Mental Treatment Act (Cap. 103)*, as opposed to integration into normal affairs and society. Again, in the *Limitation Act (Cap. 18)*, mental disability is a ground to extend or disregard limitation of action (see s 4 (definition of 'disability') and ss 24 & 39), whereas physical disability is not.

<sup>35</sup> GO, Ch. B, ss 1303 & 1305. "Proficiency" is the test, which is lower than efficiency and effectiveness. "Proficiency" is defined as "mastery of a specific behaviour or skill demonstrated by consistently superior performance, measured against established or popular standards": [www.BusinessDictionary.com](http://www.BusinessDictionary.com)

- (b) whether the NPO and the workplace for the vacancy are appropriately equipped or prepared to meet special needs of disabled persons.<sup>37</sup>

If, either (a) or (b) cannot be met, the vacancy will not be open to disabled persons.

If, on the other hand, criteria (a) and (b) above can be met, the Clerk will notify the PS Public Service and the Permanent Secretary of the Ministry of Health and Medical Services ('PS Health').<sup>38</sup> In this instance, the advertisement to follow will expressly state the vacancy to be open to disabled persons for permanent vacancies graded L3 to L13. If the vacancy is a super scale grade, it is up to the PS Public Service and PS Health whether to extend advertisement to employable disabled persons in the PS Health's registry;<sup>39</sup> the Clerk will act on these two PS' advice.

### 3.3 Employment Overview

Employment at the NPO covers three broad areas:

- (a) recruitment;
- (b) other types of appointment (i.e., transfer and promotion); and
- (c) post-recruitment information, disclosure and declarations.

Recruitment is covered by Clauses 3.4 (below), with induction separately covered in Chapter 4, and other areas of appointment is not covered in this version. Post-recruitment information, disclosure and declarations are dealt with in Clause 3.6.

### 3.4 Recruitment

The recruitment process involves filling vacancies of any type and dealing with post-appointment matters. The process starts with filling a vacancy and is followed by induction and orientation. These are set out below in two policies – the Methods of Filling Vacancies Policy and Post-Recruitment Disclosures Policy.

#### 3.4.1 Filling of Vacancies Policy (Permanent Vacancy Only)

Recruitment is about filling permanent, temporary and other employee vacancies that arise from time to time in the NPO establishment. In filling such vacancies, the NPO is committed to provide fair and equitable methods through a transparent process, using best practice recruitment methods. This policy is based on Public Service guidelines enshrined in NPO's employment policy and principles (above).

<sup>36</sup> For example, if the position involves mainly working on computers and presenting, any disabled person who cannot walk but can still do both will be considered as proficiently capable of filling the vacancy, but must meet the minimum educational requirements.

<sup>37</sup> This is an assessment of resources available to the NPO for disabled workers.

<sup>38</sup> GO, Ch. B, s 1305. The PS MHMS maintains a registry of "employable" disabled persons – *ibid*, s 1304.

<sup>39</sup> GO, Ch. B, s 1305. Only vacancies within the purview of the PSC require the involvement of the two PS with regard to PWSNs. Under Chapter B (s 107), filling L1 to L13 positions are to be recommended directly by the Clerk, whilst super scale positions must still go through PS MPS.

The policy sets out available options that the Clerk uses to meet the workforce planning needs of the NPO, including permanent, temporary and other employment arrangements. The option used depends on the position involved or the nature and duration of the available work.

In applying this policy, the NPO bears in mind its aim to encourage and support the development of the skills, knowledge and experience of its staff in the public interest. In that regard, if permitted by Public Service rules and funding, the NPO will offer professional development opportunities to its staff in order to boost the level of competence within the NPO, and to retain trained and valuable human resources.

Options for filling vacancies vary according to the category of employment at NPO involved. However, at this stage (2011) the focus of this policy will only be on filling *permanent vacancies*.<sup>40</sup>

A **permanent vacancy** arises in the NPO when:

- (a) a new *permanent position* is created or becomes vacant permanently (i.e., the former holder dies, resigns or retires, or is transferred or promoted) permanent vacancy:
- (b) a *permanent fixed term contract office* is created or becomes vacant permanently (i.e., the former holder dies or resigns, or the contract is terminated); and
- (c) a *special duties office* is created or becomes vacant permanently (i.e., the former holder of such office dies, resigns or retires, or is transferred or promoted).

When such a vacancy arises, the Clerk as the NPO's Responsible Officer ('RO') has the discretion to decide whether to fill the vacancy, and if so, how it is to be filled.<sup>41</sup> This authority is hereby delegated to the HRM for administrative matters as indicated in the following procedure.

Filling a permanent vacancy involves the HRM making some preliminary decisions first, based on advice from the Clerk, before filling that vacancy. If the vacancy is to be filled, options include substantive filling, transfer at the same grade ('lateral transfer') and transfer with promotion. An overview of the whole process and the three options is illustrated in the chart (further below). Detailed description of these follows below.

### *Preliminary Stage*

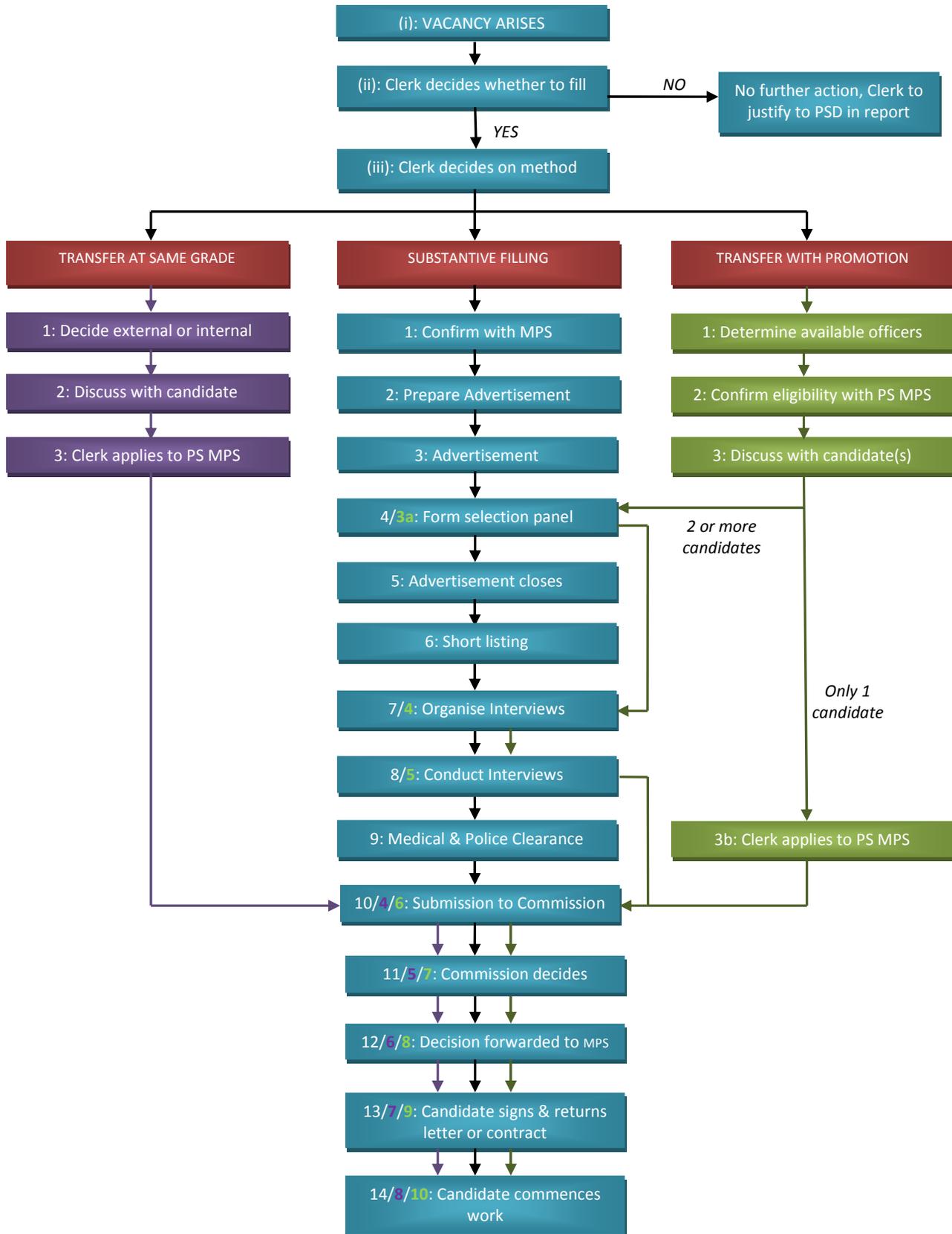
Step (i): Vacancy arises.

A permanent vacancy arises if the former holder dies, resigns, retires, is dismissed, transferred or promoted, or, if it involves a contract of service, that contract lapses or is terminated prematurely but it is not renewed.

The HRM and the relevant Head of Division ('HOD') will identify every vacancy that arises and notify the Clerk, through the Deputy Clerk ('DC'), of this.

<sup>40</sup> Filling the other two types of vacancies (i.e., permanent temporary and temporary – see Chapter 2) will continue to be undertaken as currently practiced but will later be set down in this policy once administrative clarifications have been provided by the MPS.

<sup>41</sup> GO, Ch. B, s 109.



Step (ii): NPO determines whether to fill it or not.

The Clerk has discretion whether to fill the vacancy or not. If it is to be filled, go to Step (iii).

The Clerk may decide that the vacancy will not be filled.<sup>42</sup> In that instance, no further action is to be taken but the HRM must prepare and submit to the MPS a report justifying this decision.

Step (iii): NPO determines method for filling vacancy.

The HRM will, on the advice of the Clerk, decide on how the vacancy is to be filled. The three methods are set out below.

#### *Substantive filling*

By default, unless there is good reason not to, substantive filling is the preferred method of filling every permanent vacancy.

#### *Lateral Transfer*<sup>43</sup>

This method will be used if the Clerk believes that:

- it is in the public interest and in line with Parliament's needs that the position be filled internally at the same level or grade;
- the position is a specialised parliamentary office that only be filled internally;
- he/she is qualified for the vacant position; and
- he/she is willing to accept the transfer as this would involve losing one's seniority.

This option will also be considered if the vacant position is contractual and vacancy arose because of premature termination of the contract. In this case, the candidate must still meet the above requirements.

#### *Transfer with promotion*<sup>44</sup>

This method will be used if the Clerk believes that:

- it is in the public interest and in line with Parliament's needs that the position be filled internally by an officer on a lower level or grade;
- the position is a specialised parliamentary office that only be filled internally;
- he/she has served NPO for at least 1 year;
- he/she is qualified for the vacant position;

<sup>42</sup> There are no clear rules on the situations when the Clerk may make this determination. These needs to be developed by the NPO over time based on its past experience.

<sup>43</sup> Regulation 39, PSC Regulations.

<sup>44</sup> Regulations 40 and 31, PSC Regulations.

- he/she is an exemplary officer who, based on recent evaluations, has performed all his/her core functions in his/her current position efficiently and effectively; and
- he/she has no active disciplinary record.

### **METHOD 1: SUBSTANTIVE FILLING**

Substantive filling of a permanent vacancy involves 14 steps. It should take about 16 weeks, subject to the timing of the MPS. This is the only method of filling permanent vacancies considered in this version. Transfer on the same grade and transfer with promotion are not set out in these policies.

#### **Step 1: NPO confirms that vacancy can be filled substantively (Week 1)**

The HRM (through the Senior Admin Officer – SAO) will contact MPS to confirm whether vacancy is part of the approved establishment for NPO (for the year) and funding for the position. SAO will then complete PS Form 2 and forward it to MPS for approval. The process will only continue if this approval is given in writing.

The HRM should start filling in PS Form 11 (Checklist).

#### **Step 2: Prepare package for advertisement (Week 1)**

This step requires preparing the job description ('JD') and the advertisement for the vacancy.

The HRM and relevant HOD will prepare the JD using PS Form 6 and based on the existing JD for the vacant position. The HRM must liaise with the contact officer in MPS for comparative positions in other departments. If necessary, the HRM may recommend amendments to JD and forward these to the Clerk for approval. Possible factors to take into account for a JD are set out in **Appendix 3A**.

The HRM will also assess:

- whether the vacancy can be filled by a disabled person;
- the overall gender balance at NPO and in the relevant department; and
- the composition of NPO by provinces and whether the relevant department does not currently have officers from specific provinces.

The advertisement package should include:

- standard terms and the JD using the PS Form 6 template;
- PS Form 1 (application cover sheet);
- 'Applying for a Job at Parliament' information sheet (**Appendix 3B**);
- instructions to collect PS Forms 1 and 6 and information sheet from NPO or download it from Parliament's website;
- the name a NPO officer from the HR Department as the contact officer; and
- the following statements:
  - A criminal records check will be undertaken on successful applicants.
  - Female candidates and workers from any of the provinces are encouraged to apply.<sup>45</sup>

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<sup>45</sup> Ibid.

- If the vacancy is considered by the Clerk as capable of being filled by a disabled person, a statement indicating that and also informing potential applicants that to prove proficiency for the job, he/she should provide a medical certificate supporting his or her physical proficiencies.<sup>46</sup>

HRM will forward the final package to website administrator to prepare a PDF version for the website.

HRM will update PS Form 11.

### Step 3: Publish Advertisement (Weeks 2)

The aim of advertisement is to give equal opportunity to as many Solomon Islanders as possible. To ensure this, the HRM should always keep and update current advertisement rates of all available avenues for advertisements.

The advertisement package will be advertised (using PS Form 5) by the HRM on:

- at least one Honiara based newspaper;
- Parliament website;
- one other locally hosted website; and
- a nationally broadcasted radio if considered necessary.<sup>47</sup>

NPO's advertisement days are Tuesdays and Thursdays. The public should be encouraged to look out for NPO advertisements on these days. After the first day of publication, advertisement should continue daily for a period of 14 to 30 days at the discretion of the HRM.

The HRM will email or deliver the advertisement package to external advertisement agencies as follows:

- if it is to be published on a Tuesday, by Thursday the week before; or
- if it is to be published on a Thursday, by Friday the week before.

The HRM should also notify the Registry in writing of the advertisement and its timing, with instructions to look out for applications within the advertisement period. The Registry should also be reminded to use PS Form 8 to register applications (see Step 5).

HRM will update PS Form 11.

### Step 4: Establish Panels (Week 2)

The HRM will establish two panels: a selection panel and a shortlisting group.

#### *Selection Panel*

<sup>46</sup> See Clause 3.2.6 (principle to take into account disability).

<sup>47</sup> This option should only be used if the vacancy is to be advertised to the provinces.

The HRM will identify 2-4 panellists (including the chair). The chair will be the relevant HOD, the DC or the HRM at the discretion of the HRM. The other panellists should include:

- 2-3 NPO officers from any department holding L5 positions (minimum) or of grading above that of the vacancy if it is L5 or higher;
- 1 of the NPO officers (above) should have expertise in the related area; and
- 1 MPS officer who holds at minimum a L6 position (if the vacancy is L5 or lower), or two levels higher (if the vacancy is higher than L5).

The HRM must ensure that as far as practicable that the panel has at least one male and one female.

The HRM will confirm the availability of each panellist before finalising the list, especially with regard to the MPS officer. The final list will then be forwarded to the Clerk for approval. On approval, the HRM will formally write to the MPS officer and email the NPO panellists confirming appointment as panellists. Such communication should include the following information:

- the advertisement package (Step 2);
- the NPO's employment policy and principles; and
- the Guidelines for Panels and Groups (**Appendix 3C**).

### *Shortlisting Group*

The shortlisting group is to be exclusively a NPO group of three members, and it is independent of the selection panel. Group members should be:

- chair – the HRM or other officer of the HR Department;
- the relevant HOD; and
- a rep from another NPO department who holds a position of higher grading than the vacancy.

The HRM must ensure that as far as practicable that the panel has at least one male and one female.

The HRM will confirm availability of potential members, then finalise the list of group members (without further approval from the Clerk) and email them confirming their appointment, and providing the same information sent to selection panel members (above).

HRM will update PS Form 11.

### *Step 5: Application process and closing date (Weeks 3 – 5)*

Applicants should prepare their applications based on the 'Applying for a Job at Parliament' information sheet provided in the advertisement (Step 2).

Applications must be addressed to the HRM and posted, hand delivered to the Registry at NPO or, in some cases (below), emailed/faxed directly to the HRM. Posted and hand delivered applications should be received first by the Registry. Emailed/faxed applications will be received by the HRM who will immediately forward these to the Registry.

If it is obvious to an applicant that his/her application cannot be delivered or posted on time, he/she could apply beforehand to the HRM to submit the application via fax or email to meet the deadline. In

exercising this discretion the HRM will take into account the fact that the applicant is overseas or in a province. If electronic submission is approved, the applicant must still deliver or post the original application within one week after the closing date.

During the advertisement period (before the closing date), the contact officer (Step 2) will respond to queries about the vacancy and application process. Potential applicants can make their queries to the contact officer via telephone, email or short discussions (by appointment only). For applications that will be listed for special consideration (below), the contact officer must take all necessary steps to ensure that any such application is provided as much assistance as possible to ensure that it meets the rules set out above and is submitted on time.

Every application must be received<sup>48</sup> by 5 pm of the closing date. If posted before the closing date/time, it is to be accepted even if it is received after. If emailed/faxed on time but it is not received due to technical problems, it will still be accepted.

Registry officers will register (using PS Form 8) and stamp every application (however way it is submitted) and immediately forward it to the HRM.

The HRM will then check each application and ensure that each contains:

- a completed application form (PS Form 1);
- a covering letter of application;
- a curriculum vitae or resume; and
- a copy of each award or certificate included in the application, certified by a commissioner of oath.

If one of these documents is not provided, contact officer must notify the applicant immediately and request that the document is submitted before the closing date. The same rules for submission of applications (above) apply. An application that is missing such documents at closing date will be considered as incomplete and therefore rejected.

Within 3 working days after the closing date, the HRM should have a complete list of all valid applications.<sup>49</sup>

Based on the assessments relating to disability, gender balance and representation from provinces in Step 2, the HRM will include the following applications in the final list:

- all applications from disabled person if the vacancy was advertised as open to PWSNs (Step 2);
- if the vacancy is L7 or above and a particular gender is considered lacking in the NPO as a whole or in the relevant department, all applications from persons of that gender;
- if NPO or the relevant department does not have an officer from a particular province, all applications from that province; and
- all applications from persons residing in provinces.

For the purpose of this policy, applications of such nature are referred to as applications for 'special consideration' and must be marked as on the final list.

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<sup>48</sup> This means hand delivered to the Registry, posted (registered) or emailed/faxed.

<sup>49</sup> These are those that have been duly submitted, registered and stamped by the closing date, and which include complete sets of required documents (see above). Incomplete or late applications will be excluded from this list.

In order for the process to continue there must be at least 2 valid applications.<sup>50</sup> If there is no or only one application, the process ends here and must start over at a later date to be decided by the HRM.

Shortlisting is required where there are 6 or more applications for the vacancy (see Step 6).

If there are only 5 or less applications in the final list, there is no need for shortlisting. In this instance, the shortlisting group will dissolve and the HRM will inform its members accordingly. Skip to Step 7.

HRM will update PS Form 11.

### Step 6: Shortlist applicants (Week 6)

Within 2 working days after the final list of valid applications (if 6 or more) is issued, the chair of the shortlisting group will convene the group to do shortlisting. This should take up to 5 working days.<sup>51</sup>

The group will then undertake a preliminary assessment of the final list. The aim is to cull applications that do not meet shortlisting criteria and identify the most likely applicants for further assessment. The panel is to undertake this task in accordance with the *Guidelines to Panels and Groups (Appendix 3C)*.

At the end of this process, the panel should have a shortlist of 5-7 applicants, depending on the total number on the final list (Step 5). The panel's final recommendations should be recorded in PS Form 8. After submitting the form and report to the HRM, the panel dissolves.

The HRM will then review the group's recommendations and report. If an application for special consideration was rejected by the group for reasons other than those set out in Appendix 3C, the HRM will include that application on the final shortlist. This will be noted on the list.

HRM will update PS Form 11.

### Step 7: Arrange interviews (Weeks 7 & 8)

As soon as Step 5 or 6 is complete<sup>52</sup>, the HRM will start organising interviews working with the selection panel chair. This process should take up to 10 working days.<sup>53</sup>

First, the HRM should fix a period for interviews. Interviews should be completed over a 1-2 week period. The HRM will need to liaise with the chair of the selection panel before confirming to ensure that panellists will be available during this period. Second, the HRM should advise the selection panel chair to start working on its pre-interview tasks.

<sup>50</sup> There is no specific rule requiring this. However, the requirement to apply competitive merit principles imply that there must be some competition – i.e., at least 2 applications.

<sup>51</sup> Workforce Planning: Guidelines & Processes, p 8: shortlisting and arranging interviews should take 14-21 days (combined). Shortlisting is relatively easier so allocating 1 week to this is recommended, leaving the other 14 days for the longer process of arranging interviews.

<sup>52</sup> Depending on whether shortlisting is necessary.

<sup>53</sup> Workforce Planning: Guidelines & Processes, p 8.

Note that if an application from a disabled person is shortlisted (as one for special consideration), it is necessary that on the day of interview he/she provides medical certification indicating that he/she is physically proficient to carry out the functions of the vacancy. As such, at this step, the HRM must immediately inform that person by the quickest means possible of that fact and advise him/her to undergo medical examination with a doctor nominated by the HRM. The applicant should aim to have the medical certificate by the date for interview. The purpose of the certificate is not to secure the position but to comply with special requirements for disabled applicants.

On its part, the panel must then meet and decide on its selection methods as set out in Appendix 3C (pre-interview stage). Based on the panel chair's advice, the HRM will prepare an interview schedule, allocating times to each applicant for interview (and other exercises or tests if applicable). The schedule should indicate:

- date, time and venue of the interview;
- the names and titles of panel members;
- structure of the interview and/or other exercises or tests and how long these will take for the interviewee; and
- any requirements regarding the need to bring samples of work (if applicable).<sup>54</sup>

Once the HRM and panel chair agree on a final schedule, contact officer will contact each interviewee and verbally provide the above information. Care must be taken when contacting an interview at their current job not to reveal the nature of the call.<sup>55</sup>

The officer must also check with every disabled applicant (if any) what type of assistance (if any) he/she will need during the interview.

An applicant who knows that he/she will not be in Honiara at the date and time for interview, he/she must inform the contact officer when contacted or as soon as possible thereafter. In such cases, the HRM may authorise interview of that applicant via telephone and advise the panel chair accordingly.

Following verbal communication, the HRM will then prepare and post (time permitting), email or fax to each interview an invitation to attend the interview (**Appendix 3D: Invitation Letter**).

A copy of the interview schedule should be provided to the Registry.

HRM will update PS Form 11.

### Step 8: Interviews and recommendation (Weeks 9 & 10)

This step involves selection and recommendation of an applicant for appointment. Every permanent vacancy will only be filled on the recommendation of a selection panel (established in Step 4).

<sup>54</sup> If this method is to be used, the schedule should also include the deadline for submission of work samples (as advised by the panel chair), which must be no later than the day before the first day of interviews.

<sup>55</sup> Some applicants prefer that their employers are not informed of the application until there is more certainty of changing jobs. This must be respected at all times by the contact officer and HR Department.

The role of a selection panel is to assess the relative merit of the applicants for the vacancy and to advise the Clerk of the applicant judged to have the greatest merit. The panel will make this assessment using various best practice selection methods: interview (which is mandatory) and additional methods such as samples of previous work, simulation exercise and/or competence testing. How the panel is to go about this process is set out in detail in **Appendix 3C**.

The panel should assess all shortlisted applicants, including those for special consideration, and recommend the applicant who is most suitable to fill the vacancy. Recommendation involves ranking the applicants on merit.

If at the end of that process an applicant for special consideration is considered to satisfactorily meet the selection criteria, the panel will recommend that applicant even if he/she is not ranked as first. The final decision in this regard lies with the Clerk (see Step 10). However, for disabled persons, if he/she fails to produce the required medical certification at the interview date, or it is provided but indicates lack of proficiency, he/she will not be interviewed and his/her application rejected.

The final aspect of this stage is for the panel chair to carry out referee checks on every recommended candidate. Again, the process for doing this is set out in **Appendix 3C**. Once this is done, the chair must submit all documents relating to this stage (including PS Forms 9 and 12) to the HRM.

HRM will update PS Form 11.

### Step 9: Pre-employment checks (Weeks 10 & 11)

Before making the submission to the Commission, two pre-employment checks must be carried out: criminal record and health. As soon as Step 8 concludes, the HRM will contact the recommended candidate(s) and advise him/her/them to undertake these checks (at their own cost) and fix a deadline for submission to the HRM. All recommended candidates (including those classified as for special consideration) must undertake these checks.

On receipt of these, the HRM will update PS Form 11 and then forward the results of the two tests to the PS Public Service for screening.

#### *Criminal record check (police clearance)*

A criminal record check will be conducted through the Royal Solomon Islands Police Force. The result of this check can be a contributing factor in determining the candidate's or candidates' suitability for employment with Parliament. However, an adverse result will not necessarily disqualify him/her/them from selection.

If the check reveals a criminal conviction (other than that for a minor traffic offence)<sup>56</sup>, the HRM will compile a short report which should:

- outline the reasons why the selection panel recommended the candidate;

<sup>56</sup> Under GO, Ch. B, s 118(c), care must be taken with applicants that have a criminal record other than that pertaining to a *minor traffic offence*. These types would include all traffic offences except those involving serious damage to property or injury or death caused to a person.

- state the results of the check and the nature of the criminal record; and
- indicate whether in the HRM's opinion the record will prejudice the effective performance of the functions of the vacancy.

This report must be immediately submitted to the Clerk who, in turn, will add her views and forward the report (and the check results) to the PS Public Service. The PS will have the final say on the matter and may approve recommending the candidate despite the criminal record.<sup>57</sup>

#### *Medical check/clearance*

The HRM will nominate a doctor to conduct a full medical examination of the recommended candidate(s). The doctor will be instructed to have regard to the inherent job requirements and demands identified for the position in assessing the candidate or candidates' fitness to carry out these.

If a candidate is a disabled person, the medical examination will not be used to exclude him/her but should aim at assessing that person's general health. Proficiency to physically undertake the functions of the job would have already been established by the same doctor under Step 7 (prior to interview).

If the test results indicate that the candidate is pregnant, this will not affect her recommendation by the NPO. She must, however, be informed of the implication of pregnancy to probation this if she is appointed.<sup>58</sup>

#### *Approval*

Based on the reports of the two checks, the PS Public Service will determine whether the recommended candidate(s) has/have been cleared under the checks. The HRM will regularly liaise with the MPS on the progress of these.

If the PS directs that the candidate is not suitable, the HRM will note this on the final submission and the panel's next recommended candidate will be called on to undertake the two checks. The same rules above apply.

During this whole process, only the Clerk, DC, the HRM and the contact officer will handle all records and check/test results. Confidentiality will be maintained at all times regarding such information.

#### Step 10: NPO prepares submission for Commission (Week 12)

Once the candidate(s) has/have been cleared in terms of the criminal record and medical checks, the HRM will prepare the final submission.

At this stage, if a recommended candidate has been treated as one for special consideration,<sup>59</sup> the Clerk will decide whether to formally recommend that candidate to the Commission. The Clerk has sole

<sup>57</sup> GO, Ch. B, s 118(c). Under this provision, the PS' approval must be obtained by the RO before making a submission to the Commission for appointment of a person with such a criminal record.

<sup>58</sup> Under GO, Ch. B, s 214, a probationary officer who is pregnant will not be entitled to count maternity leave as probation period (towards the 6 month period) and such leave is to be unpaid.

discretion on this decision but will be guided by all relevant documents pertaining to that applicant. The Clerk may instead recommend more than one candidates – one through the normal process and another/others for special consideration – and leave the final decision to the Commission. If the Clerk takes this option, the HRM will prepare a separate report (in addition to the panel's report) setting out clearly the basis for recommending another/other candidate(s) on special consideration grounds.

The final submission for each candidate should include:

- a covering letter from the Clerk to the Commission making the submission;
- the selection panel's report (Step 8);
- if the recommendation is based on special consideration, the HRM's report on that (above);
- a copy of the advertisement (Step 3);
- a copy of relevant section from Establishment Register indicating that the vacancy is fully funded (Step 1);
- a copy of the candidate's application letter (Step 8);
- a copy of PS Form 1 for the candidate;
- a copy of his/her curriculum vitae;
- a copy of his/her qualifications, certificates (most recent first);
- reference letters/reports plus a note from the panel chair that at least one referee confirmed findings of the panel;
- if the candidate is a disabled person, a copy of the medical certificate certifying proficiency to undertake the functions of the job (Step 7);
- a copy of the medical check results (Step 9); and
- a copy of the criminal record check results (Step 9).

Six copies of the submission must then be submitted to the Commission. Another copy must be forwarded to the PS Public Service. This is the end of the NPO's direct involvement in the recruitment process.

The HRM will then liaise with MPS contact officer to ensure that the matter is included in the next meeting of the Commission. If there is delay, the HRM will follow up on the matter with the MPS regularly until it goes before the Commission.

### Step 11: Commission Decision (Weeks 13 & 14)

Normally, the Commission meets once a week. As such, it is expected that from the date submission is made under Step 10, the Commission will consider and decide on the matter within 7 days. This, however, depends entirely on the Commission and may take much longer.

If the matter is not considered by the Commission within 7 days, the HRM will regularly follow up with the Secretary of the Commission until a decision is made. As long as delay extends, the HRM must be prepared to update the recommended candidate(s) on their request.

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<sup>59</sup> That is the applicant/candidate is a disabled person or is given special consideration on the basis of gender equality or consideration for provincial workers.

The Commission has full discretion on whether to approve or reject the recommendation(s), or to direct that certain other actions or changes be implemented.

#### Step 12: Decision is communicated to NPO and candidate & offer is made (Week 15)

Once the Commission decides on the submission, it will immediately forward the minutes of the Commission meeting (containing the decision) to the MPS. The MPS will then communicate the decision to the Clerk and HRM within 5 days of its making.

At this point, the HRM will immediately contact the candidate and verbally inform him/her of the decision. If the NPO's recommendation is approved, the HRM will also advise the successful candidate to wait for the formal letter of appointment. Registry officers must be advised to be on the look out for that letter.

If, on the other hand, the recommendation is not approved, the HRM will inform the candidate of that fact and the gist of reasons for rejection. The other candidate approved (if any) will then be contacted as above. If no alternative candidate is approved by the Commission, the matter ends and the process will start over at a time to be fixed by the Clerk and HRM.

The MPS will issue a letter of *probationary appointment* to the successful candidate within 1 week of the date on which the MPS received the minutes of the Commission's meeting. The letter sets out the terms of service<sup>60</sup> and copied to the Clerk. This letter is an offer by the MPS.

On receipt of the letter, the HRM will record the date and time of receipt (from the Registry) and immediately advise the successful candidate to come to Parliament as soon as possible.

#### Step 13: Acceptance of appointment (Week 15)

When the successful candidate comes to Parliament, the HRM explain the basic terms of the letter of appointment to ensure that he/she understands fully the implications of the MPS's offer. The HRM must be prepared to answer any question the candidate might have at this point in time. If the candidate is a female and medical results (Step 9) show that she is pregnant, the HRM will also explain the implications of this fact.<sup>61</sup>

The candidate accepts the offer of appointment by signing the letter in the presence of the HRM and Clerk. At this stage, the HRM will discuss with the new recruit to fix the date of commencement of duties. If the new recruit is employed in another job, the date agreed on should reflect the applicable resignation notice period, or for a contract of service about to lapse, the remainder of the contract duration.<sup>62</sup> The letter of appointment will indicate the starting date agreed on.

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<sup>60</sup> For public officers, a sample is provided in GO, Ch. B, Appendix 1. Terms set out include the salary and home island for the purpose of leave passage.

<sup>61</sup> Under GO, Ch. B, 214, maternity leave for a female officer on probation *does not count towards the probation period* and is to be *unpaid leave*.

<sup>62</sup> The NPO does not endorse payment in lieu of notice as this can create bad relations between the NPO and other employers. If the new recruit is another public officer, the Clerk may apply to the PS Public Service to waive the notice period so the officer can start working for the NPO sooner.

A copy of that letter will be given to the candidate and the original copy is to be forwarded to the MPS on the same day or as soon as possible thereafter. The MPS will create a new file for the new recruit, maintaining all original documents, but set up a personal file for the HRM to manage with copies of the same documents. The HRM will liaise with the MPS contact officer who will advise the HRM when the new recruitment is formally in the MPS system. At this point, appointment is taken to have been duly made, subject to confirmation after probation.

If for any reason the candidate declines the offer, the HRM will communicate that fact to the MPS and request instructions on how to proceed.

The HRM will update and conclude PS Form 11. This will be filed in the new recruit's personal file when the MPS sends it.

#### Step 14: Successful candidate commences work (Week 16 onwards)

The HRM and the relevant HOD will prepare for the new recruit to start working at the NPO at the date fixed under Step 13. The new recruit should be reminded of the starting date at least 5 days before it. Induction of the new officer is to be conducted as set out in Chapter 4. After the first day at work, the HRM will confirm in writing to the MPS the date of commencement of duties.

Recruitment for a permanent vacancy concludes at this point, to be followed by induction (Chapter 4).

### ***METHODS 2 & 3: TRANSFER AND TRANSFER WITH PROMOTION***

A permanent vacancy may be filled through transfer at the same grade or transfer with promotion. The processes for these are as set out in the General Orders and the *Public Service Regulations* 1998. These methods are not covered in this version of the policies.<sup>63</sup>

## **3.5 Other Types of Appointments**

Other types of appointment include transfer, promotion and acting appointments. These are not covered in this version of the HR Policies, and will continue to be dealt with as currently provided for under the General Orders and the PSC Regulations.

## **3.6 Post-Recruitment Disclosures and Declarations**

In the first month of probation, the new officer must provide to the HRM further personal information and make certain disclosures and declarations. These entail information that is necessary for the HRM to manage the entitlements of the new officer, and to ensure that the NPO meets its legal obligations under the General Orders and other written laws.

<sup>63</sup> These methods, and those for filling other types of employment will be included in a revised version of the HR Policies for 2012.

These, collectively known as 'employment records' will be maintained with strict confidentiality by the HRM.<sup>64</sup> A summary of these is set out below. A detailed description and the legal basis for requiring these from officers are in 'Further Information, Disclosure and Declarations' (**Appendix 3E**).

### **A**     *Personal information*

Further personal information required includes:

- the new officer's legal spouse (if any), proof of marriage, and his/her occupation, children (from previous relationships), parents (and their home village and nearest port or airport) and the spouse's home village of origin (and nearest port or airport);
- details of the officer's children (legitimate, legal and dependent or otherwise);
- the officer's residential address in Honiara;
- his/her home village of origin (and nearest port or airport);
- details of the officer's blood parents and their home village (and nearest port or airport);
- a next-of-kin and his/her address;
- the officer's religion and day of rest; and
- registration number of the officer's private vehicle (if any).

### **B**     *Disclosure*

The new officer must disclose all pecuniary interests in local entities at the time of appointment.

### **C**     *Declarations*

The new officer must make declarations in writing that he/she:

- is not engaged in economic activities (for profit);
- does not provide professional services;
- does not hold pecuniary interests which conflict with public duties;
- will not cause serious pecuniary embarrassment to the SIG;
- is not engaged in lending money with interest;
- will not accept gifts described in the General Orders;
- will not participate in or voice views on politics, policies and administration of the SIG;
- will not participate in activities of political nature related to Parliament;
- will not try to influence the SIG or Parliament in his/her favour; and
- will not disclose confidential and classified correspondence as required by the *Official Secrets Act*.

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<sup>64</sup> GO, Ch. C, s 112.

## APPENDIX 3A – DESIGNING A GOOD JOB DESCRIPTION

Although the MPS has a standard template for job descriptions ('JD') and thus restricts a modern approach to designing JDs, best practice suggests that a good JD should include certain factors. The aim of such an approach is to attract the most suitable employees, and to make it easier and smoother to evaluate their performance. Having a clear JD designed along such factors means that both the employee and the employer will know right from the start what to expect of the new recruit.

These factors would include the following.

1. Position title which clearly reflects the nature of the job.
2. The main purpose or function of the position in 1 or 2 sentences.
3. The business context, that is, the objectives of the NPO, strategies, the operating environment, and the role of the position in the NPO establishment and its departments/units.
4. Major accountabilities, which are the three to six major areas of work performed by the position and include important activities undertaken from time to time.
5. Outcomes to be achieved for each of the identified accountabilities.
6. Key communications with key positions, organisations, or groups, both inside and outside the NPO.
7. Decisions made by the position holder, those made in consultation with the NPO management and those referred to management.
8. Challenging aspects of the job, including short or long-term challenges, such as, client demands, use of technology, heavy workload, or tight deadlines.
9. Knowledge, skills and experience, which are essential for the effective or competent performance of the job, including formal qualifications, certification, licence or equivalent experience required.
10. Resources for which the person is responsible such as staff and/or budget.
11. Tasks/duties to be performed by the position holder.

## **APPENDIX 3B – APPLYING FOR A JOB AT PARLIAMENT**

*[Need to develop information sheet based on Public Service template]*

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## APPENDIX 3C – GUIDE FOR PANELS AND GROUPS

This is a Guide for members of a shortlisting group and a selection panel established as part of NPO's recruitment process under Chapter 3 of the HR Policies. It should be read together with that Chapter.

### 1 Introduction

As a member of a shortlisting group or selection panel you have been charged with the responsibility of selecting the most suitable applicant for the advertised position. You are expected to make the right decision and jointly responsible for the efficiency and effectiveness of the process.

Your decisions, actions and behaviour as a member of such a group or panel must comply with the Public Service's Code of Conduct. You must also abide by the NPO's values of:

- independence and integrity;
- impartiality and accountability;
- timely and quality service and support;
- professionalism and high standard of ethical conduct;
- leadership, effective performance and communication; and
- excellence in all we do.

You must also always bear in mind NPO's employment policy and principles, namely:

- the public interest;
- competitive merit based selection;
- seniority;
- gender equity;
- workers from the province; and
- special needs (disability).

Your role in the recruitment process must be carried out as quickly as possible. Delays in the process can be costly and distressing for all parties involved. This means that as a panel, with the guidance of your chair, you need to organise yourselves well before you undertake your responsibilities. Your overarching goal should be to play your part in the process in order to ensure that it is managed to a timely conclusion.

### 2 Confidentiality

The recruitment process must be conducted confidentially and all details relating to applicants must be restricted to the panels and other staff involved in the process. As a panellist, you must not disclose information about applicants which you might be given or your contribution to the process during and even after that process. You must not disclose these to any person or entity outside the NPO establishment or to any NPO officer (except those involved in the process). The outcome of the recruitment process must not be disclosed until the Clerk has approved the recommendation of the selection panel.

### 3 Competitive merit based selection

Competitive merit based selection is a process of selecting the best applicant for the position based on an individual's abilities, qualifications, experience, standard of work performance and personal qualities as they relate to the advertised position. The recommended applicant's abilities must exceed those of all other applicants. The only possible exceptions to this target relate to NPO's gender equity, province related and special needs policies (discussed further below).

This principle should underpin all stages of the recruitment process, including the shortlisting stage and stages involving a selection panel. When shortlisting or recommending, you should aim to give all applicants the opportunity to demonstrate their claim for the position.

#### **4 Ethical Obligations**

Your ethical obligations as a member of a group or panel are to make impartial decisions and take actions which do not discriminate in any way. You cannot discharge these obligations if you are in a position, or have reasons, that would make it difficult for you to remain impartial (ethical dilemmas).

Thus, you are not qualified to be part of a group or panel that will deal with an applicant to whom you are related by blood or marriage, or if the two of you are connected by pecuniary interest. In either case, you must declare your dilemma to the panel and withdraw from the panel before it commences its task.

For any other ethical dilemma (e.g., you are connected to the applicant in other direct or indirect ways other than that listed above), you have a number of options:

- (a) discuss the matter with the HRM and seek guidance;
- (b) withdraw before the group or panel commences its tasks;
- (c) declare your ethical dilemma to the rest of the group or panel so that it can be discussed and resolved;
- (d) without compromising the confidentiality of the recruitment process, seek advice from other people not directly involved, including a person within the NPO, the Public Service, the Leadership Code Commission or your trade union; or
- (e) if you are part of a selection panel, during the process of interviewing applicants if you cannot resolve the ethical dilemma, advise the panel chair you cannot continue.

If you fail to take any of the above steps and it is later discovered that there was a likelihood of bias on your part that may have influenced the recommendations of your group or panel, you may be subjected to disciplinary action.

#### **5 Anti-discrimination**

As a member of a group or panel, you are also required to be ethical and to refrain from discriminating against applicants at all times when carrying out your responsibilities. This means you are expected to:

- shortlist or select applicants on merit, based only on how well they match the criteria for the vacancy;
- make decisions without bias;
- take care to avoid negative assumptions about people because of their background;
- respect the social and cultural backgrounds of all applicants;

- not discriminate, either directly or indirectly, against an applicant because of his/her own, or any of his/her friends', relatives' or colleagues':
  - race or colour (i.e., race, colour, ethnic or ethno-religious background) ;
  - place of origin (i.e., island, province or descent);
  - ideology or opinion (except political opinion);
  - religion;
  - sex (i.e., gender, homosexuality, transgender identity (transsexuality) or pregnancy);
  - language;
  - age;
  - disability;
  - marital status; or
  - infectious disease; and
- make adjustments to your processes (as a group or panel) to take into account applicants who are disabled, on their request.

## 6 The Shortlisting Group

The shortlisting group is to be established and its members appointed by the HRM as set out in Chapter 3.

For members of this group, your role is to undertake a preliminary assessment of applicants and identify (shortlist) applicants you consider based on comparative merit to have the greatest merit and therefore worth further assessment.

You are to base this assessment purely on the written applications and attached documents. You must maintain confidentiality, your ethical obligations and the ethical practices and equal employment policy discussed above during this whole process.

### ***Responsibilities***

For the group chair, your responsibilities are to:

- take care of necessary administrative details;
- ensure fairness and proper procedures in the shortlisting process;
- obtaining advice from the HRM on how to undertake shortlisting if necessary;
- convene the group;
- ensure that all group members are familiar with the shortlisting process before it starts;
- ensure that disagreements amongst group members are effectively identified, discussed and resolved if possible;
- chair all deliberative meetings of the group;
- ensure that the group considers all applications, including those marked by the HRM for special consideration;
- arrange and steer the actual shortlisting exercise;
- obtaining, storing and distributing all reports, test results and findings; and
- submit the final shortlisting report (PS Form 8) to the HRM.

As a group member, your responsibilities are to:

- examine the written application and attached documents of each applicant in detail and, after the initial shortlisting, re-examine applications and documents of those who are not shortlisted;
- take notes carefully and conscientiously of salient contents and deficiencies in the application and documents;
- if you feel that the process is unfair, raise the matter with the whole group for resolution, failing which you may approach the HRM;
- refer to your notes to assist in accurately assessing of each applicant's relative merit on the basis of the requirements of the position and the agreed selection criteria;
- pay special attention to applications for special consideration (i.e., PWSNs, gender-related and province-based applications);
- ensure that your views are based solely on the evidence and that they are in no way inappropriately influenced by the opinions of the other group members; and
- submit your notes to the HRM in case the process is called into question later.

### **Shortlisting**

In order to shortlist the required 5-7 applicants with the greatest merit, your group must:

(a) exclude applicants:

- who do not satisfy the selection criteria for the vacancy, subject to (c) below;
- whose capabilities (knowledge, skills and abilities) are not competitive with other applicants, subject to (c) below; and
- who are ineligible for appointment (e.g., due to residency status);

(b) recognise the skills of applicants:

- with overseas qualifications (verifying these comes at a later stage); and
- with work experience other than paid employment (e.g., voluntary work, trade union or community-based activities); and

(c) include applications for special consideration but subject to the following prerequisites:

- a disabled applicant must meet the minimum educational qualification; and
- a gender-related applicant (for a vacancy that is L7 or above) and a province-based applicant must meet the minimum educational qualification and experience required.

The procedure for shortlisting involves first considering applications for special consideration (if any) before looking at the rest of the applications.

Applications for special consideration that do not meet the minimum requirements as set out above are to be eliminated. The rest (if any) must be included in the shortlist. Thereafter your group should eliminate the remaining applications from the list in the following order:

- those who do not possess the minimum qualifications and/or experience stated in the advertisement; and
- if there are more than 7 applications in the shortlist, then those whose qualifications and/or experience are substantially inferior to those of other applicants (except those for special considerations which have been shortlisted).

Based on the group's discussions, your reasons for either shortlisting or rejecting an applicant (including those who were put down for special consideration) should be clearly documented in PS Form 8. Your reasons must relate to the selection criteria. In the case of applications for special consideration, your

reasons must be in line with the relevant policy. The group chair must then complete and sign PS Form 8 and submit it to the HRM.

## **7 The Selection Panel**

The selection panel is to be established and its members appointed by the HRM as set out in Chapter 3.

For selection panel members, the overall goal of your panel is to assess every shortlisted applicant (or those forwarded by the HRM if there are only 2) in detail using best practice methods and to recommend to the Clerk the applicant(s) who best match the criteria of the vacancy based on the competitive merit based principle. In so doing, you must maintain confidentiality, your ethical obligations and the ethical practices and equal employment policy discussed above during this whole process.

Your tasks and responsibilities as the selection panel involve 5 stages: choosing the selection method(s), pre-interview, interview day, report and recommendation and referee checks (chair only). These are set out in detail below.

### **(A) Choosing the selection method(s)**

Interview is the primary method for selection and it is mandatory. Your panel may choose to use any of the following additional methods:

- sample of previous work;
- simulation/situational exercise; or
- testing competence.

Your respective responsibilities the panel chair and members of the panel for this aspect of your task are noted under each method below.

#### ***Method 1: Interview questions***

Interviews are most effective when they are structured around the key selection criteria and the inherent requirements of the job.

Prior to the interview week(s), you as a panel must meet and formulate interview questions. These must be fair and relate to the requirements of the vacancy (as advertised through the selection criteria). The questions should test the applicant's skills, knowledge and experience and how they could be applied to the position. To that end, questions should explore past or hypothetical behaviour of applicants. The panel should jointly discuss and develop the questions, however, the chair is ultimately responsible and must ensure they are directly relevant to the advertisement and are non-discriminatory.

Questions can be open (designed to encourage an expansive answer), closed (designed for a 'yes' or 'no' answer), hypothetical (which set up a possible situation or problem and ask the applicant for a possible course of action) or probing (designed to bring out more detail – these will be different for each applicant). Avoid the following type of questions:

- leading questions which suggest the answer;
- long questions;

- tricky or stressful questions (the aim is not to mislead interviewees);
- questions which ask for knowledge that only internal applicants would have; and
- questions about interviewees' private lives or personal responsibilities.

You may have copies of questions that have been used in previous selection exercises for the same or similar positions. In that instance, before relying on these questions, you must consider whether this will give an unfair advantage to applicants who might have applied for such position in the past. If the panel considers this to be a real possibility, questions must be redrafted or replaced to avoid this risk. Also, if the interviews will involve cases for special consideration, questions must be drafted to take these into account so that the applicants concerned are not unfairly disadvantaged.

For a vacancy of L7 or above, questions should be designed at a minimum to draw out an interviewee's major achievements, personal qualities relevant to the vacancy and behaviourally based skills (e.g., organisational skills, interpersonal skills, technical skills, growing with the job, communication skills). Additionally, you might want to develop short situational questions using hypothetical situations that cut across some or all of the listed factors. Also, for this type of vacancies you might like to use the sample of previous work method (see below). The overarching qualification to any of these questions is relevance to the criteria for the vacancy.

For every vacancy, you must include the following questions (or variations of these):

- Parliament often sits late so to provide effective services to it, staff members are sometimes required to work after hours or during weekends. Would you be able to meet such demands without creating problems for yourself at home?
- In this position you will be required to deal impartially with Members from all political parties (including independent Members) and to not be involved in politics, or take side with a party or other grouping amongst Members. For this reason I need to ask you some questions:
  - Are you a member of a political party?
  - Are you related to a current Member by blood or marriage?
  - Do you have any strong moral, cultural, religious or other principles that would hinder your capacity to provide impartial, apolitical advice/support to the Speaker, Clerk, Deputy Clerk, Members or Parliament as a whole?

### ***Method 2: Sample of previous work***

The panel may request that interviewees submit samples of previous work. This method is useful for vacancies of L7 or above which will require extensive research, writing and analysis skills. If selected, this method must be applied to all interviewees. You may use such samples to supplement findings of the interviews without involving interviewees or use the samples to tailor specific interview questions for each interviewee.

If you choose this sub-method:

- the panel should jointly agree on a deadline, which must not be later than 1 day before the first day of interviews;
- the panel chair must inform the HRM so that a request for samples of previous work is communicated to each interviewee while arranging interviews (the communication should indicate the type of sample required and a deadline for submission);

- samples should be hand delivered to the Registry officers before the deadline, who must immediately record each sample and forward it to the panel chair; and
- on receiving the sample for each interviewee, the panel chair must verify (before the interview) that the sample submitted is indeed the work of the interviewee concerned.

This method may be used in the case of an applicant who is to be assessed through a telephone interview.

### ***Method 3: Simulation exercise***

This type of exercise involves a task which is given to the applicants to complete and is similar to what they would be required to do on the job. It is up to you as the panel to decide whether this option would assist in the process.

Some exercises that are commonly used include:

- keyboard or typing tests;
- computer application tests;
- written tests asking applicants to draft a letter, report or minute;
- group discussion amongst applicants;
- presentations to the panel either as a group or individually; and
- in-tray simulations to test how an applicant might manage competing priorities.

For a vacancy of L7 or above which will require extensive research, writing and analysis skills, a simulation exercise should take the form of a hypothetical problem requiring short answers to test the basic levels of these skills. The problem question must be relevant to the selection criteria and the nature of the vacancy.

Make sure that any simulation exercise is designed and scored in a way that does not favour applicants who already work in the organisation (for example, do not favour those who already know a policy or the preferred format for a letter).

If you choose this method:

- you should jointly develop an appropriate exercise and agree on how it will be taken;
- you should also discuss and decide on the expected answers to or outcome of the exercise;
- the panel chair must inform the HRM so that this additional requirement is communicated to each interviewee while arranging interviews; and
- the NPO panellist appointed for technical expertise will take a lead in finalising the exercise to be used.

This method will not be used in the case of an applicant who is to be assessed through a telephone interview.

### ***Method 4: Competency test***

This method should only be used if the vacancy is technical in nature. The aim of this method is to test whether the experience and/or qualification of applicants meet the criteria for the vacancy. The HRM

will advise the panel chair whether a vacancy is technical in nature. Even if it is, it is up to you whether to use this method or not.

If you choose to use this method:

- you should jointly develop an appropriate test and agree on how it will be taken, or if that is not possible you can rely instead on tests already developed by the Ministry of Public Service;
- you should also discuss and decide on the expected answers or responses to the test;
- the panel chair must inform the HRM so that this additional requirement is communicated to each interviewee while arranging interviews; and
- the NPO panellist appointed for technical expertise will take a lead in finalising the test to be used.

This method will not be used in the case of an applicant who is to be assessed through a telephone interview.

### **(B) Pre-Interview stage**

When the HRM advises the panel chair of the proposed interview period, you as the panel should meet and take the following steps:

- decide on what format to use for the interview and, if you had earlier agreed to use a simulation/situational exercise or competency test, how the interview will incorporate such exercise/test;
- for the interview proper:
  - allocate written questions to each panellist;
  - develop opening and closing remarks;
  - fix the time for each interview – this should be between 20 and 45 minutes, depending on the level and complexity of the position;
  - decide whether questions will be provided to each interview prior to the interview and if so when to do this – giving an interview 10 to 15 minutes advance notice of questions is sufficient (for a vacancy of L7 or above, questions must be provided in advance);
  - if an interview has been authorised to be conducted via telephone, make the necessary arrangements with NPO's ICT or media officers;
- if you will use a simulation exercise or competency test:
  - fix the time for the exercise or test – this should be between 20 and 30 minutes;
  - decide on the venue and equipment for the exercise or test; and
  - identify and confirm other NPO officers who will assist in conducting the exercise or test; and
- agree on venues for interviews and/or exercises or tests, which should be comfortable and provide privacy and minimal distraction.

In addition, the panel chair must:

- if an applicant who is disabled will be part of the interview, check with HR officers who contacted interviewees and ensure that provisions will be made to accommodate the PWSN's special needs (if necessary) on the day for his/her interview (these may include providing an interpreter for a hearing impaired applicant, or tailoring the interview venue to meet the needs of an applicant who needs wheelchair access);
- organise (and make bookings if necessary) logistical matters such as transport for panellists to the NPO during interview days, water for panellists and interviewees, refreshment or lunch if appropriate; and

- ensure that a copy of the interview schedule will be available at the Registry on every interview day.

Closer to the interview day, the panel chair should:

- check with the HRM to ensure that any disabled applicant has undertaken the necessary medical examination (Step 7) and will be able to produce a medical certificate (proficiency to carry out the functions of the vacancy) on the interview day; and
- ensure that if sample of previous work will be used, copies of such samples have been received from all applicants.

### **(C) Interview day**

On the day of the interview, how you conduct yourselves as the panel itself depends on the selection method(s) you chose to use. Typically, the process for an interviewee should include:

- greeting each interviewee as he/she arrives;
- for a disabled interviewee, collecting from him/her the requisite medical certificate of proficiency to carry out functions of the vacancy;
- providing him/her a copy of the questions (if this was previously agreed to) and a quiet spot to study these within the allocated time;
- conducting a simulation exercise or competency test (if applicable);
- conducting the interview proper; and
- concluding the session.

If used, the simulation exercise or competency test should be facilitated by other NPO officers previously identified for that purpose. The panel chair must ensure that the facilitators adhere to the same ethical principles that apply to panel members and keep to timing strictly. Facilitators and other NPO officers must not discuss with an interviewee undertaking such exercise/test. If the exercise/test cannot take place due to reasons beyond the interviewee's, facilitator's or panel's control, the panel chair may direct that the interviewee starts with the interview proper and have the exercise/test after that.

Before the interview proper starts, the panel chair will distribute PS Form 9 to all panel members. It should have all the selection criteria inserted already. The interview should take the following format:

- the chair introduces the interviewee to the panel;
- the chair explains the purpose and structure of the interview;
- the chair may summarise the main points from the application;
- panellists ask questions based on the official written question list and in line with rules set out below;
- at the end of the interview, the interviewee should be given the chance to make concluding remarks or ask questions;
- the chair should ask for referees if the interviewee has not already provided them;
- the chair should collect questions from the interviewee (if these were provided prior to the interview) and inform the interviewee that any written notes he/she has made will not be part of decision;
- the chair should explain the next steps and when the applicant can expect to hear from the panel; and
- the interview should be thanked and shown the way out.

As a panel member, during the interview, you should take notes carefully and conscientiously of the interviewee's responses, comments and questions. Ask questions that have been allocated to you and feel free (time permitting) to ask additional or follow-up questions. Ensure that your extra questions:

- do not infringe ethical practices and equal employment opportunity policy set out earlier;
- do not lead the interview;
- do not comprise too many questions;
- are not too long or deliberately tricky or stressful;
- do not ask for knowledge that only internal applicants would have;
- are not about applicants' private lives or personal responsibilities; or
- if the interviewee is one for special consideration, pay extra attention to his/her circumstances.

Questions must be asked in a consistent manner of all interviews so take note of your extra questions in order that you could ask the same of other interviews. By the end of the interview, you should complete filling in your copy of PS Form 9.

After each interview, you should take a short break then prepare for the next interview and repeat the steps and actions outlined above.

At the end of each interview day (if interviews take more than one day) you should discuss your individual views and findings based on how each of you filled PS Form 9 for each interview that day. No recommendation should be made at this stage. This should only be made after the last day of interview.

If, on the other hand, all interviews are completed on one day, you should be ready to make your recommendations (below).

#### **(D) Report and Recommendation**

At the end of all interviews, you as the panel need to complete your report and recommendation for the interviews using PS Form 12.

For every panellist, to assist in completing this task, you must:

- consider all the information that was obtained through the various selection tools used;
- make judgments based only on how well applicants meet the selection criteria for the vacancy; and
- make a summary of how well each applicant meets the selection criteria.

Then as a group:

- compare notes for each applicant;
- discuss the reasons for any differences in assessment of applicants;
- rate each applicant against each selection criterion using all available information;
- identify any information gaps for the chair to follow up on through referee checks (below);
- decide which applicants are suitable for the job and which are unsuitable based on these ratings; and
- rank the suitable applicants in order of merit.

For an applicant for special consideration, you must rank him/her honestly but regardless of where he/she falls in the ranking, provided that he/she meets the selection criteria to a satisfactory level, he/she must be recommended for the Clerk's final decision. In this instance, there might be more than

one recommended applicant. However, in the case of a PWSN applicant, he/she will not be recommended if he/she failed to provide the required medical certificate on the day of his/her interview.

As part of this process, you should also consider:

- the different ways which people can be effective in a job;
- the relevant policies for applicants for special consideration; and
- whether lack of specific skills may be overcome by a short period of on-the-job training.

You should, however, avoid:

- reliance on first impressions;
- reliance on over-generalised impressions instead of detailed analysis of applicants;
- tendency toward the average (i.e., playing safe by labelling all as average);
- emphasis on negative information;
- sequence effects (i.e., gradually lowering the standard after too many poor applicants);
- over-emphasis on the interview (i.e., ignoring outcomes of other selection methods used); and
- rushed final decision (i.e., simply in order to achieve consensus or to be done with the ‘burden’).

At the end of the whole process, if you do not reach consensus, repeat the above steps. If consensus is still not reached, you must take a vote and the majority vote will be the final decision of your panel. The final ranking (whether agreed to by consensus or voted) and related comments must be noted on PS Form 12. All panellists must sign the form.

Normally, the first applicant on the list is the recommended candidate. However, as noted above, an applicant for special consideration may also be recommended.

### **(E) Referee Checks**

Before finalising PS Form 12, the panel chair must carry out referee checks. On this task, you will be acting on your own. You will need to contact at least one referee for each candidate recommended in PS Form 12.

A referee check provides further information on the recommended candidate’s past work experience which is relevant to his/her capacity to meet the criteria of the vacancy. This should be obtained from the candidate’s nominated referee who was/is a direct supervisor or had/has a similar professional relationship with the candidate. A reference check should be done via telephone.

Before doing this exercise, you should:

- identify which referee you wish to contact where the recommended candidate nominated more than one;
- get the consent of the candidate to contact that particular referee (this is mandatory as contacting a current supervisor can create problems for the candidate); and
- prepare a set of questions designed to address the selection criteria, fill in information gaps and/or confirm information provided by the candidate, including questions which:
  - establish the relationship between the referee and the candidate;
  - confirm the candidate’s role, responsibilities and reporting structure in the referee’s organisation;

- relate directly to the selection criteria and explore further the candidate’s knowledge, skills and abilities;
- assess the strengths of the candidate and potential areas for improvement; and
- assess the candidate’s performance under different circumstances.

When discussing with the referee, you should:

- explain at the outset the purpose of your call – i.e., the applicant has been recommended and this is the final step before the matter is forwarded to the PSC for consideration;
- indicate that his/her responses will be recorded and used in the recruitment process;
- ask your prepared questions and follow up with supplementary questions if necessary;
- at all stages of the discussion carefully and accurately take notes;
- summarise the key points and ask the referee to confirm these as accurate;
- be courteous and professional throughout;  
and ask the referee to maintain confidentiality.

After conducting checks for the recommended candidate(s), compile your notes into a separate report and inform other panel members of the key findings. At this stage you can finalise PS Form 12 and attach that report to it.

You must then submit PS Form 12, PS Form 9 for all applicants and your referee checks report to the HRM.

## APPENDIX 3D – INVITATION LETTER

*[Use existing template to draft this Appendix]*

*In the final draft, makes sure that the invitation letter includes the following:*

- *date, time and venue of the interview;*
- *the names and titles of panel members;*
- *structure of the interview and/or other exercises or tests and how long these will take for the interviewee; and*
- *any requirements regarding the need to bring samples of work (if applicable)*
- *recommended readings (if any);*
- *for disabled applicants, a reminder of the need for medical certification of proficiency (above);*
- *where sample of previous work will be used, a reminder of the requirement and deadline;*
- *confirmation of authorised telephone interview; and*
- *emphasis on the relevant parts of the ‘Applying for a Job at Parliament’ information sheet relating to pre-employment screening process, interviews and subsequent stages.*

## APPENDIX 3E – FURTHER INFORMATION, DISCLOSURES AND DECLARATIONS

### 1 Introduction

Under Clause 3.6, every new permanent officer is required (within the first month of probation) to provide certain further personal information and make certain disclosures and declarations. The legal basis for requiring these of NPO officers is set out below.

### 2 Personal information

#### (A) Legal spouse

If the new officer is married in law or custom, he/she must provide the full details of the spouse and proof of marriage.<sup>65</sup>

This is necessary because the officer's spouse is entitled to certain benefits and may be eligible for others. Examples include:

- when on annual leave, the officer is entitled to be accompanied by his/her legal spouse, with travel expenses<sup>66</sup> and passage<sup>67</sup> met by the SIG;
- if the officer may have the cost of private medical attention for his/her spouse reimbursed by the SIG;<sup>68</sup>
- the officer is entitled to compassionate leave if his/her spouse is seriously ill or dies;<sup>69</sup>
- the officer's spouse is entitled to passage on compassionate grounds if the spouse's parent becomes ill or dies;<sup>70</sup>
- if the officer goes on an official overseas trip, his/her spouse may be approved to accompany the officer;<sup>71</sup>
- if the officer goes on training overseas, his/her spouse and children will be paid passage to re-join the officer on his/her return after the training;<sup>72</sup> and
- for long serving officers who become entitled to the long and dedicated service benefit but dies, his/her surviving spouse can apply for this entitlement.<sup>73</sup>

#### *Proof of marriage*

Proof of marriage requires a marriage certificate issued under the *Islanders' Marriage Act*. If the marriage is customary, a letter from a magistrate, minister of religion or relevant traditional authority confirming this is required.

<sup>65</sup> GO, Ch. C, s 115 requires that every officer must inform the RO of his/her marital status.

<sup>66</sup> GO, Ch. J, s 210.

<sup>67</sup> GO, Ch. P, ss 202 & 205.

<sup>68</sup> GO, Ch. M, s 108. This is not an entitlement but is the discretion of the PS Public Service and PS Health.

<sup>69</sup> GO, Ch. J, s 211.

<sup>70</sup> GO, Ch. P, s 205(3).

<sup>71</sup> GO, Ch. P, s 304. This is not an entitlement but is the discretion of the PS Public Service.

<sup>72</sup> GO, Ch. P, s 202.

<sup>73</sup> GO, Ch. F, s 2901.

If there is a change later, the officer must notify the HRM and provide evidence of this. This could be a divorce or annulment certificate issued under the *Islanders' Divorce Act*. For a customary marriage, this would be a letter from the same magistrate, minister of religion or traditional authority who initially certified that marriage confirming that the customary marriage has been terminated under custom.

### *Occupation*

The new officer must also disclose his/her legal spouse's occupation if any.

This is important because if the spouse is a public officer:

- travel expenses and paid passage for annual leave will not apply to both if they take leave at the same time;<sup>74</sup>
- he/she may be approved to accompany the new officer if he/she later is sent for further studies;<sup>75</sup> and
- he/she will be separately entitled to house allowance if eligible.<sup>76</sup>

Further, the spouse is only eligible for paid passage during the new officer's annual leave if the spouse is unemployed.<sup>77</sup> This rule is based on the fact that by law, every employed person should be entitled to annual leave and paid passage.<sup>78</sup>

### *Other children*

The new officer must also disclose full details of any children that the spouse might have from previous relationships. This requires a birth certificate or a letter from the hospital/clinic where the child was born to establish identity and the connection, and details of each child's current residence or home village (if not living with the couple).

The reason for this requirement is that if the spouse's child is seriously ill or dies, the spouse will be entitled separately to a 'compassionate paid passage' to attend the burial (even if he/she is not a public officer).<sup>79</sup> It is therefore essential that NPO is aware of who the spouse's other children are.

### *Spouse's parents*

The new officer must also disclose full details of the spouse's parents. Listing their names and stating their place of residence or home village (and closest port or airport) is sufficient. As with other children, the spouse is separately entitled to paid passage to his/her own parents' home if either of them is seriously ill or dies.<sup>80</sup>

### *Spouse's home village*

<sup>74</sup> See GO, Ch. J, s 210.

<sup>75</sup> See GO, Ch. N, s 202.

<sup>76</sup> See GO, Ch. F, s 2601.

<sup>77</sup> See GO, Ch. P, s 205.

<sup>78</sup> Under the *Holidays, Sick Leave and Passage Rules of the Labour Act*.

<sup>79</sup> See GO, Ch. P ss 202 and 205(3). Such passage is separate to the officer's compassionate leave and passage, which would apply where a child belonging to that officer and the spouse is seriously ill or dies (see below).

<sup>80</sup> Ibid.

The new officer must also disclose the spouse's home village, if it is not the same as the officer's. This is necessary because:

- for the purpose of annual leave (i.e., passage and travel expenses), the officer may either travel to his/her own home village, or that of the spouse;<sup>81</sup>
- when the officer is entitled to baggage allowance, it can be paid to cater for shipment to the spouse's home village instead;<sup>82</sup> and
- if the spouse is seriously ill or dies at his/her home village, the officer will be entitled on compassionate leave and passage to travel there.<sup>83</sup>

Information required includes the name of the island and village and the closest port or airport.

### **(B) Dependent children**

If the new officer has children, he/she must disclose full details of these children.<sup>84</sup> Again, this is required because some entitlements of the officer attach to his/her children and in some situations those children have certain rights.

#### *Proof of identity*

The officer must provide a copy of each child's birth certificate or passport, or a letter from the hospital/clinic where the child was born to establish identity and the connection. For children no longer staying with the officer or who are adults, their place of residence or home village must be disclosed. This must be done for every child even those no longer dependent on the officer.

The officer's entitlements are mostly tied to legitimate legal and dependent children. If the officer is not comfortable with disclosing information about other children, that will be respected but the officer cannot later rely on such children to claim entitlements. The NPO will not recognise children whose connection to the officer is not disclosed.

#### *Legitimate, legal and dependent children*

For most child-related entitlements of the officer, the child must be legitimate, legal and dependent on the officer. The child must be from a legal or customary marriage (as established above) and must be under 18 years of age.<sup>85</sup> If the child is not the biological child of the officer, there must be proof of adoption in law or custom under the *Adoption Act 2004*.

A child of this nature is eligible:

- to travel expenses and passage when the officer is first appointed, goes on annual leave or compassionate leave or retires;<sup>86</sup>
- to have the cost of private medical treatment reimbursed by the SIG;<sup>87</sup>

<sup>81</sup> See GO, Ch. P, ss 202 and 206.

<sup>82</sup> See GO, Ch. F, s 1501-1502.

<sup>83</sup> See GO, Ch. J, s 211.

<sup>84</sup> See GO, Ch. C, s 115.

<sup>85</sup> This is the definition of 'dependent children' in the *Holidays, Sick Leave and Passage Rules*, r 5.

<sup>86</sup> See GO, Ch. J, ss 209 (annual leave) and 211 (compassionate leave); Ch. P, s 202 and 205 (passage in general).

- to have maintenance paid out of the officer's salary when he/she is overseas on training;<sup>88</sup> and
- to passage to Honiara for reunion if the officer goes on training overseas and returns at the end of it.<sup>89</sup>

As noted above, if a child of this nature is seriously ill or dies, the officer is entitled to compassionate leave to attend to the matter (together with paid passage and travel expenses).<sup>90</sup> Also, if the officer dies, only a child of this nature can apply for the monetary equivalent of the officer's unused annual leave at the time of death.<sup>91</sup>

#### *Other children*

Other children of the officer other than legitimate, legal and dependent children, are only eligible for certain limited rights and have limited entitlements attached to them, but only if these children are disclosed at the outset. These include:

- the right to have maintenance paid out of the officer's salary when he/she is overseas on training;<sup>92</sup>
- the legal right to apply for the monetary equivalent of the officer's unused annual leave<sup>93</sup> or outstanding long and dedicated service benefit if the officer dies;<sup>94</sup> and
- the entitlement of the officer to take compassionate leave (and have related costs met by SIG) when any such child is seriously ill or dies.<sup>95</sup>

#### **(C) Residence in Honiara**

The new officer must also disclose his/her current residence in Honiara. This is necessary for the purposes of:

- transport between that residence and Parliament during sitting days;<sup>96</sup>
- transport between that residence and a port or airport when the officer's initial appointment, travels on duty or goes on or returns from an approved leave;<sup>97</sup> and
- if the officer is a designated driver of an office vehicle, and is thus permitted to garage that vehicle in certain circumstances,<sup>98</sup> the NPO keeping track of where its official vehicles are at all times.

#### **(D) Home village**

<sup>87</sup> GO, Ch. M, s 108. This is not an entitlement but is the discretion of the PS Public Service and PS Health.

<sup>88</sup> See GO, Ch. N, s 203. This is only at the direction of the officer or if required by a court order (maintenance order).

<sup>89</sup> See GO, Ch. P, s 202.

<sup>90</sup> See GO, Ch. J, s 211.

<sup>91</sup> See GO, Ch. J, s 209.

<sup>92</sup> See GO, Ch. N, s 203. This is only at the direction of the officer or if required by a court order (maintenance order).

<sup>93</sup> See GO, Ch. J, s 209.

<sup>94</sup> See GO, Ch. F, s 2901.

<sup>95</sup> See GO, Ch. J, s 211.

<sup>96</sup> This is not an entitlement but a practice of the NPO. Under GO, Ch. F, s 1803, this is permitted.

<sup>97</sup> See GO, Ch. T, s 114.

<sup>98</sup> See GO, Ch. T, s 112.

The officer must also state his/her home village of origin, including the island, name of village and the closest port or airport. As indicated above, this is important as it relates to the officer's paid trips (first appointment, annual leave, compassionate leave and retirement), and on retirement to the baggage allowance (i.e., where to freight personal effects to).<sup>99</sup>

### **(E) Officer's parents**

As the officer's blood parents are tied to his/her compassionate leave and related entitlements (above), the new officer must also state his/her parents full names, home island and village and the closest port or airport.

### **(F) Next-of-kin**

Every new officer must nominate a next-of-kin and his/her current address (residence or home village), and notify the HRM whenever there is a change of the nominated person or address.<sup>100</sup> A next-of-kin is eligible to apply for outstanding long and dedicated service benefit (together with the surviving spouse and legal children) if the officer dies.<sup>101</sup>

### **(G) Religion and religious day of rest**

The new officer must also state what faith or religion (and church or denomination) he/she officially belongs to and its day of rest. This is important as the General Orders treat Saturday and Sunday differently for the purpose of overtime claims.<sup>102</sup>

### **(H) Private vehicle registration number**

If the officer owns a private vehicle, he/she must indicate that fact and state the registration number. This is essential in the event that the NPO wishes to use private vehicles of its staff members for official purposes and pay the motor vehicle allowance.<sup>103</sup>

## **3 Disclosure**

The new officer must disclose all pecuniary interests he/she currently has in local companies or businesses.<sup>104</sup> This will be forwarded to the Secretary to Cabinet and the Leadership Code Commission. A declaration to avoid holding such interests which conflicts with public duties is to be made separately (below).

## **4 Declarations**

<sup>99</sup> See GO, Ch. F, s 1501-1502.

<sup>100</sup> This requirement is imposed by GO, Ch. V, s 108.

<sup>101</sup> See GO, Ch. F, s 2901.

<sup>102</sup> For example see GO, Ch. S, s 602. Although this provision is for NEEs and labourers/casuals, in practice it is applied to public officers as well. The provision swaps the overtime rates for Saturday and Sunday depending on the worker's religion so that those who observe Saturday use the higher rate of Sunday and vice versa.

<sup>103</sup> See GO, Ch. F, s 1801-1802.

<sup>104</sup> This is a mandatory disclosure required by GO, Ch. C, s 104.

The new officer must declare (or disclose) in writing, in the presence of the HRM:

- That he/she is not, and will not be, engaged in trade, commercial or agricultural employment, or private agency while in office or in connection to public duties, even when on leave of absence (except on approval of PS Pub Service).<sup>105</sup>
- That he/she is not currently providing, and will not provide, paid or unpaid professional services (except if special case approved by PS Pub Service).<sup>106</sup>
- That he/she does not hold any pecuniary interest in a local company or business which conflicts with his/her public duties, and will not acquire such interest while working for the NPO except with the approval of the Secretary to Cabinet.<sup>107</sup>
- That he/she will not cause serious pecuniary embarrassment to the NPO and Public Service.<sup>108</sup>
- That he/she is not currently lending, and will not lend, money with interest to other persons.<sup>109</sup>
- That he/she will not accept any gift or benefit from another person (which is connected to the officer's position at NPO), except ordinary gifts from family and friends or as approved under the General Orders.<sup>110</sup>
- That he/she will not broadcast, televise or publish (in writing or verbally) views on politics or policies or administrative matters relating to the government.<sup>111</sup>
- That he/she will not broadcast, televise or publish (in writing or verbally) any political views connected to working for the Parliament.<sup>112</sup>
- That he/she will not seek in any way to improperly influence Parliament, the Cabinet, the Public Service or any other public authority/body for favours relating to his/her duties.<sup>113</sup>
- That he/she is aware of the provisions of the *Official Secrets Act* and will not disclose to other people any confidential and classified correspondence or document entrusted in his/her custody<sup>114</sup> (this is only for an officer whose functions will involve handling this kind of document).

<sup>105</sup> This prohibition is created by GO, Ch. C, s 102.

<sup>106</sup> This prohibition is created by GO, Ch. C, s 103.

<sup>107</sup> This prohibition is created by GO, Ch. C, s 104.

<sup>108</sup> This prohibition is created by GO, Ch. C, s 105. Breach of this is to be treated as misconduct.

<sup>109</sup> This prohibition is created by GO, Ch. C, s 106.

<sup>110</sup> This prohibition is created by GO, Ch. C, s 302. Exceptions include gifts to thank retiring officers and gifts by high dignitaries.

<sup>111</sup> This prohibition is created by GO, Ch. C, s 107.

<sup>112</sup> This is a general prohibition imposed on all NPO staff by long standing convention to protect the integrity of the apolitical nature of parliamentary officers.

<sup>113</sup> This prohibition is created by GO, Ch. C, s 109.

<sup>114</sup> This declaration is required by GO, Ch. O, s 211.

## CHAPTER 4 – INDUCTION

This Chapter outlines the NPO's Induction Policy and related procedures, which are part of the Employment Policy (Chapter 3). Induction is required as part of probation

The Induction Policy applies to all public officers and other employees (except special temporary employees) of the NPO, collectively referred to as staff members.

### 4.1 Induction Policy

#### 4.1.1 Policy Statement

The NPO believes that all new officers and employees must be given timely induction training.<sup>115</sup> This training is an essential part of staff recruitment and integration into the NPO workplace. Through induction, a new staff member will be familiarised with the NPO and his/her new job, other staff members, the culture at the NPO and the necessary knowledge and skills to perform well in the new working environment. This Policy and the Induction Program define the NPO's commitment to ensure that all staff members are supported during the period of induction, for the mutual benefit of the every new staff member and the NPO.

#### 4.1.2 Aims

This Policy aims to ensure that induction of new staff members is conducted in an organised and consistent manner, in order that every new staff member is introduced into a new position and the NPO workplace, and thus contribute effectively, as soon as possible during the probation period. These aims will be implemented through an Induction Program (tailored for each new staff member).

It is expected that proper implementation of the Program will:

- enable every new staff member to settle into the NPO and his/her new job quickly, and become a productive and efficient part of the NPO team within a short span of time;
- ensure that new recruits are highly motivated (which is then enhanced and maintained);
- assist in reducing staff turnover, lateness, absenteeism and poor performance generally; and
- will reduce costs related to repeated recruitment, training and lost production.

#### 4.1.3 NPO's Commitment

To meet the aims of this Policy and facilitate the Program, the NPO through the HR Department will:

- issue guidelines to familiarise supervisors, HODs and staff members with the induction process;
- maintain and update the Induction Policy and Program;
- develop and regularly update a generic Induction Pack;
- provide a checklist to be used in the Program;
- ensure there is effective monitoring of the induction process;

<sup>115</sup> Every RO is required to ensure that a new recruit undergoes induction as part of probation: GO, Ch. B, s 204.

- handle any difficulties that might arise through prompt advice to supervisors, HODs and staff members;
- regularly review the Policy, Program and any guidelines issued to ensure these remain relevant and useful to achieving the above aims; and
- provide relevant formal training courses (as part of the Staff Development Policy<sup>116</sup>) necessary to assist the induction process.<sup>117</sup>

## 4.2 Induction Program

Induction of a new staff member will run for 2 months from the day he/she commences work at the NPO. How this is to be done will be guided by this Program.

This Program serves to welcome new staff members, deliver key information about the NPO and the new job (and its role in the NPO) and set out clearly what both the NPO and the new staff member expect from the relationship. The Program is designed to help new staff members, using cost-effective and well planned/coordinated tools, to fit in quickly and understand his/her expected duties and the standard of performance that the NPO expects.<sup>118</sup> At the end of the Program, the new appointee should feel that he/she has made the right decision to work for the NPO and, in the long run, have job satisfaction.

The aims of the Program are as set out above (Clause 4.1.2). To achieve those aims, the Program will be delivered in three stages:

- Stage 1 - Welcome and Introduction (first day at work);
- Stage 2 – the Job and Department (first month); and
- Stage 3 - the NPO (second month).

The purposes of this Program, the HRM will develop a generic Induction Pack (folder), which should include:

- a summary of Parliament, its functions and relationship with the other two branches of government;
- the organisational structure of the NPO;
- the main functions of parliamentary officers;
- the current Corporate Plan,<sup>119</sup> strategy and roadmap of Parliament;
- a copy of the Human Resources Policies (staff version) outlining the basic conditions of employment;<sup>120</sup>
- emergency procedures and first aid facilities (if any);

<sup>116</sup> See Chapter 7.

<sup>117</sup> Under GO, Ch. N, s 104(a), induction courses on the Public Service is a recognised form of formal training.

<sup>118</sup> GO, Ch. B, s 204(d) provides that an induction program must be provided for every new officer to the Public Service, which should cover the function and operations of his/her Ministry and the responsibilities of his/her department and their position. This Induction Program builds on this mandatory requirement.

<sup>119</sup> This contains the mission, vision, values and goals of Parliament.

<sup>120</sup> This canvasses critical conditions set out in the General Orders. Every new officer has a duty to familiarise himself/herself with the General Orders and every RO must make sure that a copy is available at the workplace for that purpose: GO, Ch. A, s 109. However, as the General Orders is bulky, the HR Policies is the easier option of introducing new entrants to the basic conditions set out in the General Orders but clarified further in the HR Policies.

- a copy of the Public Service Code of Conduct;
- important contacts within the NPO and Public Service;
- the *Constitution of Solomon Islands*; and
- the *Standing Orders*.

The HRM will also design a generic Induction Checklist of how this Program is to be implemented for a new staff member. This should list all that needs to be covered in the three stages, who will cover the information, and timing.

Both the Induction Pack and Checklist are to be used for all new entrants and will be regularly updated by the staff of the HR Department as the need arises.

### 4.2.1 Preparations

Before the new staff member's first day at work, the HRM and the HOD of the Department in which the new staff member will work (relevant HOD) will:

- develop an Induction Schedule for the staff member setting out how the Program will be conducted in the three stages;
- adjust the Induction Checklist to reflect the specific induction needs of the new staff member;
- select from the relevant department an Induction and Probation Mentor ('Mentor')<sup>121</sup> on the basis that he/she:
  - is familiar and proficient with the tasks of the newly filled position;
  - is familiar with this Induction Program and Induction Pack;
  - has effective mentoring and communication skills; and
  - is a good team player; and
- have a copy of the current version of the Induction Pack printed and compiled.

The relevant HOD will then ensure that a workstation for the new staff member is ready beforehand. This includes setting up a computer, a user account and an official email account.

### Stage 1: Welcome and Introduction (Day 1)

Stage 1 of the induction process takes place on the first day at work, agreed to at the end of the recruitment process. The HRM and the relevant HOD will conduct this stage.

#### A Welcome

On arrival of the new staff member, the HRM will meet and greet him/her and:

- introduce the staff member to his/her workstation, department, relevant HOD and the Mentor;
- introduce him/her to the Speaker, Clerk and Deputy Clerk;

<sup>121</sup> During probation (6 months from first day at work), the RO will select an immediate supervisor who will manage and supervise probation, and report back to the RO at the end of probation. The Mentor will first conduct induction of the new staff member, and thereafter manage the remainder of the probation period in line with GO, Ch. B, s 204.

- provide a copy of his/her Induction Schedule; and
- explain the purposes of the Induction Policy and Program.

## **B**     *Tour*

Following that, the relevant HOD will:

- take the new staff member on a brief tour of the layout of the NPO within the Parliament building(s) and introduce him/her to all other departments and their staff members present; and
- during the tour, show and explain:
  - access to Parliament buildings and the access control system;
  - amenities (car park, toilets and kitchen);
  - fire exits; and
  - administrative and support offices (ICT, Library and photocopiers/printers).

At the end of the tour, if possible, other staff members present should share an informal meal or tea break with the new entrant before he/she continues with the Schedule.

## **C**     *General Administration*

After the tour, the new staff member will meet with the HRM for general administrative matters. The HRM will:

- provide a copy of the Induction Pack;
- introduce the staff member to the organisational structure of the NPO;
- explain the key functions of the staff member's new job and how it contributes to the NPO's operations;
- explain the nature of probation (which starts on this day) and confirmation;<sup>122</sup>
- discuss the salary rates and terms and conditions of pay;<sup>123</sup>
- discuss taxation and deductions (including NPF<sup>124</sup>);
- together with the staff member, complete his/her Salary Form, including a nominated bank account for salary to be paid into;<sup>125</sup>
- outline the NPO's hours of work, overtime, time-in-lieu and meal breaks;
- explain the expected dress code for sitting days and non-sitting days;
- explain basic leaves (annual leave, sick leave, compassionate leave and maternity leave, if applicable);
- explain the purposes of the further information, disclosure and declarations that will be required of the staff member within the next month;<sup>126</sup> and
- organise for a staff identification card for the staff member (to be available in the next two days).

<sup>122</sup> A summary of the provisions relating to probation and confirmation set out in GO, Ch. B, s 201-214.

<sup>123</sup> These include the procedure for payment of salary, salary on promotion, salary on dismissal: GO, Ch. E, s 601-607.

<sup>124</sup> National Provident Fund contributions for both NPO (employer) and the staff member (employee) required by the *Solomon Islands National Provident Fund Act* (Cap. 109).

<sup>125</sup> See GO, Ch. E, s 601-604.

<sup>126</sup> See Chapter 3, cl 3.6.

## Stage 2: The Job and Department (1<sup>st</sup> Month)

From the second day onwards, for a month, induction will be conducted by the Mentor. The aim of this stage is to provide a more detailed understanding of the position and the department it is based in. This extends not only to the formal functions and tasks involved, but also the social culture in which the job will operate.

The Mentor will hand the Induction Checklist to the new staff member and together they will complete it as induction progresses.

### *A The Position*

In terms of the formal requirements of the position, the Mentor will:

- ensure that the new staff member settles well in his/her workstation;
- take the him/her through in greater detail the roles and job description of the position;
- identify and elaborate on expected outcomes of the job;
- outline areas of accountability for the position and reporting requirements;
- ensure that the new staff member submits the further information and makes the disclosure and declarations required by Clause 3.6;
- point out (and if necessary, demonstrate how to use or access) office resources and equipment;
- for each specific task required of the job, explain/demonstrate the relevant system, procedure or policy;
- provide ongoing support, advice and feedback as necessary or on request;
- identify potential strengths of the new staff member and suggest ways to tap into these;
- provide any other hands-on training based on available induction course or on the advice of the HRM or relevant HOD; and
- constantly evaluate the staff member's progress and achievements.

### *B The Department*

Over the first month, the Mentor will also:

- explain in details the internal workings of the department, including policies and procedures specific to that department; and
- organise one-to-one brief discussions between the new staff member and other staff of the department.

### *C Social Culture*

During stage 2, the Mentor is expected to make every effort to make the new staff member feel welcomed, and to integrate him/her into the social culture of working at the NPO. This involves:

- introducing the new staff member to existing social codes and practices of the NPO and the department;<sup>127</sup> and
- when possible, taking the new recruit to lunch and/or tea breaks, or arranging for another member of the department to do this.

Throughout this stage, the Mentor must constantly monitor and supervise the new staff member and both should update the Induction Checklist for this stage. If the Mentor believes that the new recruit is struggling to cope with the department's expectations, the Mentor must inform the HRM. The HRM may then hold discussions with the staff member and the Mentor. The aim would be to encourage him/her to improve. If necessary, the HRM may direct that extra assistance is given to the staff member.

### Stage 3: The NPO (2<sup>nd</sup> month)

By the end of the first month of work, the new entrant should have a good grasp on what his/her department does and his/her expected role in it. Stage 3 starts at the beginning of the second month and the overall aim is to ensure that the new staff member is satisfactorily knowledgeable about the NPO and Parliament.

During this month, the Mentor will guide the new entrant through:

- the organisational structure of the NPO;
- the role of the Speaker, Deputy Speaker, Members, Clerk and Deputy Clerk;
- the basic functions of Parliament and its committees;
- the basic supporting functions of the NPO (including Parliament's Corporate Plan, strategies and roadmaps);
- expectations of staff members and departments during Parliament meetings;
- the Public Service Code of Conduct;
- the basics of these HR Policies; and
- the NPO's evacuation and first aid procedures (if any).

Both the Mentor and the new staff member are expected to update the Induction Checklist as this stage progresses. As with stage 2, the Mentor must constantly monitor and assess the new recruit during stage 3 and discuss with the HRM where there is a need for improvement or additional assistance.

### Post-Induction

At the end of the new officer's first two months at work, he/she must finalise and submit the Induction Checklist to the Mentor. The Mentor will then sign off on the Checklist. In a separate report to the HRM, the Mentor must record achievements of the new entrant during the induction process and provide an assessment of the staff member's performance.

This report will later be used to complete the confidential report of the staff member at the end of his/her probation (6 months). Based on the Mentor's report, the HRM will hold further discussions with the new staff member to develop his/her Individual Work Plan under the Performance Review Policy (Chapter 6).

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<sup>127</sup> Examples include what is expected of staff members during official functions and other social occasions.

## CHAPTER 5 – WORKING HOURS

This Chapter sets out the working hours for NPO officers. Traditionally, official working hours of the NPO has always been fixed according to the General Orders, as it is applied across the Public Service. Fixing start and finish times for a working day has created ongoing problems for NPO staff and management over the years. Staff members have had to deal with the constant stress of trying to get to work or leave on time because of other daily commitments and causes of delays. Examples include difficulties with buses or traffic, taking their children to school and picking them up after school, and responding to the daily needs of relatives. NPO management has observed this over past decades and believes that a structured schedule of work is too rigid and unrealistic in light of the daily issues that Honiara residents face. This has led to undesirable staff behaviour and disruption and/or inefficient time planning. It is unrealistic to expect optimum and efficient performance from a staff member who constantly has to 'sneak off' for often valid reasons. This Chapter aims to improve this situation.

The standard working hours set out by the General Orders are made subject to the discretion of each Responsible Officer, but with the approval of the PS Public Service.<sup>128</sup> Accordingly, this Chapter contains changes made on the authority of the Clerk as the NPO's RO. These changes aim to provide flexibility in working hours and to clarify on the NPO's position on work carried out by its officers outside official working hours. As such, this Chapter contains 3 policies: Flexible Working Hours Policy, Rest Day Policy and Overtime and Time-in-lieu Policy.

### 5.1 Flexible Working Hours Policy

The NPO is committed to providing a work environment in which its staff members can achieve a balance between their work and outside interests. This may be cooperatively achieved by providing flexible working hours for officers in place of traditional fixed schedules of work. By providing and supervising such flexibility, the NPO aims to (as indicated by recent workplace studies):

- enhance its ability to attract, retain and motivate high-performing and experienced officers;
- reduce absenteeism;
- assist its officers to manage their responsibilities outside of work; and
- improve job satisfaction, energy, creativity, and ability to handle stress.

This policy aims to better manage working hours (normal and excess) and improve staff members' psychological outlook in respect of their work obligations.

This policy applies to all positions except political appointees, permanent temporary (part-time) officers and any group of officers or other employees working under shift work arrangements.

#### 5.1.1 Overview

Standard hours of work required by the General Orders are maintained at 7.5 (public officers) or 8 (NEEs and casuals) hours per day and 35.5 hours per week (or 75 hours per fortnight). Start and finish times for are, however, flexible but subject to core hours. Lunch break is also made flexible. Flexibility in these

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<sup>128</sup> Chapter C, s 201.

points in time of a working day should allow officers to attend to their personal responsibilities outside work without fear of violating NPO rules.

Under this flexible system, staff members must be at work and working during core hours but can start working at any time before 10 am and finish after 4 pm when he/she has worked his/her full hours for the day. The start and finish times must be agreed to with the relevant HOD and the HRM. On a working day, a staff member might work full hours or for less or more hours. These will be recorded as debit or credit hours (respectively).

Lunch break is also flexible. A staff member is entitled to a 1 hour break but can take it within a period of 2 hours. The staff member can take the whole 2 hours off as a lunch break but the extra hour must be offset on other days.

This whole system operates within a period of 1 month. Before the end of a month, every officer who has accumulated debit hours must offset it by working longer hours. A staff member with credit hours may take these off as flexi-time leave, or together with leave entitlements.

The flexible working system is subject to Clause 5.1.8 (Parliament meetings).

### 5.1.2 Settlement Period and Standard Hours

The Settlement Period is 1 month. The HRM will fix this Period to coincide with two normal pay cycles.

Standard working hours are:

- for public officers, 37.5 hours per week and 7.5 hours per day from 8.00 am to 4.30 pm, Monday to Friday<sup>129</sup>; and
- for casual workers and NEEs, 40 hours per week and 8 hours per week, Monday to Friday.<sup>130</sup>

Every officer is also entitled to a 1 hour lunch break per day.

Under this policy, every officer and other employee must work a total of 150 hours and 160 hours (respectively) and should take 20 hours for lunch within a Settlement Period. How this is to be worked throughout the Period depends on the staff member (as approved by his/her supervisor).

### 5.1.3 Bandwidth, Core Hours and Flex-hours

The standard Bandwidth for a working day is 7.00 am to 7.00 pm and the Core Hours are from 10 am to 4 pm.

The flex-hours within the Bandwidth are 7 am to 10 am (morning) and 4 pm to 7 pm (afternoon).

### 5.1.4 Hours worked

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<sup>129</sup> Chapter C, s 201.

<sup>130</sup> Chapter S, s 601.

A staff member must work during the Core Hours (subject to provisions relating to lunch break). When he/she starts and finishes work can, however, be varied from the standard times.

### ***Starting and finishing times***

A staff member may start working at any time within the morning flex-hours (7 am to 10 am) and leave work at any time within the afternoon flex-hours (4 pm to 7 pm). This is to be by agreement with his/her HOD, and subject to the demands or convenience of the department.

A staff member has three options which determine his/her starting and finishing times for each day. He/she can start at any time in the morning flex-hours (7 am to 10 am) and:

- (a) work for the standard hours (7.5 hours for public officers or 8 hours for casuals and NEEs);
- (b) work for less than the standard hours; or
- (c) work for more than the standard hours.

In all three cases, the staff member must work during the Core Hours and within the Bandwidth.

Working more than the standard hours on any day (option (c)) is only allowed if there is work to be done as determined and approved by the HOD. If no prior approval was given for extra hours, these will not be counted as hours worked.

Every HOD must ensure that each of his/her staff members nominate a flexible working schedule under this policy. A staff member may choose to work by the standard hours (8 am to 4.30 pm). In this instance, that staff member must still comply with attendance and recording requirements (below).

### ***Lunch break***

A staff member is entitled to a lunch break of at least 30 minutes and up to 1 hour, which may be taken between 12.00 and 2 pm.

He/she must take at least 30 minutes for lunch break every day. This minimum requirement cannot be waived. Supervisors and HODs must ensure that this is adhered to strictly.

Any lunch break in excess of 1 hour must be by agreement with the HOD. The maximum lunch break that can be taken with prior agreement is 2 hours.

A staff member who chooses to work by standard hours must take his/her lunch break for 1 hour from 12 pm to 1 pm. No flexibility applies in this case.

### ***Attendance***

All staff members must work on every working day. For those with flexible working schedules, they must, at a minimum, work during the Core Hours. For officers who work by standard hours, they must strictly comply with those hours.

For an officer with a flexible working schedule, arriving at work after 10 am is considered as lateness. Not working during the Core Hours is counted as being absent, as is leaving work before 4 pm without good excuse.

Where there is no flexible working schedule, arriving after 8 am is considered as lateness; and not turning up at work at all, or for more than half the day (i.e., 4 hours), counts as absence.

### **Recording times**

At the end of working each day, each staff member must record on the prescribed Flex-sheet (**Appendix 5**) the times of arrival at work, lunch break and departure from work. This applies to those who work by standard hours.

At the end of each week, the staff member must print his/her completed Flex-sheet for that week and submit it to the HOD to check and sign. If there is reason to question a staff member's Flex-sheet, the HOD may double check with other staff members and/or other monitoring systems. If the Flex-sheet indicate extra hours worked which were worked but without prior approval, these will be ignored and records adjusted accordingly.

All HODs should submit signed Flex-sheets for staff members under their respective care to the HRM at the start of the following week.

### **5.1.5 Accumulating debit and credit hours**

This clause only applies to staff members on a flexible working schedule.

When a staff member works less than the standard hours within the Bandwidth on any day, the shortfall accrues as debit hours. If he/she takes a lunch break of more than 1 hour, the excess also accrues as debit hours.

When a staff member works more than the standard hours within the Bandwidth on any day, the excess accrues as credit hours. Taking 30 minutes for lunch also accrues the shortfall as credit hours.

Within a Settlement Period, a staff member may accumulate debit and credit hours in this way, but must not exceed 10 debit hours or 15 credit hours in that Period. Every HOD must strictly apply these limits.

Hours that a staff member works outside the Bandwidth are not covered by this policy, but may be considered under the Overtime and Time-in-lieu Policy (further below).

### **5.1.6 Flex-time leave**

As a staff member is permitted to accumulate a maximum of 15 credit hours in a Settlement Period, the officer may take these hours off *in advance* as flex-time leave within that Period if he/she wishes. This may be taken as half-days or two full days on any working day of the officer's choosing. Prior

endorsement of the officer's HOD and approval of the HRM is necessary before flex-time leave can be taken.

If a staff member takes flex-time leave as described, the hours taken off are not debit hours. Flex-time will be recorded separately and does not affect the limit on debit hours. However, within the same Settlement Period, the officer must subsequently work the same number of hours (within the Bandwidth each day) as that taken as flex-time leave. Such extra hours of work do not accrue as credit hours but simply offset credit hours that had been advanced. Flex-time taken in advance cannot be offset by working overtime. It may only be offset by extra work within the Bandwidth.

For example, if the Settlement Period is from 1 January to 31 January (1 month), a staff member can choose to either first accrue credit hours (up to 15 hours) within this month before taking these as flex-time leave, or take those hours (total of 2 working days) in advance and then work extra hours to replace these. That staff member might take Monday off each fortnight but work an extra 15 hours before the month ends to offset it. Thus, by the end of January, the staff member should have offset his/her 2 days flex-time leave.

### 5.1.7 Settlement and Carry Over

At the end of a Settlement Period, it is expected that every staff member would have worked a total of 150 hours (officers) or 160 hours (NEEs and casuals) and taken 20 hours as lunch breaks. Ideally, there should be neither credit nor debit standing against the staff member's name at this point in time.

To ensure this, each staff member is responsible for keeping track of the hours they have worked and settle credit or debit hours *before* the Settlement Period lapses.

Settling debit hours means working longer hours and/or taking 30 minutes lunch breaks only in order to make up for (offset) the debit. Settling credit hours means taking those hours off as flex-time leave and/or taking 2 hour lunch breaks. If the officer has already advanced his/her flex-time leave, settling means making up for those hours (as described above).

As a general rule, carrying over of debit and credit hours to the next Settlement Period is not allowed. The only exception is if settling within the current Settlement Period was prevented or not possible because:

- for credit hours:
  - a Parliament meeting fell during the current Settlement Period so these hours could not be taken (sessional staff only – see below); or
  - other high work demands during the current Period prevented taking these hours (as confirmed by the HOD); and
- for debit hours, difficult personal circumstances which arose during the current Period prevented settling.

To rely on any of these exceptions, the staff member concerned must apply in writing to the HRM (with the support of the HOD) prior to the end of the Settlement Period. If the HRM accepts, credit hours (up to 15 hours) or debit hours (up to 10 hours) for that officer will be added to the limits for the next Settlement Period and can be dealt with as normal.

For staff members who do not fall under the exceptions, at the end of the Period:

- outstanding credit hours will be forfeited; and
- outstanding debit hours will be deducted from the his/her annual leave or, if that has been exhausted, treated as unpaid leave.

### 5.1.8 Parliament meetings

During Parliament meetings, ‘sessional staff’ will revert to standard hours and cannot accrue debit or credit hours or take flex-time leave. Any extra hours worked during a meeting are to be dealt with under the Overtime and Time-in-lieu Policy (below).

A meeting starts when the Clerk formally issues notice of that meeting to all Members<sup>131</sup> and ends when Parliament stands adjourned *sine die*<sup>132</sup> or, under special adjournment,<sup>133</sup> to a specified date at least 3 weeks ahead.<sup>134</sup>

Sessional staff to whom this rule applies are:

- the Clerk and Deputy Clerk;
- all officers of the Procedures Office;<sup>135</sup>
- Serjeant-At-Arms;
- clerks-at-the-Table;<sup>136</sup>
- all Hansard officers;
- all HODs (excluding the HRM);<sup>137</sup>
- all drivers;
- all cleaners;
- the orderly; and
- the following to be nominated by the Clerk for each meeting:
  - an ICT officer;
  - one media officer;
  - one Registry officer; and
  - one gardener.

This rule does not apply to security officers who will work during meetings as determined by security rules.

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<sup>131</sup> Under Standing Order 7.

<sup>132</sup> Under Standing Order 8.

<sup>133</sup> Under Standing Order 9.

<sup>134</sup> If a meeting is adjourned (special) to a date less than three weeks ahead, this clause continues to apply throughout the short recess.

<sup>135</sup> If this office is yet to be established, this category includes those directly involved in procedural papers and matters connected to the meeting.

<sup>136</sup> Who these will be will depend on the Chamber roster as developed by the Procedures Office or Clerk’s Office.

<sup>137</sup> All other HODs have a part to play directly during meetings. The HRM does not have any direct role in meetings and also has many other corporate responsibilities and is therefore excluded.

If the Settlement Period lapses during a meeting, any debit and credit hours standing against the names of sessional staff will be carried over to the next Period. These will not affect their debit and credit limits when the meeting ends and they return to flexible working schedules.

Staff members not included in the list will continue with their flexible working schedules throughout the meeting.

### 5.1.9 Breaches

A staff member commits a breach of this policy if he/she:

- (a) deliberately falsifies flexible working hours records;
- (b) records incorrect starting or finishing times;
- (c) is habitually late or absent as defined in Clause 5.1.4 , except if on approved leave; or
- (d) breaches this policy in any other way.

Staff member found in breach may be instructed to work standard hours. Where breaches such as these occur, they must be drawn to the attention of the HOD. Further breach when on standard hours may be subjected to the Management of Performance and Conduct Policy (Chapter 8).

## 5.2 Rest Days Policy

The NPO recognises that under normal circumstances its staff members are entitled to rest weekends and public holidays. The NPO will endeavour to uphold this but reserves the right to call on staff members on such days if necessary. This policy covers the nature of each type of rest days and when staff members may be recalled for duty on these days.

Normally, staff members are to rest from work on Saturdays and Sundays (weekends) and public holidays. A public holiday is a weekday that is pre-determined as a national holiday by law<sup>138</sup> or declaration of the relevant Ministry<sup>139</sup> (e.g., national emergency), or declared as a holiday for the Public Service by the PS Public Service.

Unless required to work on a weekend or public holiday under this policy, no staff member is allowed to enter the Parliament precincts or buildings on those days. Any staff member who wishes to be exempted from this rule for a good reason must seek prior approval of his/her HOD before the weekend.

The following staff members will be required to work on a weekend or public holiday:

- those on shift duty for that day; and
- those approved to work overtime on that day under the Overtime and Time-in-lieu Policy (below).

<sup>138</sup> At present fixed public holidays are specified in the Schedule of the *Public Holidays Act* (Cap. 151).

<sup>139</sup> National holidays or rest days may be declared by the Ministry of Home Affairs.

In addition, the Clerk may require all or some staff members to work during a weekend<sup>140</sup> or public holiday if<sup>141</sup> it is in NPO's interest. Work done in this instance will be treated as overtime. Examples include:

- preparations for Parliament sittings; and
- where Parliament resolves to sit during a Saturday or Sunday.<sup>142</sup>

## 5.3 Shift Work Policy

The NPO recognises that by their nature certain tasks can only be performed outside standard or flexible hours, especially at nights, and can only be realistically undertaken through shift work. At the same time the NPO acknowledges that as an employer it needs to take into consideration health and safety effects of shift work on its staff.<sup>143</sup> The NPO is committed to strike a balance between these two areas of concern through this policy.

### 5.3.1 Authority to establish shift work

The Clerk may direct that tasks of the nature described below be carried out through shift work for any period of time and on any day (including weekends and public holidays) by casual employees, NEEs<sup>144</sup> or public officers of L3 and SS.<sup>145</sup> The Clerk will only exercise this discretion if:

- the task cannot be done using any working arrangement;
- the task partly or wholly involves working at nights; and
- there are enough officers to undertake the task without violating principles set out below.

As this policy applies only to casuals and NEEs (other employees) and certain public officers (L4-L5), these staff members will be collectively referred to in this policy as shift workers.

### 5.3.2 Nature and risks of shift work

Shift work involves any work that needs to be done outside standard or flexible hours, particularly at nights. The need for shift work may be ongoing or relate to a specific task that arises from time to time. An example of the former at the NPO is the provision of 24 hours security for the Parliament precinct, properties and its Members and staff.

Prolonged shift work has been proven to have potential health, safety, social and family effects on shift workers, which the NPO is aware of and will endeavour to avoid.

<sup>140</sup> The whole of public officers' time is at the disposal of the Solomon Islands Government, including weekends: see GO, Chapter C, s 101.

<sup>141</sup> A public holiday is not an absolute right of public officers: see GO, Chapter C, s 203 and *Public Holidays Act* (Cap. 151), s 8.

<sup>142</sup> By a motion moved under Standing Order 9.

<sup>143</sup> Under the Occupational Health Safety Policy (see Chapter xx).

<sup>144</sup> GO, Chapter S, s 603 (casuals and NEEs).

<sup>145</sup> Shift work is to be considered in lieu of overtime work. The latter used to only apply to public officers between L3 and L5, but this was extended up to SS3 by a 2007 amendment. Presumably this means the limitation relating to overtime work in terms of levels apply equally to shift work: see GO, Chapter F, s 602.

### 5.3.3 Safe approach to shift work arrangements

Once the Clerk has established shift work for a particular task, the HRM and the HOD for securities will jointly develop a safe approach to that shift work arrangement by:

- ensuring that the procedure used is safe;
- identifying potential health and safety risks; and
- ensuring that it has control measures to address foreseeable risks.

Every shift work arrangement established by the Clerk under this policy must comply with these minimum requirements. Examples of specific control measures are set out in **Appendix 5A**.

### 5.3.4 Rights and duties of shift workers

A shift worker is a NPO staff member and thus has the same rights and bears the same duties as other staff members which may be created by the General Orders, other written law and/or these policies, subject to variations set out below.

#### *A Special consideration for female officers*

As a general rule, no female officer will be made part of a shift work arrangement. If this is unavoidable, the HRM and relevant HOD must ensure that any female involved is only rostered for day shifts, and not for night shifts. This rule cannot be waived under any circumstances; not even in emergencies.<sup>146</sup>

#### *B Normal hours of work*

Whether an officer who is part of a shift work arrangement is a casual worker, a NEE or a public officer (of L4 or L5), he/she is expected to work:

- (a) a total of 40 hours per week;
- (b) 8 hours per shift; and
- (c) 5 days in a 7 day shift cycle.<sup>147</sup>

The limits set out in (b) and (c) above may be adjusted by increasing shift hours per day (up to 12 hours) and reducing days worked in a week, but the total weekly hours (a) must be met.<sup>148</sup>

<sup>146</sup> The *Labour Act* (s 39) prohibits employment of women in the night in any undertaking unless the situation fits one of the exceptions. All listed exceptions do not apply to the NPO's situation, except that relating to emergencies. However, allowing that exception or not is left to each employer. In this instance, the NPO chooses not to permit the only applicable exception (emergencies).

<sup>147</sup> These are expressly set out in respect of casuals and NEEs (see GO, Chapter S, s 603) but since the option of putting L4-L5 public officers on shift work is also available to the Clerk (see GO, Chapter F, s 602) it would be more logical to have one set of standard hours apply to officers in any shift work regardless of what type of position these workers hold.

<sup>148</sup> *Labour Act*, s 13(2) provides that limits on hours of work 'may be exceeded in those processes which by reason of their nature are required to be carried on continuously by a succession of shifts, subject to the condition that the

The Flexible Working Hours Policy does not apply to shift workers.

A shift starts when the worker has put on his/her uniform and equipment (if applicable) and signs the relevant document indicating commencement of duty. The shift does not start when the worker is picked up by a NPO vehicle (if provided). The shift ends when the worker has completed the applicable handover paperwork at any time after the finishing time fixed by the shift roster.

In order to ensure continuity of operations, if a shift ends but the worker for the next shift is not ready or available to start that shift, the worker finishing off must remain on duty until relieved or permitted by the supervisor to leave. The worker must contact the supervisor straight away if the next shift worker is late. Extra hours worked while waiting to be relieved will be treated as overtime work.<sup>149</sup>

### **C**     *Types of shift*

There are two types of shift: day and night shifts. A day shift is one that falls between 6 am and 7 pm. A night shift falls between 7 pm and 6 am.<sup>150</sup> If a shift cuts across both timeframes, the nature of that shift depends on which timeframe makes up most of the shift.

For example, if a shift starts at 3 pm and ends at 11 pm, it is to be treated as a night shift since only 3 hours fall within the day timeframe and 5 within the night timeframe.

### **D**     *Remuneration*

A shift worker will continue to be paid at his/her normal salary or wages for the substantive position he/she holds, plus a shift allowance<sup>151</sup> and any authorised overtime work done (see Overtime and Time-in-lieu Policy below).

### **E**     *Rest day*

Every shift worker must be given at least 24 continuous hours of rest each week (rest day). As shift cycles do not always coincide with a calendar week, a shift worker's days of rest may not always be during weekends.<sup>152</sup> The rest days of a shift worker are to be treated the same as weekends for the purpose of overtime claims.<sup>153</sup>

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*average working hours shall not exceed nine daily and forty-five weekly over a period of three weeks.* This gives room to adjust daily shift hours and still meet the weekly hours. This provision however envisages spreading out adjustments over a 3 week period.

<sup>149</sup> See *Labour Act* (Cap. 73), s 13(4).

<sup>150</sup> These terms are not defined in the GO. Note that the term 'night' is defined as 'the interval between seven o'clock in the evening and six o'clock the next morning' in the *Labour Act* (Cap. 73), s 38. This thus divides a 24-hour period into a 11 hour 'day' (7 pm – 6 am) and a 13 hour 'night' (6 am – 7 pm).

<sup>151</sup> See GO, Ch. S, s 603 (NEEs and casuals).

<sup>152</sup> See *Labour Act* (Cap. 73), s 13(3).

<sup>153</sup> This is not specifically authorised by the General Orders. However, it is very unfair to have all other NPO officers work flexible hours and receive higher rates of pay for working during their rest days (Saturdays and Sundays)

Rest days must be taken as they fall due. The only exceptions to this rule are:

- During Parliament meetings: if on a sitting day the Clerk requires the attendance of some or all workers of a shift arrangement, every such officer must attend even that is his/her rest day.
- Shortage in a shift: a worker may fill in for any shortage in a shift, at the request of the supervisor.

In both instances, extra hours worked on a rest day will be treated as overtime work.

## 5.4 Overtime and Time-in-lieu Policy

The NPO recognises that the SIG considers the time of all public officers and other employees are at its disposal, but endeavours to ensure that NPO officers performs to the best of their abilities within the time frames set down in the Flexible Working Hours Policy and the Shift Work Policy. Where it is considered economical and efficient to require overtime work, the NPO is committed to make sure that this is done in a healthy and safe environment and does not interfere with the important personal commitments of its staff members.

This policy is premised on the following principles:

- The whole time of public officers and other employees of the SIG are at its disposal,<sup>154</sup> and may be called upon to work extra hours at any time.<sup>155</sup>
- Officers and other employees of the NPO should be provided a healthy and safe work environment in which they can achieve a balance between their work and outside interests (personal and home demands).<sup>156</sup>
- Supervisors and HODs are expected to plan in advance the most effective way of covering extra work demands or a shortage in staff in order to operate their' respective department or unit's service.
- Overtime work is best utilised in the public interest when guided by economical<sup>157</sup> and efficiency<sup>158</sup> considerations.
- Such work should be fairly compensated as overtime payment or time-in-lieu.
- A fair overtime and time-in-lieu policy will reduce disputes between NPO management and its staff members and improve staff retention in the long run.
- Such a policy must be applied consistently and respect equality amongst all NPO staff members.

### 5.4.1 Application

This policy applies to all other employees (except political appointees) and all public officers up to SS3 (including those on shift work) except:

- permanent fixed-term contract officers; and

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whilst shift workers are required to adhere to a very rigid schedule but receive lower rates for working during their rest days.

<sup>154</sup> GO, Chapter C, s 101(2); Chapter F, s 601(1).

<sup>155</sup> GO, Chapter C, s 203 (public officers); Chapter S, s 602 (casuals and NEEs).

<sup>156</sup> This is the same basis for the Flexible Working Hours Policy (see XXX).

<sup>157</sup> GO, Chapter F, s 602.

<sup>158</sup> Ibid, s 605.

- permanent temporary officers on part-time).

Any extra work done by staff members who are excluded should be covered by their contracts of service.

### 5.4.2 Definition of overtime

Overtime is defined as hours worked as approved under this policy and which is excess of or outside the normal hours that an officer or employee is expected to work. This varies according to the type of scheme a staff member works under.

- **Standard hours:** for staff members who choose to work standard hours under the Flexible Working Hours Policy, overtime is hours worked outside 8 am to 4.30 am, Monday to Friday excluding public holidays.
- **Flexible hours:** for staff members who choose to work flexible hours under that policy, overtime is hours worked outside the standard Bandwidth (7 am to 7 pm, Monday to Friday excluding public holidays).
- **Shift hours:** for staff members on shift work, overtime is hours worked outside the fixed hours for a given shift regardless of what day of the week that is.

Overtime payment is not part of a staff member's normal pay, nor is it his/her a right.<sup>159</sup>

Overtime work may only be undertaken on the recommendation of the relevant supervisor and prior authorisation of the Clerk (below). Any hours worked without such recommendation and authorisation will not be considered as overtime under this policy.

For overtime hours worked in accordance with this policy, the staff member may choose to be paid for such hours or take these off as time-in-lieu.

### 5.4.3 Duties

For this policy to operate smoothly and fairly, staff member, supervisor and HOD are expected to uphold certain duties.

Every supervisor and HOD has a duty to plan as far ahead as possible in respect of potential absence and additional work. In so doing, the supervisor or HOD must also bear in mind the limits of working hours set out in the Flexible Working Hours Policy and the Shift Work Policy as well as limits on excessive overtime (below).

Staff members have a duty:

- to assist their supervisor by giving advance notice of likely absence or lateness;
- to be honest in carrying out and claiming overtime work; and

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<sup>159</sup> GO, Chapter F, s 601.

- to perform efficiently when working overtime.

#### 5.4.4 Procedures

Overtime may only be recommended, authorised, worked and claimed in line with the two procedures set out below: Ordinary Overtime and Emergency Overtime.

##### *A Ordinary Overtime*

This procedure covers overtime work that is known in advance.

##### Step 1: Determining the need for overtime

It is for every supervisor (who must be at least L6) to determine whether there is a need for overtime. This should be based on the department's or unit's schedule. Overtime should only be considered if additional work:

- is absolutely necessary to the work schedule and operation of the department or unit;
- is urgently needed and cannot wait;
- is only needed for a fixed period of time (indefinite overtime is not permitted); and
- cannot be done by existing officers or other employees of that department or unit within the standard, flexible and shift hours as defined in Clause 5.4.2.

The Clerk may independently determine that a particular task urgently requires to be done through overtime work. In this instance, the Clerk will direct the relevant supervisor to take Step 2 (below).

##### Step 2: Recommending overtime work

If overtime work is needed (Step 1), the supervisor must:

- identify the most appropriate staff member to carry such work out;
- confirm with that staff member that such overtime will not affect his/her personal commitments; and
- check overtime records for the number of hours the staff member has worked so far within the current Settlement Period as defined in Clause 5.1.2.

There are limits on overtime work for each staff member within a Settlement Period (1 month). These limits apply whether the staff member's hours of work are standard, flexible or shift-based. The limits are:

- for a public officer, minimum of 15 hours<sup>160</sup> and maximum of 64 hours; and
- for a casual or NEE, minimum of 16 hours and maximum of 68 hours.

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<sup>160</sup> That is overtime hours that amount to 10% of monthly hours (150): see GO, Chapter F, s 602 (public officers). Though no such limit is placed on casuals and NEEs, there is no reason why these categories of workers should be permitted to work indefinite hours of overtime.

Hours worked overtime beyond the *maximum* limits are to be considered as “excessive overtime”. This is to be avoided if possible.<sup>161</sup>

Days or hours taken off as time-in-lieu leave under this policy count towards these limits for every individual staff member.

If the staff member has not exceeded the minimum limit on overtime, the supervisor will recommend that the staff member carries out the required overtime work. The request will be made to the Clerk through the HRM using the prescribed Overtime Form (**Appendix 5B**). This should indicate the staff member; the date and timing of the proposed overtime; its nature; and justifications for such.

If, on the other hand, the staff member has exceeded, or will exceed, the minimum limit, the supervisor must forward the matter to the relevant HOD. Only the HOD can make the recommendation in this case (as above). If the staff member has worked or will work *excessive overtime*, the HOD may still make the recommendation as above but must indicate this fact clearly.

No staff member is permitted to recommend his/her own overtime work even if he/she is the supervisor or HOD. Recommendation in respect of a supervisor and HOD can only be made by the relevant HOD and the HRM respectively.

For overtime needs that the Clerk directs to a supervisor under Step 1, the supervisor and relevant HOD must still deal with it as above (including the rule where the recommended officer is the supervisor or HOD).

### Step 3: Approval for overtime work

On receipt of a request by a supervisor, HOD or HRM under Step 2 (‘the recommender’), the Clerk will approve it by signing the Overtime Form only if he/she is satisfied that:

- the need for overtime is justified under grounds set out in Step 1; and
- there is no alternative (below).

The Clerk may determine that outstanding tasks identified in Step 1 can be more efficiently carried out not through overtime work, but through:

- a shift work arrangement for a task that is likely to consistently need extra work for a long period of time;
- redeployment of aspects of a task to other staff members to be done within standard, flexible or shift hours (whichever applies); or
- temporary part-time appointment.<sup>162</sup>

<sup>161</sup> See GO, Chapter F, s 605 (public officers). “Excessive overtime” is not defined but guidance may be taken from the *Labour Act* (s 13) which prohibits overtime that results in an employee working overtime by 42.5% of the standard weekly hours (i.e., maximum permitted is 57 hours – 17 hours above the standard 40 hours or 42.5% more than the standard weekly hours). The GO is silent on this issue in relation to casuals and NEEs but the principle prohibition of the Act would apply as no employee should be allowed to work indefinite hours of overtime.

<sup>162</sup> Made under GO, Ch. B, ss 1001 and 1007.

If the Clerk makes this determination, the recommended overtime will be rejected and dealt with under the relevant policy.

For overtime needs that the Clerk directs to a supervisor under Step 1, the Clerk will approve it on receiving the Overtime Form without the considerations set out above.

If recommended overtime is considered excessive overtime for the staff member concerned, the Clerk will reject it *unless* it is unavoidable and in NPO's best interest and will only be for a very short period of time. Examples of acceptable excessive overtime include where the task:

- is urgent and relates to an ongoing Parliament meeting; and
- is specialised and the officer or employee who normally undertakes this is absent for a few days.

In all cases, once the Clerk approves a recommendation, he/she will forward the signed Overtime Form through the HRM to the relevant supervisor or HOD.

#### Step 4: Carrying out overtime work

Once overtime work has been approved, recommender will inform the staff member involved with as much advance notice as possible.

On the date and at the time for overtime work, the staff member must carry out the specified task on time. The recommender must supervise the overtime work. This can be done by first setting clear outcomes for the overtime work and, either directly or through regular communication, overseeing the work.

If approved overtime work will be carried out continuously for at least 6 hours, the officer or employee must take a meal break of at least 30 minutes.<sup>163</sup> This requirement cannot be waived and recommender must maintain this.

At the end of overtime work, the staff member must promptly report back to the recommender against the set outcomes for the task.

#### Step 5: Confirming overtime work actually done

At the end of overtime work, recommender will check the work done based on the expected outcomes and complete the Overtime Form.

If he/she is satisfied with the staff member's performance, the recommender will indicate full performance. If performance is considered unsatisfactory, recommender may reduce the total number of hours actually worked overtime (on the Form) to fairly reflect only the outcomes that were met.

#### Step 6: Choice of compensation method

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<sup>163</sup> See the Labour Act

After confirming work done, recommender will discuss with the staff member concerned regarding how he/she wishes to be compensated for the overtime work. The officer or employee has two options: overtime payment or time-in-lieu leave.

### *Overtime Payment*

Staff members should be encouraged to take this option:

- for one-off overtime work or a series of this type of work;
- where taking extra days off would severely affect the operations of the unit, department or the NPO (especially for shift workers);
- during Parliament meetings; or
- in other circumstances as the Clerk sees fit.

### *Time-in-lieu*

Staff members should be encouraged to take this option:

- for overtime work that is consistent and continues for a long period of time;
- where taking days off will not inconvenience the unit, department or NPO;
- when Parliament is not sitting;
- if personal emergencies arise which cannot be addressed through the Flexible Working Hours Policy; or
- in other circumstances as the Clerk sees fit.

The recommender will then indicate the staff member's choice on the Overtime Form and forward it to the Clerk through the HRM.

### *Step 7: Authorising compensation*

On receiving the completed Overtime Form, the Clerk will authorise compensation for overtime work done, as specified in the form. This is authorisation for overtime payment or time-in-lieu leave. At this stage the formal process concludes. The completed and signed Overtime Form must be filed by the HRM. The recommender should then be advised accordingly.

### *Step 8: Compensation*

Depending on the staff member's earlier choice, the following rules apply at this stage.

### *Overtime Payment & Rates*

If the choice was overtime payment, it must be calculated and submitted for payment in the next pay day. Overtime payment cannot be carried over to the next pay cycle except in accordance with the rules of the Ministry of Finance and Treasury.

Overtime payment rates are set out in the table below.

| Day on which overtime work was done           | Category of officer or employee  | Rate                    |
|---|--|-------------------------|
| Week day (outside standard or flexible hours) | All officers or employees excluding shift workers  | 1.5 x normal daily rate |
| Week day (outside shift hours)                | A shift worker if that day is <b>not</b> his/her scheduled day off   | 1.5 x normal daily rate |
| Week day (outside shift hours)                | A shift worker if that day is his/her scheduled day off  | 2 x normal daily rate   |
| Saturday                                      | All officers and employees whose religious day of rest is Sunday<br><br>A shift worker whose religious day of rest is <b>Sunday</b> AND whose scheduled day off is that Saturday   | 2 x normal daily rate   |
| Saturday                                      | All officers and employees whose religious day of rest is Saturday<br><br>A shift worker whose religious day of rest is Saturday AND whose scheduled day off is that Saturday      | 3 x normal daily rate   |
| Saturday                                      | A shift worker whose religious day of rest is <b>not</b> Saturday AND whose scheduled day off is <b>not</b> that Saturday  | 1.5 x normal daily rate |
| Sunday  | All officers and employees whose religious day of rest is Saturday<br><br>A shift worker whose religious day of rest is <b>Saturday</b> AND whose scheduled day off is that Sunday | 2 x normal daily rate   |
| Sunday  | All officers and employees whose religious day of rest is Sunday<br><br>A shift worker whose religious day of rest is Sunday AND whose scheduled day off is that Sunday            | 3 x normal daily rate   |
| Sunday  | A shift worker whose religious day of rest is <b>not</b> Sunday AND whose scheduled day off is <b>not</b> that Sunday  | 1.5 x normal daily rate |

Shift workers are given special attention as they normally have scheduled day-offs to replace the traditional weekend rest. As such, day-offs will be treated the same as weekends for the purpose of overtime payment.

A distinction is also made between religious days of rest as it impact on overtime payment.<sup>164</sup>

### *Time-in-lieu leave*

If this option was taken, the rate of days/hours to be taken off as time-in-lieu leave depends on the applicable overtime rates as set out in the table above. For example, if the staff member had worked on a Sunday (and it is his/her religious day of rest) for 6 hours at the rate of 3 x the normal daily rate, he/she is entitled to a total of 18 hours of time-in-lieu leave.

The staff member must schedule the compensatory time-in-lieu leave in advance with his/her supervisor or HOD. The timing of such leave is still subject to the best interests of the NPO and the convenience of the relevant department or unit. Time-in-lieu leave must be taken within the current Settlement Period and cannot be carried over. It may be taken together with credit flex-hours (for those under a flexible working hours arrangement)<sup>165</sup> and/or other forms of leave due within the current Settlement Period.

Where it is agreed that time-in-lieu is accumulated to be taken later, the maximum that can be accumulated within a Settlement Period is 64 hours for a public officer or 68 hours for a casual or employee (same limits that apply to overtime in general). Any hours accumulated but not taken during a Settlement Period will be forfeited, unless the Clerk is satisfied that the reason is that the staff member was prevented from taking time-in-lieu leave because of the demands of the relevant unit or department, or the NPO.

## **B Urgent Overtime**

There may be instances when it is not possible to foresee the need for overtime work until it arises. Examples include unexpected long sitting days of Parliament and functions, other official activities that come up with short notice from time to time and disasters or emergencies. In these situations, it is impractical to rely on the previous procedure which is based on advanced approval of overtime work.

When a situation like this comes up, supervisors, HODs and the HRM must try as best as they can to comply with the previous procedure, even if it means taking all the preliminary steps to obtain prior approval in a matter of minutes. If this is not possible, however, due to the nature of the urgent overtime work needed and/or the number of staff members to be engaged, the procedure is modified as follows.<sup>166</sup>

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<sup>164</sup> For public officers, the rates are fixed with Sunday attracting the highest (see GO, Chapter F, s 604). For casuals and NEEs, however, there is specific provision to swap the days depending on an employee's religious day of rest (see GO, Chapter S, s 602). This is a sensible provision that goes halfway in avoiding discrimination of employees on the ground of religion and should be applied equally to public officers. Limiting consideration for religious days of rest to Saturday and Sunday, however, presupposes that all officers and employees are Christians. This ignores the possibility that some may belong to other religions that observe a different day of rest, perhaps during the week. Technically, this is discriminatory on the ground of religion in violation of the *Constitution*, s 15.

<sup>165</sup> See Clause XX (Flexible Working Hours Policy).

<sup>166</sup> The GO does not expressly permit retrospective overtime approval and payment authorisation. It has nevertheless been the practice at the NPO for many decades in light of the special nature of Parliament and its internal procedures.

The recommender and the staff member(s) concerned must meet with the Clerk as soon as the urgent need arises. During the discussions, parties should verbally agree on the need for overtime and its nature. Timing need not be a concern. Limits on overtime work for the staff member(s) involved do not apply at this stage. At the end of the discussion, the Clerk may verbally approve for the overtime work to commence immediately. The discussion and its outcome cover Steps 1 to 3 of the previous procedure.

Steps 4 to 8 apply as normal to urgent overtime work. The only exception is that the recommender and the Clerk will *retrospectively* fill in the Overtime Form as required.

## APPENDIX 5 – CONTROL MEASURES FOR SHIFT WORK

When developing a safe shift work procedure for any shift work under Clause 5.3.3, the HRM and relevant HOD may consider best practice control measures set out below.

Based on potential risks a shift work poses for shift workers, appropriate control measures should be put in place to eliminate or minimise these risks. Each shift work will require measures tailored for it but in all cases, the following should be considered and included in the procedure if appropriate:

1. **Length:** this should be reasonable. Consider limiting length to a maximum of six 8-hour shifts in a 7 day period, and maximum of 2 consecutive night shifts. Although this may be adjusted to increase shift hours (up to 12) and reducing days in a week, this is not a safe or healthy practice in the long run and should be gradually removed.
2. **Overtime:** whilst shift workers are eligible to work overtime, this should not be allowed to extend the length of a worker's shift beyond that recommended above. The maximum overtime work for a shift worker should be 12 hours in a week or 2 hours in one day. These are to be subject emergencies and Parliament demands (e.g., meetings). If a shift arrangement requires 12 hours per shift, overtime should not be allowed.
3. **Night work:** this should be avoided if possible. If it is unavoidable, it should be limited to maximums as defined above. More onerous tasks should be left to day shifts and keep night tasks at a minimum. Regular short breaks should be permitted and, if there are enough workers on duty, short naps.
4. **Breaks:** within one 8 hour shift a worker should have 1 hour meal break and 2 shorter breaks totalling 30 minutes.
5. **Break between shifts:** this should not be less than 12 hours, except in emergencies or during Parliament meetings.
6. **Rest days:** these should be spread out evenly to avoid unbroken cycles of shifts. Shift workers must not be allowed to accumulate rest days so as to have a longer rest period. A rest day must be taken as it falls due.
7. **Timing:** no night shift should start between midnight and 6 am.
8. **Roster patterns and length of cycle:** shift rosters must be regular and predictable to avoid disruptions to rest and sleep periods and for better organisation of private, family and social life. Shift cycles should be kept as short as possible.
9. **Exchange of shifts:** this should be prohibited except for special reasons or personal emergencies. Even for such valid reasons, exchange must not be allowed if it will result in back-to-back (continuous) shifts with no breaks.

10. **No isolated worker:** there should be at least 2 workers in one shift. No worker should be isolated, particularly in night shifts. If this is unavoidable, the relevant supervisor must make regular contact with the sole shift worker.
11. **Handover:** there should be a proper handover system that is efficient and safe. This should include proper briefing of the next shift workers of any issues that arose during the previous shift.
12. **Travel:** shifts should be arranged so that starting and finishing times are during hours when workers will have access to public transport. For night shift, transport to the NPO should be provided.
13. **Communication and representation:** shift workers should be kept informed of matters affecting them and the NPO. This includes attending relevant meetings, in which case shift rosters need to be adjusted to allow attendance. They should also have a representative in, and to make submissions to, any NPO body that makes decisions affecting shift work.
14. **Training and information:** shift workers should be given access to training, occupational education and information. This might require adjusting shift rosters to accommodate their participation.
15. **First aid:** this should be made available to shift workers (especially for night shifts).
16. **Facilities:** rest areas and meal facilities adapted to shift schedules should be provided for all shifts. Shift workers should be advised to bring their own nutritious meals but the NPO should provide the facilities for preparing or reheating food.

## CHAPTER 6 – PERFORMANCE REVIEW

This Chapter sets out policies and procedures for review of the performance of individual staff members and departments of the NPO. From such review, further action may be taken in terms of professional development or management of performance. As such, this Chapter should be read closely with Chapters 7 and 8.

### 6.1 Performance Review Policy

#### 6.1.1 Policy Statement

The NPO is committed to supporting every staff member to reach his/her full potential and achieve their personal goals, which in turn will assist the NPO to achieve its goals. The purposes of this Policy are:

- to ensure that the performance of staff members is conducted in consistent manner and that job-related skill and knowledge, and staff competencies and behaviours, are evaluated and compared against set standards and NPO's goals;
- to identify potential candidates for promotion;
- to identify and recommend incremental increase to salary; and
- to identify areas for further professional development under Chapter 7.

The NPO will implement this Policy through the Performance Review Guidelines, which is designed to provide a vital link between the NPO's Corporate Plan, strategies and roadmaps and each staff member. Review of staff performance in the Public Service is mandated by the General Orders.<sup>167</sup>

The Policy and Guidelines apply to all staff members except the Clerk, short-term temporary employees and special temporary employees (political appointees).

#### 6.1.2 Responsibilities

To ensure that this Policy and the Guidelines (below) are adhered to, all staff members involved are expected to carry out the following responsibilities.

It is the responsibility of the supervisors, HODs and members of the Executive Group to:

- familiarise themselves with this Policy and the Guidelines, particularly their aims; and
- discharge their responsibilities according to this Chapter.

It is the responsibility of staff members to participate openly and honestly in planning and assessing their own performance objectives and receiving feedback from their supervisor or HOD, or the HRM.

It is the responsibility of the HR Department to:

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<sup>167</sup> Chapter B, ss 501-511. These provisions are specifically for annual reviews of every public officer. Based on that authority, this policy is designed to improve such annual reviews by creating a system of internal reviews leading up to the compulsory annual reviews.

- continually develop and improve this Policy and the Guidelines so these remain appropriate and useful;
- provide ongoing development of supervisors' and HODs' skills that are required to effectively conduct performance reviews;
- ensure that all supervisors and HODs are aware of their responsibilities (above); and
- provide ongoing support and guidance to supervisors and HODs whenever issues arise in applying this Policy and the Guidelines.

## 6.2 Performance Review Guidelines

These Guidelines provide the operational rules and procedures for review of staff performance within a review cycle. It is designed to provide the opportunity to establish performance indicators and needs for each staff member, to review performance against these indicators and, if necessary, to modify these in response to the staff members' achievements.

These Guidelines are premised on the following general principles:

- The review process will improve the effectiveness of the NPO by contributing to the creation of a well-motivated and competent workforce.
- That process is linked to and supplements the Public Service's confidential reporting requirements.
- The process is an ongoing one involving progress reviews and an annual review.
- Review promotes better communication and consultation between NPO management and staff members in order that the needs of each staff member, and that of the NPO, are met and will continue to be each year.
- All staff members, including probationary officers who have completed their induction, must participate in the review process.
- This process will be used by NPO management to identify each staff member's development needs and support the aims of the Professional Development Policy (Chapter 7).
- All staff members will be provided appropriate training to participate in the process (on reviewing and being reviewed).
- Data collected from the process will assist the NPO management in succession planning and risk management.
- The review process must be fair and equitable.
- In managing this process, all staff members involved must maintain confidentiality at all times.

### 6.1.1 Overview of the Review Process

The review process is to be implemented within a review cycle or period, in four stages. At that start of the process, each staff member will develop an Individual Work Plan setting out activities for the review period, and a Personal Development Plan. The latter will be used in this process as well as for professional development (Chapter 7).

Throughout the review cycle, progress reviews will be carried out. Once during the cycle, an annual review will be conducted. The results will be used to meet the Public Service's annual reporting requirements and also to complete an internal annual review report. Based on these reports, the NPO

management will take actions, in line with the aims of the Policy, and make recommendations to the MPs as it sees fit.

### 6.1.2 NPO and Departmental Goals and Activities

The purposes of these Guidelines, the goals and activities of the NPO are as set out in its Corporate Plan, strategies and roadmaps. Those of each department are contained in its annual work plan, which is developed separately from these Guidelines.

### 6.1.3 Performance Review Cycle

The performance review cycle operates over four stages:

- Stage 1: Developing the Individual Work Plan;
- Stage 2: Progress Reviews;
- Stage 3: Annual Performance Review; and
- Stage 4: Decisions and Actions.

The cycle extends over 1 year from September to September. For the purposes of stage 3, the reporting year is from 1 September to 31 August.<sup>168</sup>

The procedures for each stage are as provided below.

#### *Stage 1: Developing the Individual Work Plan (September-October)*

Stage 1 starts on 1 September for current staff members. For new entrants, this stage must be completed at the end of induction (after two months of commencing employment).<sup>169</sup> The aim of this stage is to develop a new Individual Work Plan for new entrants, or revise the existing plan for a current staff member. A Personal Development Plan should also be developed for each staff member during this stage in accordance with Chapter 7.

An Individual Work Plan:

- should include:
  - the staff member's core tasks and specific activities for the new cycle; and
  - performance indicators for each task/activity; and
- must be in line with the NPO's and the relevant department's goals and activities.

Developing this Plan must be a consultative process between the staff member and his/her HOD. This requires discussions as often as necessary. Privacy and confidentiality must be maintained at all times during these discussions.

<sup>168</sup> This timeframe is set to be consistent with the dates fixed for annual confidential reporting required by the MPS: GO, Ch. B, s 509.

<sup>169</sup> See Chapter 4.

At the discussions, the HOD and staff member should identify the tasks/activities and performance indicators based on:

- the JD of the staff member’s position;
- the department’s annual work plan;
- the NPO’s goals;
- NPO’s performance standards; and
- the staff member’s last annual review or, in the case of a new recruit, his/her induction report.

During such consultation the staff member is expected to provide feedback on his/her current duties and any issues that impedes proper discharge of such duties.<sup>170</sup> He/she should also discuss career directions and development priorities.<sup>171</sup> On his/her part, the HOD should consider skills, knowledge and competencies that are required to achieve the goals of the department, and to close the gap on current and planned competencies. As part of this process, both parties should endeavour to identify potential risks to effective completion of the staff member’s tasks/activities.

At the end of the process, the parties should agree on and complete the final Individual Work Plan. The HOD must submit this to the HRM by the end of October for a current staff member or by the end of the third month of work for new recruits.

HODs will develop their own work plans with the HRM as described above. For the HRM and the Deputy Clerk, they will develop their plans with the Clerk.

For the purposes of this stage, the HRM will issue the template form for an Individual Work Plan and performance standards from which performance indicators are to be developed.

### *Stage 2: Progress Reviews (November-July)*

Between stage 1 and stage 3, the progress of a staff member’s performance must be reviewed regularly. The purposes of progress reviews are:

- to re-adjustment and improve of the staff member’s Individual Work Plan;
- to identify any training needs that are identified after the last annual or progress review;
- to familiarise parties with the annual review process; and
- for a review tied to a MPS request (below), to meet MPS requirements.

A formal progress review will be carried out for each staff in the following instances:

- around March of the following year (mid-cycle);
- when there is a substantial change to the staff member’s core tasks/activities or basic JD;
- when performance review is required as a remedial action (Chapter 8); and
- when the MPS requests a special confidential report on that staff member under the General Orders.<sup>172</sup>

<sup>170</sup> Examples include intervening factors such as additional tasks or a change in task priorities.

<sup>171</sup> These matters are critical as they feed into the professional development process under Chapter 7.

<sup>172</sup> Under GO, Ch. B, s 511(2), the MPS may request a special report on an officer for its own reasons or on the directive of the Commission. This may be in relation to the end of probation or promotion.

The HRM may direct that another formal progress review is conducted at any time between November and July at his/her discretion. The staff member may request such a review at any time during this period if he/she feels that there is a need for review. The decision, however, lies with the HRM, who will be guided by the convenience of the NPO and availability of the relevant HOD for such review.

The maximum number of formal progress reviews per cycle is 2 (the mid-point review plus another), excluding reviews tied to MPS requests and remedial action (Chapter 8).

A formal progress review is to be conducted in the same manner as in stage 1 but bearing in mind the aim of that review (above). Performance will be evaluated based on the Individual Work Plan.

At the end of the review, the HOD will submit a report of that review to the HRM. The necessary templates for that report will be issued by the HRM. If the review warrants changes to the Individual Work Plan, the parties will make the necessary changes and submit the revised version of the plan together with the report. The revised plan must indicate the changes and the dates on which these will come into effect.

If a progress review is conducted on the request of the MPS, the form to be used and report template will be as directed by the MPS. When the HRM receives the report, he/she will forward it to the MPS.

During this stage, it is expected that the HOD will regularly review the staff member's performance informally. This involves one-to-one informal discussions. The HRM may also, at his/her discretion, carry out such discussions with any staff member. There is no limit on how often informal progress review takes place and a report is not required.

Again, progress reviews of all HODs are to be conducted by the HRM, and for the HRM and Deputy Clerk, by the Clerk.

### *Stage 3: Annual Performance Review (July – September)*

A performance review must be conducted between July and September every year for each staff member.

This review serves two purposes:

- to provide an internal annual review of the performance of all staff members<sup>173</sup> regardless of grading ('NPO annual review'); and
- to be used for the annual confidential reporting on public officers (L3 to the HRM) required by the MPS ('MPS reporting').

Privacy and confidentiality must be upheld at all times during this stage.

#### **A Preparation**

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<sup>173</sup> Except the Clerk, short-term temporary employees and political appointees.

MPS reporting requires that the NPO evaluates all staff members (L3 and above) and submit a confidential report on each staff member. In practice, the HRM will manage this process while managerial officers will undertake the evaluation.

For the purpose of this exercise, the HRM will maintain a list of all NPO staff members holding positions graded L3 and above.<sup>174</sup> The list should categorise such officers according to the HOD they answer to. HODs are to be listed under the HRM and the HRM is to be listed under the Deputy Clerk.

In June, the HRM will use the list to prepare Issuing Forms for each HOD, the Deputy Clerk and the HRM him/herself.<sup>175</sup> For each of these managerial officers, his/her Issuing Form will identify staff members that managerial officer will review.<sup>176</sup> Issuing Forms should be ready by the end of June.

In the same month, the HRM will also remind all HODs and the Deputy Clerk that stage 3 of the review cycle will commence in July (below).

## B Formal notice of annual review

Formal notice of the annual performance review will be given in July.

At the beginning of that month, the HRM will issue the Issuing Forms to those who will review officers (L3 and above), attaching PS Form 10.<sup>177</sup> Copies of these Forms must also be forwarded to the MPS.

Although NEEs (L1-L2) and casuals are not be subject to MPS reporting, the HODs responsible for these employees will also be reminded that review of such employees will start in August.

## C Performance Interview

Annual performance review of every staff member will be primarily carried out through a performance interview in August.

The HRM and the relevant HOD will *jointly* conduct this interview for each staff member under the responsibility of that HOD. The HRM and all HODs must discuss beforehand and agree on interview schedules to ensure that the HRM is available for every performance interview.

Note that performance interview of the HRM will be conducted by the Deputy Clerk, who in turn will be interviewed by the Clerk.

At the performance interview, the HRM and relevant HOD will review the staff member's performance and achievements during the review cycle based on his/her Individual Work Plan and reports of any progress review during the cycle. The interview should reflect on how the staff member has performed

<sup>174</sup> Excluding the Clerk and Deputy Clerk.

<sup>175</sup> The Issuing Form can be found in GO, Ch. B, Appendix C1(1).

<sup>176</sup> That is, for a HOD, all officers (L3 and above) of his/her department; for the HRM, all HODs; and for the Deputy Clerk, the HRM.

<sup>177</sup> See GO, Ch. B, ss 501-503 and Appendix C. The PS Form 10 can be found in GO, Ch. B, Appendix A.

against performance indicators set out in the Individual Work Plan. Any improvement of tasks/activities or indicators, and for further training/development, must be specifically discussed.

The HRM and HOD will provide honest and constructive feedback to the staff member during the interview. The focus should always be to help him/her identify essential knowledge, skills and competencies that could be acquired or enhanced to ensure that the staff member performs her job to the best of his/her abilities in the next cycle.

Performance interviews for all staff members should be completed by the end of August.

#### D Internal Report

After the interview, the reviewers will submit an internal report of it to the HRM by the second week of September.

The report should reflect the outcomes of the interview and, in particular, should:

- show how well the staff member met his/her performance indicators since the latest progress review;
- indicate whether the staff member is fit for promotion; and
- indicate areas that could benefit from further professional development.

The necessary template for this report will be issued by the HRM.

#### E MPS Confidential Reporting

This step involves confidential reporting to the MPS on certain officers,<sup>178</sup> including all staff members in positions graded L3 and above, but excluding the Clerk and Deputy Clerk. This does not extend to NEEs or casuals.<sup>179</sup> MPS reporting is to be:

- based on the performance interview (and the internal report of it) of every staff member to whom this step applies; and
- MPS reporting is to be done through PS Form 10 which should have been issued in July to managerial officers identified in (B) above.

The procedure for completing the PS Form 10 is set out in **Appendix 6**. At the end of that procedure, all completed forms must be returned to the HRM by 30 September. The HRM will then forward the forms to the MPS. This concludes MPS reporting.

#### *Stage 4: Further Actions (September onwards)*

The final stage of the review process involves taking actions based on the annual performance review. This stage will take place from September onwards into the new cycle.

Further actions taken at this stage should aim to:

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<sup>178</sup> See GO, Ch. B, s 501.

<sup>179</sup> As defined

- encourage good performance; and
- deal with problems that contribute to poor performance identified in the internal report.

The HRM and the Deputy Clerk, in consultation with the Clerk, will be responsible for deciding on further actions to take (if any), in light of recommendations made in the internal report for each staff member. What these actions will be depends on the level of performance measured during the review process.

### A Good performance

If the review indicates that the staff member performed well in the current review cycle, further action may include:

- recommendation to the MPS for an incremental increase to the staff member's salary;<sup>180</sup>
- recommendation to the Commission for promotion;<sup>181</sup>
- adjusting personal development goals to enhance performance under Chapter 7;
- providing further development for future advancement under Chapter 7; and
- re-evaluation of the JD and Individual Work Plan to reflect strengths in performance.

For a staff member in respect of whom MPS reporting was done (Stage 3 (E)), recommendations to the MPS and Commission (above) should have already been done through PS Form 10.

### B Poor Performance

If the internal report indicates poor performance, further action may include:

- developing specific strategies to address specific areas of poor performance;
- adjusting personal development goals to improve performance under Chapter 7;
- providing further development to improve performance under Chapter 7;
- re-evaluation of the JD and Individual Work Plan to address weaknesses in performance;
- invoking the Performance Management Policy (Chapter 8); and
- in serious cases involving consistent poor performance over an extended period, invoking the Conduct Performance Policy (Chapter 8).

Once further actions are authorised, each will be dealt with under the appropriate policy or rule and these will be taken into account in Stage 1 of the next review cycle.

The performance review process concludes at this point.

<sup>180</sup> Under GO, Ch. E, s 301 (public officers) and Ch. S, s 306 (NEEs and casuals).

<sup>181</sup> Under GO, Ch. E, s 403 and PSC Regulations, regs 31-34.

## APPENDIX 6 – ANNUAL CONFIDENTIAL REPORTING

### 1 Introduction

The General Orders requires that confidential reporting be conducted for each public officer holding a position graded L3 and above annually. This requirement (referred to in this Chapter as ‘MPS reporting’) is mandatory and demands each Ministry to complete PS Form 10 for such public officers. The process involves performance review followed by completion of the form.

It starts in June of a review cycle when the issuing officer (see below) prepares Issuing Forms to be later issued to every senior managerial officer who will undertake the review. In July, Issuing Forms and PS Form 10 will be issued to these senior officers with a deadline of 30 September. PS Form 10 for each officer under review must be returned by that date.

A detailed guide on this process is provided in the General Orders.<sup>182</sup> Since Chapter 6 is about performance review of *all staff members* but confidential reporting only applies to *certain officers*, this process has been integrated into the broader Performance Review Policy and Guidelines. As such, confidential reporting is only part of, and draws on, the NPO’s broader performance review process.

Ultimately, integration of these two processes ensures that the NPO carries out performance review of all its staff members while at the same time meet the MPS’s mandatory requirement. Whilst NPO’s broader review process will be used to take actions internally, it feeds into confidential reporting as well, which the MPS may use to take its own actions under the General Orders and related rules.

As part of the overarching Performance Review Policy and Guidelines, confidential reporting for the MPS, is step E of Stage 3 of the review cycle. That step covers how PS Form 10 is to be completed. A summary of this based on the relevant guidelines is provided below.

### 2 Reviewing Officers

Completing PS Form 10 for a staff member is the responsibility of the following managerial officers:

- issuing officer: issues the form and collects it once completed;
- officer reported on;
- reporting officer: immediate supervisor who must hold a position graded L5 or higher;
- first countersigning officer: next senior officer in line management; and
- second countersigning officer: the HOD or higher depending on the level of the officer under review.

Due to the small size of the NPO, only the staff member under review, the HODs, the HRM, the Deputy Clerk and the Clerk will complete PS Form 10. Their respective roles depend on who is being reported on as follows.

For all reports, the issuing officer is the HRM.

For an ordinary staff member:

- the reporting officer and first countersigning officer is the relevant HOD; and

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<sup>182</sup> See GO, Ch. B, ss 501-511 read with Appendices A-C.

- the second countersigning officer is the HRM.

For a HOD:

- the reporting officer and first countersigning officer is the HRM; and
- the second countersigning officer is the Deputy Clerk.

For the HRM:

- the reporting officer and first countersigning officer is the Deputy Clerk; and
- the second counter-signing officer is the Clerk.

### **3 Issuing PS Form 10**

As described under Stage 3 (A) and (B) of the Guidelines, the HRM as issuing officer should issue a PS Form 10 for each officer under review to the relevant second countersigning officer by 1 July.

The second countersigning officer will then coordinate completion of the form. This does require another annual review but will draw on the outcomes of the review described in Stage 3. These outcomes will be documented in the internal report of that review.

### **4 Completing PS Form 10**

Completion of PS Form 10 (Parts 1 to 5) for each officer is to be conducted as follows.

#### ***Part 1***

The officer who has been reviewed will complete this part based on the internal report. The reporting officer (also the first countersigning officer) will assist if necessary; and ensure that it is done properly. Items to be included are qualifications, JD, tasks/activities and training needs.

#### ***Part 2***

The reporting/first countersigning officer<sup>183</sup> will complete this part. Again, information for this task should be drawn from the internal report. Based on this, the reporting/first countersigning officer will rate the following indicators:

- Interest and responsibility;
- Alertness and understanding;
- Organisation of work;
- Quality of work and reliability;
- Output;
- Expression (both verbal and written);
- Management of staff (for supervisory positions);
- Relation with NPO staff and the public;
- Drive and determination;
- Response to pressure;
- Foresight;

<sup>183</sup> That is the relevant HOD for ordinary officers, HRM for HODs or Deputy Clerk for the HRM.

- Skills of analysis and good judgment; and
- Constructive thinking.

**Part 3**

This part only applies if the officer under review holds a professional or specialist position. The reporting/first countersigning officer will complete this part. Based on the internal report, that officer should comment on how proficient the reviewed officer has been in his/her position.

**Part 4**

This part is also for the reporting/first countersigning officer to complete. He/she should comment on the reviewed officer's performance of duties, and on fitness for promotion. Such comments must be guided by the internal report.

**Part 5**

The final part of the PS Form 10 is for the second countersigning officer<sup>184</sup> to complete. To do this, he/she should check Parts 1 to 4 to make sure these have been completed properly. Based on the comments in those other parts and on the internal report, the second countersigning officer *may* add further comments about any aspect of the review if he/she so wishes.

After completing Part 5, the second countersigning officer will seal the completed form in an envelope.

**5 Return of the Form**

The completed form must be returned to the issuing officer (HRM) by 30 September. The second countersigning officer will ensure that this deadline is met. On receiving the form, the HRM will immediately forward it (along with others) to the MPS without opening the envelope.

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<sup>184</sup> That is the HRM for an ordinary officer, the Deputy Clerk for a HOD and the Clerk for the HRM.

## CHAPTER 7 – STAFF DEVELOPMENT

This Chapter provides guidance to the NPO on how it can promote the professional development of its departments and its staff members. Traditionally, training provided by the MPS tends to be geared towards in-service degree courses abroad. In practice, this means that only a handful of public officers have access to training opportunities, and the type of training undertaken may not even be related to the goals of the relevant Ministry. NEEs, casuals and low level public officers are often neglected. The NPO recognises these issues and wishes to approach training as professional development which satisfies the goals of both the NPO and its staff members. This requires expanding the various types of development activities and opening access to these to all staff members. The policies and procedures set out in this Chapter are designed with this approach in mind, which is in line with and an extension to performance review (Chapter 6).

### 7.1 Staff Development Policy

#### 7.1.1 Policy Statement

The NPO acknowledges that personal and professional development of staff is vital to good performance, by enhancing personal job satisfaction, productivity and recognition, which in turn is critical to the achievement of the NPO's goals and services. The NPO is therefore committed, as far as it is feasible, to supporting staff development which is mutually beneficial to both the NPO and its staff members. This will be done by focusing on individual staff members and on the departments of the NPO.

The NPO believes that providing staff development opportunities for its staff members (whether directly or through a department) will:

- ensure that staff members are able to contribute to the achievement of the NPO's strategic goals;
- strengthen and support career development of all staff;
- prepare staff for possible future responsibilities in the NPO;
- enhance the standard of performance of all staff in their current jobs;
- maintain and increase job satisfaction;
- improve and develop the ability of staff to initiate and respond constructively to change;
- maintain and improve organisational effectiveness and efficiency; and
- improve their leadership and management capabilities;
- improve staff retention in the long run; and
- maintain good perception of the NPO and its services.

The purposes of this Policy are:

- to encourage and support staff members in their professional and career development as part of their employment with the NPO; and
- to provide procedures to ensure fairness and equity in staff development.

This Policy is to be implemented through Development Planning Procedures and a Staff Development Scheme.

## 7.1.2 Principles

This Policy is premised on the following principles:

- all staff members are encouraged to actively participate in their own development;
- participation in staff development must also comply with these policies and other rules that apply to the NPO;
- access to development opportunities will be open to all staff members in an equitable manner; and
- staff development will be supported for an individual if it will contribute to achievement of the NPO's goals, the relevant department's operations and the personal or professional needs of that individual.

## 7.2 Development Planning Procedures

In order for the NPO to implement its Staff Development Scheme, it is essential that proper staff development planning is first conducted by departments and individual staff members. The following procedures facilitate such planning.

### 7.2.1 Department Planning

The NPO achieves its goals through the operations of its departments, which translate and apply these goals in the practical sense. Staff development must therefore start with its departments. The NPO relies on its departments to identify areas of operations that require further enhancement through staff development. This involves a four-step cycle.

#### *A Assessment*

Every six month, a department will undertake an assessment of its development needs. The HOD will initiate this process and all staff members of that department are expected to participate in it. The assessment should:

- consider the department's annual work plan;
- identify tasks or activities that are necessary for the department to effectively perform its functions as a unit;
- identify specific weaknesses;
- agree on the kinds of skills, knowledge or competencies that would address these weaknesses; and
- identify any programs or initiatives that will deliver these.

This assessment should be made when the department's annual work plan is being developed or reviewed. The HOD will capture the results of the assessment in a Development Plan for that department and submit it to the HRM. The plan should include recommendations for further training or development.

In the case of the HR Department, the HRM will submit its plan directly to the Clerk (go to Step (c) below).

### **B**     *Vetting*

The HRM will vet the Department Development Plan. The main aim of this exercise is to check whether that plan reflects accurately the NPO's goals as set out in its Corporate Plan, strategy and roadmap. If a perceived area of weakness is not relevant to, or does not contribute to, the NPO's goals, the HRM will hold further discussions with the HOD to resolve this. After the plan is finalised, the HRM will add his/her comments (if any) and forward it to the Clerk.

### **C**     *Approval*

The Clerk has full discretion whether to approve the plan or to direct that it be amended first. For the HR Department's plan, the Clerk will perform vetting as described above before approving. Once approval is granted, the Clerk will note this on the plan and return it to the HRM for safekeeping. A copy will be given to the relevant HOD.

### **D**     *Review*

At the end of 6 months, each department will review its plan as described in Step (A), but with view to update it. At the end of the review, weaknesses already addressed under this Program and any other changes since the making or last review of the plan. The revised plan should then be submitted, vetted and approved as provided above.

## **7.2.2**   *Personal Planning*

All staff members are encouraged to take responsibility over their personal and professional or career development, and to actively participate in the Program. This requires each staff member to prepare a Personal Development Plan as part of the performance review process set out in Chapter 6. Planning at this level will thus coincide with that process as described below.

### **A**     *Self Reflection*

Before the performance review cycle starts (in September)<sup>185</sup> the staff member should take some time to reflect on his/her core tasks, performance, qualifications, experience, strengths and weaknesses. Though this is part of preparing for performance review, the focus for the purpose of this step is on personal or professional development needs. If the staff member needs help at this stage, he/she should approach the relevant HOD or the HRM.

### **B**     *Designing a Personal Development Plan*

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<sup>185</sup> See Chapter 6, cl 6.1.3 (stage 1).

When the performance review cycle starts, the staff member must be prepared to discuss personal or professional development needs with his/her HOD and the HRM. This will take place when the parties meet to develop an Individual Work Plan for the staff member as part of performance review.<sup>186</sup>

After these discussions, the staff member must draft a Personal Development Plan<sup>187</sup> which must be consistent with the relevant department's development plan, and should include:

- his/her tasks and activities ('objectives') for the coming year;<sup>188</sup>
- agreed development activities for the coming year which will support achieving these objectives;
- career goals and opportunities (if any); and
- support that is required from his/her department and HOD to assist in achieving such objectives.

The Personal Development Plan should be submitted to the HRM at the same time the Individual Work Plan is submitted.<sup>189</sup>

### *C Vetting*

Vetting of the Personal Development Plan will be carried out in the same way it is done for development plans of departments (above). In addition, vetting should also ensure that the staff member's Personal Development Plan is in line with the development plan of the relevant department.

### *D Approval*

Approval of the Personal Development Plan will be carried out in the same way it is done for development plans of departments (above).

### *E Review*

The Personal Development Plan will be reviewed every 6 months during the mid-cycle performance progress review and the annual performance review (Chapter 6). Changes should be made as necessary.

## **7.3 Staff Development Scheme**

This Scheme provides practical guidelines on how the Policy is to be implemented, taking into account planning done under the above Procedures. This Scheme relies on the results of such planning to identify training, education and development opportunities for NPO staff and deliver these to those who are eligible. The Program not only targets professional development (which is an option for high level staff) but also personal development so as to include other NPO staff.

<sup>186</sup> See Chapter 6, cl 6.1.3 (stage 1).

<sup>187</sup> Using a template to be issued by the HRM.

<sup>188</sup> These are the same tasks/activities listed in the Individual Work Plan: see Chapter 6, cl 6.1.3 (stage 1).

<sup>189</sup> Ibid. The rules in this clause apply with regard to personal development plans of HODs, the Deputy Clerk and the HRM.

Managing this Scheme falls on the Executive Group.<sup>190</sup> Supporting staff development under this Scheme requires the Executive Group ('EG') to:

- set development priorities;
- secure development opportunities;
- select staff members to take these opportunities up; and
- review the Scheme regularly.

The Scheme will operate on the same timeframe as the performance review process (Chapter 6).

### 7.3.1 Staff Development Priorities

At the beginning of the performance review cycle (Chapter 6) when all departments and individual staff members have submitted their development plans,<sup>191</sup> the EG will set staff development priorities for the NPO. In setting priorities, the EG will be guided by:

- the NPO's goals as set out in its Corporate Plan and strategic directions NPO will take under its Strategy and Implementing Roadmap; and
- the development plans of all departments.

From these, the EG will select elements of the NPO's goals to be addressed through this Scheme and specify development needs that arise from prioritised elements. The EG should then identify cost-effective programs/initiatives that would best address these needs.

At the end of this process, the EG should have a Staff Development Priority List for the next 6 months and how these will be dealt with.

### 7.3.2 Development Opportunities

Based on the Priority List, the EG should then seek and secure the type of development opportunities identified in that List as soon as possible. This exercise involves actively liaising and negotiating with donors, partner institutions, other potential sponsors and the SIG.<sup>192</sup>

#### *A Types of programs and initiatives*

Depending on the priorities in the List, the EG may consider any of the following types of development opportunities.

##### **In-house training:**

- induction (Chapter 4);
- job rotation or lateral transfers;
- acting appointment;
- membership of in-house bodies (such as committees or working groups);

<sup>190</sup> **Comprising the Clerk, Deputy Clerk, HRM and ...**

<sup>191</sup> In accordance with the Development Planning Procedures above.

<sup>192</sup> Through the MPS and the Ministry of Education.

- on-the-job training; and
- mentoring/coaching.

**Local training:**

- attending short workshops or forums;
- short-term secondment or exchange;
- vocational learning;
- appropriate leave to facilitate these.

**Short overseas initiatives:**

- attending conferences, workshops or seminars;
- placement or secondment to another parliament or entity;
- short internship abroad; and
- appropriate leave to facilitate these.

**Further education:**

- certificate, diploma, degree or post graduate course by correspondence;
- full-time graduate or post graduate course; and
- appropriate leave to facilitate these.

## **B** *Selected programs and initiatives*

The EG has full discretion on which program and/or initiative to secure against a priority in the List. However, it will have regard to the certain factors when considering a particular program or initiative:

- recommendations in department plans;
- funding and resources available;
- bureaucratic processes of securing funding;
- overall cost; and
- duration.

As a general principle, the EG will only consider further education in special circumstances.

A diploma or certificate course by correspondence may be selected if the priority need requires specific qualification. A degree course, however, is too expensive if it is to be taken full-time, or takes too long if it is done by correspondence. In either case, the cost in terms of money and time outweighs potential benefits by far.

Short overseas initiatives, on the other hand, would serve the purposes of this Scheme better, especially those that are offered by the NPO's partners on a yearly basis.

## **C** *Program/Initiative description*

Once programs and initiatives have been selected for all items on the Priority List, the List will be finalised by including these in it. The List should at this point contain a description of each program or initiative, stating its:

- title;
- provider/coordinator;
- target group;
- content and expected outcomes; and
- dates and costs.

The description will help staff members assess whether the program/initiative will meet their development needs when it comes to selection (below). This information will also assist the EG when nominating staff members to take up these programs/initiatives.

### 7.3.3 Selection

Over the next 6 months, staff development will be managed in accordance with the Priority List. If a development opportunity comes up before the next review of the List, it may be included in the List if the program/initiative involved meets NPO's priority needs.

Managing the Priority List will selecting the right staff member to take up the necessary development. The EG will make the selection based on the agreed selection procedure for each development opportunity. This may be by nomination or by application. The EG will determine at the outset which procedure to use for each development opportunity.

#### *A Nomination*

Nomination will be used if the EG considers that the priority need is specific to a particular department or a position. If it is the former, the EG will either nominate a staff member from the department or leave it to the HOD to nominate. If it is the latter, the EG will nominate the most suitable staff member whose Personal Development Plan matches the priority need.

The EG will, however, take into account:

- past development opportunities (priority might be given to staff members who have had no or little development); and
- length of service for the NPO.

#### *B Application*

Where the priority need is not tied to a department or specific office, the EG may open it to application from any interested staff member. If there is more than one applicant, the EG will make a determination based on the applicant whose Personal Development Plan indicates the same priority need; and past development and length of service (as above).

#### *C Other cases*

A staff member might choose instead to look for a development opportunity that meets his/her development needs, but which is not in the Priority List. In this instance, the staff member should apply to the EG in writing stating:

- full details of the program or initiative;
- whether it is funded or not; and
- how this would satisfy his/her development need as set out in his/her Personal Development Plan.

The EG will make its decision on this kind of application based partly on:

- how the program/initiative fits into the NPO's goals and the relevant department; and
- considerations outlined in Cause 7.3.2 (B).

If the application is in respect of a further education course with SIG or other sponsorship, and the EG accepts it, the case will thereafter be dealt with under the relevant rules,<sup>193</sup> with the support of the NPO. Support might include reference letters, granting leave for activities relating to the application and allowing reasonable use of office resources to that end.

Where specific training is recommended under Clause 8.3.2 as remedial action to address poor performance or training, the EG will provide that training as soon as the opportunity comes up. In-house training and local training will be considered first as an immediate response. However, other programs or initiatives may be subsequently offered if this particular remedial action proves effective for the staff member concerned.

#### 7.3.4 Conditions of development programs/initiatives

The EG has the discretion to impose conditions on staff development approved and undertaken under this Scheme (whether funded from the NPO training budget or secured by the EG from another sponsor).

##### *A SIG-funded further education*

If full-time further education (graduate or post graduate) is approved and funded by the SIG, the conditions fixed by the MPS apply. These include the conditions that the staff member:

- (a) must attend approved course according to timing of the course provider;
- (b) must return to Solomon Islands if directed by the MPS;
- (c) must return to Solomon Islands at completion of the course;
- (d) must return to the full-time employment in the Public Service as soon as he/she completes the course, on a date to be agreed on;
- (e) must work continuously for a period equal to period of the course, and must not leave the service before this period lapses (to cover salary during training); and
- (f) must not leave the service voluntarily (resign) or be dismissed for misconduct before 2 years lapses after completion of course (to cover training cost).<sup>194</sup>

<sup>193</sup> That is under GO, Ch. N (training) and *PSC Regulations*, regs 42-43 (scholarship).

<sup>194</sup> See GO, Ch. N, s 105 and Appendix.

Breach of these conditions will attract serious financial liabilities designed to recover salary paid during the training period, the training cost or both.

## ***B Reporting***

For all approved program/initiative, the staff member must report back to the HRM at its conclusion. That report should summarise the results of the program or initiative and must indicate whether such results have led, or will lead, to fulfilment of the staff member's development needs and NPO goals.

### **7.3.4 Review**

The EG will review this Scheme and the Priority List every 6 months during the mid-cycle progress review and later at the annual performance review<sup>195</sup> based in part on new/revised department and personal development plans. Changes will be made to these documents as necessary.

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<sup>195</sup> See Chapter 6, cl 6.1.3.

## CHAPTER 8 – PERFORMANCE AND CONDUCT MANAGEMENT

This Chapter lays out policies and procedures that the NPO uses to manage performance and conduct of its staff members. Staff members are expected to perform their duties well as instructed by the HODs or the NPO management. Difficulties with performance will be identified and addressed through performance review (Chapter 6) and when necessary staff development (Chapter 7). Staff members are also expected to maintain appropriate standards of conduct, particularly the Public Service Code of Conduct and the values of the NPO set out in its Corporate Plan. Staff members who continue to perform unsatisfactorily or infringe standards of conduct will be dealt with under this Chapter.

### 8.1 Management of Performance and Conduct Policy

#### 8.1.1 Policy Statement

The NPO is committed to always strive to provide a working environment which is conducive to good staff performance and highest standards of conduct befitting officers of Parliament. In return the NPO expects staff members to perform their duties to the best of their abilities and conduct themselves in an appropriate, reasonable and friendly manner. When staff members fail to meet these expectations, the NPO will, through this Policy, endeavour to take the necessary steps to remedy the situation, failing which disciplinary action might be applied, but even so fairly.

The aims of this Policy are:

- to improve performance and conduct of staff members if poor performance or misconduct issues have been identified through the use of fair and systematic approach to enforcement of standards; and
- to advise them of how remedial and disciplinary actions and procedures work, and of their rights and responsibilities, to ensure that staff members know what can be expected, and that a fair process will be followed in resolving performance and misconduct issues.

This Policy is to be implemented through Operational Guidelines, Remedial Actions and the Disciplinary Process.

#### 8.1.2 Scope

This Policy applies to all public officers and all other employees of the NPO, including political appointees. However, different procedures apply to each category of staff members.

#### 8.1.3 Principles

The following principles underlie application of the Management of Performance and Conduct Policy:

- The main objective of applying procedures under this Policy is corrective and not punitive, with the aim of assisting staff members to improve their performance or conduct.
- The procedures and processes used should be applied without delay where possible.

- Rules of natural justice (due process and fairness) apply even if these are not expressly specified in the relevant Public Service rules.<sup>196</sup>
- No disciplinary action will be taken until the allegation of misconduct or poor performance has been fully investigated.
- The NPO and staff members concerned must not use another internal procedure to interfere with or stop processes under this Policy.
- No staff member can be dismissed for a first breach of discipline except in the case of gross or serious misconduct.

## 8.2 Operational Guidelines

Staff performance and conduct are to be managed in accordance with these Guidelines.

### 8.2.1 Informal Management

HODs are responsible for managing the performance and conduct of staff members in their departments. HODs must discharge this responsibility in line with applicable standards and plans. On their part, all staff members have a duty to report any performance<sup>197</sup> or conduct<sup>198</sup> issue to his/her HOD.

When such issues arise, HODs are expected to deal with these as part of normal day-to-day informal management. This means dealing with such issues in a fair, timely and transparent manner, and with minimal disruption to work. If necessary, a HOD may hold private informal discussions with staff members involved to hear their concerns. The HOD should then address these concerns if possible, clarify any misunderstanding, or provide advice and guidance. The HOD may also (with the consent of the staff member concerned) invite the HRM to such discussions if this will contribute to smooth resolution of issues.

Discussions held and actions taken at this stage are not part of the formal remedial or disciplinary procedures. As such, any views expressed cannot be subjected to formal procedures/processes.

### 8.2.2 Formal Procedures

When an incident or conduct cannot be resolved under Clause 8.2.1, it must be dealt with using the formal procedures. At this point, a decision must be made as to which approach to take: remedial actions or the disciplinary process.

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<sup>196</sup> By virtue of the *Constitution*, s 76 and Sch. 3, principles of common law and equity apply in Solomon Islands as part of its laws. These principles include rules of natural justice such as the right to be informed of any charge or allegation, the right to be heard and the prohibition of a person adjudging in a matter he/she has an interest in. These principles are also supported under Chapter II of the *Constitution*. As such, even the General Orders or other regulations do not expressly provide for these principles, these would still apply as a matter of constitutional law.

<sup>197</sup> See *PSC Regulations*, reg 66 (public officers). This duty in respect of performance is not expressly stated in rules relating to NEEs and casuals but it exists as a matter of practice.

<sup>198</sup> See *PSC Regulations*, reg 45 (public officers). For NEEs and casuals, see fn 201 above.

The HOD will make this decision in the first instance but if in doubt, must consult the HRM. If the staff member in question is a senior officer,<sup>199</sup> the HRM will confirm with Clerk first before advising the HOD. In making this decision, the HOD should consider the nature of the issue and how serious it is, and the guidelines in (A) and (B) below.

If the HRM is of the view that the approach taken by the HOD does not comply with these Guidelines or the Policy, the HRM will direct the HOD as to how to go about the matter. Any disagreement on this will be settled by the Clerk.

## A Remedial Actions

Remedial actions are administrative steps taken by the NPO management as a positive response to performance and conduct issues, which the HOD cannot resolve informally. The purpose of these steps is to correct such issues and avoid disciplinary actions, thus preventing unnecessary bad relations at the NPO workplace.

### Application

Remedial actions should be used to address:

- *all cases* of unsatisfactory performance or inefficiency;<sup>200</sup> and
- a case of alleged misconduct which:
  - is *minor misconduct* and the HOD (subject intervention by the HRM) is of the opinion that remedial approach is more appropriate; and
  - was initially dealt with under the disciplinary process but is subsequently considered by the HRM to warrant remedial action instead.

### Options

The various types of remedial actions available to the HOD to use are set out in Clause 8.3.

The HOD must consult the HRM first before choosing the action to take and when to implement it. The HOD will then notify (in writing) the staff member concerned of the decision at least two days before the action comes into effect.

### Implementation

From the date it comes into effect, a remedial action remains effective for as long as necessary to remedy the problem, up to 6 months.<sup>201</sup> The action may be withdrawn earlier if the problem is resolved.

<sup>199</sup> A senior officer is one who holds a supervisory or higher position graded L7 and above.

<sup>200</sup> See *PSC Regulations*, regs 45-46 (public officers considered to be inefficient are to be given the chance to remedy such inefficiency); and GO, Ch. S, s 503.2(A) (NEE or casuals considered to be performing unsatisfactorily are to be verbally warned and given the chance to improve).

<sup>201</sup> See *PSC Regulations*, reg 45-46 (public officer charged with inefficiency will be given 6 months to remedy the shortcoming). There is no such limitation on timing for NEEs and casuals.

The HOD will manage implementation of the action. He/she will seek the HRM's advice if faced with difficulties. The HOD must ensure that the action is implemented properly. Where this requires additional resources, the HOD should bring this to the Clerk's attention, through the HRM. The Clerk will decide on this matter and instruct the HOD accordingly.

### Review

The HOD is expected to constantly monitor progress of a remedial action. At the end of each month (from the date the action was imposed), the HOD will review the staff member's progress. Review entails discussions with the staff member, others in the department and any other staff member or person who participates in the implementation of the action. A review must also be made after 6 months have lapse.

The end of each review, the HOD must provide a brief report of the findings to the HRM. The report (other than the final report) should recommend whether to withdraw the remedial action or not. Withdrawal should only be recommended if HOD believes that the issue has been fully addressed.

### Withdrawal

The remedial action will be withdrawn when 6 months lapse or earlier if:

- a review report recommends this and the HRM concurs;
- a separate allegation of misconduct is made against the staff member and it qualifies as a disciplinary case; or
- a criminal charge is laid against the staff member.

When remedial action is withdrawn, the HOD must immediately notify the staff member of this in writing.

### Unresolved issues

When 6 months lapse but the final review report indicates that the staff member's performance or conduct has not improved, the matter becomes a disciplinary case (see below).

## ***B*** ***Disciplinary Process***

The disciplinary process comprises procedures that the NPO applies when staff performance and conduct fall far below acceptable standards. As this process can attract heavy penalties and stigma, it should only be used as a last resort when remedial actions and all other efforts fail. The aim of disciplinary process is to correct and deter unacceptable behaviour, but not purely to punish staff members. All staff members involved in this process must always bear this aim in mind when applying it.

### Application

The disciplinary process will be invoked for:

- all cases of misconduct (except minor misconduct for which remedial action is more appropriate);
- all cases involving a criminal charge; and
- all cases of unsatisfactory performance or inefficiency which remedial actions fail to resolve.

## Procedures and Disciplinary Actions

Disciplinary procedures and actions vary according to the nature of the matter under discipline, and the category of staff members.

### *Performance*

If the staff member concerned is a NEE or casual, the procedure for unsatisfactory performance will be used (see **Appendix 8B**). This procedure is fully internal and allows the matter to be resolved without the involvement of the MPS or Commission, except on appeal at the conclusion of the procedure. Disciplinary actions available to the Clerk include formal warnings, termination under contract and immediate dismissal.

For public officers, the procedure for inefficiency applies if remedial actions fail (see **Appendix 8C**). Under this procedure, a case for inefficiency will be instigated by the NPO, but it immediately goes to the PS Public Service and, if necessary, to the Commission. Disciplinary actions are thus taken by the PS or the Commission, but based on recommendations of the Clerk. Such actions include demotion, dismissal with notice and retirement in the public interest.

### *Misconduct*

The procedure for misconduct by NEEs and casuals is again an internal one (see **Appendix 8B**). It applies to all case of misconduct but if this is established, the level of misconduct (general, serious or gross) determines the type of disciplinary action available to the Clerk. These are warnings on the pain of suspension or dismissal, or dismissal without notice.

Public officers, on the other hand, are subject to two procedures. The first is the procedure for misconduct. The procedure is to be initiated by the NPO but will then go to the PS Public Service and later the Commission. If the issue is serious misconduct, it will also go before a board of inquiry. At the end of this procedure, disciplinary action that the Commission may take includes reprimand, salary reduction, demotion, dismissal and probation.

The second procedure is that for surcharge. This applies when a public officer's misconduct results in financial loss to the SIG. This procedure is conducted by the Minister of Finance and Treasury and the NPO has no say in it. Disciplinary action under this procedure is imposition of a surcharge to recover the financial loss from the officer's salary.

For both procedures see **Appendix 8C**.

### *Criminal Offences*

Where a staff member is charged with a criminal offence, the procedure is similar for public officers and NEEs and casuals.<sup>202</sup> For both categories, the procedure demands that police investigation and any ensuing criminal trial conclude first before the disciplinary procedure is applied. From this point onwards, the procedures and disciplinary actions in respect of these two categories of staff members are roughly the same as that for misconduct (above).

### *Review*

The HRM will closely monitor and review all disciplinary cases. Based on such review, he/she may determine that the case would be better dealt with through remedial actions. In that instance, the HRM will close the case, write a brief report on it stating why it is being closed prematurely, inform the staff member involved in writing and discuss with the relevant HOD for implementation of remedial actions.

The HRM's discretion above, however, cannot be exercised after a certain point in time. For a case involving a public officer, the discretion can only be exercised while the case is still in the hands of the NPO. In a case concerning a NEE or casual, the discretion may only be exercised during the formal warning stages.

### *Follow-up*

When a disciplinary case concludes (whether discarded or completed and actions imposed), the HRM will write a brief final report and file it in the staff member's personal file. The report should indicate whether an appeal has been made to the courts or the PS Public Service.

If the case had involved a NEE or casual, the HRM must also keep track of time after the case is concluded. This is because formal warnings for such staff members must be expunged from their personal records after 12 months. When 12 months lapse, the HRM will note this effect on the staff member's file and make sure that such warnings are not relied on in subsequent disciplinary cases for that staff member.

Where an appeal has been made (above), the HRM will keep track of this and manage NPO's response to it.

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<sup>202</sup> See Appendix 8B (NEEs and casuals) and Appendix 8C (public officers).

## APPENDIX 8A – REMEDIAL ACTIONS

The following remedial actions are available to address performance and conduct issues as described in Clause 8.2.2.

### 1 Counselling

Counselling can be formal or informal.

If the issue is unsatisfactory performance or inefficiency, the HOD or HRM (depending on who the staff member is comfortable with) will provide informal counselling. This entails informal daily discussions and guidance. If performance does not improve after 1 month, the HRM will direct that formal counselling be conducted. The counsellor should be a qualified or respected person from another Ministry or entity. The HRM will make the request to that person and organise counselling.

In the case of minor misconduct, formal counselling is the only option. The HOD and HRM will provide the counsellor with the relevant information but it is up to him/her how to conduct counselling.

### 2 Training and development

If poor performance is caused by lack of knowledge, skills or competencies, the relevant HOD and HRM will discuss with the staff member to review his/her Personal Development Plan (Chapter 7). That Plan should then be amended to include areas for staff development which the parties believe will remedy the shortcoming. The staff member should be offered the appropriate program or initiative as soon as practicable in accordance with Clause 7.3.3.

### 3 Monitoring and Mentoring

The HOD and HRM will identify and appoint another NPO staff member to mentor, monitor and provide constructive feedback to the staff member under remedial action. The mentor must be a senior officer who works closely with the staff member in question. If possible the person who mentored the staff member during his/her induction (Chapter 4) should be appointed as the mentor in this instance.

The mentor should provide good peer assistance and feedback, and act as a role model. He/she must seek guidance from the HOD and HRM when necessary. At the end of mentoring, the mentor might recommend training and development (above).

### 4 Performance Improvement Review

The HOD and HRM will conduct a performance progress review with the staff member with the aim to improving performance. The review is to be conducted in accordance with Clause 6.1.3. During discussions, parties should discuss reasons for poor performance and revise the staff member's Individual Work Plan to reflect these. This review will be conducted a formal progress review.

At the next progress review or annual review, the staff member's performance will be assessed against the amended Plan and if necessary, staff development may thereafter be considered (Chapter 7).

## 5 Warning

The HRM will issue a written warning to the staff member. This is not formal warning under the Disciplinary Process. The warning should:

- identify the specific performance or conduct that is not acceptable;
- clearly outline expected improvements;
- explain possible disciplinary actions if there is no improvement;
- indicate further assistance that could be provided to help with improvement; and
- clarify that the warning is not used as a disciplinary step.

## 6 Transferring at same grade

This action should be considered if the performance or conduct issue is attributed to the staff member's current work environment, or to lack of capability to carry out his/her current work (and staff development will not help). Transfer can be a fresh start in a new environment with different tasks. Transfer, however, will result in loss of seniority<sup>203</sup> and the staff member must be informed of this. If the staff member is happy to be transferred, this will be done in accordance with MPS rules.<sup>204</sup>

## 7 Induction

If unsatisfactory performance or conduct is a result of unfamiliarity with NPO rules and policies or other new materials or processes, induction may be considered. This is to be conducted as set out in Chapter 4.

## 8 Staff rotation

This action aims to expose the staff member to other departments and offices of the NPO and their processes. Such exposure might assist him/her to appreciate the 'bigger picture' and even motivate him/her to improve. Rotation should be arranged in 2 week sessions and cover all the main departments if possible.

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<sup>203</sup> *PSC Regulations*, reg 39.

<sup>204</sup> *Ibid.*

## **APPENDIX 8B – GUIDELINES TO DISCIPLINE OF OTHER EMPLOYEES**

## **APPENDIX 8C – GUIDELINES TO DISCIPLINE OF PUBLIC OFFICERS**