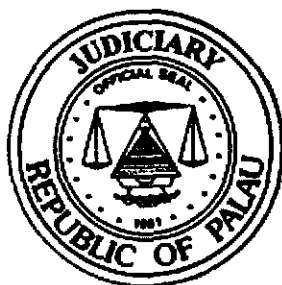


P E R S O N N E L R U L E S A N D R E G U L A T I O N S



AMENDED AND RE-ENACTED: NOVEMBER 3, 2009

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU

IN RE: JUDICIARY PERSONNEL
RULES AND REGULATIONS

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ORDER

These Judiciary Personnel Rules and Regulations are amended, re-enacted and promulgated by the Chief Justice of the Supreme Court of the Republic of Palau, in consultation with his colleagues, pursuant to Article X, Section 12 of the Constitution, RPPL 4-42, and 4 PNC 101, 408, 409 and 411. They shall become effective immediately.

Dated: 11/13/09



Arthur Ngiraklsong
Chief Justice



Francis X. Llecholch
Deputy Administrative Director

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PERSONNEL RULES AND REGULATIONS JUDICIARY REPUBLIC OF PALAU

AMENDED AND RE-ENACTED, NOVEMBER 3, 2009

Part I. PURPOSE. The purposes of these regulations are to provide for the efficient administration of the supporting staff of the Judiciary and to establish a Judiciary Personnel System by promulgating policies with respect to the operation of the Judiciary and the administration of certain funds appropriated by acts of the Olbiil Era Kelulau.

Part II. COVERAGE. These regulations apply to all employees and positions in the Supreme Court, the National Court, the Court of Common Pleas and the Land Court with the following exceptions:

- a. Justices and Judges, except that lines 9 through 14 of paragraph (a), and paragraphs (c) through (h) and (j) of Section 15.3, Section 15.5 and Section 15.6 apply;
- b. Court Counsel (Law Clerks), except that the following paragraphs and sections apply: Section 7.1; Section 7.2; Section 10.1 through 10.6; Section 11.1; Section 11.2; Section 15.1; Section 15.2; paragraphs (c), (d), (f) (g) and (j) of Section 15.3; Section 15.4 through 15.7; and Section 16.1 through Section 16.4;
- c. Section 8.1, Section 12.1, Section 12.2, Section 13.1 through Section 13.11, Section 14.1, and paragraph (a) of Section 14.2 do not apply to the Administrative Director, the Deputy Administrative Director, the Special Assistant, the Personnel Manager, the Budget Officer, the Executive Secretary to the Chief Justice, the Chambers Clerk to the Chief Justice, the Clerk of Courts, the Chief Probation Officer, the Chief Marshal and the MIS Director.
- d. Persons or organizations retained by contracts when the service to be performed is special or unique and non-permanent, and is essential to the public interest and that, because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not practical to obtain personnel to perform such services through normal recruitment procedures.

Part III. MANAGEMENT OFFICIALS. Subject to these regulations, the management officials shall:

- a. Administer the system of personnel administration within the Judiciary;
- b. Exercise responsibility for effectuation of these regulations;
- c. Foster and develop programs to promote public service to improve employee efficiency;
- d. Develop and establish a timekeeping system for employees.

Part IV. EXAMINATIONS. Based on the needs of the Judiciary, the administration shall administer recruitment programs designed to attract fully qualified applicants for the Judiciary. Competitive selection procedures shall be used to the maximum extent practicable.

4.1. Authorized Positions. No person shall be appointed to any position until and unless that position has been properly established, classified, and authorized for recruitment.

4.2. Accountability of Positions. A list of all authorized positions shall be maintained by the administration showing the classification and current status of each such position.

4.3. Examination Notices. As vacancies occur or are anticipated, examinations for recruitment shall be announced and posted in appropriate places and shall be given the widest publicity justified for the vacancy.

- a. Radio, television, newspaper and other forms of media may be used whenever such notice is deemed appropriate.

- b. All examinations shall be open to the public.

4.4. Content of Examination Notices. Notices shall contain at least the following information:

- a. Class title of position,
- b. Salary range,
- c. Brief description of duties and responsibilities,

- d. Geographical and organizational location of the position,
 - e. Qualification required for admission,
 - f. Opening and closing dates, and place to obtain and file applications.
- 4.5. Period of Announcement. Examination announcements on a competitive basis shall be open for at least ten (10) working days. However, the administration may extend the period for receipt of applications provided such extensions are announced in the same manner as the original announcement.
- 4.6. Continuous Notice of Examinations. When difficulty is experienced in attracting sufficient numbers of qualified applicants for vacancies in the Judiciary, the administration may announce a continuous examination. Notice of closing of a continuous examination shall be posted at least ten (10) working days prior to the final closing date for such examination.
- 4.7. Admission to Examinations. Applications for examinations shall be made on forms prescribed by the Administrative Director. Proper completion of applications and submission of supplemental information shall be accomplished in accordance with the examination announcement and established procedures. Applications shall be signed and such signature shall certify to the truth of all statements contained therein. A false answer or statement may be grounds for denying admission to the examination, removal from the list of eligible candidates, or for dismissal from employment if employee prior to the discovery of the false statement.
- 4.8. Disqualification of Applicants. The Judiciary may refuse to examine an applicant for any of the following reasons:
- a. Failure to meet the minimum qualification requirements for admission to the examination;
 - b. Unsatisfactory physical or mental health conditions;
 - c. Habitual or excessive use of drugs, narcotics or intoxicating beverages;
 - d. False statements or attempting to practice deception or fraud in his application;
 - e. Criminal, dishonest or immoral conduct detrimental to the performance of duties of the position for which he has applied.

Applicants who do not meet the minimum qualifications or who are disqualified for any of the reasons noted above shall be notified as soon as practicable. If an applicant is disqualified following placement on the eligibility list, his name shall be removed from the eligibility list, and if appointed from that eligibility list, he shall be released from duty during the six (6) months probationary period.

- 4.9. Notification of Acceptance for Examination. Each applicant who has been accepted shall be given sufficient advance notice of the date, time, and place of examination; inclusion of the requisite information on the examination announcement meets this notification requirement. No applicant shall be entitled to take an examination at a date, time or place other than that stated in the notification unless specifically authorized by the Chief Justice or his designee.
- 4.10. Conduct of Examination. The Administrative Director or his designee shall appoint a representative to administer the examination.
- 4.11. Cancellation of Examinations. Examinations may be cancelled at any time by the Administrative Director or his designee if there is no longer need for the examination or if the examination no longer meets the expressed requirements of the Judiciary.
- 4.12. Rating of Examinations. Appropriate scientific and statistical techniques and procedures shall be used in scoring the rating examinations and determining the relative ranking of candidates on competitive examinations. The rating of Examinations shall be done by the examiner.
- 4.13. Reviews of Examination Results. Any applicant may request a review of his rating within ten (10) working days following the notification of examination results.
- 4.14. Certification from Eligibility List. Appointments and promotions in the Judiciary System shall be made based on examinations and performance of applicants who are already employed by the Judiciary, except as otherwise provided by these regulations.

PART V. ELIGIBILITY LISTS

- 5.1 Establishment of Eligibility List. Employees in the Judiciary shall be selected from examination lists, hereafter referred to as the eligibility lists, established and maintained by the Administration. Candidates shall be placed on eligibility lists in the order of qualifying grades on the examination. The list shall be designated as

an "eligibility list" for that class of position and shall be considered established upon certification by the Administrative Director pursuant to Section 4.12.

- 5.2. Removal of Names from Eligibility List. The Administrative Director may remove the name of any person who has been disqualified under Section 4.8 of these regulations. The name of any person may also be removed if:
- a. The person is appointed from that list to permanent or contractual work with the Judiciary.
 - b. The eligible candidate fails to respond within then (10) working days from the date of dispatch of an inquiry as to availability for employment, provided that his name may be restored for reasons deemed sufficient by the Administrative Director.
 - c. The eligible candidate voluntarily withdraws.
 - d. There is evidence of physical or mental inability to perform the duties of the position.
 - e. The eligible candidate is found by the Administration to be no longer qualified to perform the duties required of the class of position.

PART VI. CERTIFICATION AND APPOINTMENT

- 6.1. Certification of Eligible Candidates. For the purpose of filling vacancies in the Judiciary Position Classification Plan, the Administrative Director shall certify a list of the five highest eligible candidates or such lesser number as are available from the appropriate eligibility list. If that list is rejected, the Chief Justice or his designee shall request the Administrative Director to submit a new list, in which event the Administrative Director shall submit a new list of eligible persons selected in like manner.

No person shall report to work nor receive a salary unless he has been previously certified on an appropriate eligibility list by the Administrative Director and selected by the Chief Justice.

- 6.2. Types of Positions and Appointments. All positions in the Judiciary shall be identified in the records as either permanent, provisional, temporary or such other status as is authorized by law.

- 6.3. Other Positions. Positions which are not governed by these regulations and are contractual in nature shall follow the agreement reached between the employee and the Judiciary as represented by the Chief Justice. Their positions shall be clearly identified according to the contract for record purposes.
- 6.4. Appointments. All employees shall hold a probationary appointment for a period of six (6) months from the beginning of their initial employment into the Judiciary Personnel System. An employee who has satisfactorily completed his initial six (6) months probationary period shall be converted to permanent appointment status in the Judiciary Personnel System with no change in his pay scale.
- 6.5. Provisional Appointments. When there is no appropriate eligibility list, the Administrative Director may fill a position by provisional appointment after notifying the Chief Justice. Such appointment shall be limited to a period of ninety (90) days, pending establishment of an eligibility list.
- Any person given a provisional appointment who meets all the requirements of these regulations regarding appointments to permanent positions, and is appointed to the position on a permanent basis, is entitled to have the period of service performed in such provisional status counted towards meeting his/her probationary period.
- 6.6. Emergency Appointments. The Judiciary may certify a temporary appointment needed in the public interest when the need for the same does not exceed ninety (90) days; provided, however, that in the event of a major disaster declared by the President of the Republic of Palau, the Judiciary may extend such ninety (90) day period for a maximum of an additional one hundred eighty (180) days for positions engaged in relief, repair or rehabilitation as a result of such disaster.
- 6.7. Prohibition of Nepotism. Spouses and persons within the first degree of consanguinity may not be employed in the Judiciary in a supervisor/subordinate relationship. Any exception for the best interest of the Judiciary shall be subject to approval by the Chief Justice.

PART VII. OUTSIDE EMPLOYMENT AND OTHER ACTIVITIES

- 7.1. Off-Duty Activities. No employee in the Judiciary shall engage in outside employment or other outside activities not compatible with the responsibilities of his office or position, or as prohibited by law. Employees shall not accept any

fee, compensation, gift, payment of expenses, or any other thing of monetary value which would result in:

- a. use of public office for private gain,
- b. affording preferential treatment to anyone,
- c. loss of efficiency or economy to the Judicial System,
- d. loss of independence or impartiality,
- e. any adverse effect on the public's confidence in the integrity of the Judiciary.

7.2. Activities within the Judiciary. No person shall receive compensation or anything of monetary value, other than that to which he is entitled from the government, for the performance of duties during his employment with the Judiciary and within the scope of his official responsibilities.

7.3. Violation Penalties. Whenever it is established that the provisions of this part have been violated, the employee may be subject to disciplinary action in accordance with Part 8 of these regulations.

PART VIII. RESIGNATIONS, TERMINATIONS, DISMISSALS, DEMOTIONS, SUSPENSIONS AND LIABILITY FOR PROPERTY DAMAGE

8.1. Applicability of Civil Service Statutes and Regulations. Resignations, terminations, dismissals, demotions and suspensions shall continue to be governed by the applicable portions of the Palau National Code and the applicable regulations promulgated by the National Civil Service Board.

8.2. Liability for Property Damage. Any Judiciary employee who is negligent in using Court property thereby causing damage to such property will be liable for the cost of repairs to such property. The determination as to whether an employee was negligent and is liable for the cost of repairs will be made by the employee's supervisor, subject to review by the Administrative Director and the Chief Justice.

PART IX. PERFORMANCE EVALUATION

9.1. Purpose. The performance evaluation system is designed primarily for the purpose of appraising each employee of how well he is discharging his duties

and responsibilities and of indicating areas in his performance where he could be more effective in the application of his knowledge, skill and abilities. It provides a means for letting the employee know where he stands with the organization.

- 9.2. Coverage. Every employee shall participate with his supervisor in periodic evaluations of the employee's achievement of established standards of performance.
- 9.3. Due Dates. An employee serving a probationary period shall be given a written performance rating at the end of the first three (3) months of his probation. The final rating shall be submitted no later than two (2) weeks prior to completion of probation.

Permanent employees' performance shall be evaluated every six (6) months. Annual performance ratings shall be submitted to the Administrative Director by the supervisor no later than the end of the pay period preceding the service anniversary date.

When ratings are not received within the time limits required by this section, the employee involved shall be presumed to have been rated "satisfactory" by his supervisor, until such time as a rating is received.

- 9.4. Impact of Ratings. Annual written performance ratings are the basis for granting or withholding salary increases. Those rated "unsatisfactory" on two of the categories at any time during their waiting period shall not be eligible for salary increases.

PART X. EMPLOYEE VIEW PRESENTATION

- 10.1. Purpose. This part is established to allow employees a reasonable opportunity to present their views to the Judiciary, free from unreasonable restraints or unreasonable reprisals in the exercise of this right.
- 10.2. Employee Coverage. The following procedure covers all employees of the Judiciary and their representatives.
- 10.3. Coverage. Any matter of concern or dissatisfaction to an eligible employee regarding matters affecting his working conditions, status or pay are covered unless exempted in Part 10.4.
- 10.4. Matters Not Covered. These procedures will not cover the following:

- a. An adverse action appealable under Part VIII.
- b. A fitness-for-duty examination.
- c. Non-selection for appointment, promotion or reassignment from a group of properly ranked and certified candidates.
- d. Non-adoption of a suggestion or disapproval of a merit increase, performance award, or other kind of honorary discretionary award.

10.5. Right to Seek Advice. All employees shall have the right to seek advice either from an immediate supervisor or anyone in supervisory position.

10.6. Informal Procedure. All view presentation shall be informal in nature. In a respectful and appropriate manner, an employee may show evidence, speak his mind and give opinions and other supporting facts of his views. This may be done orally or in writing.

PART XI. POLITICAL ACTIVITIES

11.1. Rights of Employees. All employees in the Judiciary shall have the following rights:

- a. To vote for the candidates of their choice and to express their opinions as individuals privately and publicly on political subjects and candidates;
- b. To sign political petitions as individuals;
- c. To make financial contributions to political parties or organizations;
- d. Otherwise to participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise their efficiency or integrity as employees or the neutrality, efficiency or integrity of the Judiciary.

11.2. Prohibitions. Employees of the Judiciary shall not:

- a. Use their office or official influence to interfere with an election or to affect the results of an election;
- b. Use their official authority to coerce any person or political party in reference to any politically related activity;

- c. Be obligated to contribute to any political fund or render service to any political fund or render service to any political activity;
- d. Solicit or receive political contributions from anyone while on government time or on government property;
- e. Campaign for any candidate for public office during working hours.

11.3. Elective Public Office

- a. National Elective Office. An employee who is a candidate for national public elective office shall immediately resign from his court employment.
- b. State Elective Office. An employee who is a candidate for state public elective office shall take annual leave and/or leave of absence without pay during the period of his candidacy. An employee who is certified by the election authority as elected to the gubernatorial office of a state shall immediately resign from his court employment. An employee who is certified by the election authority as elected to the legislature of a state may continue his court employment so long as his activity as a state legislator does not reflect adversely on the dignity or impartiality of the court or court office and does not interfere with the proper performance of court duties, but such activity may not be engaged in while on duty or in the court workplace, and court resources may not be used in connection with such activities.
- c. Commencement and Termination of Candidacy. For the purposes of this rule, an employee becomes a candidate as soon as he makes a public announcement of his candidacy, declares or files as a candidate with the election authority, or authorizes solicitation or acceptance of contributions or support. An employee who has become a candidate ceases to be a candidate when he withdraws his candidacy or when the election authority declares a candidate as elected to the office.

11.4. Penalty. Any employee found guilty of a prohibited activity shall be subject to disciplinary action by the management official in accordance with Part VIII of these regulations.

PART XII. POSITION CLASSIFICATION

12.1. General. All positions of the Judiciary subject to the provisions of RPPL 4-42 shall be classified in accordance with the Judiciary Position Classification Plan.

12.2. Definitions.

- a. "Position Classification" means the process by which positions in the Judiciary are identified according to their duties and responsibilities.
- b. "Class" means one position or a group of positions sufficiently similar in respect to their duties, responsibilities and authority that the same title may be used with clarity to designate each position allocated to the class, the same standard qualifications may be required of all incumbents, the same test of fitness may be used to choose qualified employees, and the same schedule of compensation may be applied with equity under the same or substantially the same employment conditions.
- c. "Position" means a specific employment, whether occupied or vacant, consisting of a group of all the current duties and responsibilities assigned by competent authority and requiring the full or part-time employment of one person.
- d. "Allocation" means the assignment of a position to its appropriate class on the basis of analysis of the duties and responsibilities of the position.
- e. "Reallocation" means the reassignment of a specific position or group of positions from one class to another on the basis of analysis and identification of new or different tasks.
- f. "Class Specification" means an official position classification plan document describing the general characteristics of the class, including the official class title, a description of the scope of duties and responsibilities of the class, examples of work or typical duties performed, and a statement of the qualifications required to perform the work of the class.
- g. "Position Description" means a formal, official written statement by management documenting the assignment or reassignment of the duties and responsibilities of a position.

12.3. Management Officials' and Supervisors' Responsibilities. Management Officials and Supervisors are responsible for:

- a. The planning, organizing, developing and assigning of duties and responsibilities to positions, whether occupied or vacant;
- b. When making assignments, giving consideration to the mission of the organization and structuring positions for accomplishment of requirements in the most effective and economical manner possible;
- c. Assuring that the current duties and responsibilities assigned to positions are completely and accurately described in Position Descriptions in full and sufficient detail for position classification and all related purposes;
- d. Assisting their employees, to whatever extent necessary, to accomplish the foregoing and to obtain information from authoritative sources, as necessary, to answer specific questions as may be raised by their employees.

PART XIII. COMPENSATION

- 13.1. General. All positions subject to the provisions of these regulations shall be compensated in accordance with such regulations.
- 13.2. Compensation Plan. The classes in the Position Classification Plan, when assigned to appropriate pay levels of the Uniform Base Salary Schedule as established in the salary schedule for all National Government employees, shall constitute the basic Compensation Plan.

The Administrative Director upon consultation with the Chief Justice shall assign all classes in the Position Classification Plan to appropriate pay levels in the Base Salary Schedule in accordance with the following:

- a. Kind and level of work;
- b. Degree of difficulty and responsibility;
- c. Kind, quality and level of qualification requirements;
- d. Relationship to other classes in its occupational group, and of its occupational group to other occupational groups; and
- e. Long-range recruitment market experience.

13.3. Definitions. In addition to those definitions already covered, the following definitions shall apply in matters covered by this Part:

- a. "Salary Range" means the group of salary rates which span from minimum to maximum in each pay level of the Salary Schedule.
- b. "Step" means a single increment or rate in a salary range.
- c. "Service Anniversary Date" means the anniversary of the date of initial appointment, or such other date as may be established by law.

13.4. Initial Appointments. All initial appointments shall be made at the first step of the appropriate pay level; unless for the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, a higher rate is necessary, in which case, appointment may be allowed at succeeding steps. Such appointments shall be approved by the Chief Justice. A person newly employed by the Judiciary must first serve a probationary period of six (6) months.

When a person is reemployed into his previous position, the step of his pay level shall remain the same as it was on the effective date of his prior separation from the Judiciary. If a person re-enters the Judiciary into the same class he previously held, he shall serve a probationary period of not less than ninety (90) days.

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

An employee of the Judiciary who is promoted to a higher position in the Judiciary shall serve a probationary period of ninety (90) days. He shall be entitled to all the rights and privileges accorded employees of the Judiciary, except the right to appeal in case of a dismissal from the new position for inefficiency in the new position during his probationary period, in which case he shall be returned to his former position.

13.6. Detail. A detail is the temporary assignment of an employee to a different position for a specified period, with the employee returning to his regular position and duties at the end of the detail. Technically, a position is not filled by a detail, as

the employee continues to be the incumbent of the position from which detailed. Normally, whenever it is anticipated that the need for a detail will exceed ninety (90) days, it is more appropriate to effect a temporary promotion if the employee is qualified at the higher grade. Individuals who do not meet the qualification standards of the position at the higher grade cannot be temporarily promoted and, therefore, must voluntarily agree to any period for which the detail exceeds ninety (90) days. An employee detailed to a lower position cannot be so assigned for a period exceeding ninety (90) days. An employee may also be detailed to a set of duties when the Judiciary's need for necessary or emergency services cannot be obtained by other desirable or practical means.

- 13.7. "Acting" Assignment. An "acting" assignment is the designation, in writing, that an employee will act for a period of up to thirty (30) days in place of a supervisor. When the supervisor's absence exceeds the initial thirty (30) day period, a new designation shall be made for an additional thirty (30) days. This thirty (30) day renewal of the "acting" assignment is repeated until the supervisor returns to his position. Whenever the "acting" assignment exceeds ninety (90) days, the employee shall be temporarily promoted if he meets the qualification standard of the position. If the "acting" assignment exceeds ninety (90) days and employee does not meet the qualification standard of the position, he shall be compensated with two (2) steps in his current pay level, but may not exceed the maximum step. In either case, the return to his former salary (grade and step) at the end of the temporary assignment will be done in the same manner as provided under Section 13.8.
- 13.8. Temporary Promotion. A temporary promotion is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of ninety (90) days. An employee can be temporarily promoted only if he meets the qualification standard of the new position. The employee temporarily promoted shall be compensated at the step in the current pay level which is at least equal to an increase of two (2) steps at his current pay level. The employee must be informed in advance and agree, in writing, that at the expiration of the temporary position, he will be returned to the former salary (grade and step) that he would be receiving had he remained in the former position. No temporary promotion shall exceed a period of one (1) year, nor shall any employee be temporarily promoted to the same position consecutively.
- 13.9. Demotion without Fault. An employee demoted, through no fault of his own, to a position in a lower pay level, shall be compensated at the rate which does not exceed his current pay rate. When his existing rate exceeds the rate of the maximum step of the lower pay level, the employee shall be compensated at

such maximum step. An employee who volunteers for demotion shall be treated the same as an employee demoted through no fault of his own. An employee demoted for non-disciplinary reasons, during a new probationary period, to the class of position from which he was promoted, shall be compensated at the pay level and step received immediately prior to his promotion, with credit for the period of promotion.

13.10. Transfer. An employee who is transferred to a different position at the same pay level shall receive no change in compensation. A two (2) week notice period must be given to the losing supervisor or department prior to effecting a transfer.

13.11. Effect on Service Anniversary Date. An employee's service anniversary date will not be affected by a detail, "acting" assignment, temporary promotion, demotion without fault, or transfer action.

PART XIV. COMPENSATION ADJUSTMENT FOLLOWING PERSONNEL ACTION

14.1. Reallocation of Position.

- a. An employee whose position is reallocated to a class assigned a higher pay level shall be compensated at the lowest step in the higher pay level which at least equals the amount of one (1) step increase in the lower pay level.
- b. An employee whose position is reallocated to a class assigned a lower pay level shall be compensated at that rate in such a lower pay level which does not exceed his existing rate. When the employee's existing rate is beyond the maximum step of the lower pay level, he shall be compensated at such maximum step of the lower pay level. He shall receive any benefits due to any future changes in salary rates.
- c. The service anniversary date of an employee retained in a reallocated position shall not change.

14.2. Other Compensation Provisions.

- a. Within-Grade Increase. All eligible employees may be granted within-grade increase upon completion of the following periods of satisfactory performance at the following steps in the rate ranges of the base salary schedule:

<u>Step</u>	<u>Period of Satisfactory Performance</u>
1 to 2	1 year

2 to 3	1 year
3 to 4	1 year
4 to 5	1 year
5 to 6	2 years
6 to 7	2 years
7 to 8	2 years
8 to 9	2 years
9 to 10	3 years
10 to 11	3 years
11 to 12	3 years
12 to 13	3 years
13 to 14	4 years

No employee may be compensated above the maximum step prescribed for his pay/grade level.

This regulation applies only to permanent employees who have been appointed to a position in the Judiciary and who have successfully completed their initial probation period of six (6) months.

- (1) Procedure. An employee granted a within-grade increase following completion of the appropriate period of satisfactory service will advance to the next higher step in the salary range for his pay level.

Such within-grade or step increase shall be effective on the first pay period which begins on or after the date he completed the appropriate period of service since the date of his last within-grade increase. The effective date of a within-grade increase may not be delayed because of administrative error or oversight. In case of oversight, the employee is entitled to a within-grade increase retroactive to the date he became eligible, as defined above. In case of an error involving underpayment of the correct amount of increase, the employee is entitled to retroactive adjustment to the last date on which he became eligible for a within-grade increase. In case of an amount of an error involving overpayment of the correct amount of increase, the employee's salary shall be immediately adjusted to the correct amount and recovery effected for all such overpayment in excess of the correct amount retroactive to the date on which the increase was effective, or six (6) months, whichever is the lesser. The employee will be consulted in determining a reasonable amount to be recovered from each pay period.

The computation of the appropriate satisfactory service is subject to the discretion of the Administrative Director.

(2) Responsibilities.

The Administrative Director is responsible for ensuring that within-grade salary increases are initiated on a timely basis by a system established by him for that purpose. Additionally, he will assure that all related documentation generated and received from responsible supervisors is appropriately recorded in the adjustment of records and filed for reference use.

Employees' supervisors are responsible for ensuring that all within-grade salary increases are processed on a timely basis. Further, supervisors shall certify that the work performance of each employee is of an acceptable (i.e., satisfactory or better) level of competence. If a satisfactory level of performance is not attained by the end of a ninety (90) day period following the date of the performance evaluation resulting in the "unsatisfactory" rating, supervisors shall consult with Administrative Director for reassignment of the employee to other work at a lower pay level.

b. Merit Increase. Employees may be granted merit increases not to exceed a one step increase in the base pay rate, for sustained superior performance over a period of one (1) year or more. No employee may receive more than one merit increase in a twelve (12) month period. A merit increase does not interrupt the minimum waiting period required to qualify for a within-grade increase.

(1.) Procedures. To request a merit increase, the supervisor will prepare a memorandum of not more than one typewritten page in length, which must include the following:

(i) Statements descriptive of areas in which the employee has excelled, e.g., initiative, judgment, quality, productivity, job knowledge, communications. For supervisory positions, such additional factors as training of others, leadership and job planning must be described.

- (ii) Statements must clearly relate the foregoing with the most important and key duties and responsibilities within the employee's position.
 - (iii) An employee who has attained the top salary step may not be accorded a merit increase, and other means should be sought to recognize superior performance.
 - (iv) An employee receiving a merit increase will also receive his next within-grade increase based on satisfactory performance and completion of the prescribed waiting period since his last within-grade increase.
- (2.) Responsibilities. The employee's supervisor is responsible for initiating and preparing the request for a merit increase. Required documentation consists of the memorandum of justification and the appropriate form, signed by the employee's supervisor. The effective date of a merit increase shall be the beginning of the pay period following its approval.

The Administrative Director is responsible for review of all requests for merit increases for completeness, accuracy and compliance with these requirements. The Chief Justice shall have the ultimate approval on all requests for merit increases.

Upon approval by the Chief Justice of a merit increase, the approval request shall be returned to the Administrative Director, who shall then be responsible for timely distribution of the requests to the Payroll Section of the Division of Finance & Accounting, for required action.

- c. Overtime Compensation and Control. Overtime compensation may be utilized when overtime work is necessary for all eligible employees in accordance with over-time provisions of RPPL 1-37. In lieu of overtime compensation, compensatory time may be utilized.

Any employee who is directed to work on the first (Sunday) or seventh day (Saturday) of the workweek, provided he has first worked forty (40) hours at straight time in the same workweek, may be paid overtime at the rate of one and one-half (1½) times his base pay. A Marshal whose scheduled

workweek includes Saturday or Sunday may be paid overtime if directed to work on his scheduled day off.

- (1.) Purpose. To establish criteria for overtime compensation payments for all eligible employees directed to work in excess of the forty (40) hours of the regular and scheduled workweek.
- (2.) Scope. This regulation applies to all employees, except for Justices, all other Judges, Court Counsel (Law Clerks) and any expatriate who may be Clerk of Courts or Administrative Director.
- (3.) Definitions:
 - (i) Overtime. All work performed in excess of the regular forty (40) hour workweek.
 - (ii) Regular Workweek. Consists of the period of time commencing after 12:00 p.m. midnight on Saturday and ending at 12:00 p.m. midnight on the following Saturday.
 - (iii) Overtime payments. Additional pay, calculated at one and one-half (1½) times the employee's basic rate of pay for overtime hours worked.
 - (iv) Basic or Base Pay. The hourly rate of compensation paid to an employee for the performance of assigned work excluding all other types of payments such as Differentials for Night Work and Hazardous Work; Travel Per Diem; Transfer Allowance; and the like.
 - (v) Adjusted Base Salary Rate. The total of a base salary rate plus a premium for advanced professional degrees and/or foreign service as established by RPPL No. 1-37, section 4(d) (v), (vi), and (vii).
- (4.) General. Overtime work will be authorized and controlled in accordance with the following:
 - (i) It is scheduled and approved twenty-four (24) hours in advance, whenever feasible, except in unanticipated emergencies.

- (ii) Overtime must be requested by the immediate supervisor and approved by the Chief Justice.
- (iii) All paid absences will be considered as time worked, in computing overtime hours.
- (iv) Such overtime work is directed to a specific objective or goal of accomplishment that cannot be accomplished during the regular workday, nor postponed to the following day or days.

(d) Holiday Pay.

(1) Purpose. To provide additional compensation to employees who are required to work on a legal holiday.

(2) Controls. The following controls apply to the amount of additional compensation to be paid for work performed on a legal holiday under varying circumstances:

(i) For employees required to work on a legal holiday which falls during their regularly scheduled workweek, Monday through Friday:

For the first eight (8) hours of work, compensation is two (2) times the base salary rate; and for all additional hours worked on the same day in excess of the first eight (8) hours of work, compensation is at regular overtime rate which is one and one-half (1½) times the base salary rate.

(ii) For employees required to work on a legal holiday which falls outside their regularly scheduled workweek, all hours worked on that day, whether eight (8) hours or more -- compensation is at regular overtime rate which is one and one-half (1½) times the base salary rate.

(e) Night Work. Additional compensation in the form of a Night Work Differential of fifteen percent (15%) of the base salary rate is paid for all hours worked between 6:00 P.M. and 6:00 A.M., when such hours are included within the regular scheduled hours of duty for the employee.

- (1) Control Criteria. To be eligible to received payment of a Night Work Differential, the following criteria must be met:
 - (i) Payment will be made only for actual hours worked which fall between the period of 6:00 P.M. and 6:00 A..M.;
 - (ii) The Chief Justice may detail a person to work days as a Bailiff or Day Security at which time he will not be eligible for night differential.
- (2) Non-Payment of a Night Work Differential. Payment of Night Work Differential will not be made for the following situations:
 - (i) An employee whose regular hours of duty include scheduled hours during the period of 6:00 P.M. to 6:00 A.M. for the hours involved who is absent and does not actually perform work for the hours involved;
 - (ii) An employee required to perform work during the hours of 6:00 P.M. to 6:00 A.M. and those hours are not part of his regularly scheduled hours of night work duty.
 - (f) Temporary Hazardous Work. Employees whose occupation involves unusual and potential hazards to their health and safety shall be paid a differential of fifteen percent (15%) of the base salary rate.
- (1) Qualification Criteria.
 - (i) Work is considered hazardous when an employee works with custodial responsibility for criminals, or maintains order of sensitive cases which could result in unforeseen violence, when it might result in compensable lost time.
 - (g) Limitations. In no case may an employee received payment for combined differentials for the preceding Night Work or Temporary Hazardous Duty in excess of fifteen percent (15%) of the current basic salary rate.

PART XV. LEAVES OF ABSENCE

15.1. Purpose. Leaves of absence from the Judiciary are for the mutual benefit of the employee and his/her employer. When leaves of absence are granted, they are considered to be for legitimate reasons as will promote the good of the Judiciary.

15.2. Kinds. Leaves of absence are either with pay or without pay.

15.3. Leaves with Pay.

- (a) Annual. Annual leave shall be granted unless otherwise prohibited by these rules. Employees who have less than three (3) years of creditable service shall earn annual leave at the rate of four (4) hours per pay period. Employees with more than three (3) years but less than ten (10) years of creditable service shall earn annual leave at the rate of six (6) hours per pay period. Employees who have ten (10) or more years of creditable service shall earn annual leave at the rate of eight (8) hours per pay period. Annual leave requests of more than three (3) working days must be made twenty-four (24) hours in advance. All leave requests shall be made on leave request forms. All annual leave requests must be approved by the Administrative Director upon recommendation of such employee's immediate supervisor.

A former employee of the National Government under the Public Service who is hired by the Judiciary will be credited with his previous time period of service, for the purposes of determining the rate at which he is entitled to earn annual leave.

An employee separated from the Judiciary for any reason shall receive a lump sum payment for an annual leave accrued to his credit at the time of separation.

- (b) Maximum Accumulation. The maximum accumulation of annual leave for employees shall be three-hundred sixty (360) hours. Thereafter, any excess over such maximum shall be forfeited unless taken before the last pay period of the calendar year in which such excess was accumulated.
- (c) Sick Leave. All employees shall earn sick leave at the rate of four (4) hours per pay period. There shall be no limit to the

amount of sick leave which may be accumulated. Illnesses of more than three (3) days' duration shall require a certificate from qualified medical personnel certifying to the fact of such illness and the treatment administered. The supervisor may require a certificate for shorter periods when use of such leave is chronic and excessive. All sick leave requests must first be submitted by the employee to his supervisor on the leave request form. If the supervisor recommends approval, he shall so indicate by initialing the form. The Administrative Director is responsible for approving such leave requests.

Sick leave may be used by an employee who has had contact with, or is required to treat a member of the immediate family (as defined in Section 15.3 (f) below) who has developed a contagious disease. A statement from qualified medical personnel certifying to the fact of such illness and the treatment being administered may be required before such a request for sick leave is granted.

Former employees of the National Government under the Public Service System who are hired by the Judiciary within three (3) years after termination will be credited with the unused sick leave accumulated during their previous employment.

- (d) Advance Leave. When, for good reason (humanitarian or emergency situations), an employee requires additional annual or sick leave, the Chief Justice may grant advance leave up to a maximum of one-half (1/2) of the total earnable leave credits for one (1) year from the date the application is made. No additional advance leave shall be granted unless an employee has served long enough to cover past grants of advance leave. Subsequent earnings shall serve to replace the amount of advance leave granted and taken.

An employee who resigns or is terminated after being granted advance leave shall have the amount of advance leave granted and taken deducted from his earnings. An employee requesting advance leave shall be notified in writing of this provision prior to the granting of advance leave.

- (e) Training and Education Leave. Leaves for the purpose of job-related training and education may be granted by the Chief Justice. Upon approval by the Chief Justice an employee may take job-related courses at PCC to enhance knowledge and performance on the job. This could be used as a basis for promotion as long as there is a correlation between the course taken and the duties performed at the Judiciary. The Judiciary may pay for the cost of training upon approval by the Chief Justice. Justices and judges may be granted leave every two years for the purpose of judicial training and education, the cost to be paid by the Judiciary subject to availability of funds.
- (f) Compassionate Leave. Employees may be granted compassionate leave with pay of no more than five (5) working days in cases of death, or imminent death, in the immediate family of the employee. For the purposes of this section, the term "immediate family" shall be defined as an employee's mother, father, maternal uncle, spouse, immediate offspring (naturally or legally adopted), brother, sister, grandfather and grandmother, as well as the mother, father, grandmother and grandfather of the employee's spouse.
- (g) Excused Absence (Administrative Leave). An absence from duty administratively authorized, without loss of pay and without charge to leave, is an excused absence. Such absence are authorized under emergency conditions beyond the control of management (e.g., typhoon), for participation in civic activities in the interest of the government.
- (h) Maternity Leave. Female employees who are permanent employees may be granted leaves of absence with pay for reasons of maternity for a period of not more than one (1) month or thirty (30) calendar days in one (1) calendar year. The period of maternity leave with pay shall not change the employee's service anniversary date. Upon completion of such leaves, such employees are entitled to return to their positions with full rights and privileges.
- (i) Personal Leave. Every permanent employee shall be entitled to one (1) personal holiday per calendar year, without charge to

other forms of leave. The Administrative Director may require the employee to provide at least three (3) working days' notice in advance of the personal holiday.

- (j) Accumulation of Leave. An employee who is absent on an approved leave with pay shall continue to accrue annual and sick leave while on such leave.

15.4. Unauthorized Leave. Unauthorized leave (Absent Without Official Leave [AWOL]) is absence from duty without appropriate authorization. Employees who are absent from duty without prior approval, except in bona fide emergencies, shall be charged with AWOL. Employees on AWOL for more than fifteen (15) consecutive working days during one six (6) month period shall be automatically considered as having resigned as of the last date on which the employee worked. This section shall not be applicable to termination for cause.

15.5. Leave Without Pay. With the concurrence of his/her immediate supervisor, a permanent employee may be granted leave without pay for the purpose of extending his vacation; provided, however, that such extension shall not exceed a period of thirty (30) working days. Similar extensions may be granted for sick leave purposes; provided, however, the attending physician must certify the necessity for the extension and the extension must not exceed thirty (30) working days.

Such extensions shall affect the employee's waiting period for with-in grade increases.

15.6. Responsibilities. The employee shall be responsible for initiating his request for leave using such forms, documentation and explanatory material as may be required. He shall initiate such request sufficiently in advance, whenever possible, so as to enable the immediate supervisor and the administration to make the necessary staff adjustments for coverage of the employee's assignment.

15.7. Emergency. An employee on annual leave may be recalled by the government in emergency situations. An employee is entitled to complete his leave after his services are no longer necessary for the emergency situation.

PART XVI. RECORDS

16.1. Official Personnel Folder (OPF). For each active employee, an Official Personnel Folder (OPF) shall be maintained by the Administration. The folder shall contain, at

a minimum, the following elements of permanent information covering the employee:

- (a) Formal application for employment;
- (b) Documents which indicate the appointing authority;
- (c) Form on which prior creditable service is listed and service computation date is derived;
- (d) Copy of each personnel action affecting the employee;
- (e) Performance evaluation reports;
- (f) Copy of the description of positions occupied by the employee;
- (g) Medical examination reports;
- (h) Any other documents concerning the employee that the Administration determines should be made part of the employee's Official Personnel Folder.

16.2. Confidentiality of Records. Employees' records shall be kept confidential. This is essential to protect the privacy of the individual concerned. The records shall be maintained in a locked file with access allowed only to the Administration or to personnel authorized by the Chief Justice. Access must be restricted to those persons having a "need to know" as determined by the Administrative Director.

16.3. Employee Access to Official Personnel Folder. An employee or his authorized representative may have access to his own Official Personnel Folder at any time during regular working hours provided, an appropriate management official watches, as the employee's review takes place.

16.4. Disposition of Records. Upon the separation of an employee for whatever reason, his records shall be closed and removed to storage.

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