



SUPREME COURT

THE JUDICIARY

REPUBLIC OF PALAU

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Remote Work Policy and Procedure

Republic of Palau Unified Judiciary

I Policy

The purpose of this policy is to provide procedures and define qualifications for remote work in the Republic of Palau Unified Judiciary (Judiciary). Remote work allows or requires eligible employees of the Judiciary to perform their duties from an alternative work location or remote worksite, other than the employee's usual and customary assigned worksite at the Judiciary. Remote work is not an employee right; it is an option for the Judiciary which may be instituted or revoked at any time. Remote work may be allowed due to circumstances which render remote work necessary and the Administrative Head determines that permitting remote work is in the best interest of the Judiciary.

II Applicability

This policy and procedure applies to all permanent and contract employees of the Judiciary, except judges.

III Definitions

A Administrative Head. Pursuant to Article X, Section 12 of the Palau Constitution, the Administrative Head of the Judiciary is the Chief Justice.

B Judges. The term judges or judge refers to both justices and judges of the Judiciary.

C Employee. The term 'employee' refers to any permanent or contract employee of the Judiciary. A permanent employee is an employee who has successfully completed his or her probationary period. A contract employee is an employee whose conditions of employment and compensation are specified in a personal service contract.

D Immediate Supervisor. An employee's immediate supervisor is the head or chief of the particular department or division of the Judiciary under which the employee is assigned. For contract employees, the immediate supervisor is the Administrative Head.

E Remote Worker. An employee who performs duties from an alternative work location or remote worksite other than the main worksite.

F Main Worksite. An employee's usual and customary assigned worksite at the Judiciary.

G Remote Worksite. An alternative work location or worksite other than the employee's main worksite.

H Designee. The Chief Justice may designate, orally or in writing, someone to act on his or her behalf in all matters pertaining to this policy. Therefore, any reference in this policy to the Administrative Head also includes his or her designee. If the designation is made orally, it shall subsequently be reduced into writing.

IV Approving Authority

The Administrative Head will have the final authority to allow remote work.

V Procedures

A Eligible Employee. An employee is eligible to work remotely if (1) the employee's work can be performed remotely, (2) the employee's immediate supervisor submits a request, in writing, to the Administrative Head explaining the need for the employee to work remotely, (3) the employee has the capacity and the resources to complete the work remotely; (4) allowing the employee to work remotely is in the best interest of the Judiciary, and (5) the request is granted by the Administrative Head. The written request shall contain, at a minimum, the following information:

- 1 The name of the employee, title, the department or division under which s/he is assigned, the address and description of the remote worksite, and contact information;
- 2 The reason(s) for the remote work;
- 3 The type and nature of work to be performed, i.e., drafting a presentence investigation report, or order in Criminal Case No. 22-002, etc.;
- 4 The employee's work schedule, i.e., the number of hours or days it will take to perform the remote work;
- 5 The need to have the work done without any delay;
- 6 The lack of any alternative way to complete the work other than to work remotely; and
- 7 Any other reason justifying the request.

Contract employees shall submit these requests on their own behalf directly to the Administrative Head.

The written request, together with Appendix A (attached hereto and made a part of this Policy) which must be completed and signed, shall be submitted to the Administrative Head for review and approval not less than three (3) working days before the remote work commences.

B Eligibility Criteria. Eligibility to work remotely will be evaluated by factors including, but not limited to: (1) the work is of a type which can benefit from quiet uninterrupted work time; (2) face-to-face or in-person interaction is not needed; (3) the absence of the employee at the main worksite will not have a detrimental effect on the operations of the Judiciary; (4) the employee has a history of satisfactory performance; (5) the employee's duties and assignments are characterized by clear work objectives that can be accomplished at a remote worksite as effectively as at the main worksite; and (6) measurable outcomes should be equivalent to the amount of work expected to be performed if the employee was working at the main worksite.

C Agreement of Remote Worker. An eligible employee who is granted permission to work remotely agrees to: (1) be available and engaged in the assigned work during the agreed work schedule; (2) perform work only in the designated remote worksite; (3) be accessible at all times by cell/telephone, e-mail, or other agreed-upon communication methods during working hours and must answer or respond to all phone calls and text and email messages as quickly as possible; and (4) be subject to the same performance standards, policies, and applicable laws as s/he would be if not working remotely.

D Monitoring Remote Work. The immediate supervisor shall monitor the work of a remote worker to ensure that s/he produces a work product in quantity and quality that is acceptable to the supervisor and Administrative Head. The work product must not be any less acceptable than that of a similarly situated employee who does not work remotely.

E Remote Work Conditions. Remote workers shall perform all duties and responsibilities as they would if at the main worksite and in accord with the Judiciary's Personnel Rules and Regulations, Code of Conduct, policies, procedures, and processes. Failure to comply may result in termination of the remote work arrangement and/or discipline up to and including discharge from the Judiciary.

F Work Schedule. Unless a different work schedule is approved by the Administrative Head, a remote worker's work schedule shall be the same as the work schedule required of such employee at the main worksite with respect to time, to wit: 7:30a.m. to 11:30a.m. and 12:30p.m. to 4:30p.m. 33 PNC § 1001. The employee shall not conduct any personal business

during the work schedule. The work schedule shall not exceed 40 hours per week unless approved in advance by the Administrative Head. In addition, unless approved in advance, remote workers may not adjust their work schedule in order to avoid using vacation or sick leave for absences during their regular work schedules.

G Remote Worksite. The designated remote worksite, whether a house or an apartment, will be considered the primary worksite during scheduled working hours. It is the remote worker's responsibility to configure their worksite, at his or her own expense, so that remote work is not interrupted during scheduled working hours. If internet is required to perform remote work the remote worker must ensure that the remote worksite has reliable internet access. For purposes of compensation, remote worksites are an extension of the main worksite during remote working hours only.

The remote worker shall provide to his or her immediate supervisor and the Administrative Head information relating to his or her remote worksite and personal contact information (tel. or cellphone number + email address) where s/he can be reached at any time during working hours. Remote workers must notify their immediate supervisors if they leave their worksites during their scheduled work hours (excluding breaks and rest periods).

H Information Technology Support. A remote worker who needs access to JIS in order to work remotely should submit a written request to his immediate supervisor. Requests to access JIS will be reviewed on a case-by-case basis and may, at the discretion of the Administrative Head, be granted.

I Data Security. Judiciary confidential data accessed at the remote worksite are: (a) for purposes of conducting court business only, (b) not to be used by non-court employees, and (c) not to be used for personal purposes.

1 The Judiciary owns any documents, reports, or data created as a result of work-related activities from alternative work location.

2 Remote workers must protect the privacy and confidentiality of data when working at remote worksite or transferring data to and from worksites. Remote workers must restrict access to confidential and private data from family members and others.

3 Remote workers must follow all of the Judiciary's data retention, backup, and security procedures.

J Revocation. Permission to work remotely may be revoked at any time by the Administrative Head without prior notice. Revocation may be oral or written and, if made orally, it shall subsequently be reduced into writing.

VI Discontinuation of Policy

This policy may be discontinued at any time and for any reason at the discretion of the Administrative Head. Such a determination may be announced orally, in writing, or both. If made orally, it shall subsequently be reduced into writing.

VII Policy Not Subject to a Grievance Action

None of the Judiciary's decisions, actions, or inactions under this policy, including granting or denying remote work, are subject to a grievance action.

VIII Exceptions

The Administrative Head may make exceptions to any provision of this policy. Depending on the circumstances and if deemed appropriate, exceptions will be reduced into writing.

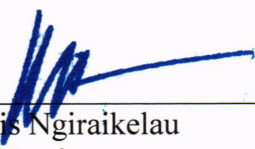
IX Penalty

Failure to comply with any of the foregoing or the abuse of the remote work privilege may result in the termination of the remote work arrangement, the privileges of working remotely in the future, and may subject the employee to discipline up to and including discharge from the Judiciary.

X Effective Date

This policy shall take effect immediately and shall remain operative until amended or vacated, as circumstances warrant.

This policy is promulgated and approved this 28th day of February, 2022 under the authority of the Chief Justice as the Administrative Head of the Judiciary pursuant to Article X, Section 12 of the Palau Constitution.



Oldiaj Ngirai Kelau
Chief Justice

Request to Work Remotely

Name of Employee: _____ Department/Division: _____

Agreement of Remote Worker

I have submitted a request to work remotely. I have read and am familiar with the Judiciary's Policy on Remote Work. Upon approval of my request, I agree to comply with the Judiciary's Policy on Remote Work, the Judiciary's Personnel Rules and Regulations, the Judiciary's Code of Conduct for Employees, and be subject to the same performance standards, policies, and applicable laws that would apply to me if not working remotely.

Date: _____

Signature of Employee

Action on Request

_____ Granted

_____ Denied

Date: _____

Administrative Head/Designee

Appendix A