REPUBLIC OF VANUATU

LOCAL GOVERNMENT COUNCIL STAFF MANUAL

IN EXERCISE of the powers conferred by section 18 (I) of the Decentralization Act CAP230, the Malampa Local Government Council hereby makes the following Staff Manual:

CHAPTER 1

VALIDITY AND APPLICATION

1.1 This Staff Manual contains the rules and conditions of service for all staff employed by the Local Government Council.

1.2 The authority for the administration of this Staff Manual vests with the Local Government Council, who's authority may be exercised by the Secretary General pursuant to Sub Section 18 E (2) of the Act.

1.3 (a) This Staff Manual shall apply to all employees of the Council unless:

(i) Otherwise stated in this Staff Manual; or

(ii) An employee is excluded by any law or by the terms of his/her appointment from the operation of the Staff Manual.

(b) This Staff Manual shall form part of the terms and conditions of the employees of the Local Government Council.

(c) It is the duty of the employee to be acquainted with this Manual as ignorance of the provisions of this Manual shall not be defence to any disciplinary action.

(d) It is the duty of the Recruitment Committee and the Secretary General to be acquainted with this Manual as ignorance of the provisions of this Manual shall not be a defence to any court claims made by the employee.

1.4 In this Staff Manual, unless the context otherwise requires:

"Act" means the Decentralization Act Cap 230;

"Council" means the Local Government Council or normally referred to as Provincial Council.

"Employee" includes those members of Staff engaged by the Local Government Council pursuant to section 18 (h) of the Act on a permanent or temporary basis.

CHAPTER 2

APPOINTMENTS – ELIGIBILITY

2.1 (a) Subject to the Act, only citizens of Vanuatu shall be appointed to posts in the service of the Council.

(b) Subject to section 18(h) of the Act, the Council may from time to time employ such employees as may be necessary for the proper performance of the functions of the Council.

2.2 (a) The Council may on the advice of the Committee responsible for recruitment and appointment, appoint an employee on a temporary basis to a post in the service of the Council.

(b) Any temporary appointment shall be for a specific purpose and shall contain the period of appointment and the level of salary to be drawn by the employee.

(c) Temporary appointments shall not be made for a period exceeding twelve (12) months.

2.3 Subject to section 18(h) of the Act, the Council may from time to time employ such employees as may be necessary for the proper performance of the functions of the Council.

2.4 Any recruitment notice for any post in the service of the Council shall be advertised publicly on the Council's notice board and also in the media.

2.5 Application for appointment to posts in the service of the Council shall be addressed to the Secretary General. Each application shall be in duplicate and shall be accompanied by the following:

a) A certified copy of any certificates

b) A certified copy of any references

2.6 (a) The appointment of all employees appointed on a permanent basis shall be on a probation period not exceeding six months.

(b) During the probationary period a contract may be terminated by either party without any prior notice.

CHAPTER 3

SALARIES AND ALLOWANCES

A SALARIES

3.1 Each employee shall be entitled to receive in arrears, remuneration comprising the salary corresponding to his/her index number child allowances.

3.2 Salary increments may be granted in accordance with the employee's salary category.

3.3 On promotion, an employee shall receive the minimum salary of his new category. Promotion will be based on staff performance.

3.4 Annex 1 to this Manual shows the indexed salary scales. The salary scales shall be revised and updated every 2 years.

B ACTING AND RESPONSIBILITY ALLOWANCES

3.5 (a) Where the Secretary General considers that it is necessary that a post should continue to be filled, the Secretary General may appoint an existing employee to act in that post and to assume either fully or in part the duties and responsibilities thereof.

(b) The Acting appointment should not exceed 6 months.

(c) Acting allowances shall be payable to an employee as prescribed by the committee responsible for recruitment and appointment.

C OVERTIME ALLOWANCES

3.6 In respect of work carried out in excess of the normal hours of work an employee shall be paid overtime at the rates:

(a) For work carried out in excess of the normal weekly hours of work –

i. For the first one and half hours: at a maximum rate equal to 1 ¼ times the normal hourly rate;

ii. In excess of one and half hours: at a maximum rate equal to times the normal hourly rate;

(b) For work on public holidays or weekends: a maximum rate equal to 1 ½ times the normal hourly rate;

(c) For work (other than work as a night watchman) carried out at night between 1800 pm to 0600 am in excess of the normal weekly hours of work: a maximum rate equal to 1 ¾ times the normal hourly rate.

(d) Payment in respect of work carried out during 1800 pm to 0600 am shall not include any extra payment.

3.7 The following officers shall not be eligible for overtime allowance in respect of work carried out in excess of the normal hours of work:

(a) Secretary General
(b) Assistant Secretary General
(c) Provincial Planner
(d) Accountant
(e) Economist
(f) District Administrative Officer

D SUBSISTENCE ALLOWANCE, COST OF LIVING ALLOWANCE, POSTING AND TRAVELLING ON DUTY

SUBSISTENCE AND COST OF LIVING ALLOWANCE

3.8 (a) An employee travelling on duty within Vanuatu shall be eligible for subsistence allowance at the rate of:

(i) VT5,000 per night outside your province
(ii) VT2,500 per night within your province

(b) Employees appointed on a permanent basis are eligible for a cost of living allowance at a rate of VT51,000 per annum.

3.9 Subsistence allowance or reimbursement under paragraphs 3.8 shall not be payable for any period when the officer is rationed and/or lodged at the expense of the Council, either directly or by provision of passages inclusive of meals and/or accommodation.

POSTING

3.10 (a) Transportation of an employee's household effects (not exceeding 2.5 tonnes) from one station to another shall be at the Council's expense. Applicable by sea transport only.

(b) Transportation of an employee and his family shall be met at the Council's expense, provided they use the most direct route.

(c) This rule is applied to an employee on first appointment, to an employee on final retirement, early retirement, an employee who is terminated or made redundant.

(d) The Council will not be responsible for compensation for loss of, or damage to an employee's personal effects in the course of removal.

(e) The employee shall be responsible to pay for insurance cover over his or her goods.

(f) Reimbursement, of the employee's expenses will be made by the Council upon the presentation of original receipts submitted by the employee.

E CHILD ALLOWANCE

3.11 (a) Child allowance shall be paid monthly to a employee appointed on a permanent basis at a rate not exceeding VT1,000 per child subject to the following requirement:

(i) Provision of an extract of birth certificate
(ii) School attendance certificate
(iii) Adoption certificate approved by a competent Court in Vanuatu for the adopted child.

a) Monthly child allowance shall be paid up to a maximum of 3 children.

b) Child allowance shall be payable until the child reaches the age of 18 years.

F DAYS AND HOURS OF WORK

3.12 (a) The weekly working days shall be as follows:

(i) Monday to Friday (36¼ hours)

(b) The daily working hours shall be as follows:

(i) 0730 am to 1130 pm;
(ii) 1315 pm to 1630 pm.

c) The limit of hours of work provided for above may be exceeded:

(i) In cases of urgent work to be done or in cases of emergency.

3.13 The Secretary General of the Council may approve flexible working hours to an employee who is required to work in excess of the number of hours per week.

CHAPTER 4

COUNCIL VEHICLES – TRANSPORTATION ALLOWANCES

4.1 The Council shall not be responsible for the transportation of its employees to and from their place of work.

4.2 No transportation allowance shall be paid by the Council for such travelling to and from work.

4.3 (a) All Council vehicles may not be parked at the homes of the employees.

(b) The keys of all vehicles shall be returned to the Secretary General for the purpose of safe keeping at nights and during weekends and public holidays and shall not be entrusted to anyone else unless for official purposes.

4.4 Official Council vehicles shall not be used for transportation of private individuals without the consent of the Secretary General.

4.5 Official Council vehicles shall be available for the transportation of any employee for official Council duties and such employee is authorized by the Secretary General to use the vehicle. Use the forms provided.

4.6 The unauthorized use of official Council vehicles shall give rise to disciplinary action and the Council shall not accept any liability whatsoever for any damage or injury suffered or inflicted by any employee whilst using the vehicle without authorization for private uses.

4.7 Any employee involved in an accident whilst driving an official Council vehicle shall report the matter immediately to the Secretary General.

4.8 Every employee who drives Council vehicles must have a valid driving license.

CHAPTER 5

HOUSING

5.1 Employees appointed on a permanent basis are entitled to official housing under the terms of their appointment of service to provide housing. Use forms attached.

5.2 Normal official rent shall be payable for occupation of official quarters by employees to the Council. The monthly rate shall be determined by the Council but shall not exceed 12% of the monthly salary.

5.3 (a) The Council shall be responsible to provide all necessary furniture to official quarters.

(b) The Council is responsible for repairing and replacing Council properties if damaged by natural disasters and natural deterioration.

(c) Inspection by Council must be done prior to employee moving into and before vacating Council quarters. (Form 8 – 4).

(d) Before employee moves into Council quarters, he/she must sign the Tenancy Agreement with the Council (Form 8 – 3).

(e) It is the employee's responsibility to look after Council property. If employee damages any council property they are responsible in replacing/repairing the damaged property.

5.4 Housing allowances and other benefits shall be considered by the Council to employees who are entitled and are not provided with official houses.

5.5 The maximum rate of housing allowances shall not exceed VT15,000 per month, subject to production of certified receipt from the Landlord. (Form8 – 1)

5.6 Housing allowances may be paid to any employee who is entitled to official housing but chooses to reside in his or her private owned house at a rate not exceeding VT10, 000 per month.

CHAPTER 6

GENERAL CONDUCT

6.1 Employees may be employed on such suitable duties as the Council may decide according to their abilities and should be able to be posted to any duty station within the area of the Council.

6.2 Employees are not allowed to conduct private business during official hours.

6.3 An employee shall not be absent during working hours without prior written permission from the Secretary General.

6.4 Frequent short absences amount to inefficiency and persistence in such behaviour may lead to disciplinary action.

6.5 All unjustified absences from duty for more than half a day may lead to disciplinary actions.

6.6 An employee absent from work without leave for one week or more without giving a satisfactory explanation to the Secretary General within one week is also liable to disciplinary action.

6.7 An employee who fails to return to duty after leave without giving a satisfactory explanation to the Secretary General within one week is also liable to disciplinary action.

6.8 The consumption of alcoholic beverages and kava on duty or on the Council's office premises is prohibited except on official function.

6.9 All employees are forbidden to disclose without authority to any private person, organization or media any confidential information which comes into their possession in the course of the performance of their duties. Failure to comply may lead to disciplinary action.

6.10 All employees have a duty to protect the security of the Council's premises and to ensure that documents, offices and Council properties are all properly looked after and protected.

6.11 All employees are prohibited from public speaking, broadcasting or engaging in public controversy on political matters. They should not seek to use their public office or status for political or sectional purposes. They should not in any manner whatsoever conduct themselves in such a way as to bring their office or the Council into disrepute.

6.12 The Council premises shall not be used for political party activities, e.g. meetings, or the display of posters and notices, or distribution of pamphlets, fundraisings etc.

6.13 All employees shall not engage in any political activities during official working hours.

6.14 An authorization (by the Secretary General) of absence may be granted each year to a representative of the Trade Union for attending a general meeting of the "Vanuatu Council of Trade Unions", provided that this absence does not exceed five (5) working days.

6.15 (a) If an employee wishes to stand for election to Parliament or to a Municipal Council or to the Local Government Council, the Council may grant him/her leave of absence without pay for up to two (2) months before the date set for the election. Such leave may be regarded as vacation leave in order to cover all or part of the absence of the employee concerned. If the employee fails to be elected, he or she shall be required to resume duty at the first opportunity after the date of the declaration of the results of the election.

(b) Should not be a reason for termination.

(c) If the employee is elected, his post becomes vacant, and the Council shall advertise under the normal procedures to fill such vacancy.

6.16 The Secretary General/Assistant Secretary General is responsible for reporting to the Council where appropriate on any cases of an employee's serious misconduct which could jeopardize the reputation of the Council.

6.17 An employee who is found guilty of a criminal offence by a Court of Law is liable for dismissal.

6.18 (a) A personal file shall be kept on every employee and shall include an annual confidential report by the Secretary General on the quality of service rendered by the employee to the Council.

(b) The Secretary General to transparently update individual employees on their performance level annually.

CHAPTER 7

DISCIPLINE

7.1 Any employee of the Council who fails to comply with the provisions of Chapter 6 of this Staff Manual will be liable to disciplinary offence.

7.2 Notwithstanding the previous paragraph, every employee of the Council commits a disciplinary offence:

(a) By any wilful act or omission fails to comply with the requirements of the Legislation or any order or any official instrument made under the authority of the Council or of the Head of the section in which the employee is employed;

(b) In the course of his/her duties disobeys, disregards or makes wilful default in carrying out any lawful order or instruction given by any person having authority to give the order or instruction or by work or conduct displays insubordination;

(c) Is negligent, careless, lazy or inefficient in the discharge of his duties;

(d) Behaves in a manner that causes unreasonable distress to other employees or to affect adversely the performance of their duties, including sexual harassments;

(e) Uses intoxication liquors, kava or drugs to excess or in such manner as to adversely affect the performance of his/her duties;

(f) Improperly uses or removes property, stores, monies, stamps, securities or negotiable instruments for the time being in his/her official custody or under his/her control or fails to take reasonable care of any such property, stores, monies, stamps, securities or negotiable instruments;

(g) Otherwise than in the proper discharge of his/her duties directly or indirectly discloses or for private purposes uses any information acquired by him/her either in the course of his/her duties or in his/her capacity as an employee;

(h) Absents himself/herself from office or official duties during working hours without leave or valid excuse, or is regularly late in the time of his/her arrival or departure from his or her place of work;

(i) Is guilty of any improper conduct in his/her official capacity, or of any other improper conduct which is likely to adversely affect the

performance of his/her duties or is likely to bring the Council into disrepute.

7.3 Where the Secretary General receives a report that an employee has committed a disciplinary offence and such disciplinary offence warrants his/her immediate suspension, the Secretary General may suspend the employee on half salary and shall immediately report the suspension to the Council.

(a) The Council may either reject or confirm the suspension.

(b) Where the Council rejects the suspension, the employee shall resume his/her duties immediately.

(c) Where the Council confirms the suspension, the Council shall give the employee adequate opportunity to answer any charges made against him or her.

7.4 If the Council finds that the charges do not result in disciplinary punishment or if the punishment is a warning, the employee shall receive the salary withheld during his/her suspension.

7.5 The Council may impose any one or more of the following stages of disciplinary actions:

(a) Verbal warning;
(b) Written warning;
(c) Counselling;
(d) Reprimand;
(e) Suspension of increment;
(f) Demotion;
(g) Temporary suspension from employment for a period not exceeding six months with any consequential loss or retirement benefits or a part thereof;
(h) Dismissal and loss of retirement benefits in whole or in part.
(i) In the case of serious misconduct the Council may dismiss an employee without notice.

CHAPTER 8

STATUS AND LEAVE

8.1 (a) The status of employees may be one of the following:

- On active duty
- On annual vacation leave
- On leave without pay
- On sick leave
- On temporary secondment
- On maternity leave
- On leave for sporting or other purposes
- On study leave

(b) An employee elected in a representative capacity shall be allowed the necessary time in which to carry out the functions of his/her office.

ANNUAL LEAVE

8.2 (a) Employees appointed on a permanent basis shall be entitled to annual leave of 21 working days in each complete year of service calculated at a rate of 1.75 working days per month.

(b) Annual leave may be accumulated only over a period of two (2) years (42 days) and may be taken in whole or in several parts.

(c) An employee leaving the Council without completing a full year of service shall be entitled to leave proportional to the services completed.

LEAVE WITHOUT PAY

8.3 (a) Leave without pay for not more than 6 months may be granted by the Council upon the approval of the Secretary General.

(b) Leave without pay shall not constitute a break in service for the purpose of continuity of service, but shall not count as qualifying service (promotion).

(c) An employee on leave without pay may be replaced by a temporary appointment.

SICK LEAVE

8.4 (a) An employee is entitled to sick leave of 21 working days per year.

(b) Any absence of more than 24 hours for health reasons shall be covered by a medical certificate submitted within three (3) working days by a certified medical practitioner.

(c) Periods of absence of more than 24 hours which are not covered by a medical certificate shall be treated as absence without leave and shall be without pay.

(d) Sick leave as set forth hereinabove shall be treated as effective service and shall be leave earning, unless otherwise provided hereinafter.

(e) An employee who is absent due to sickness lasting more than 30 days shall be examined and certified by a certified medical practitioner who may recommend an extension of the employee's leave without salary not exceeding twenty seven (27) extra working days.

(f) At the end of such extended sick leave, the employee shall provide a certified medical certificate that he or she is fit to resume duty.

(g) Sick child.

MATERNITY LEAVE

8.5 (a) Maternity leave on full salary of up to six (6) weeks before and exactly six (6) weeks after the estimated date of confinement will be granted to an employee on presentation of a certified medical certificate indicating the date of confinement.

(b) Total period of maternity leave shall not be accumulated. Maternity leave shall count as effective service.

(c) Any extension of maternity leave will be treated under the same rules as for sick leave.

(d) 1 hour allowed for breastfeeding per day.

COMPASSIONATE LEAVE

8.6 (a) Leave of two (2) days on full salary shall be granted to an employee on the occasion of their marriage.

(b) Leave of ten (10) calendar days on full salary shall be granted to an employee on the occasion of the death of a parent or a child.

(c) Leave of one (1) working day on full salary shall be granted to a father on the occasion of the birth of his child.

OCCUPATIONAL ACCIDENT

8.7 Compensation for occupational accidents shall be borne by the Council.

MEDICAL EXPENSES

8.8 (a) Subject to the approval of the Secretary General, full 100% payment for reasonable medical costs of all permanent employees and their immediate family incurred at a public health facility shall be met upon the production of original receipts for the medical treatment in question.

(b) Subject to the approval of the Secretary General, full 100% payment for reasonable medical costs of all permanent employees and their immediate family shall be met upon the production of original receipts for medical treatment by a registered medical practitioner in private practice, subject to a registered medical practitioner certifying that the treatment is necessary and unavailable in a public health facility and referring the person to the private health care provider, upon application using the prescribed forms.

(c) Subject to the approval of the Secretary General, the cost of medically necessary items such as glasses and other medical appliances certified as necessary by a registered medical practitioner or registered optometrist shall also be reimbursed to permanent employees only.

SPECIAL LEAVE FOR INTERNATIONAL SPORTING, CULTURAL AND OTHER EVENTS

8.9 (a) When an employee of the Council is selected as a member of a Provincial Team or a National Team to represent Vanuatu at meetings, he or she may, with the approval of the Secretary General be granted special leave with full pay in accordance with the following table. Such leave shall not be deductible from normal leave entitlement, and shall count as effective service.

TABLE

(i)	Major international meetings involving more than one (1) other country. Examples: South Pacific Games, International Scout Jamboree etc	Leave for the duration of the meeting
(ii)	Meetings of lesser importance. Example: Events involving one (1) other country	Leave for up to 5 Calendar days
(iii)	Local selection or training event in Vanuatu to form a team for an International meeting	Leave for the duration of the event up to 5 Working Days as applicable according to whether the meeting is in (a) or (b)

(b) For an international meeting in which the employee is selected to represent, not Vanuatu, but a sporting or other organization, he or she may, with the approval of the Secretary General be granted leave to be counted against his/her normal leave entitlement.

CHAPTER 9

TRAINING AND COURSES

9.1 (a) The Secretary General with the assistance of the Assistant Secretary General shall be responsible for the selection of employees to undergo training courses in Vanuatu or overseas.

(b) Where an employee is nominated or selected to undertake a course of training outside or inside Vanuatu lasting for three (3) months or less, it shall be regarded as duty.

(c) An employee is encouraged to undertake a correspondence course in a subject related to his/her official work.

(d) Any approved absences from duty to take examinations shall not be deducted from annual leave.

(e) An employee who successfully completes a course or training and/or examination shall not have an automatic right to promotion or advancement of any kind but, his/her training qualifications will be taken into account for promotion.

(f) On successful completion of an approved course and the examination thereof, the employee shall claim reimbursement of the tuition and examination fees subject to submission of original receipts and certified copies of academic transcripts. The Secretary General must approve.

(g) Bonding Agreement (2 years).

(h) Where an employee is selected to attend training for a period exceeding 12 months, the Council should release the employee with all benefits and advertise the position as vacant, having reservation for the employee once training has been completed.

CHAPTER 10

TRAVEL OUTSIDE VANUATU ON OFFICIAL DUTIES

10.1 Approval for any employee of the Council to travel officially on duty outside Vanuatu shall be sought from the Secretary General.

10.2 In seeking approval, full information and documentation should be submitted in sufficient time for approval.

10.3 The Secretary General shall ensure that the frequency of overseas visits is properly controlled and fairly distributed amongst Council staff.

10.4 An employee travelling on duty overseas may claim overseas subsistence allowance to cover meals and minor expenses. The daily rate of overseas subsistence allowance shall not exceed following rates:

(a)	Pacific regions	-	VUV15, 000 per night and per person
(b)	Asian countries	-	VUV20, 000 per night and per person
(c)	Europe and others	-	VUV35, 000 per night and per person

10.5 Laundry, telephone and other miscellaneous charges shall be met by the employee.

10.6 The employee shall be required to contribute towards payment of accommodation charges if they choose to be accommodated in luxury style hotels when other more modest accommodation is available.

10.7 (a) When an employee travels on approved duty overseas to a place where cold winter climatic conditions will be met (e.g. as in Northern Europe) an Outfit Allowance of up to VUV20, 000 may be authorized by the Secretary General or Assistant Secretary General.

(b) Where no Outfit Allowance has been provided by the Council, the employee shall claim reimbursement of VUV20, 000 upon submission of original receipts.

CHAPTER 11

TERMINATION OF SERVICE

11.1 The normal retiring age is fifty five (55) years.

11.2 Disciplinary procedure is prescribed under Chapter 7 of this Staff Regulation.

11.3 Retirement on medical grounds may be granted by the Council on the production of a report by a certified medical practitioner that the employee is unfit to continue work.

11.4 The service of an employee may be terminated by giving due notice in accordance with the terms of his/her engagement, and if no period of notice is specified therein, by giving three (3) months' notice or three (3) month's salary in lieu of notice.

11.5 An employee wishing to leave the service of the Council shall give three (3) months' notice.

DEATH IN SERVICE

11.6 In the event of the death of an employee during the course of his/her service, the Council shall pay so to his/her legal personal representative a sum equivalent to twelve (12) month's salary and all other benefits (e.g. Severance Pay, Outstanding Leave etc).

11.7 If an employee dies during the course of his/her service, the Council shall be responsible to repatriate his/her dead body to his/her home island.

CHAPTER 12

SUPERANNUATION

12.1 The Council shall ensure that all employees in the service of the Council are registered to be members of the Vanuatu National Provident Fund.

CHAPTER 13

REPEAL AND SAVINGS

13.1 All previous staff Orders, Regulations or Instructions are hereby repealed.

CHAPTER 14

COMMENCEMENT

This Staff Manual shall come into force on the date of approval by the Malampa Provincial Government Council.

MADE at _____ this ____ day of _____2016

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THE CHAIRMAN

INDEXED SALARY SCALE

DECENTRALISATION ACT NO. 1 OF 1994

Management, Proffessional, Secretarial, Clerical Staff Salary Scales:

PERMANENT STAFF

CATEGORIES	SCALES	MONTHLY SALARY	ANNUAL SALARY	PERIOD OF INCREMENT
E	5	131,000	1,572,000	2 YEARS
	4	125,000	1,500,000	
	3	114,200	1,370,400	
	2	108,000	1,303,200	
	1	103,000	1,236,000	
D	5	100,800	1,209,600	1 ½ YEAR
	4	95,200	1,142,400	
	3	89,600	1,075,200	
	2	84,000	1,008,000	
	1	78,400	940,800	
C	5	74,200	890,400	1 ½ YEAR
	4	69,600	835,200	
	3	65,000	780,000	
	2	60,400	724,800	
	1	55,800	669,600	
B	5	51,800	621,600	1 YEAR
	4	47,400	568,800	
	3	43,000	516,000	
	2	38,600	463,200	
	1	34,200	410,400	
A	6	31,000	372,000	1 YEAR
	5	30,000	360,000	
	4	29,000	348,000	
	3	28,000	336,000	
	2	27,000	324,000	
	1	26,000	312,000	

NB. The Salary Scale shall be revised every 2 years.