Commencement: 30 December 1988

LUGANVILLE MUNICIPAL COUNCIL (STAFF REGULATIONS)

Order 5 of 1989

ARRANGEMENT OF CHAPTERS

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CHAPTER 1 – VALIDITY AND APPLICATION

1.1 These Staff Regulations contain the rules of conditions of service for all staff employed by the Council.

1.2 Authority for the administration of these Staff Regulations vests with the Council, which authority may be exercised by the Clerk pursuant to section 18(3) of the Act.

1.3 (i) These Staff Regulations shall apply to all Officers and employees of the Council except in so far as:

(a) may otherwise stated in these Staff Regulations; or

(b) an Officer or an employee is excluded by any law or by the terms of his appointment from the operation of these Staff Regulations.

(ii) These Staff Regulations shall form part of the terms and conditions of the Officers and employees.

(iii) It is the duty of every Officer and employee to be acquainted with these Regulations as ignorance of the provisions of these Regulations shall not be a defence to any disciplinary action.

1.4 In these Staff Regulation, unless the context otherwise requires:

"Act" means the Municipalities Act [Cap. 126];

"Clerk" means the Town Clerk of the Council appointed in accordance with section 18 of the Act or any one acting on his behalf;

"Council" means the Luganville Municipal Council;

"employee" includes those members of Staff engaged by the Council pursuant to section 21 of the Act.

"Officer" includes those members of staff appointed by the Council pursuant to section 9 of the Act.

CHAPTER 2 – APPOINTMENTS – ELIGIBILITY

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

(ii) Notwithstanding paragraph 2.1(i), until a Ni-Vanuatu Officer is qualified for appointment to a post in the service of the Council, a non-citizen Officer may be appointed to that post for a limited period.

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

(ii) 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 temporary officer.

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

2.3 (i) Subject to section 21 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.

(ii) Employees appointed under this section may be exempted from the conditions governing necessary qualifications for employment in the service of the Council.

2.4 Any recruitment notice for any post in the service of the Council including temporary employment or any other employment shall be advertised publicly on the Council's notice board and also on the Government's news media.

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

- a birth certificate or a statutory declaration in lieu,
- a certified copy of any certificate or references,
- a medical certificate,
- where appropriate, a marriage certificate and children's birth certificates,
- an official statement of police record or equivalent document.

2.6 (i) The appointment of every Officer including temporary officer and employee shall be on probation for a period of six months.

(ii) During the probationary period a contract of employment may be terminated by either party without notice any time.

2.7 Where an Officer or employee is recruited outside the boundaries of the Council that Officer or employee shall make his own way to report for duty at his own expenses.

CHAPTER 3 – SALARIES, ALLOWANCES, ETC.

Salaries

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

3.2 Salary increments may be granted in accordance with the Officer's or employee's categories.

3.3 On promotion, an Officer or employee shall receive the minimum salary of his new category.

3.4 Annex I to these Regulations shows the indexed salary scales.

Acting and Responsibility Allowances

3.5 (i) Where the Council considers that it is necessary that a post should continue to be filled at a time when no Officer or employee of corresponding substantive rank is available thereto, some other Officer or employee may be appointed by the Council to act in the post and to assume either fully or in part the duties and responsibilities thereof.

(ii) Acting Allowances shall be payable to an Officer or employee which shall be set out by the Committee responsible for recruitment and appointment.

Overtime Allowance

3.6 (i) In respect of work carried out in excess of the normal hours of work an employee shall be paid overtime at the following 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 minimum rate equal to 1¼ time the normal hourly rate;

(ii) in excess of one and half hours: at a minimum rate equal to 1½ times the normal hourly rate;

(b) for work on public holidays or Sundays: at a minimum rate equal to 1½ time the normal hourly rate;

(c) for work (other than work as a night watchman) carried out at night between 6.30 pm to 6 am in excess of the normal weekly hours of work: a minimum rate equal to 1 ¾ time the normal hourly rate.

(ii) Payment in respect of work carried out during 6.00 pm to 6 am shall not include any extra payment.

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

(a) Town Clerk;

(b) Duty Town Clerk;

(c) Senior Health and Environmental Officer; and

(d) Senior Town Planning Officer.

Days and Hours of Work

3.8 (i) The weekly working hours shall be as follows:

(a) Officer – Monday to Friday (36¼ Hours)

(b) employee – Monday to Saturday morning (39 Hours)

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

(a) 7.30 and to 11.30 am,

(b) 1.15 pm to 4.30 pm.

(iii) The limit of hours of work provided for above may be exceeded -

(a) in cases of urgent work to be done or in cases of emergency (including funeral services).

3.9 The Council may approve flexible working hours according to the number of hours required per week.

CHAPTER 4 – COUNCIL VEHICLES – TRANSPORTATION ALLOWANCES

4.1 The Council shall not be responsible for the transportation of its Officers or employees to and frorn their homes and the place of work.

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

4.3 Any Officer or employee who uses his private vehicle regularly and frequently on official Council's duty shall be entitled to a commuted mileage allowance which shall be approved by the Council.

4.4 (1) All Council's vehicles, other than the Mayor and Town Clerk's official Council's vehicles, may not be parked at the homes of the Officers or employees or used for transportation to their homes.

(2) The keys of all vehicles shall be returned to an Officer or employee appointed the Council for this purpose for safe keeping at nights and during weekends and public holidays and shall not be entrusted to any one else unless so ordered by the Council for official purposes.

4.5 Official Council's vehicles shall not be used for transporting private individuals without the consent of the Council.

4.6 Official vehicles, other than those of the Mayor and the Town Clerk, shall be available for the transportation of any Officer or employee for official council duties and such Officer or employee is authorized by the Council to use the vehicle.

4.7 The unauthorized use of official Council's 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 Officer or employee whilst using the vehicle without authorization for private uses.

4.8 Any Officer or employee involved in an accident whilst driving an official Council vehicle shall report the matter to the Council.

CHAPTER 5 – GENERAL CONDUCT

5.1 Officers and employees may be employed on such suitable duties as the Council may decide according to their abilities and are liable to be posted to any duty station within the urban area of the Council.

5.2 Officers and employees are prohibited from engaging in private work for gain, or running commercial undertakings themselves, or owning an interest in such undertakings unless permission is granted by the Council.

5.3 Officers and employees are not allowed to conduct private business in official time.

5.4 An Officer or employee shall attend work at the official times and shall not absent himself during working hours without permission from the Town Clerk or relevant Head of Section.

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

5.6 All unjustified absences from duty of more than half a day shall be without salary.

5.7 An Officer or employee absenting himself from his duties without leave for one week or more without giving a satisfactory explanation to the Town Clerk renders himself liable to dismissal.

5.8 An Officer or employee who fails to return to duty after leave without giving a satisfactory explanation within one week is also liable to dismissal.

5.9 All Officers and employees are prohibited from giving or receiving gifts or presents in the course, or as a result, of their duties or by virtue of their official position, whether such gifts or presents are in the shape of money, goods, services, free passages or other benefits. This regulation applies to members of Officers' and employees' families but does not apply to gifts of personal friends not received in the course or as a result of Officers' and employees' duties or by virtue of their official position and does not apply to promotional goods.

5.10 The consumption of alcoholic beverages on duty or on the Council's premises is prohibited.

5.11 All Officers and employees are forbidden to disclose without authority to any private person or organization any information which comes into their possession in the course of the performance of their duties, whether such information is confidential or not.

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

5.13 All Municipal Officers and employees are prohibited from public speaking, broadcasting, or engaging in public controversy on political or Council 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.

5.14 Council premises shall not be used for political activities, e.g. meetings, or the display of posters or notices, or distributions of pamphlets, etc. without the express permission of the Council.

5.15 All Officers and employees shall not engage in any political or trade union activities during official working hours without the express permission of the Council. An authorization of absence may be granted each year to a representative of the Municipal Trade Union for attending a general meeting of the "Vanuatu Trade Union Congress", providing this absence does not exceed five (5) working days.

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

(ii) If the Officer or employee is elected, his post becomes vacant, and the Council may advertise under the normal procedures to fill such vacancy.

5.17 The Town Clerk is responsible for reporting to the Council any cases of an Officer or employee's serious pecuniary embarrassment which could jeopardize the reputation of the Council.

5.18 An Officer or employee who has been charged with a criminal offence shall be suspended from duty until acquitted by the Court.

5.19 A personal file shall be kept on every Officer and employee and shall include an annual report by the Town Clerk on the quality of service of the Officer or employee concerned.

CHAPTER 6 – DISCIPLINE

6.1 Any Officer or employee of the Council who fails to comply with the provisions of Chapter 5 of these Staff Regulations shall be guilty of a disciplinary offence.

6.2 Notwithstanding the previous paragraph every Officer or employee of the Council commits a disciplinary offence for the purpose of disciplinary proceedings who –

(a) by any willful act or omission fails to comply with the requirements of the Act or of any order hereunder or of any official instrument made under the authority of the Council or of the head of the section in which the Officer or employee is employed;

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

(c) is negligent, careless, indolent, inefficient, or incompetent in the discharge of his duties;

(d) behaves in a manner calculated to cause unreasonable distress to other Officers or to affect adversely the performance of their duties;

(e) uses intoxicating liquors or drugs to excess or in such manner as to affect adversely the performance of his duties;

(f) improperly uses or removes property, stores, monies, stamps, securities or negotiable instruments for the time being in his official custody or under his 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 duties directly or indirectly discloses or for private purposes uses any information acquired by him either in the course of his duties or in his capacity as an Officer or employee;

(h) absents himself from his office or from his official duties during hours of duty without leave or valid excuse, or is habitually irregular in the time of his arrival or departure from his place of employment;

(i) is guilty of any improper conduct in his official capacity, or of any other improper conduct which is likely to affect aversely the performance of his duties or is likely to bring the Council into disrepute;

(j) is guilty of any other offence prescribed from time to time by orders or regulations made under the Act.

6.3 Where the Clerk receives a report that an Officer or employee has committed a disciplinary offence and such disciplinary offence warrants his immediate suspension from carrying out his official duties, the Clerk may suspend the Officer on half salary and shall immediately report the suspension to the Council.

(i) The Council shall either reject or confirm the suspension.

(ii) Where the Council rejects the suspension the Officer or employee shall resume his duties.

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

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

6.5 The Council may impose any one or more of the following punishments as it shall think fit:

(a) warning;

(b) reprimand;

(c) suspension of increment;

(d) demotion;

(e) temporary suspension from employment for a period not exceeding six months with any consequential loss of retirement benefits or a part thereof;

(f) dismissal and loss of retirement benefits in whole or in part.

CHAPTER 7 – STATUS AND LEAVE

7.1 (i) The status of Officers or 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 leave for sporting or other purposes

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

Annual Leave

7.2 (i) Serving Officers and employees shall be entitled to annual leave with salary of 21 working days in each complete year of service.

(ii) Leave may be accumulated only over a period of two years and may be taken in whole or in several parts according to the needs of the Council.

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

(iv) The value of any leave taken but not earned shall be deducted from monies due to the Officer or employee if he leaves the service of the Council before completing the year.

Leave Without Salary

7.3 (i) Leave without salary of not more than 6 months may be granted by the Council on grounds of urgent matters, family affairs, etc.

(ii) Leave without salary shall not constitute a break in service for the purposes of continuity of service, but shall not count as qualifying service (promotion).

(iii) An Officer or employee on leave without salary may be replaced by a temporary appointment.

(iv) Leave without salary may be granted to cover extended sickness.

Sick Leave

7.4 (i) An Officer or employee is entitled to sick leave of 27 working days per year.

(ii) An absence of more than 24 hours for health reasons shall be covered by a medical certificate submitted within three working days.

(iii) 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.

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

(v) An Officer or employee who is absent due to sickness lasting more than 54 working days shall be examined by a doctor of the Health Department who may recommend an extension of the Officer or employee's leave without salary not exceeding 27 working days. At the end of such extended sick leave, the Officer or employee concerned shall provide a medical certificate stating that he is fit to resume duty. An Officer or employee who is on extended sick leave may, subject to approval by the Council, be released for a period of one year.

Maternity Leave

7.5 Maternity leave on full salary of up to six weeks before and exactly six weeks after the estimated date of confinement will be granted to female Officers or employees on presentation of a medical certificate indicating the date of confinement. Maternity leave shall count as effective service. Any extension of maternity leave will be treated under the same rules as for sick leave.

Compassionate Lave

7.6 Leave of two days on full salary shall be granted to Officers and employees on the occasion of their marriage and four days on the death of a parent or a child. Leave of 1 day on full salary shall be granted to a father on the occasion of the birth of his child.

Occupational Accident

7.7 Compensation for occupational accidents shall be subject to the conditions of the insurance policy taken out by the Council and specified in the terms of employment.

Medical Expenses

7.8 (i) The Council shall take out health insurance policy cover for the Officers and employees which shall enable them to get refund for medical expenses incurred in Vanuatu, during periods of sick leave with salary.

(ii) In excess of such sick leave period given, the Council may grant to an Officer or employee a loan to cover medical expenses which loan shall be repayable from deducting the salary of the Officer or employee concerned.

(iii) An Officer or employee may with the approval of the Council be granted assistance for medical treatment overseas.

Special Leave for International Sporting, Cultural and Other Events

7.9 (i) When an Master or employee of the Council is elected as a member of a cultural body or sports team (which team for the purpose of these rules may include not more than one official and one trainer), to represent Vanuatu, with the approval of the appropriate governing authority for the sport or activity in Vanuatu, at meetings of international status, he may, with the approval of the Council 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, i.e. will be leave-earning.

Table

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

(ii) For an international meeting in which the Officer or employee is selected to represent, not Vanuatu, but a sporting or other association he may, with the approval of the Council be granted leave to be counted against his normal leave entitlement.

CHAPTER 8 – TRAINING AND COURSES

8.1 (i) The Council is responsible for the selection of those to undergo training course in Vanuatu or overseas.

(ii) Where an Officer or employee is required to undertake a course of training outside Vanuatu lasting for two months or less, it shall be regarded as duty.

(iii) An Officer or employee wishing to undertake a correspondence course in a subject related to his official work may apply to the Council for approval to undertake such course.

(iv) Any approved absences from duty to take examinations will be deducted from leave.

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

(vi) On successful completion of an approved course and the examination thereof, the Officer or employee may claim reimbursement of the tuition and examination fees, and the cost of necessary books and material specified by the course authorities.

CHAPTER 9 – TERMINATION OF SERVICE

9.1 The normal retiring age is 55 years.

9.2 Disciplinary procedure is prescribed under Chapter 6 of these Staff Regulations.

9.3 Retirement on medical grounds may be granted by the Council on the production of a report by a medical officer that an Officer or employee is unfit on medical grounds to continue working.

9.4 The service of an Officer or employee may be terminated by giving due notice in accordance with the terms of his engagement, and if no period of notice is specified therein, by giving three months' notice or three months' salary in lieu of notice.

9.5 An Officer or employee wishing to leave the service of the Council shall give three months' notice or three months' salary in lieu of notice to the Council.

Death in Service

9.6 In the event of the death of an Officer or employee during the course of his service the Council shall pay to his legal personal representative a sum equivalent to twelve months salary.

CHAPTER 10 – SUPERANNUATION

10.1 The Council shall ensure that all Officers and employees in the service of the Council shall register to be members of the Vanuatu National Provident Fund.

CHAPTER 11 – REPEAL AND SAVINGS

11.1 (i) All previous staff Orders, Regulations or instructions are hereby repealed.

(ii) Officers and employees appointed to posts in the service of the Council shall from the coming into operation of these Staff Regulations continue in such posts.

ANNEX I

INDEXED SALARY SCALES
(CHAPTER 3 Paragraph 3.4)

STAFF	CAT.	SCALE	MONTHLY SALARY	ANNUAL SALARY	PERIOD OF INCREASE
Messengers, Telephonists, Cleaner	A	1	15.000	180.000	
		2	16.000	192.000	
		3	17.000	204.000	
		4	18.000	216.000	
		5	19.000	228.000	
		6	20.000	240.000	
		7	21.000	252.000	
		8	22.000	264.000	
		9	23.000	276.000	
		10	24.000	288.000	
		11	25.000	300.000	1 Year
		12	26.000	312.000	
		13	27.000	324.000	
		14	28.000	336.000	
		15	29.000	348.000	
		16	30.000	360.000	
		17	31.000	372.000	
		18	32.000	384.000	
		19	33.000	396.000	
		20	34.000	408.000	
		21	35.000	420.000	
		22	36.000	432.000	
Office Clerk, Warden	B	1	22.000	264.000	
		2			
		3			
		4			1 Year
		5			
		6	45.000	540.000	
Assistant Account, Typist, Assistant Head of Department,	C	1	33.000	396.000	
		2			
		3			1½ Year
		4			
		5			
		6	55.000	660.000	

STAFF	CAT.	SCALE	MONTHLY SALARY	ANNUAL SALARY	PERIOD OF INCREASE
Secretary Typist, Mechanic, Accountant	D	1	44.000	528.000	
		2			
		3			1½ Year
		4			
		5			
		6	67.000	804.000	
Head of Department Technician, Treasurer	E	1	55.000	660.000	
		2			
		3			1½ Year
		4			
		5			
		6	78.000	936.000	
Assistant Town Clerk Engineer	F	1	65.000	780.000	
		2			
		3			2 Year
		4			
		5			
		6	93.000	1.116.000	
Town Clerk	G	1	100.000	1.200.000	
		2			
		3			2 Year
		4			
		5			
		6	120.000	1.440.000	

LABOURERS	CAT.	SCALE	MONTHLY SALARY	ANNUAL SALARY	PERIOD OF INCREASE
Year					
1			15.000	180.000	
2			16.000	192.000	
3			17.000	204.000	
4			18.000	216.000	
5			19.000	228.000	
6			20.000	240.000	
7			21.000	252.000	
8			22.000	264.000	
9			23.000	276.000	
10			24.000	288.000	
11			25.000	300.000	1 Year
12			26.000	312.000	
13			27.000	324.000	
14			28.000	336.000	
15			29.000	348.000	
16			30.000	360.000	
17			31.000	372.000	
18			32.000	384.000	
19			33.000	396.000	
20			34.000	408.000	
21			35.000	420.000	
22			36.000	432.000	