



REPUBLIC OF NAURU

# PUBLIC SERVICE (AMENDMENT) No. 2 Act 2017

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No. 24 of 2017

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An Act to amend the *Public Service Act 2016*

Certified: 24<sup>th</sup> November 2017

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Public Service (Amendment) No. 2 Act 2017*.

**2 Commencement**

This Act commences upon certification by the Speaker.

**3 Amendment of Public Service Act 2016**

The Public Service Act 2016 is amended by the provisions of this Act.

**4 Amendment of section 44**

Section 44 is amended by inserting a new subsection (3):

‘(3) If an employee is deemed to have resigned from his or her position under subsection (2), the employee shall not be re-employed in the public service within a period of 6 months from the date of deemed resignation.’

**5 Amendment of section 49**

Section 49 is amended by inserting a new subsection (3):

‘(3) An employee may take recreation leave after 6 months of continuous period of service based on his or her leave entitlement calculated on a pro rata basis.’

**6 Amendment of section 51**

Section 51 is amended by omitting subsection (1) and substituting with:

‘(1) The employee shall apply to the Chief Secretary to take recreation leave at least 14 days prior to taking recreation leave.’

**7 Amendment of section 56**

Section 56 is amended by:

(a) omitting subsection (2) and substituting with:

‘(2) Subject to subsection (2A), where an employee is absent from duty for one day only, on medical leave, he or she shall not be required to produce a medical certificate.’

(b) inserting new subsection (2A):

'(2A) Subsection (2) applies to 3 non consecutive days out of the total of the 10 days medical leave permitted per year by section 55.'

(c) Inserting new subsection (2B):

'(2B) The remaining 7 days of medical leave whether for one or more days shall require the provision of a medical certificate by the employee.'

**8 Amendment of section 73**

Section 73 is amended by repealing subsection (5).

**9 Amendment of section 74**

Section 74(2) is amended by omitting the reference to 'subsection (2)' and substituting it with 'subsection (1)(b)'

**10 Amendment of section 77**

Section 77 is amended by:

(a) inserting a new subsection (6):

'(6) An employee who is on a temporary or probationary appointment shall not be entitled to apply for leave without pay.'

(b) inserting a new subsection (7):

'(7) The Chief Secretary shall not consider an application by an employee on a temporary or probationary appointment for leave without pay.'

**11 Amendment of section 79**

Section 79 is amended by omitting subsection (1) and substituting with:

'(1) For the purpose of calculating long service leave, a public service employee is entitled to long service leave, on full pay:

(a) where the period of service is 7 years – 3 days per year served;

(b) where the period of service is 8 years – 4 days per year served;

(c) where the period of service is 9 years – 5 days per year served;

(d) where the period of service is 10 years – 7 days per year served;

- (e) where the period of service is more than 10 years but less than 15 years – 8 days per year served; and
- (f) where the period of service is more than 15 years – 10 days per year served.'

**12 Amendment of section 80**

Section 80 is amended by:

- (a) omitting subsection (1) and substituting with:

'(1) A public service employee shall apply to the Chief Secretary at least one month before he or she intends to take a period of long service leave.'

- (b) inserting a new subsection (1A):

'(1A) The Chief Secretary may exercise his or her discretion in granting leave if an application for long service leave is submitted less than one month before the intended start of the leave.'

- (c) omitting subsection (2)(a) and substituting with:

'(2)(a) the employee has completed a period of service provided for under section 79(1).'

**13 Insert new section 103A**

**103A Non-payment of accrued long service leave entitlements**

- (1) This section applies to a public service employee who is entitled to long service leave under Subdivision 9 and the employee's employment does not terminate for any reason.
- (2) Subject to subsection (1), a public service employee shall, in lieu of payment of his or her accumulated or due long service leave balance, take his or her long service leave.