

JUDICIAL SERVICE SYSTEM
TRAVEL AND PROPERTY REGULATIONS
CHUUK STATE

PART I.
GENERAL

Section 1. General Purpose: Pursuant to [Chuuk State Constitution, Art. VII](#), sec. 11, the Chief Justice of the Chuuk State Supreme Court implements the following regulations concerning personnel matters and regulating the employees and property of the Judicial Branch of the Chuuk State Government. To the extent that these regulations conflict with [Chuuk State statutory provisions](#) or regulations for non-Judiciary employees, these regulations shall take precedence. To the extent that these regulations do not conflict with [Chuuk State statutory](#) or regulatory provisions for non-Judiciary employees, the state statutory and regulatory provisions are hereby adopted and shall pertain to Judiciary Branch employees.

Section 2. Covered Employees: These regulations apply to all employees and positions in the Judicial Branch of the Chuuk State Government and personnel services performed for the Judicial Branch, with the following exceptions:

- A. The Chief Justice;
- B. All Associate Justices;
- C. All Judicial Branch employees hired under a contract to which the State Government is a party.
- D. All Municipal Judges.

Section 3. Designated Administrator: Pursuant to [Chuuk State Const., Art. VII](#), sec. 11, the Chief Justice with the approval of the Associate Justices shall appoint an Administrative Director to carry out the following responsibilities:

- A. Assist the Chief Justice in establishing a classification system and determining the qualifications and duties required for all positions, whether employees or prospective employees meet minimum qualification requirements, and the appropriate compensation for all positions in the Judicial Branch;
- B. Advise the Chief Justice and his staff on all matters concerning personnel management and administration, and employee training;
- C. Maintain and account for all Judicial Branch property and finances.
- D. Performs any other lawful acts assigned to him by the Chief Justice or otherwise required to carry out the provisions and purposes of the Judicial Service System, Travel and Property Regulations.

PART II.

COMPENSATION

Section 1. Compensation Plan: Salary levels of all Judiciary positions shall be set at an appropriate level by the Administrative Director with the approval of the Chief Justice. Should a higher salary for a particular position be deemed necessary to recruit or maintain an employee and is appropriate to the qualifications of any qualified employee or applicant, the salary may be increased by the Administrative Director with the approval of the Chief Justice.

Section 2. Promotions: An employee who is promoted from a position to a higher existing position shall be compensated at the level set for the employee's new position.

Section 3. Demotion: An employee demoted, through no fault of his own, or at his own request, to a position in a lower salary level, may be compensated at the level set for the employee's new position.

Section 4. Disposition of Leave Upon Separation:

A. Annual leave. An employee separated from the Judicial Service for any reason shall receive a lump-sum payment for all annual leave accrued and accumulated to his credit at the time of separation.

B. An employee separated from the Judicial Service for any reason shall have all sick leave accrued to his account held in the leave records for three (3) years. Should the person be reemployed in the Judicial Service at any time during that period, the sick leave balance shall be recredited to his sick leave account and available for use from the first day of his re-employment.

Section 5. Overtime Compensation and Control:

A. General: An employee shall be paid overtime compensation at one and one-half times the salary rate for his position for all overtime when he is directed to work and does work with the approval of the Chief Justice:

(1) In excess of eight (8) hours in one day, or

(2) On the fifth, sixth, or seventh days of the workweek, provided he has first worked 32 hours at straight time in the same workweek.

(a) Overtime shall be paid under 1 or 2 immediately above, but not a combination of both.

(b) An employee in pay status during a workday or other than actual time worked must actually work eight (8) hours at his straight time rate on that workday before overtime is payable.

(c) An employee in pay status during the first four days of the workweek or other than actual time worked must work an equivalent number of hours at his straight-time rate on the fifth, sixth, and/or seventh days of that workweek before overtime is payable.

(d) An employee required to work overtime immediately preceding or following his regularly scheduled work hours shall be credited with the overtime actually worked. An employee recalled to work after departure from work will be credited with a minimum of two hours overtime.

An employee who at his option takes a break between the end of his regularly scheduled work hours and the start of the overtime period will be credited with the overtime hours actually worked.

B. Control of Overtime: Overtime is scheduled and approved in advance, except in unanticipated emergencies. Overtime must be requested by the immediate supervisor or employee and approved by the Chief Justice. Supervisors with the approval of the Chief Justice may direct employees to work overtime in situations where work cannot be accomplished during the regular workday, nor postponed to the following day or days.

C. Approval of Overtime: As a general policy, an employee who has taken annual or sick leave will not be scheduled to work overtime on the same day, and will be advised that overtime voluntarily performed is not compensable.

D. Supervision of Overtime Work: In the event that three or more employees are directed to work overtime, a supervisor must be present to ensure proper utilization of the overtime period.

Section 6. Use of Standard Workweek: Nonstandard workweeks may be used to provide continuity of service or to fulfill other needs of the public interest. Schedules for nonstandard workweeks shall be devised, in advance, by the Chief Justice. When it becomes necessary to change an employee from a standard workweek to a nonstandard workweek he shall be given notice in writing of at least five work days in advance of the effective date of the change. If an employee is not given the required notice of change in schedule of work, he shall be compensated under the regular overtime provisions until the nonstandard schedule is affected.

Section 7. Holidays:

A. **General:** Employees shall be paid holiday pay for work performed on holidays specified for other non-Judiciary Chuuk State Government workers.

B. Payment of Work on Holidays:

(1) Any employee required to work on a legal holiday which falls within his regularly-scheduled workweek shall be compensated for the regular 8 hours worked at his regular salary rate. Any work in excess of eight hours will be compensated at the overtime rate.

(2) Any employee required to work on a legal holiday which falls outside his regularly-scheduled workweek, shall be compensated for the hours worked in the same manner as for overtime work.

Section 8. Bar to Dual Compensation or Dual Employment: No employee shall receive compensation for two or more positions or two or more appointments in the Judicial Service System. When an employee is engaged in work other than in his regular position, he shall be (1) placed on leave without pay (LWOP) from his regular position, or (2) continue his regular salary and reject the salary for the second position, whichever is to his personal advantage.

PART III. **LEAVES OF ABSENCE**

Section 1. Purpose: Leaves of absence from the Judicial Service are for the mutual benefit of the employee and his employer. When leaves of absence are granted they are considered to be for legitimate reasons not detrimental to the Judicial Service.

Section 2. Leave with Pay:

A. **Annual leave:** Annual leave, or vacation leave, shall be granted for the purpose of rest and relaxation. 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; except that newly appointed employees shall undergo a waiting period of ninety (90) calendar days before they can use annual leave. Employees with more than three (3) but less than fifteen (15) years of creditable service shall earn annual leave at the rate of six (6) hours per pay period. Employees who have fifteen (15) years or more of creditable service shall earn annual leave at the rate of eight (8) hours per pay period. All annual leave requests must be approved in advance by the Chief Justice.

B. **Maximum Accumulation:** The maximum accumulation of annual leave shall be three hundred and sixty (360) hours, beginning the first pay period of each year. Any excess over such maximum shall be forfeited unless taken before the end of the calendar year in which such excess was accumulated.

C. **Sick Leave:** All employees of the Judiciary 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. Sick leave of up to three (3) days shall be allowed for an employee's illness or the illness of employee's immediate family member, as defined in section 2, F. without prior approval; provided that the employee notifies their supervisor of the illness prior to taking leave. Illnesses of more than three (3) days' duration shall require a certificate from qualified medical personnel or traditional healer certifying the fact of such illness and the treatment being administered. The supervisor may require a certification for shorter periods when use of such leave is chronic and excessive. The employee's immediate supervisor is responsible for approving such leave requests. Female employees shall be allowed to use up to three (3) months of their accumulated sick leave in the case of maternity immediately before, during, or after the birth of their child. Former employees of the Judiciary who are rehired within three (3) years after their termination will be credited with the unused sick leave accumulated during their previous employment.

D. **Leave Advance:** Where, for good reason, 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 earning leave credits for one (1) year from the date the application is made. Subsequent earnings shall serve to replace the amount of advance leave granted and taken.

E. **Training and Education Leave:** Leaves for the purpose of job-related training and education may be granted for a period not to exceed one (1) year by the Chief Justice. The Chief Justice may later extend this. Additional such leave may not be granted to the same employee until and unless he performs in his position for at least one (1) year following expiration of the first leave. The period of leave shall not affect the employee's service anniversary date.

F. **Compassionate Leave:** Employees may be granted compassionate leave with pay of no more than five (5) work days in cases of death, or imminent death, in the immediate family of the employee or the employee's spouse. For the purpose of this Sub-Part, the term "immediate family"

shall be defined as an employee's mother, father, spouse, immediate offspring (natural or legally adopted), the brother or sister, and grandfather or grandmother. The Chief Justice is responsible for approving compassionate leave requests.

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 absences are authorized under emergency conditions (e.g. typhoon), for participating in civic activities in the interest of the Judiciary and employment-connected examinations. The Chief Justice is responsible for approving excused absence requests.

Section 3. Leaves Without Pay:

A. Maternity Leave: After exhausting their sick leave, female employees who are permanent employees may be granted leaves of absence without pay for reasons of maternity. The total length of sick leave plus leave without pay shall not exceed three (3) months. Upon completion of such leaves, such employees are entitled to return to their positions with full rights and privileges except that the period of maternity leave shall serve to change the employee's service anniversary date by the length of time between the effective date of the leave and the date the employee returned to duty. The Chief Justice is responsible for approving maternity leave requests when they involve leave without pay.

B. Training and Education Leave: Employees who are ineligible for further training or education leaves with pay, or who wish to pursue their education on a fulltime basis without financial assistance by the Government may be granted leaves of absence without pay for a period not to exceed one (1) year. Such employees shall have the right to return to their positions at the conclusion of their education or training, and their service anniversary dates shall be adjusted by the amount of leave without pay taken. The Chief Justice is responsible for approving requests for Training and Educational Leave.

C. Annual Leave (Vacation or Sick Leave) Without Pay: With the concurrence of the Chief Justice 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 ten (10) work days. Similar extensions may be granted for sick leave purposes; provided however, that the attending physician or traditional healer certifies to the necessity for the extension and the extension does not exceed ninety (90) work days.

Section 4. Unauthorized Leave: Unauthorized Leave (Absence Without Leave (AWOL)) is absence from duty without appropriate authorization. Employees who are absent from duty without prior approval of the Chief Justice, except in bona fide emergencies, shall be charged AWOL. No other state government officer, such as the Governor, nor Municipal officer, such as a mayor, has authority to grant any leave to Judiciary employees without written approval from the Chief Justice. Employees on AWOL are subject to disciplinary action, loss of pay, and loss of employment.

Section 5. Responsibilities: An employee with the assistance of the Administrative Director shall be responsible for initiating his request for leave using such forms, documentation, and explanatory material as may be required. He shall initiate such requests sufficiently in advance, wherever possible, so as to enable management to make the necessary staff adjustments for coverage of the employee's assignments during his absence. The Chief Justice shall be

responsible for reviewing all requests. The Chief Justice may approve, disapprove, or arrange modifications of leave requests.

PART IV. **TERMINATIONS AND DISCIPLINARY ACTION**

Section 1. Non-Disciplinary Terminations:

A. **Resignation:** Resignations shall be in writing and shall be submitted at least 10 calendar days in advance of the effective date, except in bona fide emergencies so certified by the Chief Justice. The employee's supervisor shall submit a copy of the written resignation, together with the necessary terminating documents, to the Chief Justice for consummation of the action. Withdrawal of a resignation prior to the effective date may be permitted by the Chief Justice.

B. **Retirement, Voluntary:** An employee desiring to participate in the [FSM Social Security System](#) or any State retirement system upon determination of eligibility therefore must resign from the Judicial Service System.

C. **Termination for Medical Reasons:** When an employee is found to have an infectious or contagious disease which endangers the health of others, or becomes mentally incapacitated, or is otherwise permanently physically disabled for the satisfactory performance of duties of the position to which assigned, the Chief Justice may terminate his employment, provided:

1. No suitable reassignment can be made within the Judicial Service System.
2. Medical examination procedures have been complied with.

An employee whose services are terminated under the provisions of this section may be eligible for disability retirement under the [FSM Social Security Law](#) or any applicable State laws. The responsibility for applying for disability retirement rests with the employee although it is the responsibility of the Administrative Director to assure that the employee is aware of such opportunity.

Section 2. Disciplinary Action:

A. **Authority to take Disciplinary Action:** The authority to effect disciplinary actions lies with the Chief Justice. The authority to effect disciplinary action may also be delegated by the Chief Justice.

B. **Employee Coverage:** This section applies only to permanent employees in the Judicial Service System.

C. **Purpose of Disciplinary Action:** A disciplinary action against an employee may be taken under this section for any cause as will promote the efficiency of the Judicial Service. The reasons for disciplinary action include, but are not limited to the following:

1. discovery by the Judiciary of falsehoods or misrepresentation by the employee in his application for employment;

2. conviction of a felony;

3. criminal, dishonest, immoral or notoriously disgraceful conduct detrimental to the performance of the duties and responsibilities of the position;

4. acceptance of the employee of any fee, compensation, false payment of expenses or any other thing or monetary value resulting in;

- a. his use of his office for private gain;
- b. preferential treatment to anyone;
- c. loss of independence or impartiality;
- d. effects on court decisions or actions; and
- e. loss of public's confidence in the integrity of the Judiciary.

5. absence from work for five (5) consecutive days without explanation; and,

6. blatant insubordination or disobedience to a lawful superior or lawful order.

D. Suspension not to exceed 30 work days: The Chief Justice or his designee may suspend an employee with or without pay for such length of time as appropriate but not to exceed thirty days at any one time or sixty days in a twelve-month period. For the purpose of investigating a possible charge against the employee, upon representation by a management official, the Chief Justice or his designee may concur in a non-disciplinary suspension for investigation of that employee for up to 30 days, and an extension beyond 30 days, to determine if there is a basis for a disciplinary action. Upon completion of investigation and if no charge has been substantiated, the employee shall be reinstated in his position with full and retroactive pay to the date of suspension.

E. Demotions: The Chief Justice or his designee may for disciplinary reasons reduce an employee's salary level provided that all disciplinary action procedures are followed.

F. Removals: The Chief Justice or his designee may remove an employee for just cause provided all disciplinary action procedures are followed.

G. Disciplinary Action Prerequisites. The Chief Justice or his designee must observe the following requirements when taking suspension, demotion, or removal action under this section:

(1) The Chief Justice or his designee must give the employee at least five (5) work days advance written notice of his action, except for a suspension of less than 3 days.

(2) The letter must state any and all factors considered in the situation to fully support the action taken.

(3) The Chief Justice or his designee must make available to the employee all the materials relied on to support the reasons for the disciplinary action.

(4) The action taken shall be for good and justifiable cause and shall be appropriate to the

infraction if there is one.

H. **Appeal:** An employee may appeal the Chief Justice's designee's disciplinary action to the Chief Justice. The Chief Justice's decision may be appealed to the Appellate Division of the Chuuk State Supreme Court, pursuant to [section 20\(2\) of the Chuuk State Judiciary Act, CSL No. 190-08](#).

I. **Disciplinary Action File:**

(1) A disciplinary action file shall be established to hold a separate folder for each employee subject to a disciplinary action.

(2) The disciplinary action folder must contain the following:

(a) A copy of the written notice of disciplinary action.

(b) The materials relied on by the Chief Justice to support the reasons listed in that notice.

(c) A copy of the Request for Personnel Action implementing the disciplinary action appealed.

(d) A copy of the resulting request Personnel Action if any.

PART V. **TRAVEL POLICY**

Section 1. Purpose: Travel at Government expense can only be authorized by the Administrative Director with the approval of the Chief Justice. Travel at Government expense can only be authorized to conduct official Judiciary business.

Section 2. Travel Requirements:

A. Only the expenses of the travelers named in the Travel Authorization are authorized.

B. The generally accepted mode of long distance travel is air coach/economy class. Deviation must be approved by the Chief Justice.

C. Car rentals are allowable only when authorized on the original travel authorization. Exceptions may be given after proper approval is granted in the travel authorization as amended.

D. Expenses for travel, car rent, representation, and all other expenses must be supported by receipts.

E. Travel receipts must be submitted to the Administrative Director within ten (10) working days of the last day of the trip.

F. Any unearned portion of a travel advance is to be returned to the Judiciary within 30 working

days from the last day of the trip for which the advance was made.

G. Per diem rates will not be paid for layovers not listed on original travel authorization except when such layovers are forced by circumstances beyond the control of the traveler, and carry the approval of the Chief Justice on the Travel Authorization as amended.

PART VI. **BUDGET, FINANCE, AND PROPERTY**

Section 1. General: Under direction and supervision of the Chief Justice, the Administrative Director is responsible for the preparation of the yearly operation budget and for paying bills and invoices and keeping accounts of such expenditures. He shall endeavor to prepare a budget that will adequately meet the needs of the Judiciary's operations. He shall prevent, in so far as possible, over budgeting of funds and in no instance allow over expenditure of funds.

Section 2. Budget Preparation: The Administrative Director shall prepare a budget estimate for operation of the Judiciary. The budget shall include requests and recommendations as made by the Chief Justice. The budget shall include position salaries, travel and per diem rates and all other information. A written justification shall be prepared detailing the purpose of which the funds are to be put, the changes from previous years, and the needs therefore. The budget documents, shall be the primary document, upon which decisions regarding expenditure shall be made.

Section 3. Accounting: The Administrative Director shall maintain records of all revenues and expenditures of which he is aware against the Judiciary's accounts, and shall prepare monthly financial reports for submission to the Chief Justice. Upon instruction of the Chief Justice a Petty Cash Fund never exceeding \$500 may be established for purposes of expenditures not to exceed \$100.00 for any one item or purchase. No payment whatsoever may be made from the Judiciary Petty Cash Fund which has not been authorized by the Administrative Director and approved by the Chief Justice. The Administrative Director is responsible for the proper maintenance and replacement of the Petty Cash Fund.

Section 4. Expenditure of Judiciary Funds:

A. No payment whatsoever may be made from State Court Funds which has not been authorized in writing by the Chief Justice.

B. The Administration Director shall make payment only for those charges which in his opinion are necessary and correct and for which supporting documents are at hand.

Section 5. Property Policy: Property of the Judiciary shall not be removed from the premises of the Judiciary unless clearance is first obtained from the Chief Justice. Any employee of the Judiciary wishing to remove Judiciary property from the premises must state the reason to the Chief Justice. No property may be kept in any employee's possession unless special permission is granted by the Chief Justice. The Administrative Director shall take whatever action or initiate such procedures that he deems necessary in order to maintain an accurate inventory of the Judiciary property. The Administrative Director shall be responsible for ensuring that the buildings

and grounds of the Chuuk State Supreme Court are maintained in proper condition.

Section 6. Disposition of property: Where it is found that personal property owned by the Judiciary is no longer needed for use by the Judiciary or its operation, or is no longer serviceable for such use, the Administrative Director shall recommend to the Chief Justice that the same be surveyed and procedures instituted for its disposition shall be recommended by the Chief Justice.