



Republic of the Marshall Islands

Office of the Public Service Commission

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Topic: Performance and expectation in the Public Service.

Constitutional Mandates: Article VII, Sections 9, 10 & 11

Section 9: Functions and Powers of the Public Service Commission

- Shall be the employing body of the Public Service, and has the general oversight and control of its organization and management;
- Shall prescribes and determines the conditions of employment of employee of the Public Service;
- Except as provided in paragraph (2) of Section 10 of this Article, the Public Service Commission shall be responsible to the Cabinet for the carrying out of its duties and the exercise of its functions and powers, and the Commission shall, as necessary, inform and advise the Cabinet in relation to any matter affecting the Public Service;
- Without prejudice to paragraph (3) of this Section, the Public Service Commission shall, as soon as practicable after the end of each calendar year, furnish to the Cabinet a report on the state of the efficiency and economy of the Public Service and on the work of the Commission for that calendar year. A copy of that report shall be laid before the Nitijela at its regular session.

Section 10: Appointments within the Public Service

- All employees of the Public Service shall be appointed by or under the authority of the Public Service Commission and, subject to any law, shall hold office on such conditions as may from time to time be prescribed or determined by the Commission
- In all matters relating to decisions about individual employees (whether they relate to the appointment, promotion, demotion, transfer, disciplining or cessation of employment of any employee or any other matter) the Public Service Commission shall not receive any direction from the Cabinet or

from any other authority or person, but shall act independently and in accord with criteria relating only to the individual's ability to perform his duties.

Section 11: Condition of Employment within the Public Service

In establishing and revising the conditions of employment in the Public Service, the factors to be taken into account shall include:

- the need for the Public Service to recruit and retain an efficient staff, and, in particular, to provide varied careers and adequate advancement for the citizens of the Republic of the Marshall Islands;
- the need to afford reasonable opportunities of employment for the citizens of the Republic;
- the need to act consistently with government economic and social policy, bearing in mind that the conditions of employment in the Public Service are a major element in the general well-being of the Republic.

Legislative Mandates (Public Service Act of 1979):

§102. Powers of the Public Service Commission.

Without limiting the powers of the Public Service Commission granted pursuant to Article VII, Sections 8, 9, 10 and 11 of the Constitution of the Marshall Islands, the Commission is hereby empowered:

- to adopt and enforce all regulations necessary to execute its powers and duties under the Constitution of the Marshall Islands and granted to it by Act;
- to delegate its authority to qualified persons, except final decisions in proceedings concerning personnel actions;
- to administer oaths incident to any adjudicatory or investigative function performed by the Commission;
- to subpoena witnesses in any adjudicatory proceeding, on its own motion, or upon request of the employee who is the subject of the proceeding, or upon request of supervisory personnel of the employee who is the subject of the proceeding;
- to administer and control all housing owned or leased by the Government of the Marshall Islands.

Issues

1. Calendar Year 2016 and 2017 Performance Evaluation Submissions –

Public Service Commission (PSC) received a total of 131 submitted individual Performance Evaluations. This is out of 1109 or only 12% submitted and 88% did not submit. This also means that only 6 Ministries were evaluated out of 14 Ministries and Agencies under the purview of PSC. In comparison, in September, 2017, PSC received a total of 484 evaluations out of 1020 or did receive only 47% while 53% did not submit for year 2016.

For 2017, the Ministries/Agencies that submitted and their completed evaluations of their employees include the Office of the Auditor General, Cabinet, Transportation & Communication, and Information Technology, Public Defender, Office of Environmental, Planning and Policy Coordination, and Public Service Commission. The Ministries/Agencies which submitted their incomplete evaluations include Attorney General, Immigration, Chief Secretary, Works Infrastructure Utilities, and Culture and Internal Affairs. And the Ministries/Agencies which failed to evaluate their workforce include Ministry of Finance, Banking & Postal Services, Council of Irooj, Economic, Policy, Planning and Statistics Office, Land Registry, Ministry of Foreign Affairs & Trade, Ministry of Health and Human Services, Ministry of Natural Resources Commerce, and Nitijela. This condition of incomplete evaluation by Government Ministries and Agencies makes it difficult for the Public Service Commission to accurately gauge the effectiveness of Government services, as well as understanding where each employee is at with respect to the job or contract required by the Government.

Based on the 2017 performance evaluation, there is an impression that performance is *above average*. This rating reflects PSC's 12 criteria by which employees are evaluated each year. It is a contrast to other competent authorities which also deal with evaluation of government workers, such as World Bank's report on the productivity of the Marshallese worker. However, both do reflect the same intent to have periodic review of progress in the workplace. Linked to the review is the perceived important role of the supervisors and heads of department, because what the supervisor puts (or should have placed) on the evaluation forms is expected to be done professionally.

2. On 24th June 2016, the Commission entered into a Signed Inter-Ministerial and Agency Cooperative Agreement for the Employment and Termination Procedures of Public Service (between PSC and Ministries and Agencies under its purview). Despite the fact that Memorandum of Agreement (MOA) was read and signed by all, there continues to be significant and adverse inefficiency in the management and administration of the agreement. For example, there continues to be notable evidence of slow processing and routing of documents relating to recruitment, contract extension, performance evaluations, etc.
3. There is an immediate need for reviewing PSC's Regulations particularly for both the Classification and Remuneration. The current classification and the remuneration, for example, are outdated and as a consequence, some good workers have moved out and even migrated to better paying jobs. In fact, at present the lowest classification offers a remuneration package that is below the minimum wage. For example Pay Levels 3 is obsolete, vis-à-vis the Minimum Wage (Amendment) Act of 2016.
4. Attendance continues to be a big issue that affects performance and delivery of service within the Government. Example: In Calendar Year 2017 a total number of 103,661 sick leave hours was used; some of these hours are not documented well in certain Ministries to best reflect the employees affected, because employees on shifts are oftentimes forced to work extra hours, and this is usually due to the fact that the replacement employee does not show up because of the usual reporting that "he or she is sick". The PSC notes that this condition is predominant in the Ministry of Health and Human Services. In fact, the PSC ran a sampling of the cost in the use of sick leave privilege hours and came up with an associated cost of about \$77, 438.83. Although, people do get sick, in the professional opinion of the PSC however, if the Marshallese workforce is not "a sickly group" the Government can surely cut this price tag down to a much more reasonable cost to Government. A portion of the sick leave hour's usage is absenteeism, tardiness, and "blue Monday syndrome". This is pervasive at all pay levels.

Expectations:

In this review and evaluation exercise, these can be reasonably expected by the Government:

- Supervisors and department heads are expected to provide honest and credible performance evaluation for employees. Presently, the evaluation

form now in use by the supervisor is deliberately sent to the PSC for approval only for the purpose of extending/promoting employee's contract and it is not necessarily considered as the real tool for supervisor to evaluate and develop an employee to his or her full potential. This is an apparent lack of appreciation of this evaluation tool and as a result many Ministries did not evaluate their employees properly in FY 2017.

- Supervisor exercises due process and due diligence especially in regards to employee disciplinary management. All supervisors are to ensure that employees are provided with PSC regulations and are continually reminded of its provisions and application. Furthermore, supervisors are to ensure that employees are to properly notified of infractions and the consequences required thereof.
- **Bottom line** - Employees must perform on the job and supervisors and heads of Ministries are no different, they are also expected to perform; because each employee is accountable for whatever he or she is hired to do.

Way forward

1. Performance evaluation management review – There is a pressing need to improve the current performance evaluation framework and integrate full use of the HRMIS (module) by all ministries, inclusively involving the employee and the heads of the department. The initial action on this is the performance evaluation of the heads of the Ministries/Agencies. This evaluation can also mean an opportunity for including every public servant in the immediate future.
2. Interagency Memorandum of Agreement (MOA) – Improve the MOA to realistically address administrative conditions and procedural requirements that impact on the current standard operational procedures (SOP).
3. Regulation review – Updating of the current regulations to address today's reality in the workplace by focusing on classification and remuneration is a must. An example could be to incorporate performance incentive remuneration model in the remuneration system. Further reviews should be made to ensure that there is equal and fair compensation for all, therefore the Commission must continue to uphold the principle of “**equal pay for equal work**” in the affairs of providing public services.
4. General insensitivity to regulations and works ethics has severely hampered the progress in the delivery of Government services. The Public Service

Commission has determined that it shall employ the “**we mean business**” principle in the workplace more empathically in order to maintain and improve the good progress in the delivering the required public services.

Conclusion:

The Public Service Commission of the Republic of the Marshall Islands will continue to monitor performance all across the Public Service, particularly monitoring heads of departments and supervisors to whom the Commission has delegated its authority pursuant to PSC Act of 1979. The Commission shall exercise zero tolerance to any form of non-compliance. Lastly, the Commission wishes to acknowledge and recognize all the former employees, not present in this forum, who served previously putting countless hours in rendering public services to this country and to our fellow citizens. Kommool tata!