



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 prescribe and determine the conditions of employment of employees 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.