



This Guide provides key information on the employment of Section 31 employees. The terms and conditions of employment shall be detailed in the employment agreement. This Guide should not be used as a substitute for the Recruitment Policy. All template and associated documents are listed in the Recruitment Policy.

Section 31 of the Public Service Act 2009 (PSA) enables a person with specialist skills or expertise, to be recruited by Heads of Departments on employment contracts when it would be inappropriate for that person to be employed as a public servant.

Section 31 employees are required to comply with the Public Service Code of Conduct and Values.

### EMPLOYMENT TERMS AND CONDITIONS

- Employment terms and conditions under section 31 of the PSA are that:
  - The employment contract must be in writing (s31(3));
  - The Public Service Code of Conduct and Values apply (s31(4));
- Employers should make provision in the employment contract for the employee to transfer specialist skills and knowledge to Cook Islanders working in the Public Service.
- Section 31 positions must:
  - Have a written job description and be evaluated using the Government job evaluation system
  - Be counted as part of the Agency's full time equivalent employees and included in the Agency organisational structure
- Be advertised using the Recruitment Policy

### REMUNERATION

- Remuneration includes salaries, benefits and allowances as stated in the Government Remuneration Policy and must:
  - Be specified in the employment agreement
  - Meet minimum terms provided in the ERA
  - Meet tax and superannuation obligations required by Cook Islands law

### PERFORMANCE MANAGEMENT

- Employers must agree performance expectations with section 31 employees and manage their performance. The Government Performance Management Policy can be used as a guide.

### TRAINING AND DEVELOPMENT

- Employers are not under any obligation to train and develop section 31 employees as they are expected to possess specialist knowledge or skills. However section 31 employees must complete the Public Service and Agency Induction programme.
- Employers are expected to ensure the following are in place:
  - A succession plan for a local counterpart/(s) to gain formal education and skills required to ensure the specialist knowledge and skills are retained within the country
  - An Agency workforce plan identifying section 31 positions over the short to medium term with systems in place to ensure Cook Islanders are trained and supported to fill these roles

For policy queries or issues in the administration of this Policy, Contact the Office of the Public Service Commissioner on (682) 29 421 or email: [pscinfo@cookislands.gov.ck](mailto:pscinfo@cookislands.gov.ck)