

Edited Content Extracted from: section 101-112.docx

PART I. GENERAL PROVISIONS

Section 101. Authority

The following rules and procedures are promulgated pursuant to and in accordance with RPPL No. 2-29, as amended by RPPL No. 3-64, as codified in Title 41 of the Palau National Code (hereinafter "PNC") pursuant to § 711 and § 712(d). These rules and procedures have been promulgated by the Republic of Palau Social Security Board (hereinafter "Board") and shall have the force and effect of law. These rules and procedures shall be supplementary to 41 PNC, unless otherwise provided by the Board. [Source: 41 PNC § 711 and § 712(d)]

Section 102. Purpose

The purpose of these operational rules and procedures is to ensure the efficient and economical operation of the Social Security Administration as a governmental administrative agency which is charged with the responsibility and duty of providing a compulsory, self-supporting, and self-financing national insurance system which is also known as the Social Security System. [Source: 41 PNC § 701]

Section 103. To Whom Applicable

Unless contrary to the administration of the Social Security System, these operational rules and procedures are to be enforced by employees of the Social Security Administration (hereinafter "Administration") of the Republic of Palau as they apply to all employers and employees who are covered by and subject to the provisions of 41 PNC. [Source: 41 PNC § 703]

Section 104. Definitions

Unless otherwise provided, the definitions as set forth in 41 PNC § 702 are hereby incorporated in and made a part hereof by reference for all purposes. [Source: 41 PNC § 702]

Section 105. Amendment

Any provision of these rules and procedures may be amended by a majority vote of the membership of the Board. However, the Board shall not take official actions that are contrary to these rules and procedures and then amend these rules and procedures to retroactively make such official action in accordance with these rules and procedures. [Source: 41 PNC § 711, § 712(d), & SSA By-Laws]

Section 106. Sovereign Immunity

The Administration is a governmental administrative agency, that when acting on behalf of the National Government in its official capacity, is protected by the doctrine of sovereign immunity unless otherwise provided. [Source: Doctrine of Sovereign Immunity]

Section 107. Record Keeping

The Administrator shall maintain records of all employees and of all contributors, including self-employed persons for a minimum of ten (10) years. The Administrator may maintain any record for more than ten (10) years when the Administrator finds that it is in the best interest of the System to maintain such records for purposes including, but not limited to, on-going or future legal actions, debt collection, settlement agreements, estate proceedings, or other necessary purposes. [Source: 41 PNC § 711, § 712(d), § 724, & SSA By-Laws]

Section 108. Funds

All funds received by the Administration shall be deposited on a daily basis. No funds shall be held overnight. For safety purposes, deposits made after 4:30 shall be accompanied by two (2) Administration employees. [Source: SSA By-Laws]

Section 109. Discretion of the Administrator

The Administrator shall have the discretion to deviate from these rules and procedures as he or she deems necessary to best serve the interest of the Administration. In the event that the Administrator deviates from such rules and procedures, he or she shall so inform the Board in writing during the next regular meeting. In no way does this section approve any acts committed by the Administrator that are contrary to law. [Source: 41 PNC § 724 & SSA By-Laws]

Section 110. Uniformity

All provisions of these rules and procedures shall be interpreted and applied in a uniform, nondiscriminatory manner. [Source: Article IV, Section 5. ROP Constitution]

Section 111. Severability

If any provision of these rules and procedures or the application thereof to any employee or circumstance is held invalid, the invalidity does not affect other provisions or applications of these rules and procedures which can be given effect without the invalid provision or application, and to this end the provisions of these rules and procedures are severable. [Source: General Provision]

Section 112. Effective Date

These rules and procedures shall take effect upon their approval by a majority vote of the Board of the Republic of Palau Social Security Administration. All actions prior to the effective date of these rules and procedures shall not be subject to these newly promulgated rules and procedures. [Source: General Provision]