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A BILL FOR AN ACT

To further amend title 40 of the Code of the Federated States of Micronesia, as amended, by amending section 722 thereof to require that preference be given to citizens of the Federated States of Micronesia in recruitment of employees for the College of Micronesia, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1           Section 1. Section 722 of title 40 is hereby amended to read  
2 as follows:

3                   Section 722. Employees of the College.

4                   (1) A personnel system for the College shall be  
5 adopted which provides that employees of the College are  
6 not employees of any government of the Federated States  
7 of Micronesia, or its political subdivisions, for any  
8 purpose.

9                   (2) The personnel system of the College shall not be  
10 subject to the requirements of title 51 of the Code of  
11 the Federated States of Micronesia.

12                   (3) In all instances, citizens of the Federated States  
13 of Micronesia who are qualified and available to fill a  
14 vacant position shall be given preference over non-  
15 citizens for employment at the College.

16                   (a) Subject to paragraph 22(3) (b) a noncitizen  
17 may only be employed by the College if: (i) reasonable  
18 steps have been taken to advertise a position within the

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1 Federated States of Micronesia for a period of not less  
2 than 30 days; and

3 (ii) after the 30 day period has lapsed, the  
4 President of the College certifies that there is no  
5 qualified candidate for the position who is a citizen of  
6 the Federated States of Micronesia.

7 (b) There shall be no advertising or  
8 certification requirements in respect of temporary  
9 positions lasting less than 90 days. The duration of a  
10 temporary position may be extended beyond 90 days if  
11 necessary, however it shall not be extended beyond 180  
12 days for any reason.

13 (c) For all recruitment, except recruitment for a  
14 temporary position, the College shall maintain a record  
15 of where each position is advertised and all information  
16 upon which each certification made by the President of  
17 the College pursuant to paragraph 22(3)(a) is based. In  
18 respect of each temporary position, the College shall  
19 maintain a record of the duration of the original  
20 contract and any subsequent extensions to it.

21 [~~(2)~~](4) Subject to subsection (3) of this section, in  
22 [~~In~~] appointing and promoting officials and other  
23 employees of the College, criteria and procedures shall  
24 be utilized which are fair, objective, practical, do not  
25 discriminate on the basis of sex, marital status,

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1 physical handicap, race, religious or political  
2 preference, place of origin or ancestry, and result in  
3 the impartial selection of the ablest person for ~~[the]~~ a  
4 particular job.

5 ~~[(3)]~~(5) Except for officials of the College serving at  
6 the pleasure of the Board, every official, faculty  
7 member, and other employee of the College shall be  
8 entitled to hold his/her position during good behavior,  
9 subject to suspension, demotion, layoff, or dismissal  
10 only as provided in the personnel regulations of the  
11 College; PROVIDED that the tenure of a contract employee  
12 is the term stated in his/her contract. No employee of  
13 the College shall be suspended, demoted, laid off,  
14 dismissed, or otherwise discriminated against because of  
15 sex, martial status, physical handicap, race, religious  
16 or political preference, place of origin or ancestry.

17 ~~[(4)]~~(6) Individuals who are employees of the Community  
18 College of Micronesia of the College of Micronesia, upon  
19 entry into force of this act, may continue to serve in  
20 their current positions with the College."

21 Section 2. This act shall become law upon approval by the  
22 President of the Federated States of Micronesia or upon its  
23 becoming law without such approval.

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25 Date: 9/13/05

Introduced by: /S/ Dohsis Halbert

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