

WUO

A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 112, and by further amending section 117, as amended by Public Law No. 5-21, for the purpose of bringing the employees of the FSM Development Bank and the FSM Telecommunications Corporation under the Public Service System, and for other purposes.

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

1 Section 1. Section 112 of title 52 of the Code of the  
2 Federated States of Micronesia is hereby amended to read as  
3 follows:

4 "Section 112. Definitions. In this chapter,  
5 unless the context requires otherwise, the following  
6 definitions shall apply:

7 (1) 'Adjusted base salary' means the total of  
8 base salary plus marketplace differential and  
9 foreign service differential. If an employee is not  
10 entitled to either of these differentials, his  
11 adjusted base salary means his base salary.

12 (2) 'Base Salary' means the specific rate of  
13 pay for a given pay level and step as contained  
14 within the base salary schedule established by law.  
15 'Base salary' does not include differentials or  
16 allowances for night work, transfer, overtime,  
17 holiday work, travel per diem, or other similar  
18 ones.

19 (3) 'Class' or 'class of positions' means a  
20 group of positions sufficiently similar so that all  
21 can reasonably be identified by the same title, be  
22 filled by applying the same qualification standards,  
23 and be equitably compensated by the same salary  
24 level. A class may consist of only one position or  
25 of any greater number of positions.

1 (4) 'Eligible list' means a list of persons  
2 who have been found qualified for appointment to a  
3 position in a particular class. Such a list may be  
4 either reemployment, promotional, or  
5 open-competitive.

6 (5) 'Eligible person' or 'eligible' means a  
7 person whose name is on an active eligible list.

8 (6) 'Employee' means a person holding a  
9 position in the public service, whether permanently  
10 or otherwise.

11 (7) 'Management official' or 'management'  
12 means a person authorized to make appointments or  
13 changes in status of employees in the public  
14 service.

15 (8) 'Open-competitive examination' means an  
16 examination for positions in a particular class,  
17 admission to which is not limited to persons  
18 employed in the public service.

19 (9) 'Open-competitive list' means a list of  
20 persons who have been found qualified by  
21 open-competitive examination for appointment to a  
22 position in a particular class.

23 (10) 'Personnel officer' means the head of  
24 the Office of Personnel of the central Government of  
25 the Federated States of Micronesia.

1 (11) 'Position' means a group of duties and  
2 responsibilities assigned by competent authority to  
3 be performed by one person, working full-time or  
4 part-time. A position may be either occupied or  
5 vacant.

6 (12) 'Position classification plan' means the  
7 arrangement in a systematic order of the titles of  
8 all classes existing in the public service, with a  
9 description of each class.

10 (13) 'Probation period' means a period of  
11 probationary employment status of not less than six  
12 months nor more than one year from the beginning of  
13 an employee's service in a particular position or  
14 class in the public service.

15 (14) 'Promotional examination' means an  
16 examination for positions in a particular class,  
17 admission to which is limited to regular employees  
18 in the public service.

19 (15) 'Promotional list' means a list of  
20 persons who have been found qualified by a  
21 promotional examination for appointment to a  
22 position in a particular class.

23 (16) 'Public service' means all offices and  
24 other positions in the central Government of the  
25 Federated States of Micronesia, and all offices and

1 positions in all public or quasi-public corporations  
2 established by National law, including, but not  
3 limited to, the FSM Development Bank and the FSM  
4 Telecommunications Corporation, not exempted by  
5 section 117 of this chapter.

6 (17) 'Reemployment list' means a list of  
7 persons who have been regular employees in the  
8 public service and who are entitled to have their  
9 names certified for appointment to a position in the  
10 class in which they last held permanent status, or  
11 in a related class in the same or a lower salary  
12 range for which they meet the qualification  
13 requirements.

14 (18) 'Regular employee' or 'permanent  
15 employee' means an employee who has been appointed  
16 to a position in the public service who has  
17 successfully completed a probation period."

18 Section 2. Section 117 of title 52 of the Code of the  
19 Federated States of Micronesia, as amended by Public Law No.  
20 5-21, is hereby further amended to read as follows:

21 "Section 117. Application of chapter; Exemptions.  
22 The National Public Service System shall apply to  
23 all employees of and positions in the central  
24 Government of the Federated States of Micronesia,  
25 and all offices and positions in all public or

1 quasi-public corporations established by National  
2 law, including, but not limited to, the FSM  
3 Development Bank and the FSM Telecommunications  
4 Corporation, now existing or hereafter established  
5 and to all personnel services performed for that  
6 Government except the following, unless this chapter  
7 or provisions thereof are specifically made  
8 applicable to them:

9 (1) Members of the Congress of the Federated  
10 States of Micronesia;

11 (2) the President and Vice President of the  
12 Federated States of Micronesia;

13 (3) Justices and other Judges of the National  
14 Courts;

15 (4) the legislative counsel, deputy  
16 legislative counsel, budget officer, and the Clerk  
17 of the Congress;

18 (5) the Public Auditor;

19 (6) the administrative officer of the  
20 National Courts;

21 (7) the special assistants and secretaries to  
22 the President and Vice President;

23 (8) persons appointed by the President to  
24 fill the following positions: Secretary of External  
25 Affairs, Secretary of Finance, Secretary

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1 of Resources and Development, Secretary of  
2 Transportation, Secretary of Human Resources, Budget  
3 Officer, National Planner, Director of  
4 Administrative Services, Attorney General, and  
5 Public Defender, and their deputies, if any;

6 (9) persons appointed to any other positions  
7 by the President with the advice and consent of the  
8 Congress;

9 (10) the Representative in Washington and all  
10 ambassadors;

11 (11) persons or organizations retained by  
12 contract when the Personnel Officer has certified  
13 that the service to be performed is special or  
14 unique and nonpermanent and is essential to the  
15 public interest, and that, because of the degree of  
16 expertise or special knowledge required and the  
17 nature of the services to be performed, it would not  
18 be practical to obtain personnel to perform such  
19 services through normal public service recruitment  
20 procedures;

21 (12) persons presently under contract of  
22 employment not included in subsection (11) of this  
23 section, during the life of such contract. No  
24 contract of employment shall be entered into,  
25 renewed, or amended after the effective date of

1 this chapter, except in accordance with the  
2 provisions of this chapter;

3 (13) temporary positions, required in the  
4 public interest, for which the need does not exceed  
5 six months;

6 (14) positions requiring part-time or  
7 intermittent work which does not exceed sixty hours  
8 in any calendar month;

9 (15) positions filled by inmates, patients,  
10 and students of institutions of the Federated States  
11 of Micronesia;

12 (16) members of any board, public corporation,  
13 commission, or similar body, in their capacity as  
14 such;

15 ~~(17)~~ (17) the president and vice president of the  
16 FSM Development Bank appointed pursuant to section  
17 122 of title 30 of this Code, and the chief  
18 executive officer, budget officer, and finance  
19 officer of the FSM Telecommunications Corporation as  
20 provided for by sections 223 and 224 of title 21 of  
21 this Code;

22 ~~(18)~~ (18) officers, faculty, and employees of,  
23 the Board of Regents and the College of Micronesia;  
24 and

25 ~~(19)~~ (19) positions specifically exempted by

1 any other law of the Federated States of  
2 Micronesia."

3 Section 3. This act shall become law upon approval by  
4 the President of the Federated States of Micronesia or upon  
5 its becoming law without such approval.

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7 Date: 3/13/97 Introduced by: Jack Fritz

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