A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 115 thereof to establish a mandatory retirement age for all employees subject to the National Public Service System, and for other purposes.

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

Section 1. Purpose. The Federated States of Micronesia and its National Government face significant challenges presented by the decreasing availability of Compact funds, a growing population, impediments to sustainable economic growth, and a host of other issues and circumstances. The nation requires a National Public Service that has the energy, skills and intellectual vigor necessary to meet those challenges and to pursue the FSM’s interests in an increasingly complicated and technically-demanding world. It is also critical that the nation create opportunities for each successive generation of Micronesians to become involved in public service so that its future leaders may be prepared for the day when responsibility for governing the nation passes to them. At present, there is no mandatory retirement age for employees of the National Government. Too often, National Government employees hold on to their positions for financial reasons, even though they no longer have the will, stamina and vigor necessary to fully perform their responsibilities. As a result, the effectiveness of the National Government is diminished and opportunities for younger citizens to enter and advance within...
the public service are significantly limited. To address these problems, this act establishes a mandatory retirement age for employees within the National Public Service System. Officials who, by law, are exempt from the Public Service System are also made exempt from the mandatory retirement requirement.

Section 2. Section 115 of title 52 of the Code of the Federated States of Micronesia, as amended by Public Law No. 10-15 is hereby further amended to read as follows:

"Section 115. Tenure. (a) Every regular employee shall be entitled to hold his position during good behavior, subject to the provisions of subsection (b) of this section, and to suspension, demotion, layoff, dismissal, or termination of employment through the Early Retirement Program, only as provided in this chapter or in chapter 5 of this title and in the regulations adopted in pursuance thereof; provided, however, that the tenure of a contract employee is the term of his contract; and provided further that an employee who must submit his resignation pursuant to section 207 of title 2 of the Code of the Federated States of Micronesia is not entitled to continued employment with the National Government if he is not renominated by the President or if he is not reconfirmed by the Congress through advice and consent proceedings."
(b) Notwithstanding any other provision of this title, no person may be an employee of the National Government after the sixtieth anniversary of his birth, except for those employees who are made exempt from the National Public Service System by section 117 of this title."

Section 3. **Effective Date.** The mandatory retirement age established by section 2 of this act shall become effective on the sixtieth day following the date upon which this act becomes law.

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

Date: 5/16/05  
Introduced by: /s/ Isaac V. Figir  
Isaac V. Figir