April 16, 2014

The Honorable Dohsis Halbert
Speaker
Eighteenth Congress of the Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear Speak Halbert:

We are returning to Congress the following Congressional Act as Public Law No. 18-53:

Congressional Act No. 18-38, entitled: "AN ACT TO FURTHER AMEND SECTION 208 OF TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, FOR THE PURPOSE OF COMPENSATING AN EMPLOYEE WHO SERVES IN AN "ACTING" CAPACITY IN A POSITION VACATED PENDING APPOINTMENT FOR MORE THAN NINETY DAYS SHALL BE ENTITLED TO THAT POSITION'S COMPENSATION, IN WHICH THE ENTITLEMENT SHALL BE RETROACTIVE TO THE DAY ACTINGSHIP BEGAN, AND FOR OTHER PURPOSES."

As I advised earlier, the intent of Title 52 is that the salary of appointed officials, subject to the advice and consent of Congress, is reserved to those whose appointment is confirmed by Congress. Employees designated in their "acting" capacity normally perform only the administrative and nondiscretionary functions unlike those confirmed by Congress and while it is in the best interest of the Executive to nominate appropriate officials expeditiously, finding the appropriate qualified appointee is not always possible within a 90 day time frame. Once the qualified appointee for a secretarial level position is found, submitted, and confirmed, if the "acting" designee was in the position over 90 days, now two employees in the same division will be receiving a secretarial rate. This is neither feasible nor sustainable.

Therefore, in transmitting this Public Law No. 18-53, I once again urge that Congress endeavor to act on Executive appointments expeditiously so as to avoid all concerns raised in my earlier veto of this Act.

Sincerely,

Manny Mori
President

Enclosure:

Xc: Chief Justice, FSM Supreme Court
    Secretary, Department of Justice
    Director, SBOC
    Legislative Counsel, CFSM
    Library, CFSM
    FSM PIO
April 04, 2014

His Excellency Manny Mori
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Mori:

I have the honor to transmit herewith Congressional Act No. 18-38, "AN ACT TO AMEND SECTION 208 OF TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, FOR THE PURPOSE OF COMPENSATING AN EMPLOYEE WHO SERVES IN AN "ACTING" CAPACITY IN A POSITION VACATED PENDING APPOINTMENT FOR MORE THAN NINETY DAYS SHALL BE ENTITLED TO THAT POSITION'S COMPENSATION, IN WHICH THE ENTITLEMENT SHALL BE RETROACTIVE TO THE DAY ACTINGSHIP BEGAN, AND FOR OTHER PURPOSES.", which was repassed on March 28, by the Eighteenth Congress of the Federated States of Micronesia, Third Special Session, 2014, by a three-fourths vote of all the State delegations as required and as duly certified.

Sincerely yours,

[Signature]

Liwiana Ramon Ioanis
Chief Clerk, Congress of the Federated States of Micronesia

Enclosures
An Act

TO AMEND SECTION 208 OF TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, FOR THE PURPOSE OF COMPENSATING AN EMPLOYEE WHO SERVES IN AN "ACTING" CAPACITY IN A POSITION VACATED PENDING APPOINTMENT FOR MORE THAN NINETY DAYS SHALL BE ENTITLED TO THAT POSITION'S COMPENSATION, IN WHICH THE ENTITLEMENT SHALL BE RETROACTIVE TO THE DAY ACTINGSHIP BEGAN, AND FOR OTHER PURPOSES.

INTRODUCED BY: SENATOR WESLEY W. SIMINA
DATE: SEPTEMBER 12, 2013

REPASSED: MARCH 28, 2014

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress
I hereby certify that on March 28 the foregoing act was repassed by the Eighteenth Congress of the Federated States of Micronesia, Third Special Session, 2014, by a three-fourths vote of all the State delegations as required under article IX, section 2(q), of the Constitution of the Federated States of Micronesia.

Donsis Halbert
Speaker
Congress of the Federated States of Micronesia
EIGHTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA
SECOND REGULAR SESSION, 2013
CONGRESSIONAL BILL NO. 18-61
PUBLIC LAW NO. 18-53

AN ACT

To amend section 208 of title 2 of the Code of the Federated States of Micronesia, as amended, for the purpose of compensating an employee who serves in an "acting" capacity in a position vacated pending appointment for more than ninety days shall be entitled to that position's compensation, in which the entitlement shall be retroactive to the day actingship began, and for other purposes.

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

1 Section 1. Section 208 of title 2 of the Code of the
2 Federated States of Micronesia, as amended, is hereby amended to
3 read as follows:
4
"Section 208. Positions vacant pending appointment.
5 (1) Whenever a vacancy exists in a position exempted
6 from the National Public Service System under
7 subsections (8), (9), or (10) of section 117 of title
8 52, the administrative duties and ministerial
9 functions of that position may be performed by a
10 qualified regular employee designated by the President
11 to serve in that position in "acting" capacity may
12 serve in that capacity for not more than sixty days.
13 An employee who serves in an "acting" capacity in a
14 position vacated pending appointment for more than
15 ninety days shall be entitled to that position's
16 compensation. The entitlement shall be retroactive to
17 the day actingship began."
Section 2. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

March 28, 2014

Manny Mori
President
Federated States of Micronesia