

STANDING COMMITTEE REPORT NO. 21-77

RE: C.B. NO. 21-347/J&GO

SUBJECT: EXEMPTING ALL STAFF ATTORNEY IVs EXEMPT FROM
THE PUBLIC SERVICE SYSTEM

JANUARY 19, 2021

The Honorable Wesley W. Simina
Speaker, Twenty-First Congress
Federated States of Micronesia
Sixth Regular Session, 2021

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 21-347, entitled:

"A BILL FOR AN ACT TO FURTHER AMEND SECTION 117 OF
TITLE 52 CODE OF THE FEDERATED STATES OF MICRONESIA
(ANNOTATED), AS AMENDED BY PUBLIC LAW NO. 20-152, TO
EXEMPT ALL ATTORNEYS CLASSIFIED AS STAFF ATTORNEY IV
FROM THE PUBLIC SERVICE SYSTEM ACT, AND FOR OTHER
PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

Your Committee held a public hearing on January 15, 2021. Present at the hearing were attorneys from the Department of Justice and the Supreme Court, as well as others who have an interest in the bill, including the Department of Finance and Administration.

Chairman Romolow opened the hearing by welcoming all of the witnesses and expressing gratitude for their participation. Speaker expressed concern over the low salaries for attorney IV classifications.

STANDING COMMITTEE REPORT NO. 21-77

RE: C.B. NO. 21-347/J&GO

SUBJECT: EXEMPTING ALL STAFF ATTORNEY IVs EXEMPT FROM
THE PUBLIC SERVICE SYSTEM

JANUARY 19, 2021

Speaker mentioned that in addition to C.B. No. 21-347, on Monday a new bill is being introduced to authorize the heads of each branch to be able to increase the professional premium, between 90%-150%. This was due to members having concerns about there not being a salary cap contained in C.B. No. 21-347.

C.B. No. 21-347 would remove attorney IVs from PSS and the PSS benefits would be lost.

Finance thinks it's a good idea to exempt the positions from the PSS. However, they noted that benefits would be lost and the bill increasing the professional premium would preserve those benefits.

Attorney Reffner spoke to the fact the he had begun working with the court in 1997 and he makes less now. He noted that the salary is the same, however, the housing allowance is less. He endorses the bill as proposed. He enjoys being covered by the PSS and he enjoys working for the National Government, however, he would appreciate a salary increase and appreciates that Speaker acknowledges that the attorneys deserve a salary increase.

Emy Musrasrik-Carl spoke on behalf of the court, indicating they fully support the salary increase. In fact, their budget proposal for the upcoming fiscal year included exempting their attorneys. They would support either increasing the professional premium or exempting attorneys. They have funding available and would be able to provide the increase immediately. She also noted that the justices are under the same category and would also get a boost. She indicated they strongly support the increase for the attorneys.

Speaker asked Assistant Attorney General Jun Bacalondo his preference, exempting attorneys or the increase of professional premium? Mr. Bacalondo expressed his appreciation to Congress for giving this issue their attention. He noted that the base pay

STANDING COMMITTEE REPORT NO. 21-77

RE: C.B. NO. 21-347/J&GO

SUBJECT: EXEMPTING ALL STAFF ATTORNEY IVs EXEMPT FROM
THE PUBLIC SERVICE SYSTEM

JANUARY 19, 2021

schedule is maxed and does not allow attorneys to go beyond that amount. He noted that with the exemption, there may be extremes in pay. There would be no uniformity for pay. All contract terms, including salary would be left to management and the attorney. The increase in professional premium would produce a uniform result and more predictability. He noted that there are also some other provisions under the PSS, pertaining to the commitment given to the government, etc.

Lori Williams, also from DOJ noted that the increase in professional premium would be preferred. She noted that the salary is very low, and people with less experience make the same as very experienced people. She noted that an increase would be appreciated and she is appreciative to Congress for their interest in this matter.

Budget notes that it could be an increase of about \$10,000 per attorney and he noted that the government could support that. He does not feel it would be a problem for the budget.

Chairman Romolow asked if the professional premium would increase salaries for others eligible for the professional premium. Jun Bacalondo noted that the increase would apply to all who were included unless attorneys were given their own premium.

Speaker indicated that the professional premium increase proposed was across the board for all who currently receive the premium. Finance noted that the bulk of the professional premium goes to attorneys, the other staff who would be eligible for the professional premium are not included in PSS, they are already exempt. He noted it would be an approximately \$200,000 impact. He noted that in his opinion the cost is worth the acknowledgement to attorneys.

Chairman expressed appreciation to everyone for attending the hearing.

STANDING COMMITTEE REPORT NO. 21-77

RE: C.B. NO. 21-347/J&GO

SUBJECT: EXEMPTING ALL STAFF ATTORNEY IVs EXEMPT FROM
THE PUBLIC SERVICE SYSTEM

JANUARY 19, 2021

Although your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 21-347, the Committee does not support this bill in its current form. The Committee feels that after discussing the option of expanding the Professional Premium, this opinion would produce a more predictable and uniform results and the Committee will consider the bill expanding the Professional Premium when it is introduced.

Respectfully submitted,

/s/ Robson U. Romolow
Robson U. Romolow, chairman

Peter M. Christian, vice chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, member

Isaac V. Figir, member

Ferny S. Perman, member

/s/ Paliknoa K. Welly
Paliknoa K. Welly, member

/s/ Wesley W. Simina
Wesley W. Simina, member