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A BILL FOR AN ACT

To amend title 51 of the Code of the Federated States of Micronesia (Annotated) by amending section 112 and inserting a new section 116 thereof, for the purpose of establishing a minimum wage for resident workers hired by foreign contractors, and for other purposes.

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

1           Section 1. Section 112 of Title 51 of the Code of the  
2 Federated States of Micronesia (Annotated) is hereby amended to  
3 read as follows:

4           “Section 112. Definitions.

5           For the purposes of this chapter, unless it is  
6 otherwise provided or the context requires a different  
7 construction, application, or meaning:

8           (1) “Available” means able to be on the island on  
9 which the employer desires workers on the date the  
10 employer states the workers are desired.

11           (2) “Chief” means the chief of the Division of  
12 Labor within the Department of Resources and  
13 Development.

14           (3) “District representative” means any district  
15 employment service officer, or any other person  
16 designated by the chief to act on his behalf in any  
17 district in which there is no district employment  
18 service officer.

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1           (4) "Employer" means any individual, partnership,  
2           association, or corporation hiring employees in the  
3           Trust Territory and any individual who has in his  
4           employ a domestic servant, but does not include any  
5           branch or agency of the Trust Territory Government or  
6           of the United States Government.

7           (5) "Employment service" means the Trust Territory  
8           Employment Service established under section 151 of  
9           this chapter.

10          (6) "Foreign contractor" means any sole  
11          proprietorship, partnership, company, corporation,  
12          joint venture, or other association of persons  
13          engaging in business, performing services as a  
14          contractor or subcontractor, that is

15                 (a) majority-owned by noncitizens of the  
16          Federated States of Micronesia, or

17                 (b) performing services funded by a foreign  
18          donor.

19          ~~[(6)]~~ (7) "Employment service officer" means the  
20          official who is the head of the Trust Territory  
21          Employment Service established under section 151 of  
22          this chapter.

23          ~~[(7)]~~ (8) "Nonresident worker" means any person who is  
24          capable of performing services or labor and who is not  
25          a citizen of the Trust Territory or an immigrant alien

1 admitted to the Trust Territory for permanent  
2 residence under the provisions of title 50 of this  
3 code, including persons acting in a professional,  
4 managerial, or executive capacity.

5 [~~8~~] (9) "Resident worker" means any person who is  
6 capable of performing services or labor and who is a  
7 citizen of the Trust Territory or an immigrant alien  
8 admitted to the Trust Territory for permanent  
9 residence under the provisions of title 50 of this  
10 code, including persons acting in a professional,  
11 managerial, or executive capacity."

12 Section 2. Title 51 of the Code of the Federated States of  
13 Micronesia (Annotated) is hereby amended to insert a new  
14 section 116 to read as follows:

15 "Section 116. Minimum wage for resident workers hired  
16 by foreign contractors.  
17 A foreign contractor shall pay to each resident worker  
18 hired by the foreign contractor a minimum wage of not  
19 less than \$2.50 per hour for work performed in the  
20 Federated States of Micronesia."

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

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5 Date: 7/13/21

Introduced by: /s/ Peter M. Christian  
Peter M. Christian

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