

A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 117 thereof to provide that the Director of Administration and Budget and the secretary to the Vice-Speaker of the Congress of the Federated States of Micronesia shall be exempt from the National Public Service System, and for other purposes.

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

1 Section 1. Section 117 of title 52 of the Code of the
2 Federated States of Micronesia, as amended by Public Laws Nos. 11-
3 81 and 13-8, is hereby further amended to read as follows:

4 "Section 117. Application of chapter; Exemptions.

5 The National Public Service System shall apply to all
6 employees of and positions in the Government of the
7 Federated States of Micronesia now existing or hereafter
8 established and to all personnel services performed for
9 that Government except the following, unless this
10 chapter or provisions thereof are specifically made
11 applicable to them:

12 (1) Members of the Congress of the Federated States of
13 Micronesia;

14 (2) the President and Vice President of the Federated
15 States of Micronesia;

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

17 (4) the legislative counsel, deputy legislative

1 counsel, [~~budget officer,~~] director of administration
2 and budget, budget officer, administrator and the clerk
3 of the Congress;

4 (5) the Public Auditor;

5 (6) the administrative officer of the National Courts;

6 (7) the special assistants and secretaries to the
7 President and Vice President and the [~~secretary~~]
8 secretaries to the Speaker and Vice-Speaker of the
9 Congress of the Federated States of Micronesia;

10 (8) persons appointed by the President to fill the
11 following positions: Secretary of the Department of
12 Foreign Affairs, Secretary of the Department of Finance,
13 Secretary of the Department of Economic Affairs,
14 Secretary of the Department of Transportation,
15 Communication and Infrastructure, Secretary of the
16 Department of Health, Education and Social Affairs,
17 Secretary of the Department of Justice, and the Chief
18 Public Defender, and their deputies, if any;

19 (9) persons appointed to any other positions by the
20 President with the advice and consent of the Congress;

21 (10) the Representative in Washington and all
22 ambassadors;

23 (11) persons or organizations retained by contract when
24 the Personnel Officer has certified that the service to
25 be performed is special or unique and nonpermanent and

1 is essential to the public interest, and that, because
2 of the degree of expertise or special knowledge required
3 and the nature of the services to be performed, it would
4 not be practical to obtain personnel to perform such
5 services through normal public service recruitment
6 procedures;

7 (12) persons presently under contract of employment not
8 included in subsection (11) of this section, during the
9 life of such contract. No contract of employment shall
10 be entered into, renewed, or amended after the effective
11 date of this chapter, except in accordance with the
12 provisions of this chapter;

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

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

17 (15) positions filled by inmates, patients, and
18 students of institutions of the Federated States of
19 Micronesia;

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

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

24 (18) positions specifically exempted by any other law
25 of the Federated States of Micronesia."

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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.

Date: 12/13/04

Introduced by: /s/ Dohsis Halbert
Dohsis Halbert

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