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A BILL FOR AN ACT

To amend title 51 of the Code of the Federated States of Micronesia, by amending section 135, by adding a new section 140 and by amending section 142, all for the purpose of regulating the employment status of nonresident workers, and for other purposes.

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

1 Section 1. Section 135 of title 51 of the Code of the Federated States  
2 of Micronesia is hereby amended to read as follows:

3 "Section 135. Nonresident employment agreements.

4 (1) For those positions for which the chief has  
5 determined that nonresident workers may be hired, he shall  
6 require that a nonresident employment agreement be entered into  
7 between the employer and the ~~Trust/Territory~~ Government of  
8 the Federated States of Micronesia, which agreement shall  
9 authorize the employer to hire nonresident workers.

10 (2) The agreement shall be signed by the chief, as  
11 representative of the ~~Trust/Territory~~ Government of the  
12 Federated States of Micronesia, and by the employer or his  
13 authorized representative.

14 (3) The agreement shall contain the following provisions,  
15 in addition to any other provisions the chief deems necessary in  
16 the circumstances:

17 (a) a statement that the employer requires such  
18 nonresident workers for immediate employment;

19 (b) a statement of the wages the employer is  
20 paying or intends to pay the nonresident workers for each  
21 occupational classification he is importing an alien to fill;

22 (c) a statement that the employer agrees to  
23 comply with the minimum employment conditions and other  
24 requirements consistent with the provisions of this chapter and  
25 other applicable laws of the ~~Trust/Territory~~ Federated States

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1           of Micronesia;

2                           (d) a statement of the period of time for which  
3           the employer will be allowed to fill each position with a nonresident  
4           worker, subject to the limitations on the duration of employment  
5           of nonresident workers in section 140 of this chapter, before he  
6           must attempt to fill the position with a resident worker by filing a  
7           new application with the Employment Service; ~~and~~

8                           (e) a statement of the employer's responsibility  
9           for return transportation to the place of origin of each  
10          nonresident worker so employed; and

11                          (f) a statement that the employer agrees to make  
12          a good faith effort to have the nonresident worker provide  
13          training for FSM citizen-employee(s) assigned under the  
14          supervision of or assigned to work with the nonresident worker.

15                       (4) Upon execution of the agreement required under  
16          subsections (1) through (3) of this section, the chief shall notify  
17          the Office of Immigration Control.

18                       (5) The chief shall provide each nonresident worker  
19          covered by this chapter with a copy of the nonresident workers'  
20          agreement which authorized his employer to hire him."

21          Section 2. Title 51 of the Code of the Federated States of Micronesia is  
22          hereby amended by adding a new section 140 to read as follows:

23                       "Section 140. Duration of Employment.

24                           (1) A nonresident worker shall not be employed in any one  
25          State of the Federated States of Micronesia for more than two

1           years. Exception - for a nonresident worker having spent a total  
2           of two years in one State of the Federated States of Micronesia  
3           working for a single employer, that employer may apply for a  
4           work permit to be granted to that nonresident worker allowing  
5           continued employment in the State for a period of time not to  
6           exceed two additional years. The employer applying for a work  
7           permit for continued employment for a nonresident worker must  
8           show that efforts have been made in good faith to comply with  
9           the requirement regarding training under section 135 of this  
10           chapter and that no qualified resident workers are yet available  
11           for a position held by a nonresident worker. More than one work  
12           permit allowing continued employment may be granted, however,  
13           the total time period, including any grants of continued  
14           employment, such nonresident worker may be employed in any  
15           one State shall not exceed four years.

16                   (2) This section shall not apply to:

17                           (a) spouses of citizens of the Federated States of  
18                   Micronesia;

19                           (b) nonresident workers of the National and State  
20                   governments, and their political subdivisions;

21                           (c) citizens or nationals of the United States of  
22                   America or their dependents pursuant to the Compact of Free  
23                   Association, and for the effective period of the Compact; and

24                           (d) Nonresidents engaged in Engineering,  
25                   Accountancy, Law, Medicine, Dentistry, Optometry or other

1 Healing Arts.

2 (3) Any employment contract entered into between a  
3 nonresident worker and an employer shall be subject to the  
4 National Laws relating to Immigration and Labor."

5 Section 3. Section 142 of title 51 of the Code of the Federated States  
6 of Micronesia is hereby amended to read as follows:

7 "Section 142. Change of employment.

8 ~~No~~ A nonresident worker who has been issued a work permit to  
9 work for a particular employer is/under/a/labor/contract  
10 with/an/employer shall not work for or be employed by any  
11 other employer during the period covered by the work permit  
12 term/of/such/contract///Before/a/nonresident/worker  
13 can/work/for/or/be/employed/by/an/employer/different  
14 than/his/previous/employer//he/shall/first/be/required/to  
15 leave/the/Federated/States/of/Micronesia/ No nonresident  
16 worker shall change employer in the same State unless that  
17 worker first leaves the Federated States of Micronesia and does  
18 not return to that State for a period of not less than five years.  
19 The five year period shall commence on the date the nonresident  
20 worker no longer is in the FSM on a work permit for his former  
21 employer. Travel between the States that requires a transit  
22 outside the FSM shall not be considered leaving the FSM."

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C.B. NO. 9-137

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

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4 Date: 12/04/95

Introduced by: *Redley Killian*  
Redley Killian

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