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:

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

"Section 117. Application of chapter; Exemptions.

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

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

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

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

(4) the legislative counsel, deputy legislative counselor,
counsel, budget officer, director of administration and budget, budget officer, administrator and the clerk of the Congress; 
(5) the Public Auditor; 
(6) the administrative officer of the National Courts; 
(7) the special assistants and secretaries to the President and Vice President and the secretaries to the Speaker and Vice-Speaker of the Congress of the Federated States of Micronesia; 
(8) persons appointed by the President to fill the following positions: Secretary of the Department of Foreign Affairs, Secretary of the Department of Finance, Secretary of the Department of Economic Affairs, Secretary of the Department of Transportation, Communication and Infrastructure, Secretary of the Department of Health, Education and Social Affairs, Secretary of the Department of Justice, and the Chief Public Defender, and their deputies, if any; 
(9) persons appointed to any other positions by the President with the advice and consent of the Congress; 
(10) the Representative in Washington and all ambassadors; 
(11) persons or organizations retained by contract when the Personnel Officer has certified that the service to be performed is special or unique and nonpermanent and
is essential to the public interest, and that, because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not be practical to obtain personnel to perform such services through normal public service recruitment procedures;

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

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

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

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

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

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

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