A BILL FOR AN ACT

To further amend title 40 of the Code of the Federated States of Micronesia, as amended, by amending section 722 thereof to require that preference be given to citizens of the Federated States of Micronesia in recruitment of employees for the College of Micronesia, and for other purposes.

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

Section 1. Section 722 of title 40 is hereby amended to read as follows:

Section 722. Employees of the College.

(1) A personnel system for the College shall be adopted which provides that employees of the College are not employees of any government of the Federated States of Micronesia, or its political subdivisions, for any purpose.

(2) The personnel system of the College shall not be subject to the requirements of title 51 of the Code of the Federated States of Micronesia.

(3) In all instances, citizens of the Federated States of Micronesia who are qualified and available to fill a vacant position shall be given preference over non-citizens for employment at the College.

(a) Subject to paragraph 22(3)(b) a noncitizen may only be employed by the College if: (i) reasonable steps have been taken to advertise a position within the
Federated States of Micronesia for a period of not less than 30 days; and

(ii) after the 30 day period has lapsed, the President of the College certifies that there is no qualified candidate for the position who is a citizen of the Federated States of Micronesia.

(b) There shall be no advertising or certification requirements in respect of temporary positions lasting less than 90 days. The duration of a temporary position may be extended beyond 90 days if necessary, however it shall not be extended beyond 180 days for any reason.

(c) For all recruitment, except recruitment for a temporary position, the College shall maintain a record of where each position is advertised and all information upon which each certification made by the President of the College pursuant to paragraph 22(3)(a) is based. In respect of each temporary position, the College shall maintain a record of the duration of the original contract and any subsequent extensions to it.

(4) Subject to subsection (3) of this section, in appointing and promoting officials and other employees of the College, criteria and procedures shall be utilized which are fair, objective, practical, do not discriminate on the basis of sex, marital status,
physical handicap, race, religious or political
preference, place of origin or ancestry, and result in
the impartial selection of the ablest person for [the] a
particular job.

[(3)](5) Except for officials of the College serving at
the pleasure of the Board, every official, faculty
member, and other employee of the College shall be
entitled to hold his/her position during good behavior,
subject to suspension, demotion, layoff, or dismissal
only as provided in the personnel regulations of the
College; PROVIDED that the tenure of a contract employee
is the term stated in his/her contract. No employee of
the College shall be suspended, demoted, laid off,
dismissed, or otherwise discriminated against because of
sex, marital status, physical handicap, race, religious
or political preference, place of origin or ancestry.

[(4)](6) Individuals who are employees of the Community
College of Micronesia of the College of Micronesia, upon
entry into force of this act, may continue to serve in
their current positions with the College."

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: 9/13/05                          Introduced by: /S/ Dohsis Halbert