A BILL FOR AN ACT

To further amend the Code of the Federated States of Micronesia (Annotated), as amended, to repeal and reserve section 208 of title 2 thereof, as amended by Public Laws Nos. 18-53, 20-99, and 21-58, to enact a new section 139 of title 52, to make technical amendments in order to clarify that the provisions regarding acting capacity apply to all positions in the National Government, and for other purposes.

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

Section 1. Purpose. Section 208 of title 2 of the Code of the Federated States of Micronesia (Annotated), as amended, provides, when a vacancy exists in a position in the National Government, for a regular employee so designated to serve in an “acting” capacity, to perform the duties of that position, and to receive appropriate compensation if serving in an “acting” capacity for more than 90 days. The provisions of this section originally applied only to certain positions in the Executive Branch, and section 208 was therefore located in title 2 of the Code of the Federated States of Micronesia. The provisions of this section have since its enactment been expanded to include all positions in the National Government, and is therefore more appropriately located in title 52. This bill repeals section 208 of title 2, reserves the section to prevent future use, and enacts a new section 139 of title 52 to move the provisions of section 208 to the appropriate title, and provides further clarification that the provisions regarding vacant positions apply to all
positions in the National Government. The substantive provisions of the law are unchanged.

Section 2. Section 208 of title 2 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Laws Nos. 18-53, 20-99, and 21-58, is hereby repealed and reserved.

"[Section 208. Positions vacant pending appointment.

(1) Whenever a vacancy exists in a position exempted from the National Public Service System under subsections (8), (9), or (10) of section 117 of title 52, the administrative duties and ministerial functions of that position may be performed by a qualified regular employee designated to serve in that position in "acting" capacity. Any person holding a position that is either subject to the National Public Service System or exempt from the National Public Service System who serves in an "acting" capacity in a position vacated pending appointment for more than ninety days shall be entitled to that position's compensation. The entitlement shall be retroactive to the day actingship began; PROVIDED HOWEVER, that no additional compensation shall be given for any time served prior to January 1, 2001.] reserved"
Section 3. Title 52 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by enacting a new section 139 to read as follows:

“Section 139. Positions vacant pending appointment.

(1) Whenever a vacancy exists in a position in the Government of the Federated States of Micronesia, including a position exempt from the Public Service System, the administrative duties and ministerial functions of that position may be performed by a qualified regular employee designated to serve in that position in “acting” capacity.

(2) Any employee designated under paragraph (1) of this section who serves in an “acting” capacity in a position vacated pending appointment for more than ninety days shall be entitled to that position’s compensation. The entitlement shall be retroactive to the day actingship began; PROVIDED HOWEVER, that no additional compensation shall be given for any time served prior to January 1, 2001.”
Section 4. 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: 3/22/22

Introduced by: /s/ Wesley W. Simina

Wesley W. Simina