

J & GO

A BILL FOR AN ACT

To amend and revise sections 3, 7, 17, and 26 of Public Law No. 1-47, the National Public Service System Act, as amended by Public Law No. 1-71, to create an independent Public Service Commission which will have primary responsibility for the maintenance of the Public Service System, and for other purposes.

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

1 Section 1. Section 3 of Public Law No. 1-47 is hereby amended to read
2 as follows:

3 "Section 3. Definitions. In this act, unless the context requires
4 otherwise, the following definitions shall apply:

5 (1) "Public Service" means all offices and other positions in
6 the central government of the Federated States of Micronesia not
7 exempted by Section 8 of this act.

8 (2) "Public Service Commission" means the five member body
9 which has primary responsibility for the maintenance of the National
10 Public Service System.

11 (3) "Personnel Officer" means the head of the Office of
12 Personnel of the central government of the Federated States of
13 Micronesia who serves as an employee of the Public Service Commission.

14 (4) "Employee" means a person holding a position in the
15 Public Service, whether permanently or otherwise.

16 (5) "Regular employee" or "permanent employee" means an
17 employee who has been appointed to a position in the Public Service
18 who has successfully completed a probation period.

19 (6) "Position" means a group of duties and responsibilities
20 assigned by competent authority to be performed by one person,
21 working full-time or part-time. A position may be either occupied
22 or vacant.

23 (7) "Class" or "class of positions" means a group of
24 positions sufficiently similar so that all can reasonably be
25 identified by the same title, be filled by applying the same

✓ 1460

1 qualification standards, and be equitably compensated by the same
2 salary level. A class may consist of only one position or of any
3 greater number of positions.

4 ~~(7)~~(8) "Position classification plan" means the arrangement
5 in a systematic order of the titles of all classes existing in the
6 Public Service, with a description of each class.

7 ~~(8)~~(9) "Promotional examination" means an examination for
8 positions in a particular class, admission to which is limited to
9 regular employees in the Public Service..

10 ~~(9)~~(10) "Open-competitive examination" means an examination
11 for positions in a particular class, admission to which is not
12 limited to persons employed in the Public Service.

13 ~~(10)~~(11) "Reemployment list" means a list of persons who have
14 been regular employees in the Public Service and who are entitled to
15 have their names certified for appointment to a position in the
16 class in which they last held permanent status, or in a related class
17 in the same or a lower salary range for which they meet the qualifica-
18 tion requirements.

19 ~~(11)~~(12) "Promotional list" means a list of persons who have
20 been found qualified by a promotional examination for appointment to
21 a position in a particular class.

22 ~~(12)~~(13) "Open-competitive list" means a list of persons who
23 have been found qualified by open-competitive examination for
24 appointment to a position in a particular class.

25 ~~(13)~~(14) "Eligible list" means a list of persons who have been

J & Go

found qualified for appointment to a position in a particular class. Such a list may be either reemployment, promotional or open-competitive.

~~(14)~~(15) "Eligible person" or "eligible" means a person whose name is on an active eligible list.

~~(15)~~(16) "Management official" or "management" means a person authorized to make appointments or changes in status of employees in the Public Service.

~~(16)~~(17) "Probation period" means a period of probationary employment status of not less than six months nor more than one year from the beginning of an employee's service in a particular position or class in the Public Service.

~~(17)~~(18) "Base salary" means the specific rate of pay for a given pay level and step as contained within the Base Salary Schedule established by law. "Base salary" does not include differentials or allowances for night work, transfer, overtime, holiday work, travel per diem, or other similar ones.

~~(18)~~(19) "Adjusted base salary" means the total of base salary plus market place differential and foreign service differential. If an employee is not entitled to either of these differentials, his adjusted base salary means his base salary."

Section 2. Section 6 of Public Law No. 1-47 is hereby amended to read as follows:

~~"Section 6 of Personnel Officer"~~

~~(1) The Personnel Officer shall be appointed by the President~~

J 400

1 with the advice and consent of the Congress or its appropriate
2 committee.

3 (1) The Personnel Officer shall direct and supervise all the
4 administrative and technical activities of the Office of Personnel.

5 (2) The Personnel Officer shall be a person qualified for
6 administrative responsibility by training and experience and of known
7 sympathy with merit principles of personnel administration.

8 (3) The Personnel Officer shall:

9 (a) be directly responsible to the President and serve as
10 principal adviser to the President and his staff on all matters
11 concerning personnel administration and employed personnel.

12 (b) Administer the system of personnel administration for
13 the central Government of the Federated States of Micronesia.

14 (c) Prepare proposed policies and regulations to carry
15 out the provisions of this Act.

16 (d) Coordinate fully with and advise the President a qualified
17 representative to advise the President on all matters of
18 personnel and staff personnel and to provide the personnel and staff
19 personnel advice as he may require.

20 (e) Approve and supervise the personnel of the Office of Personnel
21 in accordance with all personnel administrative provisions of law.

22 (f) Establish and maintain a career system for all
23 personnel and employees in the various agencies in accordance with law
24 and laws of personnel and staff personnel and any other appropriate
25 laws.

J 400

(2) Develop and maintain a system of performance evaluation for the purpose of appraising the productivity of employees in the public service.

(3) Develop and maintain a position classification plan and a pay plan in accordance with this act and other applicable laws.

(4) Develop and utilize recruitment and selection procedures and methods.

(5) Develop training programs for the improvement of employees skills and for the development of a systematic career program for employees who are eligible for the professional series of miscellaneous.

(6) Verify that any other lawful acts assigned to him by the President of the United States required to carry out the provisions and purposes of this act.

Section 7. Public Service Commission.

(1) The Public Service Commission shall consist of five members, each of whom shall hold office for a term of four years and until his successor is appointed and qualified. The President shall nominate Commission members, whose nomination will be subject to the advice and consent of the Congress. Vacancies occurring in the Commission shall be filled by Presidential appointment for the remainder of the unexpired term only.

(2) The terms of office of two members of the first Public Service Commission shall be one year. The terms of office of the other members of the first Commission shall be two, three, and four years respectively. The members shall determine by lot the relative order

J & GO

1 of the expiration of their terms and by vote who the chairman
2 will be. The chairman shall serve in this capacity for a one-year
3 period.

4 (3) Persons nominated to the Commission may not be officers
5 or employees of the central government of the Federated States of
6 Micronesia. Persons nominated shall be of sound mind and mature
7 judgment.

8 (4) The Commission shall meet at least once every two months
9 at such times and places as its chairman specifies. Three members of
10 the Commission shall constitute a quorum for the transaction of
11 business. Decisions will be decided by a majority vote.

12 (5) All members of the Commission shall be entitled to necessary
13 travel expenses and to per diem at standard Federated States of
14 Micronesia central government rates while on the business of the
15 Commission. Commission members who are neither employees nor
16 officials of the Trust Territory Government or the governments of the
17 States of Kosrae, Ponape, Truk, or Yap shall, in addition, be paid
18 \$30 per day while on the business of the Commission.

19 (6) The Commission shall:

20 (a) Be responsible for the administration of the system
21 of personnel administration for the central government of the
22 Federated States of Micronesia;

23 (b) Assign a qualified employee to prepare proposed
24 policies and regulations to carry out the provisions of this act;

25 (c) Assign a qualified employee to attend all meetings

Tx 40

1 of the ad hoc committees organized under Section 25(3) and provide
2 the committee with such technical advice as it may require;

3 (d) Appoint employees of the Office of Personnel in
4 accordance with all other applicable provisions of law;

5 (e) Assign a qualified employee to establish and main-
6 tain a current roster of all officers and employees in the Public
7 Service, indicating for each the class of position held, the salary,
8 and any other appropriate data;

9 (f) Assign a qualified employee to develop and maintain
10 a system of performance evaluation for the purpose of appraising the
11 productivity of employees in the Public Service;

12 (g) Assign a qualified employee to develop and maintain a
13 position classification plan and a pay plan in accordance with this
14 act and other applicable laws;

15 (h) Assign a qualified employee to develop and utilize
16 recruitment and selection procedures and methods;

17 (i) Assign a qualified employee to develop training
18 programs for the improvement of employee skills and for the develop-
19 ment of a systematic career program for employees who are citizens
20 of the Federated States of Micronesia; and

21 (j) Be responsible for carrying out the provisions and
22 purposes of this act."

23 Section 3. Section 17 of Public Law No. 1-47, as amended by Public Law
24 No. 1-71, is further amended to read as follows:

25 "Section 17. Compensation Plan.

TV 60

1 (1) Salary Schedule. There shall be a single salary schedule
2 for all employees and positions in the Public Service. The Personnel
3 Officer shall assign each class of positions to an appropriate salary
4 level of such schedule.

5 (2) Statutory Enactment. No salary schedule or change in any
6 salary schedule for employees of the National Public Service System,
7 except those excluded by the provisions of this act, shall be effective
8 unless it shall have been enacted into law by the Congress of the
9 Federated States of Micronesia.

10 (3) Periodic Review. The Personnel Officer shall periodically
11 conduct necessary and appropriate studies of rates of compensation
12 and pay-related practices in all geographic areas from which employees
13 for the Public Service are normally recruited, and shall adopt such
14 amendments to the existing compensation plan as he deems appropriate;
15 PROVIDED that when the amendment includes changes in the salary
16 schedule, the rates or nature of differentials or allowances, or other
17 subjects covered in this act or in other laws, the Personnel Officer
18 shall submit the recommendations to the Public Service Commission
19 ~~President~~ for review, approval, and further transmittal to the
20 Congress for its consideration, and that such amendment shall become
21 effective only after it has been enacted into law. In developing
22 amendments, the Personnel Officer shall give consideration to:

23 (a) The minimum standard of living which is compatible
24 with decency and health;

25 (b) The general economic conditions of the Federated

J & Co

1. States of Micronesia/;

2. (c) Compensation practices and conditions of
3. appropriate labor markets/;

4. (d) Conditions of employment in the National Public
5. Service System/;

6. (e) The financial resources estimated to be available
7. to the central government of the Federated States of Micronesia/; and

8. (f) Such other matters as the Personnel Officer may
9. deem appropriate.

10. (4) Premiums. To recognize circumstances of employment
11. which make it appropriate that recognition be given to labor market
12. conditions outside the Trust Territory, the following premiums
13. are provided to Public Service employees. When an employee is
14. receiving a premium in addition to his base salary, the sum of
15. his base salary plus premium shall constitute his adjusted base
16. salary for the purpose of computing differentials.

17. (a) Market place premium. An employee who is recruited
18. in a location outside the Trust Territory, who is a non-citizen
19. of the Trust Territory and, at the time of original hire, a non-
20. resident thereof, may be paid a premium based on labor market
21. conditions in the place of recruitment and on the level of the
22. base salary.

23. (b) Foreign service premium. An employee who is a
24. citizen of the Trust Territory and who is assigned to a permanent
25. duty station outside the Trust Territory may be paid a premium

J & GO

1 based on labor market conditions in the place of assignment and on
2 the level of the base salary.

3 (5) Differentials. To compensate for unusual circumstances
4 of employment which create hardships for Public Service employees,
5 the following differentials are provided for them; PROVIDED that in
6 no case may an employee receive differentials under both paragraphs
7 (a) and (b) of this Subsection.

8 (a) Night work differential. An employee whose tour of
9 duty includes regularly scheduled hours falling between 7:00 p.m.
10 and 6:00 a.m. shall be paid a differential of fifteen percent of the
11 adjusted base salary for all hours falling within that period.

12 (b) Hazardous work differential. An employee whose position
13 entails unusual and extreme hazards to his health or safety shall be
14 paid a differential of twenty-five percent of the adjusted base salary
15 for all hours in which hazardous work is performed.

16 (c) Overtime differential. An employee shall be paid over-
17 time compensation at the rate of time and one-half of his adjusted
18 base salary for all time when he is directed to work and does work in
19 excess of eight hours in one day; or when he is directed to work and
20 does work on the sixth or seventh day of the workweek; PROVIDED that
21 he has first worked forty hours at straight time in the same workweek;
22 and PROVIDED FURTHER that over-time work performed on a holiday shall
23 be subject to Paragraph (d) of this Subsection.

24 (d) Holiday differential. An employee who is required to
25 work on a legal holiday shall be compensated at double his adjusted

TYGO

1 base salary for all such hours worked.

2 (e) Typhoon emergency differential. Employees who are
3 required to work in a location and a period in which a typhoon or
4 other natural catastrophe has been declared by competent authority,
5 and in which other government employees are released from work because
6 of such conditions, shall be compensated for the hours worked while
7 such emergency remains in force at the rate of two and one-half times
8 the adjusted base salary. The differential provided in this Paragraph
9 shall not limit the employee's right to any other differential or
10 allowance to which he may otherwise be entitled by law or regulation.

11 (6) Transfer Allowance. To compensate employees for unusual
12 expenses resulting from changes of work location, the following
13 allowance is provided to Public Service employees: When an employee
14 is recruited or transferred beyond normal commuting distance from
15 his place of permanent residence for work elsewhere, he shall be
16 entitled to all justifiable expenses connected with travel of him-
17 self and his immediate family to the new work location and trans-
18 portation of a reasonable quantity of household effects. He shall
19 be entitled to an allowance equal to per diem at the established
20 rate for the new duty station for a period not exceeding fifteen
21 calendar days from the date of entry into the new position.

22 (7) Performance Increase. When an employee's performance, as
23 determined through an objective evaluation, has met accepted
24 standards of productivity during a specified period, his base salary
25 may be increased by one step in the appropriate level of the base

✓ 490

1 salary schedule. For an increase to step 2, 3, or 4, the required
2 period shall be 52 calendar weeks; for an increase to 5, 6, or 7,
3 the required period shall be 104 calendar weeks. No employee shall
4 have a base salary above the maximum step prescribed for his pay
5 level unless he was receiving such compensation on the effective
6 date of this Section."

7 Section 4. Section 26 of Public Law No. 1-47 is hereby amended to read
8 as follows:

9 "Section 26. Regulations. The Personnel Officer shall draft regula-
10 tions for personnel administration in the central government of the
11 Federated States of Micronesia, and shall submit such proposed
12 regulations, together with his comments and recommendations thereon,
13 to the ~~President~~ Public Service Commission. The ~~President~~ Public
14 Service Commission, after considering the recommendations of the
15 Personnel Officer, shall promulgate personnel regulations in the
16 manner provided by law. When promulgated, such regulations shall
17 have the force and effect of law. They may relate to any matter not
18 inconsistent with law concerning the establishment and maintenance
19 of a system of personnel management based on merit principles, including
20 but not limited to matters set forth in this act, and may be amended
21 or repealed through the same procedure by which they were adopted or
22 by statute."

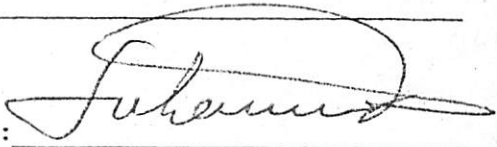
23 Section 5. This act shall become law upon approval by the President of
24 the Federated States of Micronesia or upon its becoming law without such
25 approval.

C. B. No. 2-132

J & Co

1

2 Date: 10/16/81

Introduced by: 

Luke M. Tman

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25