A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 112, and by further amending section 117, as amended by Public Law No. 5-21, for the purpose of bringing the employees of the FSM Development Bank and the FSM Telecommunications Corporation under the Public Service System, and for other purposes.

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

1. Section 112 of title 52 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 112. Definitions. In this chapter,
unless the context requires otherwise, the following definitions shall apply:

(1) 'Adjusted base salary' means the total of base salary plus marketplace differential and foreign service differential. If an employee is not entitled to either of these differentials, his adjusted base salary means his base salary.

(2) '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.

(3) 'Class' or 'class of positions' means a group of positions sufficiently similar so that all can reasonably be identified by the same title, be filled by applying the same qualification standards, and be equitably compensated by the same salary level. A class may consist of only one position or of any greater number of positions."
(4) 'Eligible list' means a list of persons who have been found qualified for appointment to a position in a particular class. Such a list may be either reemployment, promotional, or open-competitive.

(5) 'Eligible person' or 'eligible' means a person whose name is on an active eligible list.

(6) 'Employee' means a person holding a position in the public service, whether permanently or otherwise.

(7) 'Management official' or 'management' means a person authorized to make appointments or changes in status of employees in the public service.

(8) 'Open-competitive examination' means an examination for positions in a particular class, admission to which is not limited to persons employed in the public service.

(9) 'Open-competitive list' means a list of persons who have been found qualified by open-competitive examination for appointment to a position in a particular class.

(10) 'Personnel officer' means the head of the Office of Personnel of the central Government of the Federated States of Micronesia.
(11) 'Position' means a group of duties and responsibilities assigned by competent authority to be performed by one person, working full-time or part-time. A position may be either occupied or vacant.

(12) 'Position classification plan' means the arrangement in a systematic order of the titles of all classes existing in the public service, with a description of each class.

(13) '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.

(14) 'Promotional examination' means an examination for positions in a particular class, admission to which is limited to regular employees in the public service.

(15) 'Promotional list' means a list of persons who have been found qualified by a promotional examination for appointment to a position in a particular class.

(16) 'Public service' means all offices and other positions in the central Government of the Federated States of Micronesia, and all offices and
positions in all public or quasi-public corporations established by National law, including, but not limited to, the FSM Development Bank and the FSM Telecommunications Corporation, not exempted by section 117 of this chapter.

(17) 'Reemployment list' means a list of persons who have been regular employees in the public service and who are entitled to have their names certified for appointment to a position in the class in which they last held permanent status, or in a related class in the same or a lower salary range for which they meet the qualification requirements.

(18) 'Regular employee' or 'permanent employee' means an employee who has been appointed to a position in the public service who has successfully completed a probation period.' Section 2. Section 117 of title 52 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-21, 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 central Government of the Federated States of Micronesia and all offices and positions in all public or
quasi-public corporations established by National
law, including, but not limited to, the FSM
Development Bank and the FSM Telecommunications
Corporation, 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 counsel, budget officer, 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;

(8) persons appointed by the President to
fill the following positions: Secretary of External
Affairs, Secretary of Finance, Secretary
of Resources and Development, Secretary of
Transportation, Secretary of Human Resources, Budget
Officer, National Planner, Director of
Administrative Services, Attorney General, and
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) the president and vice president of the
FSM Development Bank appointed pursuant to section
122 of title 30 of this Code, and the chief
executive officer, budget officer, and finance
officer of the FSM Telecommunications Corporation as
provided for by sections 223 and 224 of title 21 of
this Code;

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

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

Section 3. 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: 7/13/97

Introduced by: Jack Fritz