
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:

1 Section 1. Purpose. Section 208 of title 2 of the Code of
2 the Federated States of Micronesia (Annotated), as amended,
3 provides, when a vacancy exists in a position in the National
4 Government, for a regular employee so designated to serve in an
5 "acting" capacity, to perform the duties of that position, and to
6 receive appropriate compensation if serving in an "acting"
7 capacity for more than 90 days. The provisions of this section
8 originally applied only to certain positions in the Executive
9 Branch, and section 208 was therefore located in title 2 of the
10 Code of the Federated States of Micronesia. The provisions of
11 this section have since its enactment been expanded to include all
12 positions in the National Government, and is therefore more
13 appropriately located in title 52. This bill repeals section 208
14 of title 2, reserves the section to prevent future use, and enacts
15 a new section 139 of title 52 to move the provisions of section
16 208 to the appropriate title, and provides further clarification
17 that the provisions regarding vacant positions apply to all

1 positions in the National Government. The substantive provisions
2 of the law are unchanged.

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5 Laws Nos. 18-53, 20-99, and 21-58, is hereby repealed and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

7 ~~"[Section 208. Positions vacant pending appointment.~~

8 ~~(1) Whenever a vacancy exists in a position~~
9 ~~exempted from the National Public Service System~~
10 ~~under subsections (8), (9), or (10) of section~~
11 ~~117 of title 52, the administrative duties and~~
12 ~~ministerial functions of that position may be~~
13 ~~performed by a qualified regular employee~~
14 ~~designated to serve in that position in "acting"~~
15 ~~capacity. Any person holding a position that is~~
16 ~~either subject to the National Public Service~~
17 ~~System or exempt from the National Public~~
18 ~~Service System who serves in an "acting"~~
19 ~~capacity in a position vacated pending~~
20 ~~appointment for more than ninety days shall be~~
21 ~~entitled to that position's compensation. The~~
22 ~~entitlement shall be retroactive to the day~~
23 ~~actingship began; PROVIDED HOWEVER, that no~~
24 ~~additional compensation shall be given for any~~
25 ~~time served prior to January 1, 2001.] reserved"~~

1 Section 3. Title 52 of the Code of the Federated States of
2 Micronesia (Annotated), as amended, is hereby further amended by
3 enacting a new section 139 to read as follows:

4 "Section 139. Positions vacant pending appointment.

5 (1) Whenever a vacancy exists in a position
6 in the Government of the Federated States of
7 Micronesia, including a position exempt from the
8 Public Service System, the administrative duties
9 and ministerial functions of that position may
10 be performed by a qualified regular employee
11 designated to serve in that position in "acting"
12 capacity.

13 (2) Any employee designated under paragraph
14 (1) of this section who serves in an "acting"
15 capacity in a position vacated pending
16 appointment for more than ninety days shall be
17 entitled to that position's compensation. The
18 entitlement shall be retroactive to the day
19 actingship began; PROVIDED HOWEVER, that no
20 additional compensation shall be given for any
21 time served prior to January 1, 2001."

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