

STANDING COMMITTEE REPORT NO. 13-170

RE: C.B. NO. 13-125/J&GO

SUBJECT: FILLING PUBLIC SERVICE VACANCIES

OCTOBER 26, 2004

The Honorable Peter M. Christian  
Speaker, Thirteenth Congress  
Federated States of Micronesia  
Fourth Regular Session, 2004

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations ("J&GO"), to which was referred C.B. No. 13-125 entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 52 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY AMENDING SECTION 135 THEREOF, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

The subject bill would simplify the procedure for filling public service vacancies and new positions. The bill would also ensure that those persons with the closest understanding of the requirements of the position are primarily responsible for the selection of the most appropriate candidate.

Current selection process

In accordance with the current section 135 of title 52 of the FSM Code, the Personnel Officer reviews the eligible list of candidates and selects a short list of no more than five suitable candidates. That short list is then transmitted to the management official in charge of the agency that has the vacancy. The management official may then appoint a person from the short list or, if the management official does not consider that the short list contains an acceptable candidate, he or she may request that the Personnel Officer provide a further short list. This process may be repeated until the management official considers that an acceptable candidate has been put forward.

Your Committee notes that this process can be cumbersome and time consuming. In addition, the management official, the person who has the clearest understanding of the requirements of the position and the skills and qualifications necessary to fulfill those requirements, may never see the majority of the applications.

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In the view of your Committee the existing arrangements may not necessarily result in the appointment of the most suitable candidate to a position. This is particularly the case in relation to specialist or professional positions where the Personnel Division may not have detailed knowledge about the relative merits of different kinds of qualifications or the particular skills required in order to fulfill the role.

#### Proposed selection process

The subject bill sets out a revised procedure for filling public service vacancies. Under the revised section 135 of title 52 of the FSM Code, the Personnel Officer would be required to provide the relevant management official with details of all the candidates on the eligible list including all those people who have submitted applications for the position. The relevant management official would then provide the Personnel Officer with a short list of three candidates from which he or she intends to fill the position. If the Personnel Officer considers that any of the candidates put forward by the management official are unqualified for the position he or she must notify the management official. The management official may then appoint any person on short list to the position, so long as they have not been identified by the Personnel Officer as unqualified.

Your Committee considers that the subject bill would simplify the procedure for filling public service vacancies and new positions. Moreover, the proposed changes would ensure that the primary responsibility for assessing the qualifications and skills of eligible candidates lies with the management official who is in the best position to identify the needs of his or her agency.

#### Consultation

A public hearing was held in relation to this bill on October 19, 2004. During the hearing, the Personnel Officer noted that, in his view, the relevant management officials may not necessarily be able to identify the most suitable candidates from the eligible list, as the list typically contains a large number of candidates with a wide diversity of qualifications and merit.

During the same hearing, a number of the Committee members expressed concern that the current procedures have, at times:

- i. led to significant delays; and
- ii. failed to identify the most suitable candidates for

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particular positions.

Your Committee has given serious consideration to this bill and its purpose. Your committee, therefore, recommends the following technical changes as amendments to C.B. No. 13-125:

1. Page 2, lines 7 to 10 - delete "a list of all persons on the reemployment list, the promotional list, and the open competitive list, and a list of" and insert "the eligible list which shall include".
2. Page 2, line 10 - after the word "all", delete the word "other".

With the foregoing amendments, your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 13-125 and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final Reading in the form attached hereto as C.B. No. 13-125, C.D.1.

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Respectfully submitted,

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/s/ Dohsis Halbert  
Dohsis Halbert, chairman

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/s/ Alik L. Alik  
Alik L. Alik, member

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/s/ Peter M. Christian  
Peter M. Christian, member

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Roosevelt D. Kansou, vice  
chairman

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/s/ Henry C. Asugar  
Henry C. Asugar, member

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/s/ Ramon Peyal  
Ramon Peyal, member