

AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 115 thereof to establish a mandatory retirement age for all employees subject to the National Public Service System, and for other purposes.

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

1 Section 1. Purpose. The Federated States of Micronesia and
2 its National Government face significant challenges presented by
3 the decreasing availability of Compact funds, a growing
4 population, impediments to sustainable economic growth, and a host
5 of other issues and circumstances. The nation requires a National
6 Public Service that has the energy, skills and intellectual vigor
7 necessary to meet those challenges and to pursue the FSM's
8 interests in an increasingly complicated and technically-demanding
9 world. It is also critical that the nation create opportunities
10 for each successive generation of Micronesians to become involved
11 in public service so that its future leaders may be prepared for
12 the day when responsibility for governing the nation passes to
13 them. At present, there is no mandatory retirement age for
14 employees of the National Government. Too often, National
15 Government employees hold on to their positions for financial
16 reasons, even though they no longer have the will, stamina and
17 vigor necessary to fully perform their responsibilities. As a
18 result, the effectiveness of the National Government is diminished
19 and opportunities for younger citizens to enter and advance within

1 the public service are significantly limited. To address these
2 problems, this act establishes a mandatory retirement age for
3 employees within the National Public Service System. Officials
4 who, by law, are exempt from the Public Service System are also
5 made exempt from the mandatory retirement requirement.

6 Section 2. Section 115 of title 52 of the Code of the
7 Federated States of Micronesia, as amended by Public Law No. 10-
8 15, is hereby further amended to read as follows:

9 "Section 115. Tenure. (a) Every regular employee
10 shall be entitled to hold his position during good
11 behavior, subject to the provisions of subsection
12 (b) of this section, and to suspension, demotion,
13 layoff, dismissal, or termination of employment
14 through the Early Retirement Program, only as
15 provided in this chapter or in chapter 5 of this
16 title and in the regulations adopted in pursuance
17 thereof; provided, however, that the tenure of a
18 contract employee is the term of his contract; and
19 provided further that an employee who must submit
20 his resignation pursuant to section 207 of title 2
21 of the Code of the Federated States of Micronesia
22 is not entitled to continued employment with the
23 National Government if he is not renominated by the
24 President or if he is not reconfirmed by the
25 Congress through advice and consent proceedings."

1 (b) Notwithstanding any other provision of this
2 title, no person may be an employee of the National
3 Government after the sixtieth anniversary of his
4 birth, except for those employees who are made
5 exempt from the National Public Service System by
6 section 117 of this title."

7 Section 3. Effective Date. The mandatory retirement age
8 established by section 2 of this act shall become effective on the
9 sixtieth day following the date upon which this act becomes law.

10 Section 4. This act shall become law upon approval by the
11 President of the Federated States of Micronesia or upon its
12 becoming law without such approval.

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Joseph J. Urusemal
President
Federated States of Micronesia

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