

---

---

A BILL FOR AN ACT

To further amend Title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 117 to exempt employees of United States federally funded programs from the Public Service System Act, and for other purposes.

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

1           Section 1. Section 117 of Title 52 of the Code of the  
2 Federated States of Micronesia, as amended by Public Laws  
3 Nos. 5-21, 11-81, 13-8, 13-78 and 14-81, is hereby further  
4 amended to read as follows:

5           "Section 117. Application of chapter: Exemptions.

6           The National Public Service System shall apply to all  
7 employees of and positions in the Government of the  
8 Federated States of Micronesia now existing or hereafter  
9 established and to all personnel services performed for  
10 that Government except the following, unless this  
11 chapter or provisions thereof are specifically made  
12 applicable to them:

13           (1) Members of the Congress of the Federated States of  
14 Micronesia;

15           (2) the President and Vice President of the Federated  
16 States of Micronesia;

17           (3) Justices and other Judges of the National Courts;

18           (4) the legislative counsel, deputy legislative

19           counsel, director of administration and budget, budget

1 officer, administrator and the clerk of the Congress;

2 (5) the Public Auditor;

3 (6) the administrative officer of the National Courts;

4 (7) the special assistants and secretaries to the  
5 President and Vice President and the secretaries to the  
6 Speaker and Vice-Speaker of the Congress of the  
7 Federated States of Micronesia;

8 (8) persons appointed by the President to fill the  
9 following positions: Secretary of the Department of  
10 Foreign Affairs, Secretary of the Department of Finance  
11 and Administration, Secretary of the Department of  
12 Economic Affairs, Secretary of the Department of  
13 Transportation, Communication and Infrastructure,  
14 Secretary of the Department of Health, Education and  
15 Social Affairs, Secretary of the Department of Justice,  
16 and the Chief Public Defender, and their deputies, if  
17 any;

18 (9) persons appointed to any other positions by the  
19 President with the advice and consent of the Congress;

20 (10) the Representative in Washington and all  
21 ambassadors;

22 (11) persons or organizations retained by contract when  
23 the Personnel Officer has certified that the service to  
24 be performed is special or unique and nonpermanent and  
25 is essential to the public interest, and that, because

---

1 of the degree of expertise or special knowledge required  
2 and of the nature of the services to be performed, it  
3 would not be practical to obtain personnel to perform  
4 such services through normal public service recruitment  
5 procedures;

6 (12) persons presently under contract of employment not  
7 included in subsection (11) of this section, during the  
8 life of such contract. No contract of employment shall  
9 be entered into, renewed, or amended after the effective  
10 date of this chapter, except in accordance with the  
11 provisions of this chapter;

12 (13) temporary positions, required in the public  
13 interest, for which the need does not exceed six months;

14 (14) positions requiring part-time or intermittent work  
15 which does not exceed sixty hours in any calendar month;

16 (15) positions filled by inmates, patients, and  
17 students of institutions of the Federated States of  
18 Micronesia;

19 (16) members of any board, public corporation,  
20 commission, or similar body, in their capacity as such;

21 (17) officers, faculty, and employees of the Board of  
22 Regents and the College of Micronesia;

23 (18) positions specifically exempted by any other law  
24 of the Federated States of Micronesia;

25 (19) all personnel of the National Weather Service,

1 provided that the National Weather Service shall be  
2 administered by the Office of the President; and (20)  
3 all personnel of programs directly funded by federal  
4 funds from the United States of America."

5 Section 2. This act shall become law upon approval by the  
6 President of the Federated States of Micronesia or upon its  
7 becoming law without such approval.

8

9 Date: 5/28/07 Introduced by: /s/ Peter Sitan  
Peter Sitan

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22