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A BILL FOR AN ACT

To further amend Title 52 of the Code of the Federated States of Micronesia, as amended, by amending Section 163 thereof, for purposes to include Certified Audit Examiner, Anti-Fraud Examiner, Public Accountant, and Government Financial Managers to be eligible for professional premium, and for other purposes.

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

1           Section 1. Section 163 of Title 52 of the Code of the  
2 Federated States of Micronesia, as amended, is hereby further  
3 amended to read as follows:

4                   "Section 163. Premiums. To recognize circumstances of  
5 employment which make it appropriate that consideration  
6 be given to labor market conditions outside the  
7 Federated States of Micronesia, and to recognize and  
8 reward the attainment of certain advanced professional  
9 status, the following premiums are provided to public  
10 service employees:

11                   (1) Market place premium. An employee who is  
12 recruited in a location outside the Federated States of  
13 Micronesia, who is a noncitizen of the Federated States  
14 of Micronesia, and at the time of original hire, a  
15 nonresident thereof, may be paid a premium based on  
16 labor market conditions in the country of recruitment  
17 and on the level of the base salary. A market-place  
18 premium may be paid if prevailing rates of pay for  
19 equivalent positions are substantially higher in the

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1 country of recruitment than in the Federated States of  
2 Micronesia. Upon request from the allottee of the funds  
3 from which the employee's compensation is to be paid,  
4 the Secretary of the Department of Finance and  
5 Administration shall report to the allottee on the  
6 difference, insofar as it can best be estimated, between  
7 the prevailing rates in the Federated States of  
8 Micronesia and in the country of recruitment. The  
9 allottee may then determine what portion, if any, of the  
10 difference will be paid as a market-place premium. The  
11 amount of the premium determined by the allottee shall  
12 not be greater than 90% of the value of the employee's  
13 base salary.

14 (2) Foreign service premium. An employee who is a  
15 citizen of the Federated States of Micronesia and who is  
16 assigned to a permanent duty station outside the  
17 Federated States of Micronesia may be paid a premium  
18 based on the cost of living in the place of assignment.

19 (3) Professional premium. An employee who has  
20 achieved advanced professional status in one of the  
21 following manners and who is employed in a position  
22 which requires or, directly utilizes such professional  
23 status may receive, in addition to the base salary of  
24 his position, a professional premium. The amount of  
25 professional premium to be paid, if any, shall be

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1           determined by the allottee of the funds from which the  
2           employee's salary is to be paid based upon the  
3           employee's education, experience and expertise. The  
4           amount of the premium determined by the allottee shall  
5           not be greater than 90% of the value of the employee's  
6           base salary. To be eligible for such a professional  
7           premium, the employee must meet one or more of the  
8           following requirements:

9                   (a) attainment of an earned degree in law from a  
10                  law school accredited by the competent authority in the  
11                  jurisdiction in which it operates, and admission either  
12                  to the FSM Supreme Court Bar or to practice law in  
13                  another jurisdiction;

14                  (b) admission to the FSM Supreme Court Bar and  
15                  eight (8) years of experience in the legal field;

16                  (c) ~~[full membership of one or more of the~~  
17                  ~~professional accountancy associations listed in the~~  
18                  ~~Public Service Regulations, as amended from time to~~  
19                  ~~time, or certification by the Public Auditor that the~~  
20                  ~~employee's qualifications and experience are equivalent~~  
21                  ~~to those which would be required to obtain full~~  
22                  ~~membership of such an association]~~ attainment of an  
23                  earned professional certification through examination  
24                  from any professional accountancy, auditing, anti-fraud  
25                  or government financial management association in the

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1           United States such as the American Institute of  
2           Certified Public Accountants (AICPA), Association of  
3           Certified Fraud Examiners (ACFE), the Institute of  
4           Internal Auditors (IIA), and the Association of  
5           Government Accountants which issue professional  
6           designations such as Certified Public Accountant (CPA),  
7           Certified Fraud Examiner (CFE), Certified Internal  
8           Auditor (CIA), Certified Government Audit Professional  
9           (CGAP), and Certified Government Financial Manager  
10           (CGFM);

11                   (d) attainment of an earned degree in engineering  
12           upon completion of a four-year course of study from a  
13           college, university or educational institution which is  
14           accredited by the competent authority in the  
15           jurisdiction in which the college, university or  
16           educational institution is located; and

17                   (e) attainment of an earned doctorate in any  
18           field.

19           (4) The Public Auditor will conduct an annual audit of  
20           all professional and market place premiums being paid to  
21           public service employees. The audit findings shall be  
22           transmitted to the President and Congress."

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

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5 Date: 5/18/09

Introduced by: /s/ Joe N. Suka

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Joe N. Suka  
(by request)

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