

STANDING COMMITTEE REPORT NO. 18-67

RE: C.B. No. 18-61 (J&GO)

SUBJECT: 90 DAY ACTING CAPACITY COMPENSATION

DECEMBER 02, 2013

The Honorable Dohsis Halbert
Speaker, Eighteenth Congress
Federated States of Micronesia
Second Regular Session, 2013

Dear Mr. Speaker:

Your Committee on Judiciary & Governmental Operations, to which was referred C.B. No. 18-61, entitled:

"A BILL FOR AN ACT TO AMEND SECTION 208 OF TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, FOR THE PURPOSE OF COMPENSATING AN EMPLOYEE WHO SERVES IN AN "ACTING" CAPACITY FOR MORE THAN NINETY DAYS SHALL BE ENTITLED TO THAT POSITION'S COMPENSATION, IN WHICH THE ENTITLEMENT SHALL BE RETROACTIVE TO THE DAY ACTINGSHIP BEGAN, AND FOR OTHER PURPOSES."

begs leave to report as follows:

The intent and purpose of this bill is expressed in its title.

Your Committee on Judiciary & Governmental Operations held a public hearing on October 2, 2013. Representatives from the Personnel Office, the Department of Finance and Administration, SBOC, DOJ, and the President's Office were present.

Your Committee observes that it is not uncommon for a vacancy to arise in a given Department or Office of the National Government. These vacancies can last for several months while the head of the Department seeks for a qualified person to permanently fill the role. This can particularly happen in managerial roles and other positions that require a special

STANDING COMMITTEE REPORT NO. 18-67

RE: C.B. No. 18-61 (J&GO)

SUBJECT: 90 DAY ACTING CAPACITY COMPENSATION

DECEMBER 02, 2013

skill set. In the meantime, the head of the Department or Office will often temporarily 'promote' one of the current employees to serve in an "acting" capacity while the search continues. Presumably, circumstances are such that the head of the Department or Office does not wish to permanently promote the "acting" employee, but finds them suitable enough to temporarily fill that role.

Your Committee notes that there is frequently a disparity between the salaries of the employee's current position and that of the position in which they are "acting." Generally, the position in which they are "acting" will have greater compensation. Furthermore, your Committee notes that the position in which they are "acting" often has greater duties and responsibilities beyond their normal role.

The purpose of C.B. No. 18-61 is to mandate that a National Government employee who serves in an "acting" capacity for more than ninety (90) days shall be entitled to that position's (greater) compensation; retroactive to the time they started serving in that capacity. Otherwise, there is an inequity where an employee is taking on greater long-term duties and responsibilities without receiving the greater compensation. Your Committee finds this to be a fair and equitable solution to these recurring situations and approves of C.B. No. 18-61.

STANDING COMMITTEE REPORT NO. 18-67

RE: C.B. No. 18-61 (J&GO)

SUBJECT: 90 DAY ACTING CAPACITY COMPENSATION

DECEMBER 02, 2013

Your Committee is in accord with the intent and purpose of C.B. No. 18-61 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.

Respectfully submitted,

/s/ Wesley W. Simina
Wesley W. Simina, chairman

/s/ Berney Martin
Berney Martin, vice chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Yosiwo P. George
Yosiwo P. George, member

/s/ Dohsis Halbert
Dohsis Halbert, member

/s/ Bonsiano F. Nethon
Bonsiano F. Nethon, member

Isaac V. Figir, member