

S.L. NO. 81-14-12

AN ACT

Adding a new Section 2-106A to Title 9 of the Pohnpei Code to prohibit appointed officers and management officials from asserting employment related threats or retaliation relative to an employee's testimony at a hearing or inquiry; and for other purposes.

BE IT ENACTED BY THE POHNPEI LEGISLATURE:

1 Section 1. Title 9 of the Pohnpei Code is amended by adding a
2 new Section 2-106A to read as follows:

3 “§2-106A. Threats or retaliation prohibited.

4 (1) No appointed officer of the Executive Branch
5 of the Pohnpei Government or management official within
6 the Public Service System may suspend, discharge, threaten
7 or otherwise discriminate against an employee regarding the
8 employee's job title, job assignment, compensation, terms,
9 conditions, location, or privileges of employment in an
10 effort to influence his testimony or in retaliation for his
11 testimony at a hearing before a committee of the Pohnpei
12 Legislature, at a hearing before a state court, at a hearing
13 before an adjudicatory body of the executive branch, or at
14 an inquiry before the Office of the Pohnpei Auditor.

15 (2) In addition to such other civil and criminal
16 penalties as may be prescribed by law, any appointed
17 officer found in violation of this section shall constitute an
18 impeachable offense of misconduct in office and shall be
19 subject to removal from public office in the manner
20 prescribed by Article 13, Section 6 of the Pohnpei
21 Constitution.

22 (3) In addition to such other civil and criminal
23 penalties as may be prescribed by law, any management
24 official found in violation of this section shall be subject to
25 dismissal in the manner prescribed by 9 PC 2-139.

1 (4) Notwithstanding any other subsection of this
2 section, the protection of witnesses to testify without fear of
3 reprisal as provided herein shall not extend to testimony
4 which constitutes perjury under the laws of this state.”

5 Section 2. This act shall take effect upon its approval by the
6 Governor, or upon its becoming law without such approval.

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8 PASSED BY THE POHNPEI LEGISLATURE ON THE 9TH DAY OF
9 OCTOBER, 2012.

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Speaker, Pohnpei Legislature

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Attest: 

Legislative Clerk

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Approved: VETO

Governor, Pohnpei

Date: 10/18/12

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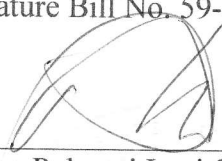
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1 Pursuant to Subsection 1 of Section 14 of Article 8 of the Pohnpei Constitution,
2 Legislature Bill No. 59-12, LD1, was repassed into law on November 01, 2012.

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Speaker, Pohnpei Legislature

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Attest: 

Legislative Clerk

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