

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTIONAL REGULAR SESSION, 2023



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

SENIOR COMMUNITY SERVICES PROGRAM ACT, 2023

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SENIOR COMMUNITY SERVICES PROGRAM ACT, 2023

AN ACT to create a new Chapter 5 under Title 18 MIRC in order to establish a senior community service program whereby Marshallese age 63 years and above are able to provide for services to the communities; and to provide for matters relating thereto.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

PART I - PRELIMINARY

§501. Short title.

This Act may be cited as the Senior Community Services Program Act, 2023.

§502. Interpretation.

Unless the context other requires:

- (a) "Director means a director responsible for the office of SCSP;
- (b) "Secretary" means the Secretary of the Ministry of Culture and Internal Affairs;
- (b) "Senior Community Service Employment Program" ("SCSP") is a community service and work-based job training program for older Marshallese age 63 years and above;
- (b) "Senior" means a person age 63 years and above;

§503. Purpose.

The purpose of SCSP is to:

- (a) provide training and employment for low-income, unemployed or unskilled or skilled retired seniors. The participants of the program will have access to employment assistance through employment arrangements by the Administrator of this Chapter;
- (b) provide SCSP participants gained work experience in a variety of community service activities at non-profit and public facilities, including schools, hospitals, day-care centers, and senior centers, and other community program and projects arranged by the Administrator; and
- (c) facilitate continuous community service opportunities throughout the Republic by low-income, unemployed or retired seniors.

PART II – ESTABLISHMENT AND ADMINISTRATION**§504. Establishment.**

- (1) There is hereby established the Senior Community Services Program or “the SCSP”
- (2) The SCSP:
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a seal;
 - (c) may enter into contracts;
 - (d) may sue and be sued in its corporate name;
 - (e) may acquire, hold, charge and dispose of property; and for the purposes of its functions, has all the powers, functions, duties and responsibilities of a corporation.

§505. Administration.

- (1) Subject to this Chapter and the Regulations made under Section 26, the Senior Community Services Program shall be Administered and managed by Ministry of Culture and Internal Affairs;
- (2) The Secretary has and may exercise and perform all the powers and functions of the SCSP made under this Chapter.

§506. RESERVED.**PART III – SENIOR COMMUNITY SERVICES PROGRAM****§507. Functions of Senior Community Services Program.**

- (1) Organize, implement and manage the SCSP as provided for in this Chapter for seniors of 63 years and above.
- (2) Develop criteria for eligible projects and will review and approve projects submitted.
- (3) Assist the national government, local governments, churches, and community groups and non-governmental organizations in carrying out the following tasks:
 - (a) erection and maintenance of assets of all kinds;
 - (b) provision of assistance in education and health programs;
 - (c) planting of native food plants, including replacements of senile coconuts;
 - (d) participation in conservation-related activities such as cleaning beaches and shorelines as well as beautification of public areas;
 - (e) building seawalls as needed;
 - (f) participation in community-approved projects involving local governments such as cleaning, building and maintaining roads and airports; and
 - (g) such other tasks designated by the Secretary.
- (4) Provision of assistance to the National Disaster Committee.
- (5) Preparation of tasks considered by the national government and local governments to contribute towards economic and integral human development.
- (6) Preparation of seniors for employment whether in the public or private sectors.
- (7) Provision of training in specific skills.

§508. RESERVED**PART IV – FINANCIAL PROVISIONS****§509. SCSP Fund**

- (1) The SCSP Fund is hereby established as a special revenue account within the National Treasury and under the control and supervision of the Ministry of Finance, which must provide for administration in accordance with the Financial Management Act of 2023.
- (2) The SCSP may charge for services it provides at such rates as determined by the Secretary of Ministry of Culture and Internal Affairs
- (3) The sources of the Fund shall consist of:
 - (a) money appropriated by the Nitijela in respect of the functions of the SCSP under this Chapter;
 - (b) other moneys provided by the Cabinet for the work of the SCSP by way of grant or otherwise;
 - (c) all moneys received by the SCSP for services provided by the SCSP; and
 - (d) money paid to Government by any person or body, whether in or outside the Marshall Islands, for the work of the SCSP.
- (4) If the sum available in the Fund is not sufficient to meet the purposes stated in this Chapter:
 - (a) the Minister responsible for SCSP may request the Nitijela to provide finance for the implementation of this Chapter in addition to the annual appropriation; and
 - (b) the Cabinet may:
 - (i) make available monies from the Contingencies Fund or by reprogramming; and
 - (ii) seek assistance from international and other sources.

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- (1) Subject to this Chapter and the Regulations made under Section 26, the Senior Community Services Program shall be Administered and managed by Ministry of Culture and Internal Affairs;
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 - (g) such other tasks designated by the Secretary.
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- (4) If the sum available in the Fund is not sufficient to meet the purposes stated in this Chapter:
 - (a) the Minister responsible for SCSP may request the Nitijela to provide finance for the implementation of this Chapter in addition to the annual appropriation; and
 - (b) the Cabinet may:
 - (i) make available monies from the Contingencies Fund or by reprogramming; and
 - (ii) seek assistance from international and other sources.

- (5) Money made available and received under subsection (3) must be credited to the Fund.
- (6) This Section does not limit the authority of the Cabinet to apply for, administer or expend any grants, gifts, or payments or pass through funds for the purpose of this Act.
- (7) The Fund must be used to contribute to the expenses, including:
 - (a) payment of discharge of expenses, obligations and liabilities of the SCSP;
 - (b) payment of remuneration of employees of the SCSP;
 - (c) payment of remuneration of SCSP members; and
 - (d) for such other purposes consistent with the functions of the SCSP as determined by the Secretary.
- (8) The Secretary of Finance shall maintain proper accounts and records of the Fund, and the accounts are to be provided to the Nitijela by the Minister of Finance pursuant to Article VIII, Section 5(4), of the Constitution.

PART V – REQUIREMENT FOR SERVICE IN THE SCSP

§510. Application for SCSP

- (1) Any Marshallese citizen from the age of 63 and above may apply to join the SCSP for national service as a member unless he or she:
 - (a) is enrolled in a training program with respect to a trade or skill;
 - (b) is the sole provider of his family;
 - (c) has joined the United States Armed Forces; or
 - (d) has been nominated and subsequently accepted in the United States Coast Guard Academy or the United States Merchant Marine Academy pursuant to the Compact of Free Association Between the Government of the United States of America and the Government of the Republic of the Marshall Islands, As Amended.
- (2) An application under Subsection (1) of this Section shall:

- (a) be made at the office responsible for seniors within the Ministry of Culture and Internal Affairs;
- (b) be made in the manner prescribed; and
- (c) contain such particulars as may be prescribed.

§511. Consideration of an Application.

- (1) Upon the recommendation of the Secretary of Finance shall consider an application made under 510 and, if satisfied with said recommendation, may enlist the applicant in the SCSP as a member.
- (2) Subject to this Chapter, a participant shall serve in the SCSP for a period of one year with eligibility for another year.

§512. Conditions of Service.

- (1) A member shall:
 - (a) serve under a written contract;
 - (b) carry out such duties as are specified in the contract or as assigned to him by the Secretary;
 - (c) undergo a 6-month training on character-building, communication skills, basic cleaning, gardening, carpentry and conservation skills, before being deployed to carry out projects;
 - (d) be subject to the disciplinary provisions contained in Section 514; and
 - (e) be paid such compensations as provided for in Section 514.

§513. Remuneration.

- (1) A member is entitled to:
 - (a) an allowance of a prescribed amount payable as prescribed in the contract; and
 - (b) a termination payment in accordance with this Section and as prescribed.
- (2) Subject to the approval of the Secretary, where in any case the Secretary considers it advisable, he may direct that a termination

payment due to a member be paid to some other person or body or authority for the member's benefit.

- (3) Where, on the completion of his service, a member becomes a mentor in the SCSP, no termination payment shall be made to him.

§514. Discipline.

- (1) A member of the SCSP who:
 - (a) breaches a provision of this Act;
 - (b) wilfully disobeys or disregards a lawful order made by a person having the authority to make it;
 - (c) is negligent or careless in the discharge of his duties;
 - (d) is ineffective in the discharge of his duties;
 - (e) uses intoxicating alcohol or drugs; or
 - (f) solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of his duties, is guilty of a disciplinary offence and is liable as specified in this Section.
- (2) The penalties which may be imposed for a disciplinary offence are:
 - (a) a fine of an amount not exceeding 20% of the member's monthly allowance; or
 - (b) a dismissal from the SCSP and non-payment of termination payment.
- (3) If a member is charged with a criminal offence, he shall be suspended without pay until the determination of the charge.
- (4) If a member is convicted of a criminal offence, he shall:
 - (a) where the offence relates to his duties, be dismissed from the SCSP and non-payment of his termination payment; or
 - (b) where the offence does not relate to his duties, be dismissed from the SCSP and non-payment of his termination payment if the Director, subject to approval from the Secretary deems it fit to do so.

PART VI – MISCELLANEOUS

§515. Regulation.

The Minister responsible for SCSP shall, upon the recommendation of the Secretary, promulgate Regulations, in accordance with the Administrative Procedures Act to give effect to this Chapter.

§516. Severability.

If any provision of this Chapter is deemed to be unconstitutional, the other provisions shall remain in full force and effect.

§517. Effective Date.

This Act shall come into force in accordance with Article V, Section 21, of the Constitution and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 112 was passed by the Nitijela of the Republic of the Marshall Islands on the 28th day of September 2023; and
2. That I am satisfied that Nitijela Bill No: 112 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 25th day of October 2023.



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:



Carl Alik
Assistant Clerk
Nitijela of the Marshall Islands