Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

YOUTH SERVICE CORPS ACT 2016

Introduced by:

HON. MINISTER MATTLAN ZACKHRAS

Received:

HON. SPEAKER KENNETH A. KEDI

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

YOUTH SERVICE CORPS ACT 2016

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YOUTH SERVICE CORPS ACT 2016

AN ACT to establish a national Youth Service Corps for the provision of voluntary period of service to the Republic in order to promote community development, conservation-related activities, activities and remuneration for those without employment, not enrolled as a student at any level and related purposes.

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

§1. Short Title.

This Chapter may be cited as the Youth Service Corps Act 2016.

§2. Interpretation.

In this Chapter, unless the context requires:

"**Act**" shall mean this Youth Service Corp Act 2016;

"**Corps**" shall mean the Youth Services Corps established under this Act;

"**Member**" shall mean youth aged 20-24 years serving in the Corps;

"**Mentors**" shall mean volunteers employed by the Corps to guide members whether through counselling or capacity-building of a particular trade or skill;

"**Minister**" shall mean the Minister to whom the Corps has been assigned as part of that Minister's portfolio;

"**other laws of the Republic**" shall include Acts, regulations, policies;

§3. Application of this Act.

This Act applies inside the Republic.

§4. Mission.

The Mission of this Act is to promote and secure a future in which a year of national service is a cultural expectation, common opportunity to improve oneself and his/her environment, and a civic rite of passage for all male and female youth.

§5. Objectives.

(1) The objectives of this Act are:

(a) inspire Marshallese to understand and support national service;

(b) instil national pride in Marshallese youth during their service year;

(c) connect youth to education, the workforce and their communities;

(d) assist with combating the high unemployment rate in the Republic;

(e) to promote and integrate discipline in youth development;

(f) provide youth with the skills, work ethic and opportunity to succeed;

(g) expand service opportunities throughout the Republic; and

(h) frame national service to build demand and public will.

PART II – MANAGEMENT

§6. Establishment.

(1) There is hereby established the Youth Service Corps.

(2) The Corps:

(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.

§7. Management of the Corps.

(1) Subject to this Act and the Regulations made under Section 26, the Corps shall be controlled and managed by a Board of Directors.

(2) The Board has and may exercise and perform all the powers and functions of the Corps made under this Chapter.

§8. The Board of Directors.

(1) There shall be a Board of Directors of the Corps, which shall consist of five (5) members.

(2) The Chairperson and other members of the Board shall be appointed by the Cabinet.

§9. Term of Office.

(1) The term of a Board member's appointment shall be for two (2) years with eligibility for reappointment.

(2) Notwithstanding Subsection (1) of this Section, a Board member may be removed for cause by the Cabinet.

§10. Compensation.

Board members shall be entitled to such compensation as determined by the Cabinet.

§11. Vacation of Office.

A Board member vacates his/her Office:

(a) Upon death;

(b) Upon resignation in writing addressed to the Cabinet; or

(c) Upon removal as per Section 9(2).

§12. Delegation by the Board.

(1) The Board may, by written instrument, delegate to any person any of its powers and functions except the power to recommend to the Minister the need for regulations pursuant to Section 26 and the power provided for under Section 14.

(2) A delegation under this Section may apply:

(a) to the whole or part of the Republic, specified in the instrument of delegation; or

(b) to all enterprises conducted by the Board or in which the Board is involved, specified in said instrument.

(3) A delegation under this Section may be made subject to limitations and conditions.

(4) A delegation under this Section is revocable, by written instrument or at will, and no such delegation prevents the exercise or performance of a power or function by the Board so delegated.

§13. Procedures of the Board.

Subject to this Act, the Board shall determine its own procedures.

§14. Staff of the Corps.

(1) Subject to any directions from the Cabinet, the Board:

(a) shall employ a Manager to oversee the Corps;

(b) may employ such other employees, consultants and advisers as the Board deems necessary for the effective and efficient performance of the Corps; and

(c) may employ voluntary mentors to Corps members.

(2) Persons referred to in Subsection (1) of this Section shall be employed on such terms and conditions as the Board determines subsequent to consultation with the Public Service Commission on such terms and conditions.

(3) Notwithstanding Subsection (2) of this Section, persons referred to in Subsection (1) of the same shall be bound by the Public Service Regulations.

PART III – YOUTH SERVICE CORPS

§15. Functions of the Corps.

(1) Organize, implement and manage a program of national service as provided for in this Act for male and female youth between the ages of 20 to 24 years old.

(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 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 Board.

(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 youth for employment whether in the public or private sectors.

(7) Provision of training in specific skills.

§16. Powers of the Corps.

The Corps has, in addition to the powers conferred on it by this Act and any other law, power to do all things which are necessary or convenient to be done for or in connection with the performance of its functions.

PART IV – FINANCIAL PROVISIONS

§17. Youth Service Corps Fund.

(1) The Youth Service Corps 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 its administration in accordance with the Financial Management Act of 1990.

(2) The Corps may charge for services it provides at such rates as determined by the Board.

(3) The sources of the Fund shall consist of –

(a) money appropriated by the Nitijela in respect of the functions of the Corps under this Act;

(b) other moneys provided by the Cabinet for the work of the Corps by way of grant or otherwise;

(c) all moneys received by the Corps for services provided by the Corps; and

(d) money paid to Government by any person or body, whether in or outside the Marshall Islands, for the work of the Corps.

(4) If the sum available in the Fund is not sufficient to meet the purposes stated in Section 15:

(a) the Minister of the Corps may request the Nitijela to provide finance for the implementation of this Act 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 capital expenses, of:

(a) in payment of discharge of expenses, obligations and liabilities of the Corps;

(b) in payment of the compensation of Board members should such compensation by determined by the Cabinet as per Section 10;

(c) in payment of remuneration of employees of the Corps;

(d) in payment of remuneration of Corps members; and

(e) for such other purposes consistent with the functions of the Corps as determined by the Board.

(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 – SERVICE IN THE CORPS

§18. Application for Voluntary Service.

(1) A male citizen between the ages of 20-24 years may apply to join the Corps for national service as a member unless he/she:

(a) is enrolled at the College of the Marshall Islands, the University of the South Pacific or any other accredited colleges or universities;

(b) is enrolled in the GED program;

(c) is enrolled in a training program with respect to a trade or skill;

(d) is the sole provider of his family;

(e) has joined the United States Armed Forces; or

(f) 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 of the Manager;

(b) be made in the manner prescribed; and

(i) contain such particulars as may be prescribed.

§19. Consideration of an Application.

(1) Upon the recommendation of the Manager, the Board shall consider an application made under Section 18 and, if satisfied with said recommendation, may enlist the applicant in the Corps as a member.

(2) The Board shall develop the criteria for eligibility, which shall include the requirements of graduating from High School.

(3) Subject to this Act, a member shall serve in the Corps for a period of one year with eligibility for another year.

§20. 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 Manager;

(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 22; and

(e) be paid such compensations as provided for in Section 21.

§21. 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 Board, where in any case the Manager 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 Corps, no termination payment shall be made to him.

§22. Discipline.

(1) A member of the Corps 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 Dismissal from the Corps 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 Corps and non-payment of his termination payment; or

(b) where the offence does not relate to his duties, be dismissed from the Corps and non-payment of his termination payment

if the Manager, subject to approval from the Board, deems it fit to do so.

PART VI – MISCELLANEOUS

§23. Uniform, Badges and Insignia.

(1) The Board, acting on advice from the Cabinet, shall approve a design of official uniforms, insignia and badges of the Corps.

(2) A person who:

(a) without written authorization from the Manager, manufactures or sells; or

(b) except as authorized by this Act, wears an official uniform, insignia or badge of the Corps, or a replica or copy thereof;

is guilty of an offence and shall be liable to a fine not exceeding $500 or imprisonment not exceeding one year, or both.

§24. Political Activities.

(1) A member of the Corps shall not:

(a) use his/her official position or official influence to interfere with the orderly workings of any election, or to affect the results of the election;

(b) use his/her official position to influence any person or political party in a politically-related activity;

(c) solicit or receive contributions during official working hours, on Corps property or on work sites;

(d) campaign for any candidates for public office during his official hours, nor in any circumstances shall he campaign on Corps property or on work sites.

(2) A member of the Corps who contravenes Subsection (1) of this Section shall be liable for a disciplinary offence.

§25. Indemnity.

(1) A member of the Corps is not liable for anything done or omitted to be done, or purporting to be done or omitted to be done, under or for

the purposes of this Act unless he acted maliciously or without reasonable or probable cause.

(2) Subsection (1) of this Section does not derogate any protection from other provisions of this Act or any other law.

§26. Regulations.

The Minister of the Corps shall, upon the recommendation of the Board and with the approval of the Cabinet, promulgate regulations to give effect to this Act.

§27. Severability.

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

§28. 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: 27 was passed by the Nitijela of the Republic of the Marshall Islands on the 26th day of September 2016; and

2. That I am satisfied that Nitijela Bill No: 27 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 18th day of October 2016.

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

Attest:

Morean Watak
Clerk
Nitijela of the Marshall Islands