

VH60

A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by further amending section 509, as amended by Public Laws Nos. 10-62 and 10-118, to provide that entitlement to overtime as currently allowed by that section shall be retroactive with respect to budget and accounting personnel, and for other purposes.

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

1 Section 1. Section 509 of title 52 of the Code of the
2 Federated States of Micronesia, as amended by Public Laws Nos. 10-62
3 and 10-118, is hereby further amended to read as follows:

4 "Section 509. Freeze on salary increases; compensatory
5 time and overtime compensation. Notwithstanding any
6 other applicable law, there is hereby enacted:

7 (1) A freeze on annual salary step increases of all
8 employees in the public service system; and

9 (2) Compensatory time, with which employees in the
10 public service system shall be credited in lieu of
11 receiving overtime compensation as otherwise authorized
12 under the National Public Service System Act and
13 regulations promulgated thereunder. Compensatory time
14 means those hours authorized in advance and worked by an
15 employee outside established work hours and for which the
16 employee is credited with one hour in the form of leave
17 with pay for each hour of work an employee is directed to
18 work and performs [~~work~~] in excess of the regular 40 hour
19 workweek as provided by law. Compensatory time shall be
20 accrued by National Government public service employees
21 and shall be included in the compensation received by a
22 program participant pursuant to subsection (4)(c) of
23 section 506 of this chapter; except that any accumulation
24 of time in excess of 280 hours shall be forfeited unless
25 taken before the end of the calendar year in which the

1 excess was accumulated. For purposes of computing
 2 whether a program employee's accrued compensatory and/or
 3 annual leave hours are in excess of 280 hours, accrued
 4 compensatory time and annual leave shall be included in
 5 computing the 280-hour ceiling.

6 (3) Notwithstanding the provisions of this section, an
 7 employee shall be entitled to receive overtime
 8 differential, retroactive to the effective date of Public
 9 Law No. 9-155 [~~with respect to paragraphs (a), (b) and~~
 10 ~~(c)~~], as authorized under the National Public Service
 11 System Act, for:

12 (a) time worked in the event that the National
 13 [g]overnment would be entitled to compensation for
 14 payment of such differential under section 115 of title
 15 50; or

16 (b) time worked in the event that the National
 17 [g]overnment would be entitled to compensation for
 18 payment of such differential through a written agreement
 19 with a legal entity that seeks to provide relief from
 20 emergency conditions, as long as the time worked is
 21 directly related to efforts to provide emergency relief,
 22 in accordance with an emergency declared by the President
 23 under article X, section 9 of the Constitution of the
 24 Federated States of Micronesia.

25 (c) time worked in the event that the National

1 Government would be entitled to compensation for payment
 2 of such differential through a written agreement with the
 3 Water Users Corporation, as long as the time worked is
 4 directly related to management and maintenance of the
 5 Capital Water System.

6 (d) time worked as follows:

7 (i) by personnel within the Division of
 8 Budget in preparation of the annual budget submission in
 9 the thirty day period prior to April 1;

10 (ii) by accounting personnel within the
 11 Division of Treasury in preparing the annual financial
 12 statements for the FSM National Government, during the
 13 period from November 1 to December 31 of each year;

14 (iii) by accounting personnel within the
 15 Division of Treasury in preparing reports pursuant to
 16 section 226 of title 55 of the Code of the Federated
 17 States of Micronesia, or a successor provision, during
 18 the fifteen day periods leading up to May 1 and November
 19 1 of each year. Notwithstanding section 164 of this
 20 title, persons working hours entitling them to overtime
 21 differential pursuant to paragraph (d) of subsection (3)
 22 of this section shall receive compensation at straight
 23 time for those hours."

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

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5 Date: 4/12/99

Introduced by: 
Nishima E. Yleizah

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