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A BILL FOR AN ACT

To amend title 22 of the Code of the Federated States of Micronesia by adding a new section 416 to allow for recovery of overtime costs for quarantine personnel from aircraft and sea vessel under certain circumstances, and for other purposes.

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

1 Section 1. Title 22 of the Code of the Federated States of
2 Micronesia is hereby amended by adding a new section 416 to read as
3 follows:

4 "Section 416. Aircraft and sea vessel responsibilities
5 for overtime.

6 Any aircraft or sea vessel landing at any airport, or
7 calling at any port in the Federated States of
8 Micronesia, shall be responsible for paying to the
9 Treasurer of the Federated States of Micronesia an amount
10 equal to the actual costs to the National Government for
11 overtime accrued by the officials responsible for
12 carrying out the purpose of this title whenever such
13 officials are required to carry out their official duties
14 relating to the aircraft or sea vessel at a time outside
15 of the officials' ordinary working hours. The Secretary
16 of Economic Affairs shall determine the amount payable by
17 the aircraft or sea vessel under this section and shall
18 submit invoices to the aircraft or sea vessel for payment
19 of such amounts on a monthly basis; provided, however, if
20 an aircraft or sea vessel's arrival is for one time only
21 or is likely to occur at infrequent intervals the invoice
22 shall be made as soon as possible after the arrival of
23 the vessel or aircraft, including at the time of the
24 arrival itself as may be provided by the regulations.
25 For purposes of this section, overtime means actual hours

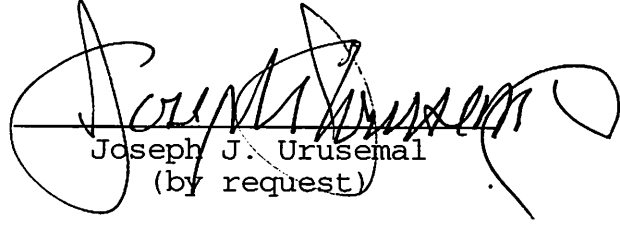
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C.B. NO. 11-51

1 worked in excess of 40 actual hours per week worked by an
2 official or employee of the National Government."

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

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7 Date: 7/19/99

Introduced by: 
Joseph J. Urusemal
(by request)

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ELEVENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST SPECIAL SESSION, 1999

CONGRESSIONAL BILL NO. 11-51, C.D.1

AN ACT

To amend title 22 of the Code of the Federated States of Micronesia by adding a new section 416 to allow for recovery of overtime costs for quarantine personnel from aircraft and sea vessel under certain circumstances, and 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. 9-155, 10-62, 10-118 and 10-151, to allow for payment of overtime compensation under certain circumstances, and for other purposes.

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

1 Section 1. Title 22 of the Code of the Federated States of
2 Micronesia is hereby amended by adding a new section 416 to read as
3 follows:

4 "Section 416. Aircraft and sea vessel responsibilities
5 for overtime. Any aircraft or sea vessel landing at any
6 airport, or calling at any port in the Federated States
7 of Micronesia, shall be responsible for paying to the
8 Treasurer of the Federated States of Micronesia an amount
9 equal to the actual costs to the National Government for
10 overtime accrued by the officials responsible for
11 carrying out the purpose of this title whenever such
12 officials are required to carry out their official duties
13 relating to the aircraft or sea vessel at a time outside
14 of the officials' ordinary working hours. The Secretary
15 of Economic Affairs shall determine the amount payable by
16 the aircraft or sea vessel under this section and shall
17 submit invoices to the aircraft or sea vessel for payment
18 of such amounts on a monthly basis; provided, however, if
19 an aircraft or sea vessel's arrival is for one time only
20 or is likely to occur at infrequent intervals the invoice
21 shall be made as soon as possible after the arrival of
22 the vessel or aircraft, including at the time of the

1 arrival itself as may be provided by the regulations.

2 For purposes of this section, overtime means actual hours
3 worked in excess of 40 actual hours per week worked by an
4 official or employee of the National Government."

5 Section 2. Section 509 of title 52 of the Code of the
6 Federated States of Micronesia, as amended by Public Laws Nos.
7 9-155, 10-62, 10-118 and 10-151, is hereby further amended to read
8 as follows:

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

12 (1) a freeze on annual salary step increases of all
13 employees in the public service system; and

14 (2) compensatory time, with which employees in the
15 public service system shall be credited in lieu of
16 receiving overtime compensation as otherwise authorized
17 under the National Public Service System Act and
18 regulations promulgated thereunder. Compensatory time
19 means those hours authorized in advance and worked by an
20 employee outside established work hours and for which the
21 employee is credited with one hour in the form of leave
22 with pay for each hour of work an employee is directed to
23 work and performs in excess of the regular 40 hour
24 workweek as provided by law. Compensatory time shall be
25 accrued by National Government public service employees

1 and shall be included in the compensation received by a
2 program participant pursuant to subsection (4)(c) of
3 section 506 of this chapter; except that any accumulation
4 of time in excess of 280 hours shall be forfeited unless
5 taken before the end of the calendar year in which the
6 excess was accumulated. For purposes of computing
7 whether a program employee's accrued compensatory and/or
8 annual leave hours are in excess of 280 hours, accrued
9 compensatory time and annual leave shall be included in
10 computing the 280-hour ceiling.

11 (3) Notwithstanding the provisions of this section, an
12 employee shall be entitled to receive overtime
13 differential, retroactive to the effective date of Public
14 Law No. 9-155, as authorized under the National Public
15 Service System Act, for:

16 (a) time worked in the event that the National
17 Government would be entitled to compensation for payment
18 of such differential under section 115 of title 50 and
19 section 416 of title 22;

20 (b) time worked in the event that the National
21 Government would be entitled to compensation for payment
22 of such differential through a written agreement with a
23 legal entity that seeks to provide relief from emergency
24 conditions, as long as the time worked is directly
25 related to efforts to provide emergency relief, in

1 accordance with an emergency declared by the President
2 under article X, section 9, of the Constitution of the
3 Federated States of Micronesia;

4 (c) time worked in the event that the National
5 Government would be entitled to compensation for payment
6 of such differential through a written agreement with the
7 Water Users Corporation, as long as the time worked is
8 directly related to management and maintenance of the
9 Capital Water System; or

10 (d) time worked as follows:

11 (i) by personnel within the Division of
12 Budget in preparation of the annual budget submission in
13 the thirty day period prior to April 1;

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

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

