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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 enacted by Public Law No. 9-155 and as amended by Public Law No. 10-62, 10-118 and 10-151, to allow for payment of overtime under certain specified circumstances, and for other purposes.

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

1 Section 1. Section 509 of title 52, as enacted by Public Law
2 No. 9-155 and as amended by Public Laws Nos. 10-62, 10-118 and 10-
3 151, is hereby further amended to read as follows:

4 "Section 509. Freeze on salary increases;
5 compensatory time and overtime compensation.

6 Notwithstanding any other applicable law, there is
7 hereby enacted:

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

10 (2) Compensatory time, with which employees in the
11 public service system shall be credited in lieu of
12 receiving overtime compensation as otherwise
13 authorized under the National Public Service System
14 Act and regulations promulgated thereunder.

15 Compensatory time means those hours authorized in
16 advance and worked by an employee outside
17 established work hours and for which the employee is
18 credited with one hour in the form of leave with pay
19 for each hour of work an employee is directed to
20 work and performs in excess of the regular 40 hour
21 work week as provided by law. Compensatory time
22 shall be accrued by National Government public
23 service employees and shall be included in the
24 compensation received by a program participant
25 pursuant to subsection (4)(c) of section 506 of this

1 chapter; except that any accumulation of time in
2 excess of 280 hours shall be forfeited unless taken
3 before the end of the calendar year in which the
4 excess was accumulated. For purposes of computing
5 whether a program employee's accrued compensatory
6 and/or annual leave hours are in excess of 280
7 hours, accrued compensatory time and annual leave
8 shall be included in computing the 280-hour ceiling.

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

15 (a) time worked in the event that the National
16 Government would be entitled to compensation for payment
17 of such differential under section 115 of title 50 for
18 immigration and customs personnel, any similar cost-
19 recovery provisions for quarantine personnel;

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

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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, which shall be
11 compensated at straight time, notwithstanding section 164
12 of this title:

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

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

20 (iii) by accounting personnel within the
21 Division of Treasury in preparing reports pursuant to
22 section 226 of title 55 of the Code of the Federated
23 States of Micronesia, or a successor provision, during
24 the fifteen day periods leading up to May 1 and November
25 1 of each year. [~~Notwithstanding section 164 of this~~

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1 ~~title, persons working hours entitling them to overtime~~
2 ~~differential pursuant to paragraph (d) of subsection (3)~~
3 ~~of this section shall receive compensation at straight~~
4 ~~time for those hours.]~~

5 (iv) by personnel expressly authorized and
6 directed by the President to work on an unexpected or
7 unbudgeted event of national importance and of limited
8 duration, including but not limited to national funerals,
9 presidential inaugurations, diplomatic functions,
10 international meetings hosted by the National Government,
11 and emergency relief work in connection with a disaster.
12 The President shall notify Congress promptly after the
13 authorization and, with the exception of funerals and
14 emergency relief work, not less than 15 days before the
15 employees incur any overtime for the above purposes. The
16 President's notice to Congress shall include an estimate
17 of the supplemental funds to be appropriated to cover the
18 costs of overtime. Congress may, if it is in session or
19 at its next session if it is not, overrule the
20 President's decision by resolution, in which case the
21 employees will only be entitled to compensatory time;

22 (v) by personnel of the Department of Justice
23 for emergency relief work related to El Niño during
24 fiscal year 1998 and work related to the funeral of
25 President Bailey Olter in 1999. This subsection shall be

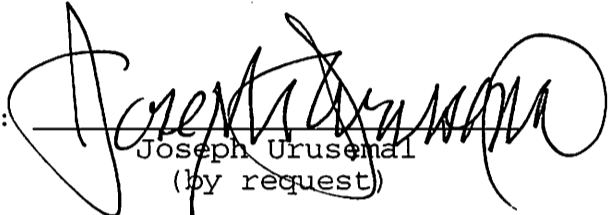
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1 retroactive to the extent necessary to effect the intent
2 of Congress; or
3 (vi) by personnel of the Department of Justice
4 for work related to the protection and personal security
5 of the President."

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

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10 Date: 7/19/99

Introduced by: 
Joseph Urusemal
(by request)

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