

A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 509 thereof to authorize overtime compensation to employees of the National Government for work done during certain emergencies and special operations, 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-  
3 62, 10-118, 10-151, 11-41, 11-52, and 13-43, is hereby further  
4 amended to read as follows:

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

7           (1) Notwithstanding any other applicable law, there  
8 is hereby enacted:

9           (a)~~[(1)]~~ a freeze on annual salary step increases of  
10 all employees in the public service system; and

11           (b)~~[(2)]~~ compensatory time, with which employees in  
12 the public service system shall be credited in lieu of  
13 receiving overtime compensation as otherwise authorized  
14 under the National Public Service System Act and  
15 regulations promulgated thereunder. Compensatory time  
16 means those hours authorized in advance and worked by an  
17 employee outside established work hours and for which

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1 the employee is credited with one hour in the form of  
2 leave with pay for each hour of work an employee is  
3 directed to work and performs in excess of the regular  
4 40 hour workweek as provided by law. Compensatory time  
5 shall be accrued by National Government public service  
6 employees and shall be included in the compensation  
7 received by a program participant pursuant to subsection  
8 (4) (c) of section 506 of this chapter; except that any  
9 accumulation of time in excess of 280 hours shall be  
10 forfeited unless taken before the end of the calendar  
11 year in which the excess was accumulated. For purposes  
12 of computing whether a program employee's accrued  
13 compensatory and /or annual leave hours are in excess of  
14 280 hours, accrued compensatory time and annual leave  
15 shall be included in computing the 280-hour ceiling.

16 (2) [~~(3)~~] Notwithstanding the provisions of this section,  
17 an employee shall be entitled to receive overtime  
18 differential, retroactive to the effective date of  
19 Public Law No. 9-155, as authorized under the National  
20 Public Service System Act, for:

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

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

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1 Government would be entitled to compensation for payment  
2 of such differential through a written agreement with a  
3 legal entity that seeks to provide relief from emergency  
4 conditions, as long as the time worked is directly  
5 related to efforts to provide emergency relief, in  
6 accordance with an emergency declared by the President  
7 under article X, section 9, of the Constitution of the  
8 Federated States of Micronesia;

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

15 (d) time worked as follows:

16 (i) by personnel within the Division of  
17 Budget in preparation of the annual budget submission at  
18 the discretion of the Secretary of the Department of  
19 Finance and Administration;

20 (ii) by accounting personnel within the  
21 Division of Treasury in preparing the annual financial  
22 statements for the FSM National Government, at the  
23 discretion of the Secretary of the Department of Finance  
24 and Administration;

25 (iii) by accounting personnel within the

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1 Division of Treasury in preparing reports pursuant to  
2 section 226 of title 55 of the Code of the Federated  
3 States of Micronesia, or a successor provision, at the  
4 discretion of the Secretary of the Department of Finance  
5 and Administration. [~~Notwithstanding section 164 of~~  
6 ~~this title, persons working hours entitling them to~~  
7 ~~overtime differential pursuant to paragraph (d) of~~  
8 ~~subsection (3) of this section shall receive~~  
9 ~~compensation at straight time for those hours.]~~

10 (iv) by employees of the National Government  
11 in response to a call from the President of the Federated  
12 States of Micronesia for them to stand duty during an  
13 emergency, or a threat of an emergency, not subsequently  
14 declared as an imminent emergency under article X, section  
15 9 of the Constitution of the Federated States of  
16 Micronesia, or during special operations approved by the  
17 President of the Federated States of Micronesia, provided  
18 that such Special Operations shall be limited to  
19 activities approved by the President in advance as  
20 necessary for the safety, health and welfare of citizens  
21 or visitors to the Federated States of Micronesia.

22 (3) [-(4)] Notwithstanding other provisions of this  
23 section, the employees of the National Weather Services  
24 may receive annual increments retroactive to the  
25 effective date of Public Law No. 9-155

