

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, 11-21 and 11-52, is hereby further amended to
4 read as follows:

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

- 8 (1) a freeze on annual salary step increases of all
9 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 authorized
13 under the National Public Service System Act and
14 regulations promulgated thereunder. Compensatory time
15 means those hours authorized in advance and worked by
16 an employee outside established work hours and for
17 which the employee is credited with one hour in the

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

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

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

24 (b) time worked in the event that the National
25 Government would be entitled to compensation for

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

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

15 (d) time worked as follows:

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

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

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

11 (iv) by employees of the National Government in
12 response to a call from the President of the Federated
13 States of Micronesia for them to stand duty during an
14 emergency, or a threat of an emergency, not
15 subsequently declared as an imminent emergency under
16 article X, section 9 of the Constitution of the
17 Federated States of Micronesia, and during special
18 operations undertaken by employees within the Division
19 of Police approved by the President of the Federated
20 States of Micronesia, or his designee.

21 (e) Notwithstanding the provisions of section
22 164 of this title, persons working hours entitling them
23 to overtime differential pursuant to paragraph (d) of
24 subsection (3) of this section shall receive
25 compensation at straight time for those hours."

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