A BILL FOR AN ACT

To further amend section 509 of title 52 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 10-62, 10-118, 10-151, 11-41, 11-52, 13-43 and 14-73, to permit compensation for hours worked beyond regular hours to staff of the Division of Infrastructure under the Department of Transportation, Communications and Infrastructure, 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.
- 3 10-62, 10-118, 10-151, 11-41, 11-52, 13-43 and 14-73, is
- 4 hereby further amended to read as follows:
- 5 "Section 509. Freeze on salary increases;
- 6 compensatory time and overtime compensation.
- 7 Notwithstanding any other applicable law, there is
- 8 hereby enacted:
- 9 (1) a freeze on annual salary step increases of all
- 10 employees in the public service system; and
- 11 (2) compensatory time, with which employees in the
- 12 public service system shall be credited in lieu of
- 13 receiving overtime compensation as otherwise
- 14 authorized under the National Public Service System
- 15 Act and regulations promulgated thereunder.
- 16 Compensatory time means those hours authorized in
- 17 advance and worked by an employee outside established
- 18 work hours and for which the employee is credited

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

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- (3) Notwithstanding the provisions of this section, an employee shall be entitled to receive overtime differential, retroactive to the effective date of Public Law No. 9-155, as authorized under the National Public Service System Act, for:
- (a) time worked in the event that the National Government would be entitled to compensation for payment of such differential under section 115 of title 50 and section 416 of title 22;

(b) time worked in the event that the National Government would be entitled to compensation for payment of such differential through a written agreement with a legal entity that seeks to provide relief from emergency conditions, as long as the time worked is directly related to efforts to provide emergency relief, in accordance with an emergency declared by the President under article X, section 9 of the Constitution of the Federated States of Micronesia;

- (c) time worked in the event that the National Government would be entitled to compensation for payment of such differential through a written agreement with the Water Users Corporation, as long as the time worked is directly related to management and maintenance of the Capital Water System; or
 - (d) time worked as follows:
- (i) by personnel within the Division of
 Budget in preparation of the annual budget submission
 at the discretion of the Secretary of the Department
 of Finance and Administration;
- (ii) by accounting personnel within the Division of Treasury in preparing the annual financial statements for the FSM National Government, at the discretion of the Secretary of the Department

of Finance and Administration;

- (iii) by accounting personnel within the Division of Treasury in preparing reports pursuant to section 226 of title 55 of the Code of the Federated States of Micronesia, or a successor provision, at the discretion of the Secretary of the Department of Finance and Administration. Notwithstanding section 164 of this title, persons working hours entitling them to overtime differential pursuant to paragraph (d) of subsection (3) of this section shall receive compensation at straight time for those hours.
- (4) Notwithstanding other provisions of this section, the employees of the National Weather Services may receive annual increments retroactive to the effective date of Public Law No. 9-115.
- (5) Notwithstanding the provisions of this section, the following employees shall be entitled to receive overtime differential as authorized under the National Public Service System Act, except that overtime compensation shall be at the rate of straight time instead of time and one-half:
- (a) food inspectors as designated pursuant toTitle 41 of the Code of the Federated States ofMicronesia;
 - (b) officers of the Division of National

1	Police of the Department of Justice.
2	(c) staff of the Division of Infrastructure
3	under the Department of Transportation,
4	Communications and Infrastructure."
5	Section 2. This act shall become law upon approval by the
6	President of the Federated States of Micronesia or upon its
7	becoming law without such approval.
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9	Date: 11/9/12 Introduced by: /s/ Peter M. Christian
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