
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 Police 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.
3 10-62, 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
18 the employee is credited with one hour in the form of

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

15 (2) [~~(3)~~] Notwithstanding the provisions of this section,
16 an 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 Government would be entitled to compensation for payment
22 of such differential under section 115 of title 50 and
23 section 416 of title 22;

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

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

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

14 (d) time worked as follows:

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

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

24 (iii) by accounting personnel within the
25 Division of Treasury in preparing reports pursuant to

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

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

21 (3) [-(4)] Notwithstanding other provisions of this
22 section, the employees of the National Weather Services
23 may receive annual increments retroactive to the
24 effective date of Public Law No. 9-155

25 (4) Notwithstanding the provisions of section 164 of

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

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: 12/13/04

Introduced by: /s/ Dohsis Halbert
Dohsis Halbert

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