

STANDING COMMITTEE REPORT NO. 13-119

RE: C.B. NO. 13-22/J&GO

SUBJECT: OVERTIME PAY FOR EMPLOYEES WORKING ON
EMERGENCIES AND SPECIAL OPERATIONS

MAY 26, 2004

The Honorable Peter M. Christian
Speaker, Thirteenth Congress
Federated States of Micronesia
Third Regular Session, 2004

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 13-22, entitled:

"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.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

This bill was transmitted via Presidential Communication No. 13-10. In that communication, the President explained the reasons for his proposed bill. He said that at times certain emergency conditions and special operations require the services of some National Government employees to stand duty beyond their regular hours.

Your Committee held a public hearing on this bill on May 20, 2004. Witnesses from the President's Office, the Department of Justice and the Department of Finance and Administration were in attendance.

Currently, the law provides overtime compensation for employees who are required to work during emergencies if the compensation will be provided by a legal entity that provides emergency relief through a written agreement. This includes compensation through FEMA relief programs, which are received after the FSM President and the President of the United States both declared that a state of emergency existed in the Federated States of Micronesia.

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In other bad weather conditions where FEMA does not provide relief assistance, National Government employees who were called to stand duty were not eligible for overtime compensation. Instead, they were given compensatory time.

The witnesses at the public hearing indicated that during special operations, some police officers were required to stand duty beyond their regular hours because the number of officers in the force are not enough. Such special operations include execution of certain court orders, providing security protection to visiting dignitaries, and investigating reported criminal conduct. The witnesses also indicated that during some special operations, the services of other employees of the National Government were also required. Such employees include employees from the Department of Foreign Affairs. They therefore requested that the bill be amended to allow overtime compensations to those other employees.

The witnesses noted that employees who are called to duty during emergencies and special operations are eligible for compensatory leave. However, they claimed that given the state of the law concerning leaves of absence, it has been difficult for them to use up their leave hours; hence, at the end of each year, they often lose out on their excess annual leave hours. They also said that at times it was difficult for them to call in their employees to stand duty during emergencies. This created a rather unfortunate situation where the program managers were compelled to either force their employees to come to work or allow them to refuse coming to work.

Your Committee has given serious consideration to this bill and its purpose. We agree with the President that fair compensation should be given to employees who have been called or will be called to stand duty during such emergency conditions or special operations. The bill provides that the President will determine when to call employees to work on emergencies or special operations. It also provides that overtime compensation will be at straight time. With those arrangements, overtime costs may be contained.

We also agree with the witnesses that for special operations, overtime compensation should not be limited to police officers, only. Other employees who are required to work during special operations should also be compensated fairly.

