

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 to permit compensation for hours worked beyond regular hours to food inspectors and National Police officers, 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, and 11-52, is hereby further
4 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
10 all employees in the public service system; and

11 (2) compensatory time, with which employees in
12 the public service system shall be credited in lieu
13 of receiving overtime compensation as otherwise
14 authorized under the National Public Service System
15 Act and regulations promulgated there under.

16 Compensatory time means those hours authorized in
17 advance and worked by an employee outside
18 established work hours and for which the employee
19 is credited with one hour in the form of leave with
20 pay for each hour of work an employee is directed
21 to work and performs in excess of the regular 40

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

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

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

25 (b) time worked in the event that the

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

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

17 (d) time worked as follows:

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

22 (ii) by accounting personnel within
23 the Division of Treasury in preparing the annual
24 financial statements for the FSM National
25 Government, at the discretion of the Secretary of

1 the Department of Finance and Administration;

2 (iii) by accounting personnel within
3 the Division of Treasury in preparing reports
4 pursuant to section 226 of title 55 of the Code of
5 the Federated States of Micronesia, or a successor
6 provision, at the discretion of the Secretary of
7 the Department of Finance and Administration.

8 Notwithstanding section 164 of this title, persons
9 working hours entitling them to overtime
10 differential pursuant to paragraph (d) of
11 subsection (3) of this section shall receive
12 compensation at straight time for those hours.

13 (4) Notwithstanding the provisions of this
14 section, the following employees shall be entitled
15 to receive overtime differential as authorized
16 under the National Public Service System Act,
17 except that overtime compensation shall be at the
18 rate of straight time instead of time and one-half:

19 (a) food inspectors as designated pursuant
20 to Title 41 of the Code of the Federated States of
21 Micronesia;

22 (b) officers of the Division of National
23 Police of the Department of Justice.

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25 Section 2. This act shall become law upon approval by

1 the President of the Federated States of Micronesia or upon
2 its becoming law without such approval.

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4 Date: Jan 25, 2006

Introduced by: /s/ Dohsis Halbert

Dohsis Halbert

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