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A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by further amending section 509, as amended by Public Laws Nos. 9-155, 10-62, 10-118, and 10-151, to remove the freeze on step increases for public service employees whose positions are solely funded by foreign assistance, 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. 9-
3 155, 10-62, 10-118, and 10-151, is hereby further amended to read as
4 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, under
9 section 166 of this title, of all employees in the public
10 service system, except public service system employees
11 whose salaries and other personnel costs are borne
12 entirely from foreign program assistance, including U.S.
13 Federal program assistance, if the foreign program
14 assistance is available to fund the step increase in its
15 entirety and not at the expense of funding available
16 under the foreign program for other needs; and

17 (2) Compensatory time, with which employees in the
18 public service system shall be credited in lieu of
19 receiving overtime compensation as otherwise authorized
20 under the National Public Service System Act and
21 regulations promulgated thereunder. Compensatory time
22 means those hours authorized in advance and worked by an
23 employee outside established work hours and for which the
24 employee is credited with one hour in the form of leave
25 with pay for each hour of work an employee is directed to

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

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

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

22 (b) time worked in the event that the National
23 Government would be entitled to compensation for payment
24 of such differential through a written agreement with a
25 legal entity that seeks to provide relief from emergency

1 conditions, as long as the time worked is directly
2 related to efforts to provide emergency relief, in
3 accordance with an emergency declared by the President
4 under article X, section 9, of the Constitution of the
5 Federated States of Micronesia;

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

12 (d) time worked as follows:

13 (i) by personnel within the Division of
14 Budget in preparation of the annual budget submission in
15 the thirty day period prior to April 1;

16 (ii) by accounting personnel within the
17 Division of Treasury in preparing the annual financial
18 statements for the FSM National Government, during the
19 period from November 1 to December 31 of each year;

20 (iii) by accounting personnel within the
21 Division of Treasury in preparing reports pursuant to
22 section 226 of title 55 of the Code of the Federated
23 States of Micronesia, or a successor provision, during
24 the fifteen day periods leading up to May 1 and November
25 1 of each year. Notwithstanding section 164 of this

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

5 Section 2. Upon lifting of the freeze on performance increases
6 pursuant to this act, an employee thus eligible may be given credit
7 for performance while the freeze was in effect, which performance
8 meets accepted standards of productivity, provided that retroactive
9 pay shall be provided only to the extent of availability of funds
10 from foreign program assistance.

11 Section 3. This act shall become law upon approval by the
12 President of the Federated States of Micronesia or upon its becoming
13 law without such approval.

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15 Date: 01-26-2000

Introduced by: Claude H. Phillip
Claude H. Phillip

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