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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 Public Law No. 5-21, by amending section 164 for the purpose of adjusting the pay of Marine Surveillance employees while at sea, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 164 of title 52 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 164. Differentials. To compensate for unusual
4 circumstances of employment which create hardships for
5 public service employees, the following differentials are
6 provided for them; provided that in no case may an employee
7 receive differentials under both subsections (1) and (2) of
8 this section:

9 (1) Night work differential. An employee whose tour
10 of duty includes regularly scheduled hours falling between
11 7 p.m. and 6 a.m. shall be paid a differential of fifteen
12 percent of the adjusted base salary for all hours falling
13 within that period.

14 (2) Hazardous work differential. An employee whose
15 position entails unusual and extreme hazards to his health
16 or safety shall be paid a differential of twenty-five
17 percent of the adjusted base salary for all hours in which
18 hazardous work is performed.

19 (3) Overtime differential. An employee shall be paid
20 overtime compensation at the rate of time and one-half of
21 his adjusted base salary for all time when he is directed
22 to work and does work in excess of eight hours in one day;
23 or when he is directed to work and does work on the sixth
24 or seventh day of the work week; provided that he has first
25 worked forty hours at straight time in the same work week;

1 except that employees of the Division of Marine
2 Surveillance, while at sea, shall not receive the overtime
3 differential for the first eight hours of work on the sixth
4 and seventh day of the work week; and provided further,
5 that overtime work performed on a holiday shall be subject
6 to subsection (4) of this section.

7 (4) Holiday differential. An employee who is
8 required to work on a legal holiday shall be compensated at
9 double his adjusted base salary for all such hours worked.

10 (5) Typhoon emergency differential. Employees who
11 are required to work in a location and a period in which a
12 typhoon or other natural catastrophe has been declared by
13 competent authority, and in which other Government
14 employees are released from work because of such
15 conditions, shall be compensated for the hours worked while
16 such emergency remains in force at the rate of two and
17 one-half times the adjusted base salary. The differential
18 provided in this subsection shall not limit the employee's
19 right to any other differential or allowance to which he
20 may otherwise be entitled by law or regulations."

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C. B. No. 6-331

1 Section 2. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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5 Date: 12/11/90

Introduced by: Claude H. Phillip
Claude H. Phillip
(by request)

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