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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 amending section 164 for the purpose of deleting overtime and substituting a fixed allowance for patrol boat personnel 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  
2 Federated States of Micronesia is hereby amended to read as  
3 follows:

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

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

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

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

1 that he has first worked forty hours at straight time in  
2 the same work week; and provided further, that overtime  
3 work performed on a holiday shall be subject to  
4 subsection (4) of this section.

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

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

21 (6) Sea duty differential. An employee of the  
22 Maritime Wing of the National Police shall be paid a  
23 differential of twenty percent of his adjusted base  
24 salary for all hours actually worked, up to but not in  
25 excess of eight hours per day, in any day or fraction

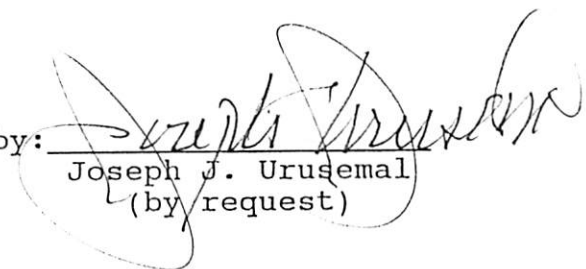
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1 thereof that he is on duty at sea. No compensation,  
2 regular or overtime, and no differential of any sort  
3 shall be payable for any additional hours worked in any  
4 such day, regardless of how many hours the employee was  
5 actually required to work in that day. Hours actually  
6 worked while at sea, up to but not in excess of eight  
7 hours per day, shall count as straight time hours for  
8 the purpose of determining overtime compensation, if  
9 any, in a work week spent partially at sea and partially  
10 not at sea. The holiday differential shall apply in  
11 lieu of the sea duty differential while at sea on a  
12 holiday. The hazardous work differential shall apply in  
13 addition to the sea duty differential while at sea,  
14 provided that being at sea does not and of itself  
15 constitute hazardous work. The typhoon emergency  
16 differential shall not apply while at sea."

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

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21 Date: 5/28/96

Introduced by:   
Joseph J. Urusemal  
(by request)

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