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 164 thereof, as amended by Public Laws Nos. 9-155 and 10-62, for the purpose of creating a salary differential for sea duty, and for other purposes.

1 Section 1. Section 164 of title 52 of the Code of the
2 Federated States of Micronesia, as amended by Public Laws Nos.
3 9-155 and 10-62, is hereby further amended to read as follows:
4 "Section 164. Differentials. To compensate for
5 unusual circumstances of employment which create
6 hardships for public service employees, the
7 following differentials are provided for them;
8 provided that in no case may an employee receive
9 differentials under both subsections (1) and (2) of
10 this section:
11
12 (1) Night work differential. An employee whose
13 tour of duty includes regularly scheduled hours
14 falling between 7 p.m. and 6 a.m. shall be paid a
15 differential of fifteen percent of the adjusted base
16 salary for all hours falling within that period.
17
18 (2) Hazardous work differential. An employee
19 whose position entails unusual and extreme hazards
20 to his health or safety shall be paid a differential
21 of twenty-five percent of the adjusted base salary
22 for all hours in which hazardous work is performed.
23
24 (3) Overtime differential. If an employee is
25 eligible to receive overtime compensation under
26 section 509 of title 52, he shall be paid overtime
27 compensation at the rate of time and one-half of his
28 adjusted base salary for all time when he is
directed to work and does work in excess of eight
hours in one day; or when he is directed to work and
does work on the sixth or seventh day of the work
week; provided that he has first worked forty hours
at straight time in the same work week; and provided
further, that overtime work performed on a holiday
shall be subject to subsection (4) of this section.

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

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

(6) Sea duty differential. An employee of the
Maritime Wing of the National Police shall be paid
his adjusted base salary plus a differential of ten percent of his adjusted base salary for all hours actually worked, up to but not in excess of eight hours per day, in any day or fraction thereof, including the sixth and seventh day of the work week, that he is on duty at sea. No compensation, regular or overtime, no differential of any sort, and no compensatory time shall be due for any additional hours worked in any such day, regardless of how many hours the employee was actually required to work in that day. Hours actually worked while at sea, up to but not in excess of eight hours per day, shall count as straight time hours for the purpose of determining compensatory time, if any, in a work week spent partially at sea and partially not at sea. The holiday differential shall apply in lieu of the sea duty differential while at sea on a holiday. The hazardous work differential shall apply in addition to the sea duty differential while at sea, provided that being at sea does not and of itself constitute hazardous work. The typhoon emergency differential shall not apply while at sea."

Section 2. This act shall become effective on October 1, 1998, or when it becomes law, whichever is later.
Section 3. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 5/14/98

Introduced by: Joseph J. Grusenmal (by request)