

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

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

21 (3) Overtime differential. If an employee is
22 eligible to receive overtime compensation under
23 section 509 of title 52, he shall be paid overtime
24 compensation at the rate of time and one-half of his
25 adjusted base salary for all time when he is

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1 directed to work and does work in excess of eight
2 hours in one day; or when he is directed to work and
3 does work on the sixth or seventh day of the work
4 week; provided that he has first worked forty hours
5 at straight time in the same work week; and provided
6 further, that overtime work performed on a holiday
7 shall be subject to subsection (4) of this section.

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

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

24 (6) Sea duty differential. An employee of the
25 Maritime Wing of the National Police shall be paid

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

24 Section 2. This act shall become effective on October 1,
25 1998, or when it becomes law, whichever is later.

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

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5 Date: 5/14/98

Introduced by: 
Joseph J. Urusemal
(by request)

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