TENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FOURTH SPECIAL SESSION, 1999

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. 10-62 and 10-118, to provide that entitlement to overtime as currently allowed by that section shall be retroactive with respect to budget and accounting personnel, 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. 10-62

3. and 10-118, is hereby further amended to read as follows:

4. "Section 509. Freeze on salary increases: compensatory

5. time and overtime compensation. Notwithstanding any

6. other applicable law, there is hereby enacted:

7. (1) A freeze on annual salary step increases of all

8. employees in the public service system; and

9. (2) Compensatory time, with which employees in the

10. public service system shall be credited in lieu of

11. receiving overtime compensation as otherwise authorized

12. under the National Public Service System Act and

13. regulations promulgated thereunder. Compensatory time

14. means those hours authorized in advance and worked by an

15. employee outside established work hours and for which the

16. employee is credited with one hour in the form of leave

17. with pay for each hour of work an employee is directed to

18. work and performs [work] in excess of the regular 40 hour

19. workweek as provided by law. Compensatory time shall be

20. accrued by National Government public service employees

21. and shall be included in the compensation received by a

22. program participant pursuant to subsection (4)(c) of

23. section 506 of this chapter; except that any accumulation

24. of time in excess of 280 hours shall be forfeited unless

25. taken before the end of the calendar year in which the
excess was accumulated. For purposes of computing
whether a program employee's accrued compensatory and/or
annual leave hours are in excess of 280 hours, accrued
compensatory time and annual leave shall be included in
computing the 280-hour ceiling.

(3) Notwithstanding the provisions of this section, an
employee shall be entitled to receive overtime
differential, retroactive to the effective date of Public
Law No. 9-155 (with respect to paragraphs (a), (b) and
c(e)), as authorized under the National Public Service
System Act, for:

(a) time worked in the event that the National
[g]overnment would be entitled to compensation for
payment of such differential under section 115 of title
50; or

(b) time worked in the event that the National
[g]overnment would be entitled to compensation for
payment of such differential through a written agreement
with a legal entity that seeks to provide relief from
emergency conditions, as long as the time worked is
directly related to efforts to provide emergency relief,
in accordance with an emergency declared by the President
under article X, section 9 of the Constitution of the
Federated States of Micronesia.

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

(d) time worked as follows:

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

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

(iii) by accounting personnel within the
Division of Treasury in preparing reports pursuant to
section 226 of title 55 of the Code of the Federated
States of Micronesia, or a successor provision, during
the fifteen day periods leading up to May 1 and November
1 of each year. Notwithstanding section 164 of this
title, persons working hours entitling them to overtime
differential pursuant to paragraph (d) of subsection (3)
of this section shall receive compensation at straight
time for those hours.
Section 2. 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: 4/12/99

Introduced by: Nishina E. Yleizah