To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by further amending section 509, as enacted by Public Law No. 9-155 and as amended by Public Law No. 10-62, 10-118 and 10-151, to allow for payment of overtime under certain specified circumstances, and for other purposes.

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

1. Section 509 of title 52, as enacted by Public Law No. 9-155 and as amended by Public Laws Nos. 10-62, 10-118 and 10-151, is hereby further amended to read as follows:

"Section 509. **Freeze on salary increases:**

compensatory time and overtime compensation.

Notwithstanding any other applicable law, there is hereby enacted:

(1) A freeze on annual salary step increases of all employees in the public service system; and

(2) Compensatory time, with which employees in the public service system shall be credited in lieu of receiving overtime compensation as otherwise authorized under the National Public Service System Act and regulations promulgated thereunder.

Compensatory time means those hours authorized in advance and worked by an employee outside established work hours and for which the employee is credited with one hour in the form of leave with pay for each hour of work an employee is directed to work and performs in excess of the regular 40 hour work week as provided by law. Compensatory time shall be accrued by National Government public service employees and shall be included in the compensation received by a program participant pursuant to subsection (4)(c) of section 506 of this
chapter; except that any accumulation of time in
excess of 280 hours shall be forfeited unless 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), as authorized under the
National Public Service System Act, for:

(a) time worked in the event that the National
Government would be entitled to compensation for payment
of such differential under section 115 of title 50 for
immigration and customs personnel, any similar cost-
recovery provisions for quarantine personnel;

(b) time worked in the event that the National
Government 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; or

(d) time worked as follows, which shall be compensated at straight time, notwithstanding section 164 of this title:

(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.

(iv) by personnel expressly authorized and directed by the President to work on an unexpected or unbudgeted event of national importance and of limited duration, including but not limited to national funerals, presidential inaugurations, diplomatic functions, international meetings hosted by the National Government, and emergency relief work in connection with a disaster.

The President shall notify Congress promptly after the authorization and, with the exception of funerals and emergency relief work, not less than 15 days before the employees incur any overtime for the above purposes. The President's notice to Congress shall include an estimate of the supplemental funds to be appropriated to cover the costs of overtime. Congress may, if it is in session or at its next session if it is not, overrule the President's decision by resolution, in which case the employees will only be entitled to compensatory time.

(v) by personnel of the Department of Justice for emergency relief work related to El Niño during fiscal year 1998 and work related to the funeral of President Bailey Olter in 1999. This subsection shall be
retroactive to the extent necessary to effect the intent
of Congress; or
(vi) by personnel of the Department of Justice
for work related to the protection and personal security
of the President."

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: 7/19/99  Introduced by: Joseph Urusomal
(by request)