AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 509 for the purpose of exempting the employees of the National Weather Services from the salary freeze, 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 enacted by Public Law No. 9-155
3  and amended by Public Laws Nos. 10-62, 10-118, 10-151, 11-41, and
4  11-52 is hereby further amended to read as follows:
5  "Section 509. Freeze on salary increases; compensatory
6  time and overtime compensation. Notwithstanding any
7  other applicable law, there is hereby enacted:
8  (1) a freeze on annual salary step increases of all
9  employees in the public service system; and
10  (2) compensatory time, with which employees in the
11  public service system shall be credited in lieu of
12  receiving overtime compensation as otherwise authorized
13  under the National Public Service System Act and
14  regulations promulgated thereunder. Compensatory time
15  means those hours authorized in advance and worked by an
16  employee outside established work hours and for which
17  the employee is credited with one hour in the form of
18  leave with pay for each hour of work an employee is
19  directed to work and performs in excess of the regular
40 hour workweek 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, 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 and section 416 of title 22;

(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:
   (i) by personnel within the Division of
   Budget in preparation of the annual budget submission at
   the discretion of the Secretary of the Department of
   Finance and Administration;
   (ii) by accounting personnel with the
   Division of Treasury in preparing the annual financial
   statements for the FSM National Government, at the
   discretion of the Secretary of the Department of Finance
   and Administration;
   (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, at the
discretion of the Secretary of the Department of Finance and Administration. 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.

(4) Notwithstanding other provisions of this section, the employees of the National Weather Services may receive annual increments retroactive to the effective date of Public Law No. 9-155."

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.

July 1, 2004

/s/ Joseph J. Urusemal
Joseph J. Urusemal
President
Federated States of Micronesia