
A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 509 to permit compensation for hours worked beyond regular hours to staff of the Division of Statistics of the Office of Statistics, Budget, Overseas Development Assistance and Compact Management, 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-
3 62, 10-118, 10-151, 11-41, 11-52, 13-43, and 14-73, is hereby
4 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 there under. 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

1 directed to work and performs in excess of the regular
2 40 hour workweek as provided by law. Compensatory time
3 shall be accrued by National Government public service
4 employees and shall be included in the compensation
5 received by a program participant pursuant to subsection
6 (4) (c) of section 506 of this chapter; except that any
7 accumulation of time in excess of 280 hours shall be
8 forfeited unless taken before the end of the calendar
9 year in which the excess was accumulated. For purposes
10 of computing whether a program employee's accrued
11 compensatory and/or annual leave hours are in excess of
12 280 hours, accrued compensatory time and annual leave
13 shall be included in computing the 280-hour ceiling.

14 (3) Notwithstanding the provisions of this section, an
15 employee shall be entitled to receive overtime
16 differential, retroactive to the effective date of
17 Public Law No. 9-155, as authorized under the National
18 Public Service System Act, for:

19 (a) time worked in the event that the National
20 Government would be entitled to compensation for payment
21 of such differential under section 115 of title 50 and
22 section 416 of title 22;

23 (b) time worked in the event that the National
24 Government would be entitled to compensation for payment
25 of such differential through a written agreement with a

1 legal entity that seeks to provide relief from emergency
2 conditions, as long as the time worked is directly
3 related to efforts to provide emergency relief, in
4 accordance with an emergency declared by the President
5 under article X, section 9 of the Constitution of the
6 Federated States of Micronesia;

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

13 (d) time worked as follows:

14 (i) by personnel within the Division of
15 Budget in preparation of the annual budget submission at
16 the discretion of the Secretary of the Department of
17 Finance and Administration;

18 (ii) by accounting personnel within the
19 Division of Treasury in preparing the annual financial
20 statements for the FSM National Government, at the
21 discretion of the Secretary of the Department of Finance
22 and Administration;

23 (iii) by accounting personnel within the
24 Division of Treasury in preparing reports pursuant to
25 section 226 of title 55 of the Code of the Federated

1 States of Micronesia, or a successor provision, at the
2 discretion of the Secretary of the Department of Finance
3 and Administration. Notwithstanding section 164 of this
4 title, persons working hours entitling them to overtime
5 differential pursuant to paragraph (d) of subsection (3)
6 of this section shall receive compensation at straight
7 time for those hours.

8 (4) Notwithstanding provisions of this section, the
9 following employees shall be entitled to receive
10 overtime differential as authorized under the National
11 Public Service System Act, except that overtime
12 compensation shall be at the rate of straight time
13 instead of time and one-half:

14 (a) food inspectors as designated pursuant to
15 title 41 of the Code of the Federated States of
16 Micronesia;

17 (b) officers of the Division of National Police
18 of the Department of Justice.

19 (c) staff of the Division of Statistics of the
20 FSM National Office of Statistic, Budget, Overseas
21 Development Assistance, and Compact Management (SBOC),
22 in preparation of census or major survey for the
23 Federated States of Micronesia."

1 Section 2. 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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Date: 1/26/10

Introduced by: /s/ Joe N. Suka
Joe N. Suka
(by request)