To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 164 for the purpose of deleting overtime and substituting a fixed allowance for patrol boat personnel while at sea, and for other purposes.

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

Section 1. Section 164 of title 52 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 164. Differentials. To compensate for unusual circumstances of employment which create hardships for public service employees, the following differentials are provided for them; provided that in no case may an employee receive differentials under both subsections (1) and (2) of this section:

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

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

(3) Overtime differential. An employee shall be paid overtime compensation at the rate of time and one-half of his adjusted base salary for all time when he is directed to work and does work in excess of eight hours in one day; or when he is directed to work and does work on the sixth or seventh day of the work week; provided
that he has first worked forty hours at straight time in
the same work week; and provided further, that overtime
work performed on a holiday shall be subject to
subsection (4) of this section.

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

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

(6) Sea duty differential. An employee of the
Maritime Wing of the National Police shall be paid a
differential of twenty percent of his adjusted base
salary for all hours actually worked, up to but not in
excess of eight hours per day, in any day or fraction
thereof that he is on duty at sea. No compensation, regular or overtime, and no differential of any sort shall be payable for any additional hours worked in any such day, regardless of how many hours the employee was actually required to work in that day. Hours actually worked while at sea, up to but not in excess of eight hours per day, shall count as straight time hours for the purpose of determining overtime compensation, if any, in a work week spent partially at sea and partially not at sea. The holiday differential shall apply in lieu of the sea duty differential while at sea on a holiday. The hazardous work differential shall apply in addition to the sea duty differential while at sea, provided that being at sea does not and of itself constitute hazardous work. The typhoon emergency differential shall not apply while at sea."

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: 9/28/96

Introduced by: Joseph J. Urugemal (by request)