
A BILL FOR AN ACT

To amend section 509 of title 52 of the Code of the Federated States of Micronesia (Annotated), as amended, in order to change the rules for overtime for the FSM National Police, 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 (Annotated), as amended, is hereby
3 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
16 the employee is credited with one hour in the form of
17 leave with pay for each hour of work an employee is
18 directed to work and performs in excess of the regular
19 40 hour workweek as provided by law. Compensatory time
20 shall be accrued by National Government public service

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

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

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

20 (b) time worked in the event that the National
21 Government would be entitled to compensation for payment
22 of such differential through a written agreement with a
23 legal entity that seeks to provide relief from emergency
24 conditions, as long as the time worked is directly
25 related to efforts to provide emergency relief, in

1 accordance with an emergency declared by the President
2 under article X, section 9 of the Constitution of the
3 Federated States of Micronesia;

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

10 (d) time worked as follows:

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

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

20 (iii) by accounting personnel within the
21 Division of Treasury in preparing reports pursuant to
22 section 226 of title 55 of the Code of the Federated
23 States of Micronesia, or a successor provision, at the
24 discretion of the Secretary of the Department of Finance
25 and Administration. Notwithstanding section 164 of this

1 title, persons working hours entitling them to overtime
2 differential pursuant to paragraph (d) of subsection (3)
3 of this section shall receive compensation at straight
4 time for those hours.

5 (4) Notwithstanding other provisions of this section,
6 the employees of the National Weather Services may
7 receive annual increments retroactive to the effective
8 date of Public Law No. 9-115.

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

15 (a) food inspectors as designated pursuant to
16 Title 41 of the Code of the Federated States of
17 Micronesia at the rate of straight time instead of time
18 and one-half;

19 (b) officers of the Division of National Police
20 of the Department of Justice; PROVIDED, THAT, the
21 overtime rate of time and one-half applies to hours
22 worked beyond 56 hours of actual work within one week
23 during sea patrol or during special assignment at sea."
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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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5 Date: 7/19/19 Introduced by: /s/ Florencio S. Harper
6 Florencio S. Harper
7 (by request)

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