

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 food inspectors and National Police officers, 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, and 13-43, is hereby further
4 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
20 40 hour workweek as provided by law. Compensatory time

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

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

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

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

1 related to efforts to provide emergency relief, in
2 accordance with an emergency declared by the President
3 under article X, section 9 of the Constitution of the
4 Federated States of Micronesia;

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

11 (d) time worked as follows:

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

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

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

1 and Administration. Notwithstanding section 164 of this
2 title, persons working hours entitling them to overtime
3 differential pursuant to paragraph (d) of subsection (3)
4 of this section shall receive compensation at straight
5 time for those hours.

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

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

16 (a) food inspectors as designated pursuant to
17 Title 41 of the Code of the Federated States of
18 Micronesia;

19 (b) officers of the Division of National Police
20 of the Department of Justice."

21
22
23
24
25

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.

4

5

6

7

AUGUST 9, 2006

8

9

10

11

/s/ Joseph J. Urusemal

12

Joseph J. Urusemal

13

President

14

Federated States of Micronesia

15

16

17

18

19

20

21

22

23

24

25