A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by further amending section 509, as amended by Public Law No. 10-62, to allow for the payment of overtime differential under circumstances in which the National government is entitled to reimbursement through a written agreement with another legal entity that seeks to provide relief from drought conditions, and for other purposes.

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

Section 1. Section 509 of title 52 of the Code of the Federated States of Micronesia, as amended by Public Law No. 10-62, is hereby further amended to read as follows:

"Section 509. Freeze on salary increases: compensatory time and overtime compensation.

Notwithstanding any other applicable law, there is hereby enacted:

(1) A freeze on annual salary step increases of all employees in the public service system; and

(2) Compensatory time, with which employees in the public service shall be credited in lieu of receiving overtime compensation as otherwise authorized under the National Public Service Act and regulations promulgated thereunder. Compensatory time means those hours authorized in advance and worked by an employee outside established work hours and for which the employee is credited with one hour in the form of leave with pay for each hour of work an employee is directed to and performs work 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 113 of title 50; or

(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 drought conditions, as
long as the time worked is directly related to
efforts to provide drought relief."
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: 1/13/98

Introduced by: Dohsis Halbert