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:

Section 1. Section 509 of title 52 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby 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 system shall be credited in lieu of receiving overtime compensation as otherwise authorized under the National Public Service System 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 work and performs 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 115 of title 50 and section 416 of title 22;

(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 emergency conditions, as long as the time worked is directly related to efforts to provide emergency relief, in
accordance with an emergency declared by the President under article X, section 9 of the Constitution of the Federated States of Micronesia;

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

(d) time worked as follows:

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

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

(iii) by accounting personnel within the Division of Treasury in preparing reports pursuant to section 226 of title 55 of the Code of the Federated States of Micronesia, or a successor provision, at the discretion of the Secretary of the Department of Finance and Administration. Notwithstanding section 164 of this
title, persons working hours entitling them to overtime
differential pursuant to paragraph (d) of subsection (3)
of this section shall receive compensation at straight
time for those hours.

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

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

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

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