

A BILL FOR AN ACT

To further amend section 509 of title 52 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 10-62, 10-118, 10-151, 11-41, 11-52, 13-43 and 14-73, to permit overtime compensation for personnel within the Legislative Branch while Congress is in session.

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.  
3 10-62, 10-118, 10-151, 11-41, 11-52, 13-43 and 14-73, is hereby  
4 further 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

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1           40 hour workweek as provided by law. Compensatory time  
2           shall be accrued by National Government public service  
3           employees and shall be included in the compensation  
4           received by a program participant pursuant to subsection  
5           (4)(c) of section 506 of this chapter; except that any  
6           accumulation of time in excess of 280 hours shall be  
7           forfeited unless taken before the end of the calendar  
8           year in which the excess was accumulated. For purposes  
9           of computing whether a program employee's accrued  
10          compensatory and/or annual leave hours are in excess of  
11          280 hours, accrued compensatory time and annual leave  
12          shall be included in computing the 280-hour ceiling.

13           (3) Notwithstanding the provisions of this section, an  
14          employee shall be entitled to receive overtime  
15          differential [~~retroactive to the effective date of~~  
16          ~~Public Law No. 9-1557~~] as authorized under the National  
17          Public Service System Act, for:

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

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

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

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

12 (d) time worked as follows:

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

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

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

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

7 (iv) by personnel within the Legislative  
8 Branch during regular and special sessions of the  
9 Congress of the Federated States of Micronesia, at the  
10 discretion of the Speaker.

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

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

21 (a) food inspectors as designated pursuant to  
22 Title 41 of the Code of the Federated States of  
23 Micronesia;

24 (b) officers of the Division of National Police  
25 of the Department of Justice."

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 Dated: 9/18/13

Introduced by: /s/ Wesley W. Simina  
Wesley W. Simina

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