
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 No. 10-62, 10-118, 10-151, 11-41, 11-52, 13-43, and 14-73, to grant overtime differential to attorneys and staff members of the Department of Justice for overtime work performed in connection with urgent work assignments including a Congressional and a court session, 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.
3 10-62, 10-118, 10-151, 11-41, 11-52, 13-43, and 14-73, is
4 hereby further amended to read as follows:

5 "Section 509. Freeze on salary increases;
6 compensatory time and overtime compensation.

7 Notwithstanding any other applicable law, there is
8 hereby enacted:

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

11 (2) compensatory time, with which employees in the
12 public service system shall be credited in lieu of
13 receiving overtime compensation as otherwise
14 authorized under the National Public Service System
15 Act and regulations promulgated thereunder.

16 Compensatory time means those hours authorized in
17 advance and worked by an employee outside established
18 work hours and for which the employee is credited

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

17 (3) Notwithstanding the provisions of this section,
18 an employee shall be entitled to receive overtime
19 differential, retroactive to the effective date of
20 Public Law No. 9-155, as authorized under the
21 National Public Service System Act, for:

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

1 (b) time worked in the event that the National
2 Government would be entitled to compensation for
3 payment of such differential through a written
4 agreement with a legal entity that seeks to provide
5 relief from emergency conditions, as long as the time
6 worked is directly related to efforts to provide
7 emergency relief, in accordance with an emergency
8 declared by the President under article X, section 9
9 of the Constitution of the Federated States of
10 Micronesia;

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

17 (d) time worked as follows:

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

22 (ii) by accounting personnel within the
23 Division of Treasury in preparing the annual
24 financial statements for the FSM National Government,
25 at the discretion of the Secretary of the Department

1 of Finance and Administration;

2 (iii) by accounting personnel within the
3 Division of Treasury in preparing reports pursuant to
4 section 226 of title 55 of the Code of the Federated
5 States of Micronesia, or a successor provision, at
6 the discretion of the Secretary of the Department of
7 Finance and Administration. Notwithstanding section
8 164 of this title, persons working hours entitling
9 them to overtime differential pursuant to paragraph
10 (d) of subsection (3) of this section shall receive
11 compensation at straight time for those hours.

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

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

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

25 (b) officers of the Division of National

1 Police of the Department of Justice.

2 (6) Notwithstanding the provisions of this section,
3 attorneys and staff members assisting the attorneys
4 in the Department of Justice shall be entitled to
5 overtime differential with the approval of the
6 Secretary of the Department Justice, for overtime
7 work performed pursuant to urgent work assignments,
8 including in connection with Congressional and Court
9 sessions, or as may be directed by the President.
10 The overtime differential may be retroactive in
11 application as provided by law."

12 Section 2. Repealer. Any provision of law, regulation,
13 or contract, or any written procedure or policy that is
14 inconsistent with this act is deemed amended or superseded or
15 repealed to the extent of inconsistency.

16 Section 3. Effective date. This act shall become law
17 upon approval by the President of the Federated States of
18 Micronesia or upon its becoming law without such approval.

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20 Date: 11/17/10 Introduced by: Joe N. Suka
21 Joe N. Suka
22 (by request)

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