

SECOND REGULAR SESSION

HOUSE BILL NO. 1125

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SEIGFREID (Sponsor), DAVIS (122), HARRIS (23), JONES, BLAND, GEORGE, KRATKY, SALVA, JOHNSON (90), RANSDALL, WILLOUGHBY, WITTE, CURLS, BURNETT, HARRIS (110), ZWEIFEL, BARNITZ AND LOWE (Co-sponsors).

Read 1st time January 15, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3095L.011

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to state employees' pay.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be known as section 105.935, to read as follows:

105.935. 1. Any state employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by both the state employee and his or her supervisor.

2. A state employee shall be paid at a rate of one and one half time the employee's straight time hourly rate for all time worked in excess of forty hours a week. Any state employee who works on a designated state holiday shall be granted equal compensatory time off duty or shall receive, at his or her choice, the employee's straight time hourly rate in cash payment. A state employee shall be paid in cash for overtime unless the employee requests compensatory time off at the applicable overtime rate. As used in this section, the term "state employee" means any person who is employed by the state and earns a salary or wage in a position normally requiring the actual performance by him or her of duties on behalf of the state.

3. Beginning on January 1, 2006, and annually thereafter, each department shall pay all state employees paid by an hourly rate in full for any overtime hours accrued during the previous calendar year which have not already been paid or used in the form of compensatory leave time. All state employees paid by an hourly rate shall have the option of retaining up to a total of eighty compensatory time hours.

18 **4. The provisions of subsection 2 of this section shall only apply to state employees**
19 **who are otherwise eligible for compensatory time under the Fair Labor Standards Act. In**
20 **addition, any state employee who is exempt from the provisions of the Fair Labor**
21 **Standards Act shall only be paid for compensatory time at a straight time hourly rate.**
22 **Nothing in this section shall be construed as creating a new compensatory benefit for state**
23 **employees.**