

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1548

92ND GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Election, May 10, 2004, with recommendation that the Senate Committee Substitute do pass.

4700S.03C

TERRY L. SPIELER, Secretary.

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,
2 to be known as section 105.935, to read as follows:

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

5 **2. A state employee who is a nonexempt employee pursuant to the
6 provisions of the Fair Labor Standards Act shall be eligible for payment of
7 overtime in accordance with subsection 3 of this section. A non-exempt state
8 employee who works on a designated state holiday shall be granted equal
9 compensatory time off duty or shall receive, at his or her choice, the
10 employee's straight time hourly rate in cash payment. A nonexempt state
11 employee shall be paid in cash for overtime unless the employee requests
12 compensatory time off at the applicable overtime rate. As used in this
13 section, the term "state employee" means any person who is employed by the
14 state and earns a salary or wage in a position normally requiring the actual
15 performance by him or her of duties on behalf of the state, but shall not
16 include any employee who is exempt under the provisions of the Fair Labor
17 Standards Act or any employee of the general assembly.**

18 **3. Beginning on January 1, 2006, and annually thereafter each
19 department shall pay all nonexempt state employees in full for any overtime
20 hours accrued during the previous calendar year which have not already been
21 paid or used in the form of compensatory leave time. All nonexempt state**

22 employees shall have the option of retaining up to a total of eighty
23 compensatory time hours.

24 4. The provisions of subsection 2 of this section shall only apply to
25 nonexempt state employees who are otherwise eligible for compensatory time
26 under the Fair Labor Standards Act, excluding employees of the general
27 assembly. Any nonexempt state employee requesting cash payment for
28 overtime worked shall notify such employee's department in writing of such
29 decision and state the number of hours, no less than twenty, for which
30 payment is desired. The department shall pay the employee within the
31 calendar quarter following the quarter in which a valid request is
32 made. Nothing in this section shall be construed as creating a new
33 compensatory benefit for state employees.

34 5. Each department shall, by November first of each year, notify the
35 commissioner of administration, the house budget committee chair, and the
36 senate appropriations committee chair of the amount of overtime paid in the
37 previous fiscal year and an estimate of overtime to be paid in the current
38 fiscal year. The fiscal year estimate for overtime pay to be paid by each
39 department shall be designated as a separate line item in the appropriations
40 bill for that department. The provisions of this subsection shall become
41 effective July 1, 2005.

42 6. Each state department shall report quarterly to the house of
43 representatives budget committee chair, the senate appropriations committee
44 chair, and the commissioner of administration the cumulative number of
45 accrued overtime hours for department employees, the dollar equivalent of
46 such overtime hours, the number of authorized full-time equivalent positions
47 and vacant positions, the amount of funds for any vacant positions which will
48 be used to pay overtime compensation for employees with full-time equivalent
49 positions, and the current balance in the department's personal service fund.

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