

CCS SCS HB 1548 -- STATE EMPLOYEES

This bill allows any state employee to discuss the operations of an agency with any member of the legislature, State Auditor, Attorney General, or any state official or body charged with investigating alleged misconduct. A supervisor or appointing authority cannot take disciplinary action unless the employee knowingly provided false, confidential, or information regarding the employee's own wrong doing. If disciplinary action was taken against the employee in violation of this section, the employee can file for an administrative appeal within 30 days of the alleged violation or can bring civil action for damages caused within 90 days after the occurrence of the alleged violation.

Nonexempt state employees pursuant to the Fair Labor Standards Act must be paid for overtime. Overtime will be paid unless the employee chooses to use accrued overtime hours as compensatory time if leave time is available and the employee's supervisor agrees. Any nonexempt state employee who works on a state holiday will have the option of receiving either equal compensatory time off or payment at the straight hourly rate.

Any state employee requesting cash payment for at least 20 hours of accrued overtime is to be compensated within 30 calendar days of the request.

Beginning on January 1, 2006, and annually thereafter, each department must pay nonexempt state employees in full for any overtime hours accrued during the previous calendar year not yet paid or used in the form of compensatory time. Nonexempt state employees may retain up to 80 hours of compensatory time.

By November of each year, every department must notify the Commissioner of the Office of Administration, the House Budget Chairman, and the Senate Appropriations Chairman of the amount of overtime paid in the previous year and an estimate of the overtime to be paid in the current fiscal year. The fiscal year estimate is to be a separate line item appropriation for each department in its appropriation bill.

Each department will report quarterly to the House Budget Chairman, the Senate Appropriations Chairman, and the Commissioner of the Office of Administration the cumulative number of accrued overtime hours for department employees and the corresponding dollar amount, the appropriated number of full-time equivalent positions listing vacant positions, the amount of funds for any vacant positions used to pay overtime compensation, and the current balance in the department's personal service fund.

The bill also changes the title of hearing officers at the Missouri Public Service Commission to administrative law judges.