

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 758, Page 7, Section
2 105.711, Line 219, by inserting immediately after said line the following:

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

7 2. A state employee who is a nonexempt employee pursuant to the provisions of the Fair
8 Labor Standards Act shall be eligible for payment of overtime in accordance with subsection 4 of
9 this section. A nonexempt state employee who works on a designated state holiday shall be granted
10 equal compensatory time off duty or shall receive, at his or her choice, the employee's straight time
11 hourly rate in cash payment. A nonexempt state employee shall be paid in cash for overtime unless
12 the employee requests compensatory time off at the applicable overtime rate. As used in this section,
13 the term "state employee" means any person who is employed by the state and earns a salary or wage
14 in a position normally requiring the actual performance by him or her of duties on behalf of the state,
15 but shall not include any employee who is exempt under the provisions of the Fair Labor Standards
16 Act or any employee of the general assembly.

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

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

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

35 6. Each state department shall report quarterly to the house of representatives budget
36 committee chair, the senate appropriations committee chair, and the commissioner of administration

Action Taken _____ Date _____

1 the cumulative number of accrued overtime hours for department employees, the dollar equivalent of
2 such overtime hours, the number of authorized full-time equivalent positions and vacant positions,
3 the amount of funds for any vacant positions which will be used to pay overtime compensation for
4 employees with full-time equivalent positions, and the current balance in the department's personal
5 service fund.

6 7. This section is applicable to overtime earned under the Fair Labor Standards Act. This
7 section is applicable to employees who are employed in nonexempt positions providing direct client
8 care or custody in facilities operating on a twenty-four-hour seven-day-a-week basis in the
9 department of corrections, the department of mental health, the division of youth services of the
10 department of social services, and the veterans commission of the department of public safety.

11 8. Notwithstanding any provision of law to the contrary, any state employee who works
12 ten-hour days and forty hours per week shall not be required to take two hours of vacation leave for
13 paid holidays. Such employee shall have the option to receive compensation only for an eight-hour
14 work day for any paid holiday."; and

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.