

HOUSEAMENDMENT NO. ____Offered byof

1 AMEND House Committee Substitute for Senate Committee Substitute
 2 for Senate Bill No. 672, Page 21, Section 105.690, Line 13, by
 3 inserting after all of said line the following:

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

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

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

Action Taken _____ Date _____

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

12 5. Each department shall, by November first of each year,
13 notify the commissioner of administration, the house budget
14 committee chair, and the senate appropriations committee chair of
15 the amount of overtime paid in the previous fiscal year and an
16 estimate of overtime to be paid in the current fiscal year. The
17 fiscal year estimate for overtime pay to be paid by each
18 department shall be designated as a separate line item in the
19 appropriations bill for that department. The provisions of this
20 subsection shall become effective July 1, 2005.

21 6. Each state department shall report quarterly to the
22 house of representatives budget committee chair, the senate
23 appropriations committee chair, and the commissioner of
24 administration the cumulative number of accrued overtime hours
25 for department employees, the dollar equivalent of such overtime
26 hours, the number of authorized full-time equivalent positions
27 and vacant positions, the amount of funds for any vacant
28 positions which will be used to pay overtime compensation for
29 employees with full-time equivalent positions, and the current
30 balance in the department's personal service fund.

31 7. This section is applicable to overtime earned under the
32 Fair Labor Standards Act. This section is applicable to
33 employees who are employed in nonexempt positions providing
34 direct client care or custody in facilities operating on a
35 twenty-four-hour seven-day-a-week basis in the department of
36 corrections, the department of mental health, the division of
37 youth services of the department of social services, and the

1 veterans commission of the department of public safety.

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

8
9 Further amend said title, enacting clause and intersectional
10 references accordingly.