

HOUSE

AMENDMENT NO. _____

Offered by

of

1 AMEND Senate Bill No. 719, Page 1, In the Title, Line 3, by
2 deleting the words "school purchases" and inserting in lieu
3 thereof the words "state employees or officials"; and
4

5 Further amend said bill, Page 3, Section 105.454, Line 67,
6 by inserting after all of said line the following:

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

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

26 3. Beginning on January 1, 2006, and annually thereafter
27 each department shall pay all nonexempt state employees in full
28 for any overtime hours accrued during the previous calendar year

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1 which have not already been paid or used in the form of
2 compensatory leave time. All nonexempt state employees shall
3 have the option of retaining up to a total of eighty compensatory
4 time hours.

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

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

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

35 7. This section is applicable to overtime earned under the
36 Fair Labor Standards Act. This section is applicable to
37 employees who are employed in nonexempt positions providing

1 direct client care or custody in facilities operating on a
2 twenty-four-hour seven-day-a-week basis in the department of
3 corrections, the department of mental health, the division of
4 youth services of the department of social services, and the
5 veterans commission of the department of public safety.

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

12
13 Further amend said title, enacting clause and intersectional
14 references accordingly.