

SECOND REGULAR SESSION

**HOUSE BILL NO. 1548**

**92ND GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVES CRAWFORD (Sponsor), MOORE, SEIGFREID, QUINN, WILDBERGER, DEEKEN, BRUNS, ENGLER, SMITH (118), PARKER, DAVIS (122), GUEST, LOWE, MUNZLINGER, STEVENSON, HOBBS AND ZWEIFEL (Co-sponsors).

Read 1<sup>st</sup> time February 23, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4700L.011

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**AN ACT**

To amend chapter 105, RSMo, by adding thereto one new section relating to state employees' pay.

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

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

**4 2. A state employee shall be paid at a rate of one and one-half times the employee's  
5 straight time hourly rate for all time worked in excess of forty hours a week. Any state  
6 employee who works on a designated state holiday shall be granted equal compensatory  
7 time off duty or shall receive, at his or her choice, the employee's straight time hourly rate  
8 in cash payment. A state employee shall be paid in cash for overtime unless the employee  
9 requests compensatory time off at the applicable overtime rate. As used in this section, the  
10 term "state employee" means any person who is employed by the state and earns a salary  
11 or wage in a position normally requiring the actual performance by him or her of duties  
12 on behalf of the state.**

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

18           **4. The provisions of subsection 2 of this section shall only apply to state employees**  
19 **who are otherwise eligible for compensatory time under the Fair Labor Standards Act. In**  
20 **addition, any state employee who is exempt from the provisions of the Fair Labor**  
21 **Standards Act shall only be paid for compensatory time at a straight time hourly rate. Any**  
22 **state employee requesting cash payment for overtime worked shall notify such employee's**  
23 **department in writing of such decision and state the number of hours, no less than twenty,**  
24 **for which payment is desired. The department shall pay the employee within the calendar**  
25 **quarter following the quarter in which a valid request is made. Nothing in this section**  
26 **shall be construed as creating a new compensatory benefit for state employees.**

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

34           **6. Each state department shall report quarterly to the house of representatives**  
35 **budget committee chair, the senate appropriations committee chair, and the commissioner**  
36 **of administration the cumulative number of accrued overtime hours for department**  
37 **employees, the dollar equivalent of such overtime hours, the number of authorized full-**  
38 **time equivalent positions and vacant positions, the amount of funds for any vacant**  
39 **positions which will be used to pay overtime compensation for employees with full-time**  
40 **equivalent positions, and the current balance in the department's personal service fund.**