

SECOND REGULAR SESSION

# SENATE BILL NO. 1222

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATORS DOUGHERTY, KENNEDY, DAYS, BRAY, BLAND, WHEELER, COLEMAN AND JACOB.

Read 1st time February 4, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

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

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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 known as section 105.935, to read as follows:

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

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

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

**4. The provisions of subsection 2 of this section shall only apply to state employees who are otherwise eligible for compensatory time under the Fair Labor**

Standards Act. In addition, any state employee who is exempt from the provisions of the Fair Labor Standards Act shall only be paid for compensatory time at a straight time hourly rate. Any state employee requesting cash payment for overtime worked shall notify such employee's department in writing of such decision and state the number of hours, no less than twenty, for which payment is desired. The department shall pay the employee within thirty calendar days of a valid request. Nothing in this section shall be construed as creating a new compensatory benefit for state employees.

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

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Bill

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