

CHAPTER 270

GOVERNMENT - STATE

SENATE BILL 94-150

BY SENATORS Thiebaut, Feeley, Gallagher, Johnson, Mares, Peterson, and Rizzuto;
also REPRESENTATIVES George, Armstrong, Hernandez, Mattingly, Nichol, and Taylor.

AN ACT

CONCERNING OVERTIME WORK OF EMPLOYEES IN THE STATE PERSONNEL SYSTEM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-50-143 (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-50-143. Establishment and administration of overtime rules - appeals - election of remedies. (3) The state personnel director shall adopt such procedures as may be necessary to insure that the state personnel system is in full compliance with the FEDERAL "Fair Labor Standards Act of 1938", 29 U.S.C. SEC. 201 ET SEQ., as amended. Such procedures shall, consistent with such Act, include, but not be limited to, the following:

(a) A definition of the standard workweek for employees in the state personnel system;

(b) Guidelines for determining the eligibility of such employees for overtime compensation in either cash or in compensatory time;

(c) Guidelines for exempting executive, outside sales, professional, and administrative employees from the overtime provisions of the FEDERAL "Fair Labor Standards Act of 1938", 29 U.S.C. SEC. 201 ET SEQ., as amended;

(d) Time limits under which compensatory time may be accrued and taken; ~~and~~

(e) Guidelines for approving changes requested by any agency or institution in working hours, eligibility to receive overtime compensation, and time limits under

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

which compensatory time may be accrued and taken in order to avoid unusual hardship on the effective administration of such agency or institution; AND

(f) A STANDARD THAT A HOLIDAY OR PERIOD OF AUTHORIZED LEAVE OF ABSENCE FALLING WITHIN A REGULARLY SCHEDULED WORKWEEK IS COUNTED AS WORKING TIME IN DETERMINING OVERTIME WORK FOR EMPLOYEES REQUIRED TO PERFORM ESSENTIAL SERVICES, SUCH AS HIGHWAY WORKERS, CORRECTIONAL OFFICERS, INSTITUTIONAL EMPLOYEES, AND STATE PATROL PERSONNEL.

SECTION 2. Effective date. This act shall take effect July 1, 1994.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1994