

## HOUSE BILL No. 2365

By Representatives J. Peterson, Ballard, Findley, Sloan and Tanner

2-7

---

AN ACT concerning state officers and employees; relating to overtime compensation; prescribing certain rates and procedures; amending K.S.A. 2000 Supp. 75-5537 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2000 Supp. 75-5537 is hereby amended to read as follows: 75-5537. (a) Except as otherwise required by federal law or by the provisions of this section, after ~~June 11, 2000~~ *June 10, 2001*, any rule and regulation relating to overtime compensation for state employees adopted by the secretary of administration shall provide that only hours actually worked may be considered in determining whether overtime compensation is due and the amount of overtime compensation due, whether in the form of overtime pay or compensatory time off in lieu of overtime pay. After ~~June 11, 2000~~ *June 10, 2001*, to the extent that any rule and regulation previously adopted by the secretary of administration contains a provision contrary to this section, that portion of the rule and regulation, and documents pertaining to such portion of the rule and regulation, shall have no effect and shall not be enforced.

(b) Each official state holiday which occurs within a regularly scheduled workweek ~~may~~ *shall* be counted as time worked in determining the amount of overtime work for state employees *performing essential services*. *As used in this section, "state employees performing essential services" includes officers and employees of state agencies who are law enforcement officers, as defined by K.S.A. 74-5602 and amendments thereto, officers and employees of the department of corrections or any state correctional institution or facility who are directly engaged in the daily operation of any such institution or facility or who are corrections officers or parole officers, as defined by K.S.A. 75-5202 and amendments thereto, officers and employees of the department of transportation who perform highway maintenance duties, officers and employees of the department of social and rehabilitation services or any institution, as defined by K.S.A. 76-12a01 or 76-12b01 and amendments thereto, who are directly engaged in the daily operation of any such institution, including security police officers under K.S.A. 76-12a16 and amendments thereto, and such other officers or employees of any state agency who are determined by the*

1 *secretary of administration to be performing services that are essential to*  
2 *the public safety and welfare of the people of Kansas.*

3 *(c) Each state officer or employee who is in a 207(k) eligible position*  
4 *shall receive overtime compensation for any hours actually worked in*  
5 *excess of 86 hours in any fourteen-day work period.*

6 *(d) The hourly wage rate of each state officer or employee who is in*  
7 *a 207(k) eligible position shall be determined by dividing the annual rate*  
8 *of compensation by the amount of 2,080 hours.*

9 *(e) Any state officer or employee who is in a 207(k) eligible position*  
10 *may be required to work the hours after 80 hours per fourteen-day work*  
11 *period, up to 86 hours per fourteen-day work period, and shall be paid*  
12 *at the normal hourly pay rate for all such hours required to be worked.*  
13 *The provisions of this subsection shall not apply to any state officer or*  
14 *employee in any of the trooper job classes of the Kansas highway patrol.*

15 *(f) The procedures for using and the rate of using accumulated va-*  
16 *cation leave and sick leave for each state officer or employee who is in a*  
17 *207(k) eligible position shall be the same as the procedures for using and*  
18 *the rate of using accumulated vacation leave and sick leave which apply*  
19 *to all other state officers or employees in the classified service under the*  
20 *Kansas civil service act.*

21 *(g) As used in this section, "207(k) eligible position" means a position*  
22 *of a state officer or employee performing law enforcement activities for*  
23 *which a work period has been established which complies with the pro-*  
24 *visions of section 207(k) of the federal fair labor standards act, 29 U.S.C.A.*  
25 *§ 207(k), as amended, and the federal regulations, policies and standards*  
26 *adopted or promulgated thereunder as of June 10, 2001, and includes,*  
27 *but is not limited to, the positions of state officers or employees in the*  
28 *trooper job classes of the Kansas highway patrol, KBI agent job classes of*  
29 *the Kansas bureau of investigation, conservation officer job classes of the*  
30 *department of wildlife and parks, fire investigator job class of the office*  
31 *of the state fire marshal, and liquor control investigator job classes of the*  
32 *division of alcoholic beverage control of the department of revenue.*

33 *Sec. 2. K.S.A. 2000 Supp. 75-5537 is hereby repealed.*

34 *Sec. 3. This act shall take effect and be in force from and after June*  
35 *10, 2001, and its publication in the Kansas register.*

36  
37  
38  
39  
40  
41  
42  
43