

1 INTERIM STUDY PROPOSAL 2011-180

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3 REQUESTING THAT THE INTERIM HOUSE COMMITTEE ON STATE AGENCIES AND  
4 GOVERNMENTAL AFFAIRS STUDY THE EMPLOYEE COMPENSATION PRACTICES  
5 AND PROCEDURES FOR THE DEPARTMENT OF CORRECTION, INCLUDING  
6 STRAIGHT TIME, OVERTIME, AND HOLIDAY COMPENSATION AND WHETHER TO  
7 INCLUDE CERTAIN SPECIAL LANGUAGE IN THE DEPARTMENT'S  
8 APPROPRIATION BILL.

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10 BE IT PROPOSED BY THE INTERIM HOUSE COMMITTEE ON STATE AGENCIES AND  
11 GOVERNMENTAL AFFAIRS OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF  
12 ARKANSAS:

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14 THAT the Interim House Committee on State Agencies and Governmental  
15 Affairs study the employee compensation practices and procedures for the  
16 Department of Correction, including straight time, overtime, and holiday  
17 compensation.

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19 BE IT FURTHER PROPOSED THAT the Interim House Committee on State Agencies and  
20 Governmental Affairs study whether to include the following special language  
21 in the department's appropriation bill:

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23 "SECTION [XX]. SPECIAL LANGUAGE – NOT TO BE INCORPORATED INTO THE  
24 ARKANSAS CODE.

25 (a) This section is intended to comply with § 21-5-205(a).

26 (b)(1) At the request of an employee of the Department of Correction,  
27 the Director of the Department of Correction or the director's designee may  
28 grant compensatory time instead of regular or overtime compensation under the  
29 Uniform Classification and Compensation Act, § 21-5-201 et seq.

30 (2) If a request for compensatory time is not made by an  
31 employee under this section, the director shall pay regular and overtime  
32 compensation at the time it is earned according to the employee's customary  
33 salary schedule.

34 (c) Except as provided in subsection (d) of this section, a department  
35 employee shall use compensatory time granted under this section within one  
36 (1) year from the date that the compensatory time was earned.

1           (d) The director may provide that a department employee who fails to  
2 use compensatory time within the time required by subsection (c) of this  
3 section shall:

4                   (1) Receive payment for the department employee's unused  
5 compensatory time at the rate required by state and federal law at the time  
6 the compensatory time was earned; or

7                   (2)(A) Forfeit the unused compensatory time unless the director  
8 determines that the failure to use the compensatory time is due to  
9 circumstances beyond the department employee's control.

10                   (B) If the director determines that the failure to use the  
11 compensatory time is due to circumstances beyond the department employee's  
12 control, the director shall pay the compensatory time according to state and  
13 federal law at the time the compensatory time was earned.

14           (e) This section does not permit the director to fail to comply with  
15 state and federal law governing the payment of regular and overtime  
16 compensation."

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19 Respectfully submitted,

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23 Representative Jim Nickels  
24 District 43

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29 By: DLP/DLP  
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