

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4206-04
Bill No.: Perfected HCS for HB 1090
Subject: Department of Corrections; State Employees
Type: Original
Date: March 20, 2014

Bill Summary: This proposal allows any Department of Corrections employee who has accrued overtime hours to use those hours as compensatory leave time.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration - Division of Personnel** defer to the Department of Corrections.

Officials from the **Department of Corrections (DOC)** state this bill permits any DOC employee classified as corrections officer I or a corrections officer II who has accrued overtime hours to use those hours as compensatory leave time. The new language in subsection 4 should have \$0 to minimal fiscal impact on the Department of Corrections.

The first part of the second sentence, "Compensatory time shall be considered accrued upon completion of time worked in excess of such employee's normal assigned shift,..." reflects the recent ruling by the Western District in Missouri Corrections Officers Association v. Missouri Department of Corrections, WD 75418, which held in essence that a corrections officer's compensatory time accrues at the end of the shift in which he has worked excess time, and not at the end of the workweek. The Department is already aware of the need to modify our procedures as they are affected by the court case. The Department has changed the way it manages compensatory time in a manner that is compatible with the court case and has not seen any appreciable increase in the accrual of compensatory time. Therefore, we believe that this legislation would not lead to any significant accrual of additional compensatory time and should have \$0 to minimal impact on the Department.

Officials from the **Department of Mental Health** and the **Department of Social Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Missouri Veterans Commission (VET)** state if this bill pertains to any nonexempt state employees, please note that the VET is required to provide nursing services to ensure that there is a minimum direct care nurse staffing per patient per 24 hours, 7 days per week. The fiscal impact for 1,100 FTE (direct care staff) for 4 hours per week for 52 weeks (at an average of \$21.20 per hour) would be \$4.24 million. The VET, however, states this language appears to have more emphasis on DOC employees.

Oversight will assume the proposal pertains only to the Department of Corrections and therefore, would not fiscally impact other state agencies.

| <u>FISCAL IMPACT - State Government</u> | FY 2015 (10 Mo.) | FY 2016 | FY 2017 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2015 (10 Mo.) | FY 2016 | FY 2017 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Office of Administration - Division of Personnel
Department of Mental Health
Department of Social Services
Department of Public Safety - Missouri Veterans Commission



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March 20, 2014