

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass

**Vote:** 10 - 0 - 0

**Yeas:** Barton, Cameron, Edwards C., Esquivel, Holvey, Kennemer, Matthews, Thatcher, Witt, Schaufler

**Nays:** 0

**Exc.:** 0

**Prepared By:** Theresa Van Winkle, Administrator

**Meeting Dates:** 1/26, 1/30

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**WHAT THE MEASURE DOES:** Clarifies that an employee must be granted a leave of absence by their employer for the purpose of performing active state service as ordered by the Adjutant General. Changes the maximum amount of donated leave a qualified employee can receive from the employee's base salary to their total compensation. Requires state and local governments to calculate "total compensation" by including overtime hours that equal the average overtime hours for the same employee class, determine the average overtime hours for an employee class based on a reasonable expectation of the average number of hours of overtime employees in that class would perform over the course of a calendar year and maintain records of the average number overtime hours for each employee class for each calendar year.

**ISSUES DISCUSSED:**

- Wages and hazard pay for military members
- Whether overtime by seasonal employees are calculated in the formula for "total compensation"

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Current statute requires employers to grant a leave of absence to employees who are also military members, if they are called into active service by the Governor. House Bill 2298 expands the requirement to include military members who are called into service by the Adjutant General, with approval of the Governor. Examples of active duty as ordered by the Adjutant General include support operations for approved counterdrug operations (i.e. carrying out federal asset forfeiture laws), serving on special duty such as court-martial and efficiency boards, and drill exercises.

Employees are able to receive donated leave which supplements any compensation received as a military member, but cannot receive more than the amount they were earning in base salary. House Bill 2298 changes the statutory maximum cap to the employee's total compensation. Under the measure, "total compensation" for state and local government agencies must be calculated by including any amounts attributable to overtime hours that equal the average number of overtime hours for the same employee class (group of similarly situated employees whose positions have been designated by their employer in a policy or a collective bargaining agreement as having common characteristics), and determine the average number of overtime hours for an employee class based upon a reasonable expectation of the average number of overtime employees in that class would perform over the course of a calendar year.