

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0405.01 Michael Dohr x4347

SENATE BILL 13-210

SENATE SPONSORSHIP

Giron,

HOUSE SPONSORSHIP

Duran,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING EMPLOYMENT CONDITIONS FOR CORRECTIONAL**
102 **OFFICERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the department of corrections (DOC) to annually report to the general assembly regarding corrections officer staffing levels.

DOC shall develop criteria for when a corrections officer is able to work a double shift. DOC shall negotiate with the employees to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

establish work period and compensation practices.

The executive director of DOC is required to establish a timekeeping and payroll system and procedures for separation or demotion of employees due to lack of work, lack of funds, or department reorganization.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-115.7 as
3 follows:

4 **17-1-115.7. Corrections officer staffing - report - double shift**

5 **criteria - definitions.** (1) THE DEPARTMENT SHALL PREPARE A REPORT
6 FOR THE MEMBERS OF THE GENERAL ASSEMBLY BY JANUARY 15, 2014,
7 AND BY JANUARY 15 EACH YEAR THEREAFTER, REGARDING CORRECTIONS
8 OFFICER STAFFING LEVELS. THE REPORT MUST INCLUDE:

9 (a) STAFFING LEVELS FOR CORRECTIONS OFFICERS AT EACH
10 CORRECTIONAL FACILITY AND PRIVATE CONTRACT PRISON IN COLORADO;

11 (b) STAFFING LEVELS FOR CORRECTIONS OFFICERS FOR EACH
12 CORRECTIONAL FACILITY SECURITY LEVEL; AND

13 (c) A COMPARISON OF STAFFING LEVELS AT COLORADO
14 CORRECTIONAL FACILITIES AND THE NATIONAL STANDARDS ADOPTED BY
15 THE NATIONAL INSTITUTE OF CORRECTIONS AND THE AMERICAN
16 CORRECTIONAL ASSOCIATION.

17 (2) THE DEPARTMENT SHALL DEVELOP CRITERIA FOR WHEN A
18 CORRECTIONS OFFICER MAY WORK TWO CONSECUTIVE SHIFTS, AND THE
19 CRITERIA MUST APPLY TO A SEVEN-DAY PERIOD AND MUST ACCOUNT FOR
20 DIFFERENT SECURITY-LEVEL FACILITIES.

21 (3) THE DEPARTMENT, THROUGH DISCUSSIONS WITH EMPLOYEES,
22 SHALL ESTABLISH WORK PERIOD AND COMPENSATION PRACTICES THAT
23 COMPLY WITH THE FOLLOWING STANDARDS THAT:

1 (a) A WORK PERIOD MAY BE FROM SEVEN CONSECUTIVE DAYS TO
2 FOURTEEN CONSECUTIVE DAYS IN LENGTH. OVERTIME PAY MUST BE
3 REQUIRED WHEN THE NUMBER OF HOURS WORKED EXCEEDS THE NUMBER
4 OF HOURS THAT BEARS THE SAME RELATIONSHIP TO EIGHTY-FIVE HOURS
5 IN A FOURTEEN-DAY PERIOD.

6 (b) CORRECTIONS OFFICERS WHO WORK TWELVE OR MORE HOURS
7 IN ONE TWENTY-FOUR HOUR PERIOD RECEIVE A SHIFT PREMIUM IN THE
8 AMOUNT OF ONE AND ONE-HALF TIMES THEIR REGULAR RATE OF PAY;

9 ==
10 (c) ALL DEPARTMENT EMPLOYEES RECEIVE WITH THEIR PAY CHECK
11 A PAY STUB THAT CLEARLY AND ACCURATELY REFLECTS ALL HOURS
12 WORKED, STANDARD RATE OF PAY, RATE OF OVERTIME PAY, ACCRUAL OF
13 ANY PAID LEAVE AND COMPENSATORY TIME, REMAINING PAID LEAVE, AND
14 COMPENSATORY TIME BALANCES;

15 (d) THE DEPARTMENT SHALL ESTABLISH ADMINISTRATIVE
16 REGULATION PRACTICES THAT CREATE GREATER FLEXIBILITY IN THE
17 STAFFING OF FACILITIES, INCLUDING BUT NOT LIMITED TO EMPLOYEE SHIFT
18 SUBSTITUTION, VOLUNTARY OVERTIME LISTS, ROVING, AND POOL STAFF
19 COVERAGE; AND

20 (e) ALL PRACTICES MUST BE COMPLIANT WITH FEDERAL WAGE AND
21 HOUR LAW.

22 (4) FOR PURPOSES OF THIS SECTION, "CORRECTIONS OFFICER"
23 MEANS AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS WHO IS
24 SUBJECT TO THE EXEMPTION IN 9 U.S.C.A. SEC. 207 (k).

25 **SECTION 2.** In Colorado Revised Statutes, 17-1-103, **add** (1) (q)
26 == as follows:

27 **17-1-103. Duties of the executive director.** (1) The duties of the

1 executive director shall be:

2 (q) TO ESTABLISH A DEPARTMENT-WIDE, MODERN,
3 EMPLOYEE-VERIFIABLE SECURE TIME-KEEPING AND PAYROLL SYSTEM.

4

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2014 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.