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SENATE BILL 13-210

BY SENATOR(S) Giron, Aguilar, Crowder, Heath, Hodge, Jones, Kefalas, Newell, Schwartz, Steadman, Tochtrop, Todd, Morse;
also REPRESENTATIVE(S) Duran, Garcia, Hullinghorst, Labuda, Moreno, Salazar, Singer, Williams.

CONCERNING EMPLOYMENT CONDITIONS FOR CORRECTIONAL OFFICERS,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 17-1-115.8 as follows:

17-1-115.8. Corrections officer staffing - report - double shift criteria - definitions. (1) THE DEPARTMENT SHALL PREPARE A REPORT FOR THE MEMBERS OF THE GENERAL ASSEMBLY BY JANUARY 15, 2014, AND BY JANUARY 15 EACH YEAR THEREAFTER, REGARDING CORRECTIONS OFFICER STAFFING LEVELS. THE REPORT MUST INCLUDE:

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

(b) STAFFING LEVELS FOR CORRECTIONS OFFICERS FOR EACH

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CORRECTIONAL FACILITY SECURITY LEVEL; AND

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

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

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

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

(b) CORRECTIONS OFFICERS WHO WORK TWELVE OR MORE HOURS IN ONE TWENTY-FOUR HOUR PERIOD SHALL BE PAID THE AMOUNT OF ONE AND ONE-HALF TIMES THEIR REGULAR RATE OF PAY FOR THE TIME THEY WORKED THAT EXCEEDED EIGHT AND ONE-HALF HOURS;

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

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

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

(4) FOR PURPOSES OF THIS SECTION, "CORRECTIONS OFFICER" MEANS AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS WHO IS SUBJECT TO THE EXEMPTION IN 29 U.S.C.A. SEC. 207 (k); EXCEPT THAT IT DOES NOT INCLUDE A PAROLE OFFICER.

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

17-1-103. Duties of the executive director. (1) The duties of the executive director shall be:

(q) TO COLLABORATE WITH THE DEPARTMENT OF PERSONNEL AND THE OFFICE OF INFORMATION TECHNOLOGY ON THEIR EXISTING EFFORTS TO MODERNIZE THE STATE'S PERSONNEL TIMEKEEPING SYSTEMS IN ORDER TO PRODUCE A SYSTEM THAT IS TRANSPARENT, ACCOUNTABLE, AND EASILY EMPLOYED BY DEPARTMENT PERSONNEL.

SECTION 3. In Colorado Revised Statutes, **add** 24-32-724 as follows:

24-32-724. Fort Lyon property - supportive residential community - report - Fort Lyon property cash fund - created - definitions - repeal. (1) AS USED IN THIS SECTION, "FORT LYON PROPERTY" MEANS THE REAL PROPERTY DESCRIBED IN THE QUITCLAIM DEED OF SEPTEMBER 12, 2002, THAT THE FEDERAL SECRETARY OF VETERANS AFFAIRS CONVEYED TO THE STATE OF COLORADO FOR THE PURPOSE OF OPERATING A CORRECTIONAL FACILITY.

(2) (a) A PORTION OF THE FORT LYON PROPERTY IS DESIGNATED AS A SUPPORTIVE RESIDENTIAL COMMUNITY FOR THE HOMELESS FOR THE PURPOSE OF PROVIDING SUBSTANCE ABUSE SUPPORTIVE SERVICES, MEDICAL CARE, JOB TRAINING, AND SKILL DEVELOPMENT FOR THE RESIDENTS.

(b) (I) THE DIVISION OF HOUSING SHALL ENTER INTO A CONTRACT WITH A PRIVATE CONTRACTOR TO ESTABLISH THE RESIDENTIAL COMMUNITY. THE CONTRACTOR SELECTED BY THE DIVISION MUST BE EXPERIENCED IN PROVIDING STATEWIDE INTEGRATED HOUSING, HEALTH CARE, AND

SUPPORTIVE SERVICE PROGRAMS FOR HOMELESS INDIVIDUALS.

(II) THE DIVISION SHALL SUBTRACT AN AMOUNT EQUAL TO THREE PERCENT OF THE BID PRICE FROM THE BID OF EACH CONTRACTOR THAT CERTIFIES THROUGH EMPLOYMENT RECORDS THAT AT LEAST FIFTEEN PERCENT OF EMPLOYEES WHO WILL PERFORM THE REQUIREMENTS OF THE CONTRACT WERE EMPLOYED AS CORRECTIONAL OFFICERS OR AS OTHER EMPLOYEES AT THE FORT LYON CORRECTIONAL FACILITY WITHIN THE LAST FIVE YEARS.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2013, the sum of \$963,168, or so much thereof as may be necessary, to be allocated for personal services related to the implementation of this act as follows:

- (a) \$28,590 to the management division;
- (b) \$877,862 to the institutions division; and
- (c) \$56,716 to the community services division.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of local affairs, for the fiscal year beginning July 1, 2013, the sum of \$2,788,851, or so much thereof as may be necessary, to be allocated to the division of housing for the implementation of this act.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO