

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0405.01 Michael Dohr x4347

SENATE BILL 13-210

SENATE SPONSORSHIP

Giron,

HOUSE SPONSORSHIP

Duran,

Senate Committees
Judiciary

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.** (1) THE DEPARTMENT SHALL PREPARE A REPORT FOR THE
6 MEMBERS OF THE GENERAL ASSEMBLY BY JANUARY 15, 2014, AND BY
7 JANUARY 15 EACH YEAR THEREAFTER, REGARDING CORRECTIONS OFFICER
8 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 (c) ALL EMPLOYEES SUBJECT TO THE PROVISIONS OF PARAGRAPH
10 (a) OF THIS SUBSECTION (3) MUST BE PAID ON A BIWEEKLY BASIS;

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

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

21 (f) ALL PRACTICES MUST BE COMPLIANT WITH FEDERAL WAGE AND
22 HOUR LAW.

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

25 **17-1-103. Duties of the executive director.** (1) The duties of the
26 executive director shall be:

27 (q) TO ESTABLISH A DEPARTMENT-WIDE, MODERN,

1 EMPLOYEE-VERIFIABLE SECURE TIME-KEEPING AND PAYROLL SYSTEM; AND

2 (r) TO ESTABLISH PROCEDURES FOR HOW CERTIFIED EMPLOYEES
3 ARE SEPARATED OR DEMOTED FROM STATE SERVICE, DUE TO LACK OF
4 WORK, LACK OF FUNDS, OR REORGANIZATION. THE PROCEDURES MUST
5 REQUIRE THAT CONSIDERATION BE GIVEN TO PERFORMANCE EVALUATIONS
6 OF THE EMPLOYEES AND SENIORITY WITHIN THE TOTAL STATE SERVICE.
7 EMPLOYEES SHALL HAVE RETENTION RIGHTS THROUGHOUT THE
8 DEPARTMENT.

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