

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 151

SENATE BILL 1096

AN ACT

AMENDING SECTION 23-392, ARIZONA REVISED STATUTES; RELATING TO WAGES OF
PUBLIC EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 23-392, Arizona Revised Statutes, is amended to
3 read:
4 23-392. Overtime compensation for certain law enforcement or
5 probation officer activities; option; definitions
6 A. Any person engaged in law enforcement activities shall be
7 compensated for each hour worked in excess of forty hours in one work week at
8 the option of such employer at the following rates:
9 1. One and one-half times the regular rate at which such person is
10 employed or one and one-half hours of compensatory time off for each hour
11 worked if by the person's job classification overtime compensation is
12 mandated by federal law.
13 2. If by the person's job classification federal law does not mandate
14 overtime compensation, the person shall receive the regular rate of pay or
15 compensatory leave on an hour for hour basis.
16 B. Any person engaged in probation officer activities shall be
17 compensated for each hour worked in excess of eighty hours in a two week work
18 period at the option of such employer at the following rates:
19 1. One and one-half times the regular rate at which such person is
20 employed or one and one-half hours of compensatory time off for each hour
21 worked if by the person's job classification overtime compensation is
22 mandated by federal law.
23 2. If by the person's job classification federal law does not mandate
24 overtime compensation, the person shall receive the regular rate of pay or
25 compensatory leave on an hour for hour basis.
26 C. Paid leave may be considered hours worked for the purpose of
27 calculating overtime.
28 D. The director of the department of public safety may establish
29 alternate work periods, in accordance with federal law, for the purpose of
30 determining overtime compensation for those employees of the air rescue
31 section of the department of public safety.
32 E. Notwithstanding subsection C of this section, an alternate work
33 period established by the director of the department of public safety for the
34 purpose of determining overtime compensation shall not exceed twenty-eight
35 days or one hundred sixty hours.
36 F. For the purposes of this section:
37 1. "Person engaged in law enforcement activities":
38 (a) Means:
39 (i) A law enforcement officer as defined by section 38-1001.
40 (ii) A peace officer as defined by section 41-1701.
41 (iii) Any security personnel responsible for controlling or
42 maintaining custody of inmates in correctional institutions maintained by
43 this state or a county, city or town.
44 (b) Does not include any such person employed in a bona fide executive
45 or administrative capacity as defined by the employer.

1 2. "PERSON ENGAGED IN probation officer ACTIVITIES": ~~includes~~
2 (a) MEANS a probation officer or surveillance officer who is employed
3 ~~by this state or a political subdivision of this state~~ APPOINTED PURSUANT TO
4 SECTION 8-203, 12-251 OR 12-259.
5 (b) DOES NOT INCLUDE ANY SUCH PERSON EMPLOYED IN A BONA FIDE EXECUTIVE
6 OR ADMINISTRATIVE CAPACITY AS DEFINED BY THE EMPLOYER.
7 Sec. 2. Emergency
8 This act is an emergency measure that is necessary to preserve the
9 public peace, health or safety and is operative immediately as provided by
10 law.

APPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.