

BILL # SB 1305

TITLE: probation; surveillance officers; overtime; representation

SPONSOR: Johnson

STATUS: As Amended by Senate GOV

REQUESTED BY: Senate

PREPARED BY: Kim Hohman

FISCAL ANALYSIS

Description

SB 1305 would amend current statute by adding probation officers and surveillance officers to the list of law enforcement personnel who would qualify for overtime compensation at time and a half for any hours worked over 40 hours per week. In addition, the bill specifies that probation officers and surveillance officers would be granted the same right to representation, right to evidence on appeal, and change of hearing officer or administrative law judge as any other public safety personnel.

Estimated Impact

The JLBC Staff estimates that SB 1305 is unlikely to result in increased costs to the state since any increased overtime expenses would be paid by county probation departments. The bill is likely, however, to increase personnel costs in county probation departments as they would be paying time and half for hours they are currently paying at regular wages.

Based on information provided by the Maricopa County Adult and Juvenile Probation Departments, the JLBC Staff estimates a statewide cost to counties of \$258,300 each year.

The County Supervisors Association does not have a fiscal estimate for this bill.

Analysis

There are approximately 1,300 probation officers employed statewide. Of this amount, 400 are employed in Juvenile Probation programs, and approximately 900 are employed in Adult Probation programs. Currently, the state and counties share the costs of probation with state monies used to supplement, not supplant, county monies.

Pursuant to the federal Fair Labor Standards Act (FLSA), law enforcement agencies begin paying overtime at time and a half after an individual works 86 hours in a 2 week period. SB 1305 would require overtime compensation to be paid after an individual has worked more than 40 hours in 1 week, or the equivalent of 80 hours in a 2-week work period. Probation officers and surveillance officers are currently receiving overtime compensation, or time and a half, after working 86 hours in a 2-week period. Juvenile detention officers, however, are currently paid time and a half for any hours worked over 80 hours in a 2-week work period.

Maricopa County estimates that the amount of regular wages paid to Adult Probation officers and surveillance officers working between 80 and 86 hours will be approximately \$73,300 in FY 2005. With the passage of SB 1305, these wages would be paid at time and a half, or \$110,000. In addition, Maricopa County estimates it will spend \$30,000 on regular wages paid to Juvenile Probation officers and surveillance officers working between 80 and 86 hours in FY 2005. Again, with the passage of SB 1305, this amount would be paid on a time and half basis, or approximately \$45,000. In total, Maricopa County currently estimates its cost of the bill to be approximately \$155,000 annually.

The JLBC Staff assumes that Maricopa County would represent the majority of increased probation costs. Assuming that the Maricopa County cost estimate represents 60% of the costs statewide, the fiscal impact of the bill could be approximately \$258,300 statewide each year. Again, any increase in probation officer overtime costs would be paid by county probation departments.

(Continued)

Local Government Impact

As noted above, the JLBC estimates the county impact of SB 1305 to be approximately \$258,300 statewide. This cost estimate is based on information provided by Maricopa County, and extrapolated for a statewide estimate.

According to Maricopa County, their probation departments currently use flexible work schedules which do not always translate into 40 hours per week, but would still be the equivalent of 80 hours in a 2-week period. These potential costs have not been included in the Maricopa County cost estimate. If the county's overtime payments were based on 40 hour work weeks, it is possible that the estimated costs provided by Maricopa County could increase.

2/18/05