

REFERENCE TITLE: overtime pay; law enforcement

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2668

Introduced by
Representative Fink

AN ACT

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

(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. Subject to subsection B of this section, any person engaged in
7 law enforcement activities shall be compensated for each hour worked in
8 excess of forty hours in one ~~work week~~ WORKWEEK, unless otherwise agreed
9 to by the employer and the person engaged in law enforcement activities,
10 at the option of the employer at the following rates:

11 1. One and one-half times the regular rate at which the person is
12 employed or one and one-half hours of compensatory time off for each hour
13 worked if, by the person's job classification, overtime compensation is
14 mandated by federal law.

15 2. If, by the person's job classification, federal law does not
16 mandate overtime compensation, the person shall receive the regular rate
17 of pay or compensatory leave on an ~~hour-for-hour~~ HOUR-FOR-HOUR basis.

18 B. If an employee and employer have an agreement pursuant to
19 subsection A of this section regarding the employee's alternate work
20 period and the employee becomes employed in a new position with the
21 employer, the employee may terminate the existing alternate work period
22 agreement.

23 C. Subsection A of this section does not preempt agreements that
24 supplant, revise or otherwise alter ~~the provisions of~~ this section,
25 including preexisting agreements between the employer and the law
26 enforcement officer or the law enforcement officer's lawful representative
27 association.

28 D. Any person engaged in probation officer activities shall be
29 compensated for each hour worked in excess of eighty hours in a ~~two week~~
30 TWO-WEEK work period at the option of the employer at the following rates:

31 1. One and one-half times the regular rate at which the person is
32 employed or one and one-half hours of compensatory time off for each hour
33 worked if, by the person's job classification, overtime compensation is
34 mandated by federal law.

35 2. If, by the person's job classification, federal law does not
36 mandate overtime compensation, the person shall receive the regular rate
37 of pay or compensatory leave on an ~~hour-for-hour~~ HOUR-FOR-HOUR basis.

38 E. Paid leave may be considered hours worked for the purpose of
39 calculating overtime.

40 F. The director of the department of public safety may establish
41 alternate work periods, in accordance with federal law, for the purpose of
42 determining overtime compensation for those employees of the air rescue
43 section of the department of public safety.

44 G. Notwithstanding subsection E of this section, an alternate work
45 period established by the director of the department of public safety for

1 the purpose of determining overtime compensation shall not exceed
2 twenty-eight days or one hundred sixty hours.

3 H. For the purposes of this section:

4 1. "EACH HOUR WORKED":

5 (a) INCLUDES THE PRINCIPAL ACTIVITIES THAT AN EMPLOYEE IS EMPLOYED
6 TO PERFORM.

7 (b) DOES NOT INCLUDE ACTIVITIES NOT COMPENSABLE AS PRESCRIBED IN
8 THE PORTAL-TO-PORTAL ACT OF 1947 (61 STAT. 86; 29 UNITED STATES CODE
9 SECTION 254).

10 ~~1.~~ 2. "Person engaged in law enforcement activities":

11 (a) Means:

12 (i) A law enforcement officer as defined by section 38-1001.

13 (ii) A peace officer as defined by section 41-1701.

14 (iii) Any security personnel responsible for controlling or
15 maintaining custody of inmates in correctional institutions maintained by
16 this state or a county, city or town.

17 (iv) Any law enforcement personnel under section 41-1714
18 responsible for directly assisting law enforcement officers in the
19 performance of law enforcement activities.

20 (b) Does not include any person employed in a bona fide executive
21 or administrative capacity as defined by the employer.

22 ~~2.~~ 3. "Person engaged in probation officer activities":

23 (a) Means a probation officer or surveillance officer who is
24 appointed pursuant to section 8-203, 12-251 or 12-259.

25 (b) Does not include any person employed in a bona fide executive
26 or administrative capacity as defined by the employer.