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Brady, J. Johnson, Keeley, Kowalko

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 141

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO HAZARDOUS DUTY PAY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5916, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 5916. Uniform pay plan; hazardous duty pay.

(e) No employee of any ~~department or agency~~ shall receive hazardous duty pay, except ~~those specifically included in the following paragraphs for the following:~~

(1) Employees, otherwise qualified, who are employed by the Department of ~~Correction~~ (Correction), or its successor ~~agency~~ agency.

(2) Employees, otherwise qualified, who are employed by the Delaware Psychiatric ~~Center~~ (Center), or its successor ~~agency~~ agency, and who are assigned to programs for the criminally insane.

(3) Employees, otherwise qualified, who are employed by the Department of Services for Children, Youth and Their Families and who are assigned to work in the Division of Youth Rehabilitative Services facilities.

(4) Casual seasonal employees performing the same job duties as those eligible employees identified in paragraphs (e)(1), (2), ~~(3)~~ (3), or ~~(6)~~ (6) of this section, ~~shall also be deemed eligible section.~~ The amount of the monthly hazardous duty pay supplement shall be prorated based on the actual hours worked.

(5) Employees employed in the Prison Education Program as authorized in Chapter 24 of Title 14 whose primary job location is within the institutions.

(6) Employees, otherwise qualified, who are employed by the Department of Transportation, or its successor agency, and who are assigned to work on roads classified by the Department of Transportation under 23 C.F.R. § 470.105(b) as interstate, expressway, arterial, or collector roads.

Section 2. If this Act is enacted before July 1, 2018, this Act takes effect on July 1, 2018. If this Act is enacted on or after July 1, 2018, this Act takes effect immediately.

### SYNOPSIS

This Act includes Department of Transportation employees who work on interstate, expressway, arterial, and collector roads in the classification of employees who are eligible to receive hazardous duty pay.

This Act contains a delayed effective date provision to ensure this Act takes effect in fiscal year 2019. Funding for this Act will be drawn from funds that would not violate Article VIII, § 12.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Townsend