

By: Senator(s) Sparks

To: Judiciary, Division A;  
Municipalities

SENATE BILL NO. 2644

1 AN ACT TO REQUIRE THE STATE OF MISSISSIPPI AND POLITICAL  
2 SUBDIVISIONS THEREOF TO COMPENSATE LAW ENFORCEMENT OFFICERS WHO  
3 ARE NONEXEMPT EMPLOYEES UNDER THE FAIR LABOR STANDARDS ACT (FLSA)  
4 BY MANDATING AT LEAST THE REGULAR HOURLY RATE BE PAID, OR  
5 HOUR-FOR-HOUR COMPENSATORY TIME, FOR THE FIRST 43 HOURS IN A WEEK,  
6 86 HOURS IN A TWO-WEEK PERIOD OR 171 HOURS IN A 28-DAY PERIOD; TO  
7 REQUIRE COMPLIANCE WITH THE FLSA FOR HOURS WORKED IN EXCESS OF  
8 THOSE STATED AMOUNTS; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** (1) All persons employed as law enforcement  
11 officers, as defined in Section 45-6-3, whether employed by the  
12 State of Mississippi or any political subdivision thereof, shall  
13 be compensated, if such officer is classified as a nonexempt  
14 employee under Fair Labor Standards Act (FLSA) regulations, at his  
15 or her regular hourly rate or more for all hours worked up to  
16 forty-three (43) hours in a week, eighty-six (86) hours in a  
17 two-week period and one hundred seventy-one (171) hours in a  
18 twenty-eight-day period. If such officer is compensated for any  
19 of these hours worked by means of compensatory time, it shall be  
20 on at least an hour-for-hour basis and such compensatory time  
21 earned cannot be lost. Such officer shall be granted such time



22 earned off with pay or compensated with pay at the officer's  
23 hourly rate at the time such payment is made. If there is a  
24 separation of employment the officer shall be paid for all such  
25 earned compensatory time based on his or her current regular  
26 hourly rate.

27 (2) Any law enforcement officer, as defined in Section  
28 45-6-3, who works in excess of forty-three (43) hours in a week,  
29 eighty-six (86) hours in a two-week period or one hundred  
30 seventy-one (171) hours in a twenty-eight-day period shall be  
31 compensated for those excess hours worked as required by the FLSA.

32 **SECTION 2.** This act shall take effect and be in force from  
33 and after July 1, 2021.

