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STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF THE BUDGET
STATE CAPITOL
ALBANY, NEW YORK 12224
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DIRECTOR

BUDGET BULLETIN	G-1030	October 3, 2001
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To: All State Departments and Agency Heads

From: Carole E. Stone *CES*

Subject: World Trade Center Overtime Compensation and Overtime Compensatory Time Accrual Limitations

Effective September 11, 2001 the Division of the Budget, in consultation with the Governor's Office of Employee Relations, is instituting a special policy to accommodate employee overtime compensation for essential work associated with the September 11th World Trade Center disaster. This bulletin provides commissioners and agency heads with additional flexibility to manage personnel resources within existing budget allocations. This bulletin also recognizes the unique and unprecedented nature of the World Trade Center disaster and the drastic measures some agencies must take in deploying staffs that are critical to the State's efforts.

Overtime

1. Blanket overtime authorization is granted for staff in Grade 27 and below positions, provided that such overtime is both essential and directly related to activities associated with the State's response to the World Trade Center disaster. Agency heads will be responsible for determining which overtime requests fulfill the "essential and directly related" criteria.
2. Staff authorized to incur overtime shall be paid in a manner determined by the agency head. Compensation can be allowed for time actually worked consistent with standard overtime rules and collective bargaining agreements. However, the hourly rate shall not exceed one and one half times the regular hourly rate of the employee for time worked over 40 hours per week. Authorized payments for otherwise overtime ineligible staff in Grade 27 and below positions which are submitted to the State Comptroller shall be considered pre-approved by the Division of the Budget.

3. Extraordinary overtime compensation requests for staff in positions above Grade 27 shall be reviewed and approved by the Division on a case-by-case basis. A formal request for a Waiver of Overtime Compensation Rules (see attachment) will be necessary to demonstrate that such extraordinary overtime is critical to activities associated with the State's response to the World Trade Center disaster. Please direct such requests to John E. Burke, Chief Budget Examiner, Budget Services Unit – Room 117 NYS Capitol, Attention: Labor Relations Section.
4. Agencies are expected to manage personal service and non-personal service resources within the cash ceilings and fill levels established by the Division of the Budget. In addition, consistent with recent instructions provided to all agencies concerning coordination of Federal disaster assistance, agencies are expected to maintain an accurate accounting of all extraordinary expenditures associated with the World Trade Center disaster.

Revised Overtime Compensatory Time Accrual Limitations

Effective September 11, 2001 this bulletin also grants relief from limits on overtime compensatory time accruals for certain employees who would otherwise forfeit significant amounts of such compensatory time. The temporary relief from overtime compensatory time accrual limits granted by this bulletin applies only to individuals deemed by their appointing authority to be performing work which is essential and directly related to activities associated with the State's response to the World Trade Center disaster.

Individuals performing such work who as of March 31, 2002 would otherwise forfeit compensatory time credits, which were earned during the 2000-01 fiscal year, will be allowed to continue such credits until March 31, 2003. Similarly, such individuals may retain compensatory time credits which were earned during the 2001-02 fiscal year until March 31, 2004. As a matter of policy, agencies should provide employees with the opportunity to liquidate compensatory time credits (associated with overtime worked in excess of 37.5 hours but not in excess of 40 hours in a workweek) to the extent possible prior to March 31, 2004.

The compensatory time limits established by Part 135.11(c) of subtitle C of the rules of the Director of the Budget will continue to apply to all other employees.

Questions regarding this Bulletin should be directed to your budget examiner.

Attachment

Note: This is the only distribution of this bulletin. Please supply copies to all interested officials and employees in your agency or authority at all appropriate locations.

Attachment, Budget Bulletin G - 1030

EXTRAORDINARY WAIVER OF OVERTIME COMPENSATION RULES

**2001-2002 WORLD TRADE CENTER
(GRADE 28/M-3 AND ABOVE)**

TO: DIRECTOR OF PAYROLL AUDIT
DEPARTMENT OF AUDIT AND CONTROL

FROM: DIVISION OF THE BUDGET

DATE:

PURSUANT TO PART 135.12 OF TITLE 9 OF THE "OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK," AND BUDGET BULLETINS G-1024 AND G-1030, PROVISIONS OF PART 135 OVERTIME COMPENSATION AND BUDGET BULLETIN G-1024 ARE HEREBY WAIVED BY THE DIRECTOR OF THE BUDGET TO ACCOMPLISH THE ACTION INDICATED BELOW FOR THE PERIOD AND POSITIONS DESCRIBED:

<u>AGENCY</u> / <u>1</u>	<u>LINE</u> <u>NO.</u> / <u>2</u>	<u>TITLE</u> / <u>3</u>	<u>TITLE CODE/</u> <u>LOCATION</u> <u>SALARY GRADE</u> / <u>3</u>	<u>SPECIAL</u> <u>RATE</u> / <u>4</u>	<u>INCLUSIVE DATES</u> / <u>5</u> <u>BEGINNING</u> <u>ENDING</u>
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- /1 Indicate the name and 5-digit code of the employing agency(ies).
- /2 Indicate the specific item numbers of the positions covered by the waiver.
- /3 Indicate the title, title code, location code and salary grade for each position covered by the waiver.
- /4 Indicate the overtime rate.
- /5 Indicate the specific time period of the waiver and the maximum number of authorized overtime hours per week, per position.