



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

Andrew M. Cuomo
Governor

Robert L. Megna
Director of the Budget

BUDGET BULLETIN	G-1034	October 29, 2012
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TO: ALL DEPARTMENT AND AGENCY HEADS

FROM: Robert L. Megna *Robert L. Megna*

SUBJECT: Hurricane Sandy - Overtime Compensation for Overtime Ineligible Employees

Effective October 26, 2012, 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 critical and essential work associated with Hurricane Sandy. Specifically, this bulletin provides commissioners and agency heads the flexibility to provide, within existing budget allocations, otherwise overtime ineligible employees with overtime compensation for excessive hours worked for necessary preparation and response to this storm. This bulletin recognizes the unique nature of hurricanes and the measures some agencies must take in deploying overtime ineligible staff that are critical to the State's storm preparation, response and clean-up efforts.

Overtime Policy for Otherwise Ineligible Employees

1. Blanket overtime authorization is granted for staff in Grade 27 and below positions who work in excess of 47.5 hours per work week, provided that such overtime is both essential and directly related to activities associated with the State's preparation and response to Hurricane Sandy. Agency heads will be responsible for determining which overtime requests fulfill the "essential and directly related" criteria. The granting of overtime for otherwise ineligible employees should only be considered when directly related to hurricane preparedness and response and only if no other alternatives exist.
2. Staff authorized to incur overtime shall be paid at a rate determined by the agency head, so long as such rate is consistent with standard overtime rules and collective bargaining agreements, and does not exceed one and one half times the regular hourly rate for time worked in excess of 47.5 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 preparation and response to Hurricane Sandy. Please direct such requests to Robert E. Brondi, 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. We do not anticipate that the Federal government will provide additional funding for these otherwise overtime ineligible employees. Agencies are expected to maintain an accurate accounting of all extraordinary expenditures associated with Hurricane Sandy and the Division of Budget will monitor bi-weekly agency overtime reports to track increased hours and compensation.

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

Attachment

Attachment, Budget Bulletin G - 1034

**EXTRAORDINARY WAIVER OF OVERTIME COMPENSATION RULES
EMPLOYEES MAY ONLY BE COMPENSATED FOR WORK PERFORMED IN EXCESS OF 47.5 HOURS PER WORK WEEK.**

**HURRICANE SANDY PREPARATION / RESPONSE
(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-1034, 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 /1</u>	<u>LINE NO. /2</u>	<u>TITLE /3</u>	<u>TITLE CODE/ LOCATION SALARY GRADE /3</u>	<u>SPECIAL RATE /4</u>	<u>INCLUSIVE DATES /5 BEGINNING 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.