

BUDGET POLICY AND REPORTING MANUAL

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| <i>date</i> 9/1/71 | <i>subject</i> Extra-Service Compensation | <i>item</i> G-120 |
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1. Purpose, Scope and Regulations:

The rules and regulations for Extra-Service Compensation are promulgated by the Director of the Budget pursuant to section 134 of the Civil Service Law and are published as Part 136 of Title 9 of the "Official Compilation of Codes, Rules and Regulations of the State of New York". Since the State of New York is considered to be one employer under both State and Federal overtime laws, extra-service performed by those eligible to earn overtime must be treated as overtime. All extra-service work must be approved in advance by the Director of the Budget. The full text of the rules follows:

PART 136
PAYMENT OF EXTRA-SERVICE COMPENSATION
(Statutory authority: Civil Service Law, §134, as last and. By L. 1967, ch. 615)

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| Sec. | Sec. |
| 136.1 Definition | 136.3 Supervision |
| 136.2 Determination of rates | 136.4 Exceptions |

Section 136.1 Definition. Extra-service means work by a State employee in a payroll agency other than the payroll agency to which the employee is regularly assigned.

136.2 Determination of rates. Extra-service shall not be allowed without specific advance approval of the Director of the Budget. Rates of pay for extra-service performed by employees eligible to earn overtime in their regular positions shall be determined in the same manner as for overtime (see rules for payment of overtime compensation, section 135.8 of Part 135 of this Title) except that a straight hourly rate shall be paid for those hours worked by an employee as extra-service which do not bring the total hours worked by the employee in any one workweek above 40 hours. Extra-service performed by an employee not eligible to earn overtime in his regular position shall be compensable at a rate approved by the Director of the Budget.

136.3 Supervision. It shall be the policy of State departments and agencies to have supervision of extra-service help provided by regular supervisory personnel unless circumstances are exceptional.

136.4 Exceptions. The restrictions and limitations contained in this Part may be waived pursuant to provisions of law by the Director of the Budget whenever he determines that strict adherence to the rules would be detrimental to the sound and orderly administration of State government.