

<i>date</i> 9/1/74	<i>subject</i> Compensation During Emergency Situations For Those Ineligible for Overtime	<i>item</i> G-140
<i>supersedes</i>		<i>page</i> 1

1. Purpose, Scope and Regulations

These policy guidelines for compensation during emergency situations for those ineligible for overtime were adopted March 23, 1970 by the Director of the Budget pursuant to Chapter 577 of the Laws of 1969. Employees normally ineligible to be compensated for work in excess of 40 hours per week may, under special emergency circumstances, be made eligible for compensation for such hours of work. Payment may be made only if the period during which the work is performed is deemed to be an extreme emergency by the Director of the Budget.

Any questions concerning application of these regulations should be referred to your budget examiner.

2. Criteria for Determining What Constitutes an Extreme Emergency

The following criteria will be considered in designating a period as one of extreme emergency:

a. Duration of the Emergency

To be deemed an emergency for purposes of paying overtime compensation, an emergency situation must generally be of not less than three days' duration. This policy is not intended to provide compensation for emergencies of one to two days' duration.

b. Number of Overtime Hours Required

To be compensated for emergency overtime, an individual must work a number of hours clearly in excess of the hours his position should reasonably require.

c. Necessity to Work

To be compensated for emergency overtime work an individual must have been specifically directed by his supervisor to perform certain duties for the number of hours for which payment is requested. This is to avoid the situation in which an employee might volunteer to wait around during an emergency when his services have not been requested and are not required.

d. Nature of the Emergency

An emergency is a situation that is nonrecurring and one that cannot be forestalled or generally anticipated in advance. Payment should not be made in cases of peak work loads or "rush" assignments or other high-pressure situations.

BUDGET POLICY AND REPORTING MANUAL

<i>date</i> 9/1/74	<i>subject</i> Compensation During Emergency Situations For Those Ineligible for Overtime	<i>item</i> G-140
<i>supersedes</i>		<i>page</i> 2

3. Procedure for Deeming an Extreme Emergency

Any request to have a situation designated as an extreme emergency must be forwarded to the Director of the Budget. Upon receiving the Budget Director's approval, a certificate of approval will be sent to the agency requesting the overtime, informing them that the request has been approved and listing the specific positions for which approval was granted, the hours involved, and the rate to be paid for each position. A copy of the certificate will be forwarded to the Department of Audit and Control.

4. Compensation Rates for Emergency Overtime Hours

The rate to be paid will be decided on a case-by-case basis, but in no event shall it exceed one and one-half times the rate paid employees in the extra longevity step of grade 22. In only the most exceptional cases will employees in grade 31 or above be compensated for work in excess of 40 hours per week.