NEW YORK STATE Corrections and Community Supervision **DIRECTIVE**	TITLE **Overtime/Holiday Compensation**		NO. 2713 DATE 03/31/2015
SUPERSEDES DIR# 2713 Dtd. 01/24/2014	DISTRIBUTION A	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) Directives #2213 and #2214 Civil Service Law; 9 NYCRR Part 135	APPROVING AUTHORITY		

I. DESCRIPTION: This procedure provides guidelines for processing payment for hours worked as overtime and holiday service.

Reference Directives #2213, "Attendance-Holidays," and #2214, "Compensatory Time, Overtime and Recall," for rules and regulations on overtime and holidays.

II. OVERTIME

A. General

1. Statement of Policy: The rules and regulations for Overtime Compensation are promulgated by the Director of the Budget pursuant to Section 134 of the Civil Services Law and are published as Part 135 of Title 9 of the NYCRR. It is the policy of the State that overtime work be held to a minimum consistent with the needs and requirements of sound and orderly administration of State government. The State requires supervisors to hold overtime work to such a minimum by the proper scheduling and assignment of activities, simplification of work processes, and requiring compliance with realistic standards of performance. The Superintendent, Regional Director, Division Director, or designee must monitor overtime and take action to keep overtime to a minimum.
2. The work week of Sunday through Saturday should be used to compute overtime compensation for those on the institution cycle. The work week is Thursday through Wednesday for the administration cycle.
3. Scheduled overtime requires prior approval by the Division of the Budget (DOB). If approved, the DOCCS Division of Budget and Finance issues a Budget Certificate stating the titles and the number of hours per title approved.
4. Unscheduled overtime must be approved, in writing, by the Unit Supervisor prior to implementation.

   Parole Officers may have emergency/unscheduled situations that require them to work additional hours that cannot be approved in advance. As such, a Senior Parole Officer may authorize overtime after the extra hours have been worked, in the following situations:

   a. To lodge parole violators or in custody situations where the Parole Officer must remain with a prisoner;
   b. Where injury to staff or parolee requires the Parole Officer to remain with the injured party;
   c. Arrest of a parolee or other person occurring during previously approved working hours requiring attendance in court for booking or arraignment;

d. In a situation where the Parole Officer must remain on duty to avoid placing a parolee, member of the community, or another staff member in danger;

e. To appear/attend a revocation hearing when required by the Parole Revocation Specialist prosecuting the case to be present beyond the scheduled end time for the day; and

f. Upon a request for assistance by another law enforcement agency after normal business hours.

NOTE: In situations (a) – (d) the employee shall notify his or her supervisor as soon as practicable, but no later than the following business day and secure authorization for the extended hours worked. In situation (e) the extended hours shall be authorized by the Revocation Specialist prosecuting the violation.

5. Eligible employees on a 40-hour week are paid time and one-half for time worked in excess of 40 hours.

6. Eligible employees on a 37 1/2-hour week are paid time and one-half for time worked in excess of 40 hours. The first 2 1/2 hours worked in excess of 37 1/2 hours is credited to the employee as compensatory time off.

7. Refer to Budget Bulletin G-1024 for eligibility by title and grade.

8. CSEA and PEF ONLY: When mandatory overtime is worked in the 40-hour workweek, both scheduled and unscheduled absences charged to sick leave accruals are considered time worked. When voluntary overtime is worked, a scheduled absence charged to sick leave accruals is considered time worked, but an unscheduled absence charged in that week to sick leave accruals is not considered time worked.

9. An employee, who is on approved leave and is called into work for their regular shift, has voluntarily withdrawn their leave request and cannot be paid overtime for their shift, except when the shift is on their regular day off.

B. <u>Computation of Cash Compensation</u>

1. Eligible annual salaried employees who work overtime shall be compensated for work in excess of 40 hours per week by multiplying their annual salary (inclusive of any additional salary factors except pre-shift briefing) by .00075, the result being the hourly overtime rate of pay.

2. Eligible hourly employees who work in excess of 40 hours per week shall be compensated by multiplying their hourly rate by 1.5, the result being the overtime rate of pay.

C. <u>Leave and Accrual Tracking System (LATS) Overtime</u>

1. Overtime worked must be posted in LATS using the appropriate miscellaneous category. The Supervisor must approve the overtime ensuring that a comment is made on the payment tab indicating if the overtime was mandatory or voluntary.

2. At the end of the payroll period, the Timekeeper processes an overtime payment interface on LATS that sends the information to PayServ.

3. CSEA and PEF ONLY: When mandatory overtime is worked in the 40-hour workweek, both scheduled and unscheduled absences charged to sick leave accruals are considered time worked. When voluntary overtime is worked, a scheduled absence charged to sick leave accruals is considered time worked, but an unscheduled absence charged in that week to sick leave accruals is not considered time worked.
4. At the end of the payroll period, the Timekeeper will adjust the overtime payment from Overtime for Annuals (OTA) to Overtime Straight Rate for Annuals (OTB) for CSEA & PEF employees when voluntary overtime is worked and unscheduled sick leave is charged in the same week.

III. OVERTIME PROCESSING

A. For LATS Users: Overtime is posted in LATS via your timesheet.

B. For Non-LATS Users:

1. Overtime should be reported to the Payroll Office on a daily basis by the Watch Commander, Unit Supervisor, or the person designated by the facility administrators to perform this task.
2. Civilians and security supervisors must use Form #2713A, “Comp/Extra/Overtime & Holiday Summary Sheet,” (for individuals) or Form #2713B, “Daily Overtime and Overtime Meal Summary,” (for units) to report overtime, extra time, and holiday time.
3. CSEA and PEF ONLY: When mandatory overtime is worked in the 40-hour workweek, both scheduled and unscheduled absences charged to sick leave accruals are considered time worked. When voluntary overtime is worked, a scheduled absence charged to sick leave accruals is considered time worked, but an unscheduled absence charged in that week to sick leave accruals is not considered time worked.
4. All timecards should be accurate and complete prior to sign-off by the supervisor. Any discrepancies, irregularities, or deficiencies on the timecard should be corrected before they are signed-off by the supervisor and sent to Personnel. A copy of any changes should be matched against the approved daily overtime summary sheets.
5. At the completion of the overtime entry cycle (as set by the Office of the State Comptroller (OSC)) the bi-weekly overtime summary report will be printed. The entries on the overtime summary report should be matched against the approved daily overtime summary sheets.
6. Once this process is complete and all corrections have been made to the summary and/or time entry file, a copy of the summary should be maintained in the Payroll Office for the time prescribed by the State Archives Record Administration (SARA).

IV. FACILITY OVERTIME RECONCILIATION

A. The Facility Payroll Clerk Shall:

1. Print the bi-weekly overtime report from F220.
2. Deliver the bi-weekly overtime report to the Steward or designee.

3. The Steward or designee shall have the payroll overtime report compared to the timekeeping overtime report by an employee independent of payroll and timekeeping duties.
4. Discrepancies must be researched and appropriate action taken.

V. HOLIDAY SERVICE

A. Employees in positions allocated to grade 22 and below who are required to work on State recognized holidays or a portion thereof, have the option of electing between April 1 and May 15 of each year to:
   1. Receive compensatory time off on an hour for hour basis.
   2. Receive additional cash compensation at the straight time rate.

B. Employees in positions allocated to grade 23 and above who are required to work on State recognized holidays or a portion thereof are entitled to compensatory time only.

C. Reference The NYS Department of Civil Service Attendance and Leave Manual for the list of State recognized holidays.

D. The names of employees opting to be paid on holidays should be reported to the Payroll Office by the Watch Commander, Unit Supervisor, or person designated by the facility to perform this duty.

VI. DETACHED ASSIGNMENT SECURITY STAFF

A. Detached Security Staff Shall:
   1. Report overtime via telephone, no later than 30 minutes prior to the end of the shift (Facility Tour), to their assigned facility during each shift that the overtime is incurred. The facility will report detached staff's overtime in accordance with Section III-B-1 of this directive.
   2. Follow up with an e-mail to the Watch Commander or designee the next time the employee has access to a DOCCS computer terminal. Notification must include:
      a. Employee's name and title;
      b. Date and time overtime was incurred (each occurrence);
      c. Employee's item number;
      d. Job or resource number; and
      e. Who the overtime was reported to via telephone.

      NOTE: Overtime e-mails will also be cc'd to the employee's Unit Supervisor (e.g., EIU, OSI, Academy, etc.).
   3. Overtime will be recorded on Form #2713A and submitted to their facility with the bi-weekly attendance record (Form #1029F). Form #2713A must be approved by the Unit Supervisor before it is submitted to the facility. The dates on approved Form #2713A will coincide with the dates on Form #1029F.