



## OFFICE OF THE STATE COMPTROLLER

Thomas P. DiNapoli, State Comptroller

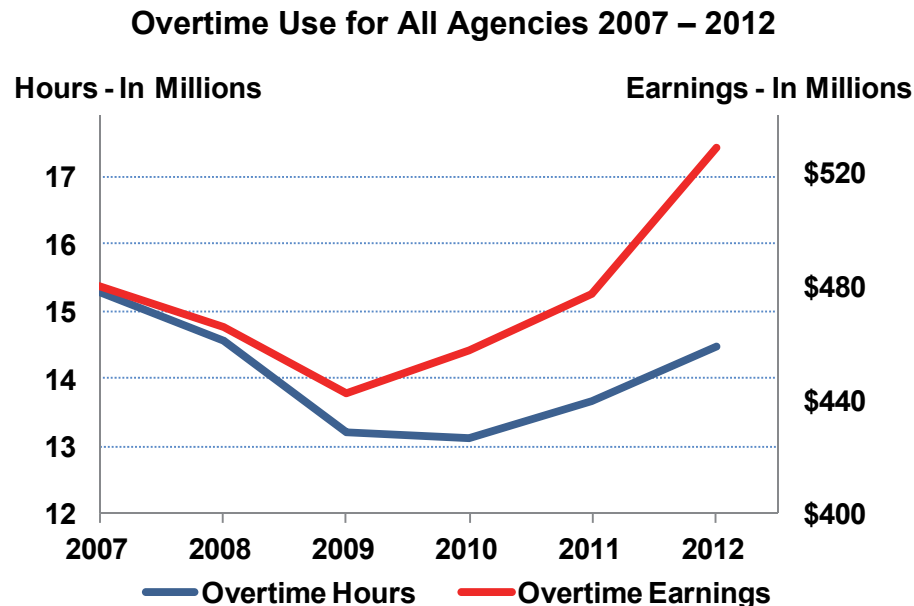
### New York State Agencies' Use of Overtime

April 2013

This is the second annual report by the Office of the State Comptroller on overtime use by New York State agencies.<sup>1</sup> This statistical overview covers the past six years and expands the types of information presented in our first report.<sup>2</sup> Key findings include the following:

- Overtime usage increased substantially in 2012 for the second straight year. Total overtime hours jumped 5.9 percent while overtime earnings climbed 10.8 percent when compared with 2011. This confirms the reversal of the trend toward declining overtime use that occurred between 2007 and 2009.

Figure 1

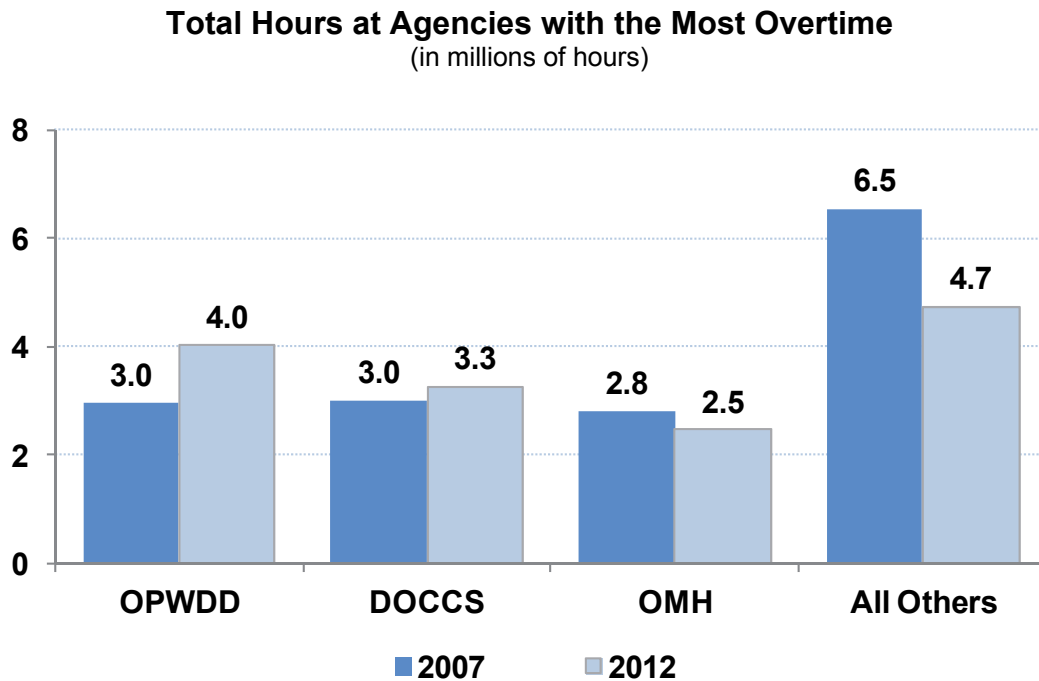


<sup>1</sup> The data used to produce this report are taken from the New York State payroll system, which is maintained and operated by the Office of the State Comptroller. This report is based on agency total employee headcounts, rather than Full-Time Equivalent (FTE) counts. It is preferable to use total headcounts when the components of workforce time and pay – such as overtime usage – are analyzed since these statistics are based on actual employees. Lump sum and retroactive overtime payments are not included.

<sup>2</sup> See the Office of the State Comptroller's report, *New York State Agencies' Use of Overtime*, available at [www.osc.state.ny.us/reports/overtime/State\\_Agency\\_OT\\_Report2012.pdf](http://www.osc.state.ny.us/reports/overtime/State_Agency_OT_Report2012.pdf).

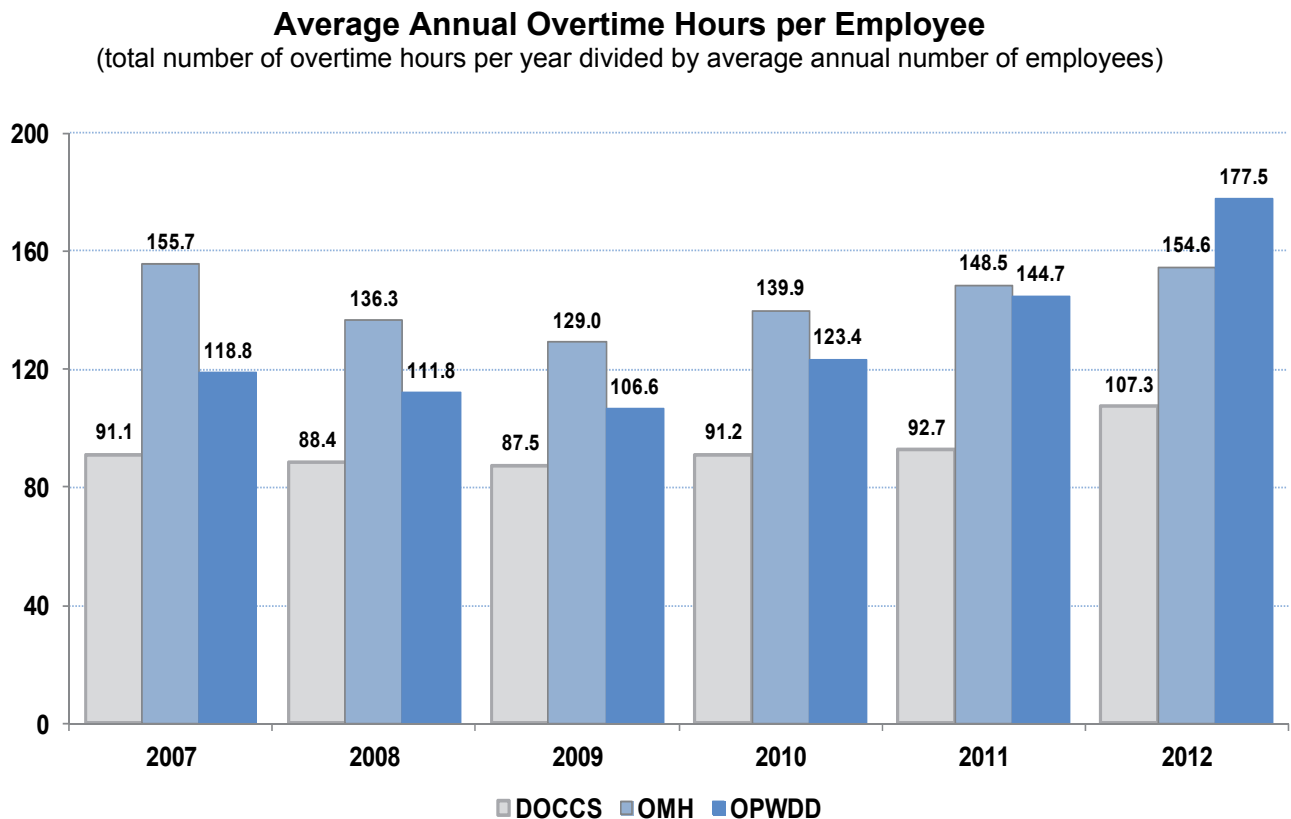
- For the five-year period ending in 2012, overtime earnings were up by 10.1 percent, although the number of overtime hours worked fell by more than 5 percent.
- Overtime remains a relatively small portion of overall payroll spending, representing 3.28 percent of total payroll between 2007 and 2012. Overtime comprised 3.60 percent of overall payroll spending in 2012, as compared to 3.22 percent in 2011, 3.00 percent in 2010 and 2009, 3.29 percent in 2008, and 3.58 percent in 2007.
- Three agencies that manage institutional settings – the Department of Corrections and Community Supervision (DOCCS), the Office for People With Developmental Disabilities (OPWDD) and the Office of Mental Health (OMH) – accounted for 67.3 percent of the overtime hours and 63.4 percent of overtime earnings logged by all State agencies in 2012. This is a substantial increase for these three agencies over their share of all agencies’ overtime hours and earnings in the preceding year.
- Figure 2 shows that the total number of overtime hours at OPWDD has risen sharply since 2007, while it has risen more moderately at DOCCS and dropped slightly at OMH. The overtime for all other agencies combined has dropped significantly.

**Figure 2**



- Figure 3 shows the average number of hours of overtime per employee for DOCCS, OMH and OPWDD. All three agencies have increased overtime per employee in the past four years; increases in per employee averages were especially steep in 2012. For example, at OPWDD average overtime reached nearly seven hours per employee per pay period in 2012, as compared to just over four hours in 2009. OPWDD has experienced a steady drop in the total number of employees in the past several years, falling from an annual average of 25,316 in 2008 to 22,672 in 2012, a decrease of 11.7 percent.

**Figure 3**



## Overtime Overview

Not all State employees are eligible for overtime earnings. Under Division of the Budget (DOB) guidelines, employees in positions allocated or equivalent to civil service grade 23 and above are exempt from and/or ineligible for overtime compensation.<sup>3</sup> Consistent with applicable provisions of the Federal Fair Labor Standards Act, employees of the State who are eligible for overtime compensation are paid for work performed in excess of 40 hours per week at a rate equal to one and one-half times their regular rate of pay.

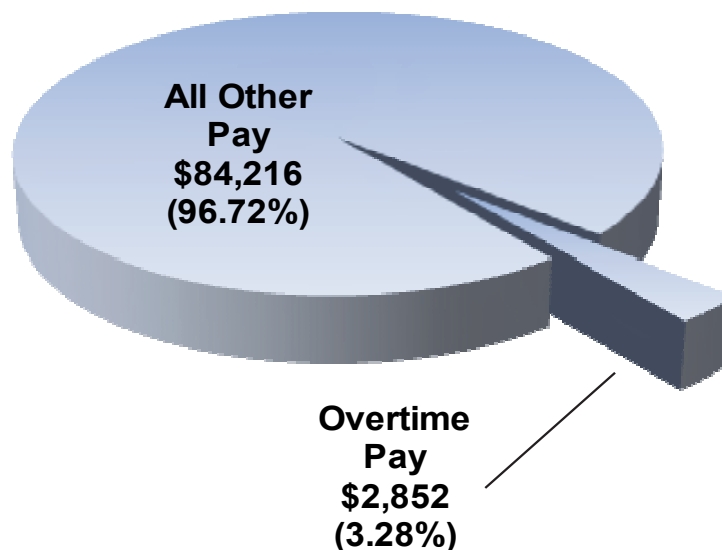
<sup>3</sup> See Division of the Budget, *Payment of Overtime Compensation to State Employees*, Budget Bulletin G-1024, dated July 27, 1986. On May 13, 2010, the Paterson Administration issued a memorandum limiting agency overtime to employees providing direct care services or performing functions necessary for the preservation of health and safety.

Longstanding policy regarding State agency use of overtime established by DOB provides that:

*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. It is critical that agencies carefully review all current scheduling, standby and on-call arrangements to insure that overtime payments are consistent with this policy.<sup>4</sup>*

**Figure 4**

**Overtime as a Share of Total Payroll, 2007 – 2012**  
(in millions of dollars and in percentages)



The pie chart in Figure 4 shows overtime as a share of total earnings between 2007 and 2012, expressed both in dollar terms and as a percentage. The figure for all other pay is the difference between the total State payroll and overtime.

Overtime has accounted for 3.28 percent of all State payroll costs over the past six years, totaling approximately \$2.85 billion over that period. Total overtime in 2012 was about \$529 million. Figure 5 shows that while the total earnings of State employees have declined in the past two years, overtime has increased yearly since 2009.

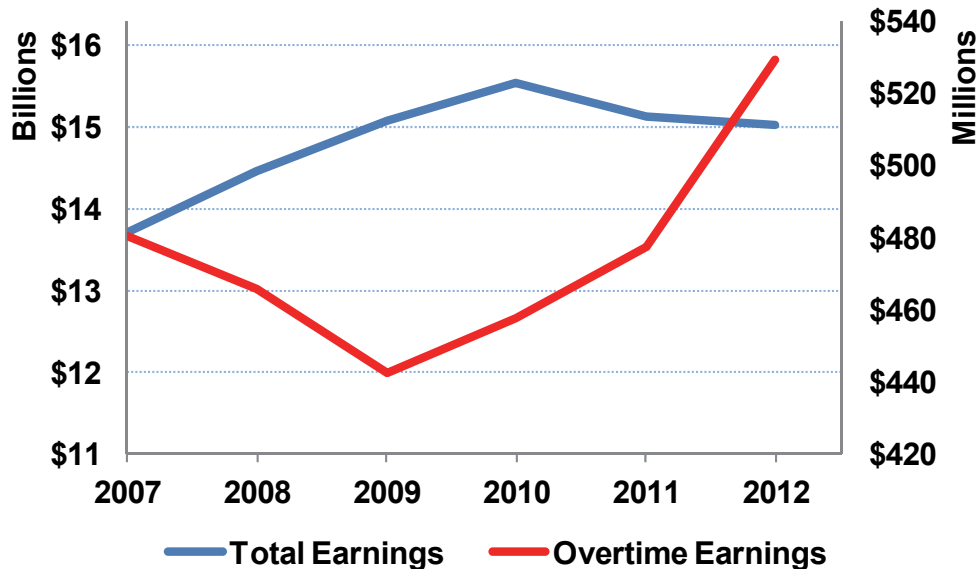
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<sup>4</sup> Ibid.

Figure 5

### Comparison of Total Earnings vs. Overtime Earnings Trends for All Agencies 2007 – 2012

(total earnings on left margin, overtime earnings on right margin)



### 2012 Agency Overtime Comparison

Figure 6 summarizes overtime experience at major State agencies in 2012, including total overtime hours accrued, total overtime earnings in millions of dollars, the percentage of agency employees who received overtime, the average overtime pay per hour and the percentage of agency pay spent on overtime.

**Overtime hours** - State agencies accrued nearly 14.5 million hours of overtime in 2012, over 800,000 hours or 5.9 percent more than in 2011. The highest amounts of overtime hours were accrued at agencies that administer institutional settings, with the top three accounting for over 67 percent of the total.

OPWDD had the most total overtime, with over 4 million hours, accounting for 27.8 percent of the total overtime hours in the State. DOCCS followed at over 3 million, or 22.5 percent of the total, and OMH had nearly 2.5 million, or about 17 percent of the total. See Appendix A for more details on overtime hours.

**Overtime earnings** - In 2012, the State spent \$529 million on overtime earnings, an increase of \$51.6 million or 10.8 percent over 2011. The same three agencies – DOCCS, OPWDD, and OMH – accounted for 63.4 percent of total overtime payroll spending by State agencies. Of this total, DOCCS accounted for 26 percent, followed by OPWDD at 21.3 percent and OMH at 16.1 percent. The State University of New York (SUNY) and the City University of New York (CUNY) combined accounted for about 12.1 percent. The State Police and the Unified Court System (Courts) combined accounted

for 9 percent of the total. The Department of Transportation (DOT) accounted for nearly 5.7 percent. All other agencies accounted for the remaining 9.9 percent. Appendix A has additional details about earnings.

**Figure 6**

**2012 Agency Overtime (OT) Comparisons**

Agency	Total OT Hours	Total OT Pay (Millions)	OT Employees as a percentage of Agency Employees	Average Pay per OT Hour	OT Pay as a percentage of Agency Pay
VETERANS' HOMES	177,015	\$5.7	43.7%	\$32.39	10.5%
OPWDD	4,024,717	\$112.9	38.1%	\$28.05	10.1%
OMH	2,458,536	\$85.2	30.3%	\$34.64	8.1%
DOCCS	3,256,812	\$137.3	28.8%	\$42.15	7.0%
CHILD & FAMILY	383,779	\$13.7	23.7%	\$35.78	6.8%
STATE POLICE	462,116	\$34.1	34.1%	\$73.85	6.0%
DOT	872,383	\$29.9	29.3%	\$34.23	5.7%
PARKS	130,949	\$4.8	10.4%	\$36.49	3.4%
OGS	66,145	\$2.5	13.9%	\$37.38	3.0%
DEC	124,647	\$6.0	10.8%	\$48.25	2.6%
OSC	85,052	\$3.0	12.2%	\$34.93	1.8%
LABOR	114,036	\$4.3	9.6%	\$37.94	1.8%
SUNY	1,436,002	\$52.2	7.4%	\$36.33	1.6%
COURTS	270,606	\$13.6	9.8%	\$50.08	0.9%
CUNY	312,543	\$11.7	2.0%	\$37.37	0.9%
OTDA	30,798	\$1.3	4.6%	\$43.21	0.9%
TAX	47,389	\$1.6	3.4%	\$34.49	0.5%
ALL OTHER AGENCIES	195,991	\$8.1	2.9%	\$41.12	0.5%
HEALTH	31,047	\$1.2	2.6%	\$38.55	0.5%
STATEWIDE	14,480,562	\$529.0	14.4%	\$36.53	3.6%

**Overtime employees as a percentage of all agency employees** – This measure identifies the share of an agency’s workforce that accrues overtime, providing an indicator of each agency’s reliance on overtime to accomplish its work. Agencies with over 25 percent of their workforces accruing overtime can be considered heavily reliant on overtime to meet agency responsibilities.

This is a useful measure when comparing agencies because it is not dependent on the size of the agency. In addition to the three largest users of overtime – DOCCS, OPWDD and OMH – agencies that are heavily reliant on overtime include Veterans’ Homes (43.6 percent), the State Police (34.1 percent), and DOT (29.3 percent).

**Average pay per overtime hour** – This measure (shown in the fifth column in Figure 6) compares average hourly overtime earnings rates among agencies. The State Police are paid the highest hourly rate, nearly \$74 per overtime hour. The Office of Court

Administration (Courts) pays the next highest hourly rate, just over \$50 an hour, while the third highest is DEC, at just over \$48 an hour.

**Overtime pay as a percentage of agency pay** – The last column in Figure 6 and the graph in Figure 7 both show overtime earnings as a percentage of agency pay. In 2012, as in 2011, the agency with the highest percentage of payroll for overtime was Veterans' Homes, at 10.5 percent of total agency pay. While this agency is small, it is similar in service characteristics to larger institutional agencies such as OPWDD, which was the next highest at about 10.1 percent, OMH at 8.1 percent, DOCCS at 7 percent and Children and Family Services at 6.8 percent.

Other agencies with higher-than-average percentages of overtime relative to total pay include the State Police at 6 percent and DOT at 5.7 percent. Larger agencies with comparatively low levels of overtime, relative to overall pay, include SUNY, Courts and CUNY.

**Figure 7**

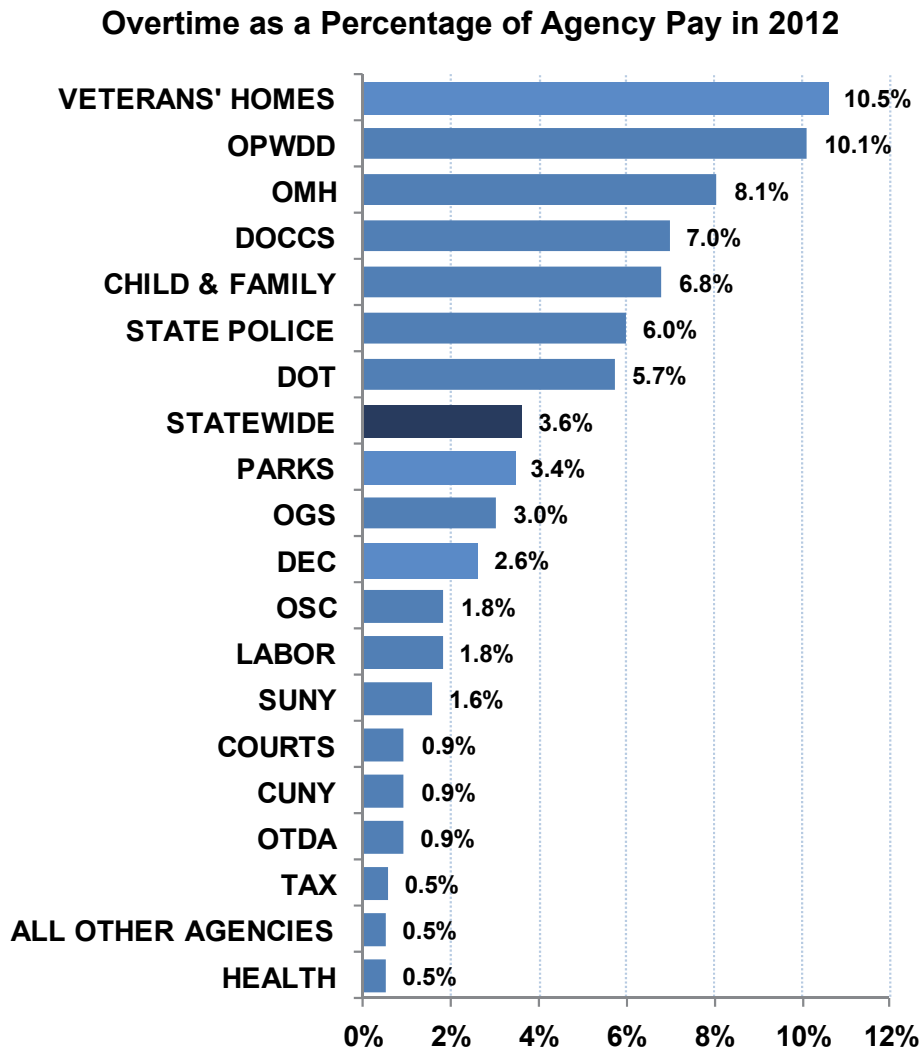
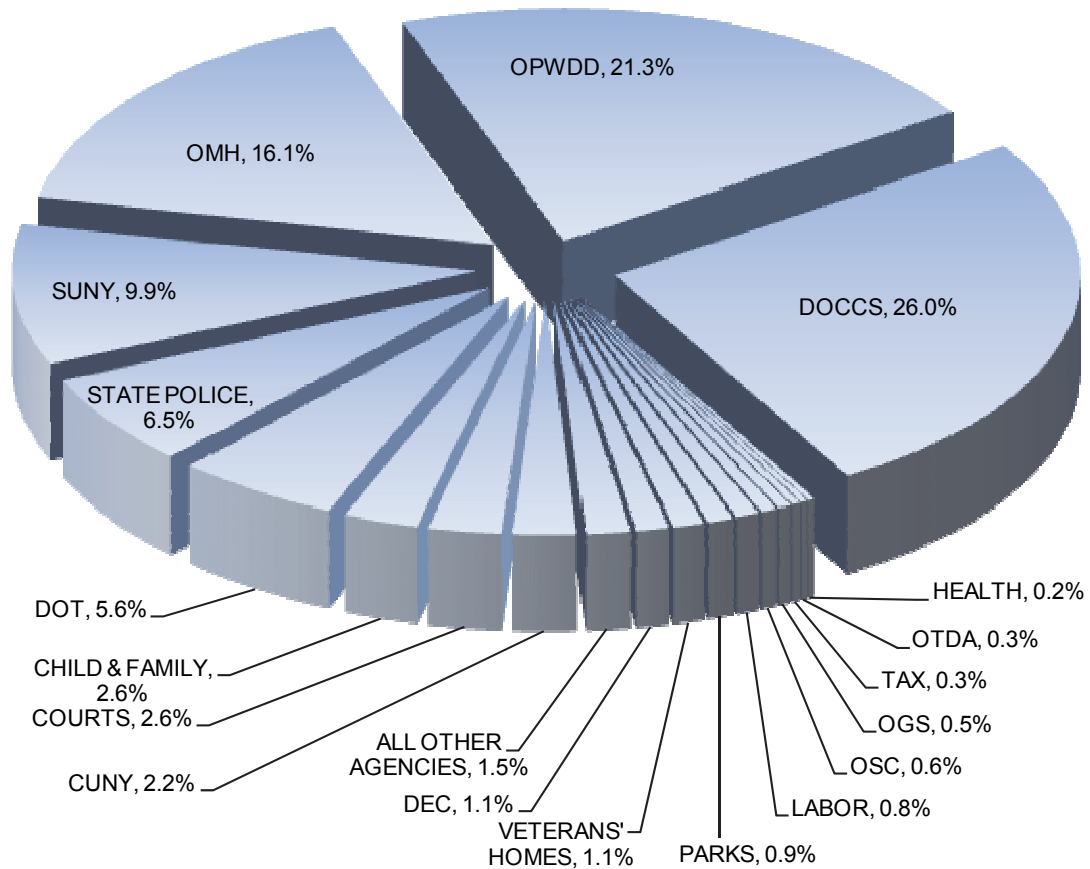


Figure 8 identifies overtime earnings for all State agencies in 2012.

**Figure 8**

**2012 Agency Overtime Earnings**  
(as a percentage of Total State Overtime Pay)



**Overtime averages per participating employee** – Figure 9 presents two additional measures of overtime use for 2012 – average overtime hours and average overtime earnings per pay period – for all employees who worked overtime at major State agencies, sorted based on average biweekly hours.

The Division of State Police reports the highest overtime earnings, driven by its high overtime hourly pay rate (see Figure 6 above), even though its number of overtime hours worked is among the lowest of any agency. Human service agencies tend to have higher averages of overtime earnings per pay period, driven largely by the number of overtime hours worked.



**Figure 9**

**2012 Overtime Averages**  
(per pay period for employees with overtime)

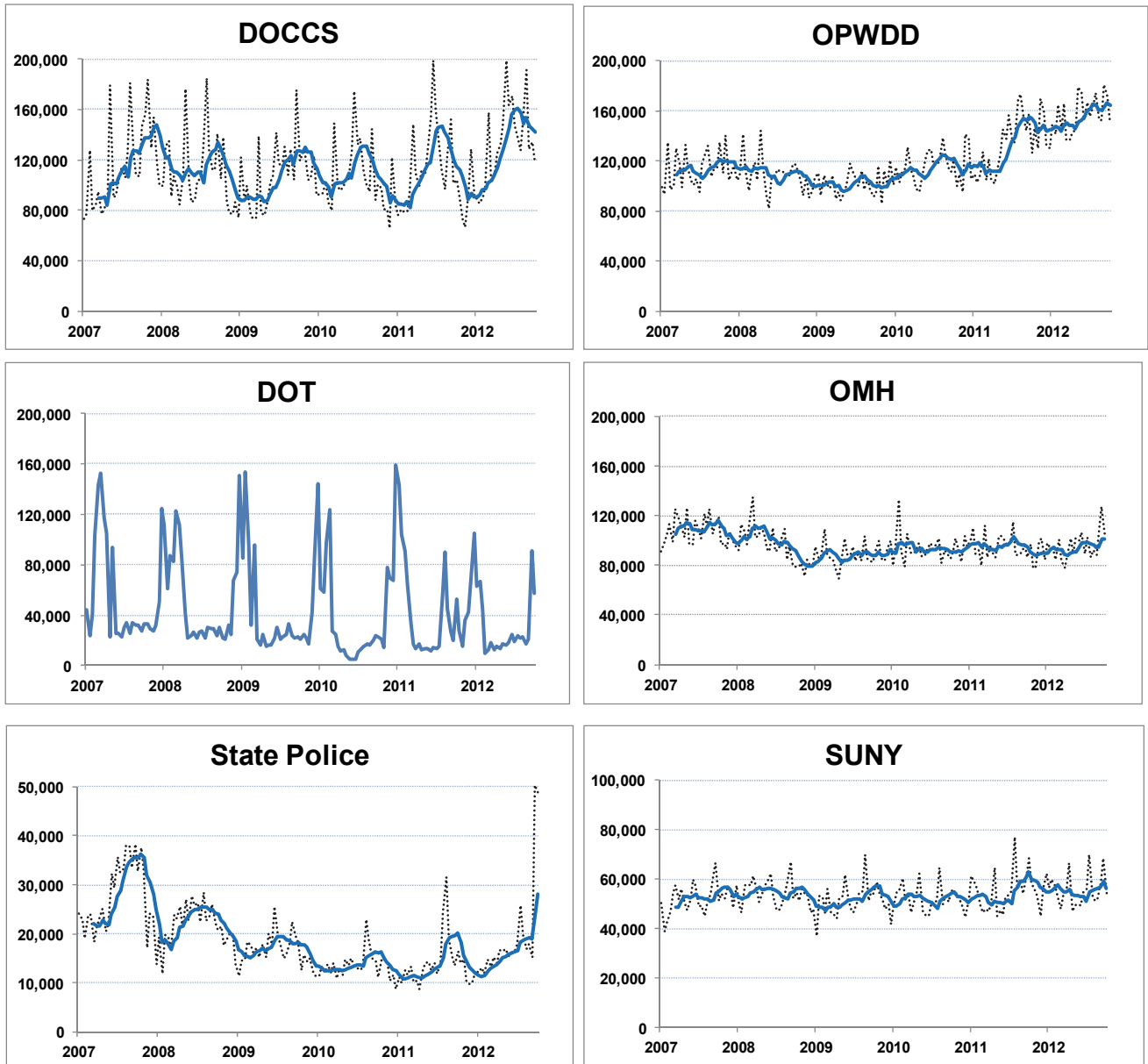
<b>Agency</b>	<b>Hours</b>	<b>Earnings</b>
<b>OMH</b>	19.6	\$680
<b>CHILD &amp; FAMILY</b>	18.3	\$654
<b>OPWDD</b>	17.9	\$503
<b>CUNY</b>	15.6	\$584
<b>DOCCS</b>	14.3	\$603
<b>HEALTH</b>	13.3	\$511
<b>VETERANS' HOMES</b>	13.2	\$426
<b>DOT</b>	12.7	\$435
<b>OGS</b>	12.6	\$471
<b>PARKS</b>	12.2	\$446
<b>OTDA</b>	12.1	\$523
<b>DEC</b>	11.5	\$555
<b>SUNY</b>	11.1	\$404
<b>OSC</b>	10.6	\$369
<b>LABOR</b>	10.3	\$392
<b>TAX</b>	10.0	\$347
<b>STATE POLICE</b>	9.7	\$718
<b>ALL OTHER AGENCIES</b>	9.1	\$372
<b>COURTS</b>	6.3	\$315
<b>STATEWIDE</b>	<b>14.5</b>	<b>\$530</b>

**Agency Overtime Trends Over the Past Six Years**

The charts presented in Figure 10 show the variation in overtime hours at the six agencies with the most overtime use. The figure for the Department of Transportation during the past six years reveals clear seasonal variation in overtime use, with peaks in the winter as a result of overtime pay for snow and ice removal. The State Police and DOCCS both show significant increases in overtime usage in the summer and fall. SUNY, OMH, and OPWDD show only slight seasonal variations.

**Figure 10**

**Overtime Hours per Pay Period**



Note: The dashed lines are actual overtime hours, with solid blue trend lines representing 6-period moving averages, except for DOT, which displays actual results only.

See Appendix A for a six-year history of agency overtime earnings and overtime hours. Appendix B shows cumulative overtime usage patterns for individual agencies between 2007 and 2012.

## Appendix A

### Agency Overtime Earnings – Annual Totals (in millions of dollars)

	2007	2008	2009	2010	2011	2012	6-Yr Total
DOCCS	\$99.70	\$91.47	\$92.68	\$103.05	\$104.58	\$137.29	\$628.76
OPWDD	\$69.74	\$71.56	\$69.89	\$81.84	\$95.10	\$112.89	\$501.03
OMH	\$77.86	\$74.04	\$71.28	\$78.38	\$83.92	\$85.16	\$470.63
SUNY	\$42.92	\$46.83	\$46.75	\$48.63	\$50.81	\$52.17	\$288.10
DOT	\$39.00	\$39.42	\$34.73	\$28.84	\$41.48	\$29.86	\$213.34
STATE POLICE	\$43.29	\$32.81	\$26.87	\$24.14	\$25.93	\$34.13	\$187.18
COURTS	\$35.88	\$38.52	\$34.88	\$35.51	\$19.97	\$13.55	\$178.32
CHILD & FAMILY	\$12.03	\$11.00	\$11.75	\$12.31	\$11.50	\$13.73	\$72.32
CUNY	\$10.99	\$12.24	\$12.28	\$10.26	\$10.30	\$11.68	\$67.83
ALL OTHER AGENCIES	\$15.54	\$15.90	\$9.35	\$7.69	\$7.39	\$8.06	\$63.93
DEC	\$7.15	\$6.32	\$4.40	\$4.32	\$5.13	\$6.01	\$33.34
VETERANS' HOMES	\$4.34	\$4.34	\$4.27	\$5.01	\$5.20	\$5.73	\$28.90
PARKS	\$5.04	\$4.99	\$4.39	\$3.84	\$3.85	\$4.78	\$26.89
OSC	\$3.27	\$3.62	\$3.45	\$3.84	\$3.26	\$2.97	\$20.41
LABOR	\$1.18	\$2.39	\$4.47	\$3.38	\$3.21	\$4.33	\$18.95
TAX	\$4.15	\$2.51	\$4.43	\$1.11	\$0.64	\$1.63	\$14.47
OGS	\$3.55	\$2.88	\$1.74	\$1.48	\$2.33	\$2.47	\$14.46
HEALTH	\$3.22	\$3.22	\$2.24	\$1.73	\$1.53	\$1.20	\$13.14
OTDA	\$1.49	\$1.71	\$2.53	\$1.98	\$1.28	\$1.33	\$10.32
<b>STATEWIDE</b>	<b>\$480.32</b>	<b>\$465.78</b>	<b>\$442.38</b>	<b>\$457.35</b>	<b>\$477.42</b>	<b>\$528.99</b>	<b>\$2,852.23</b>

### Agency Overtime Hours – Annual Totals (in thousands of hours)

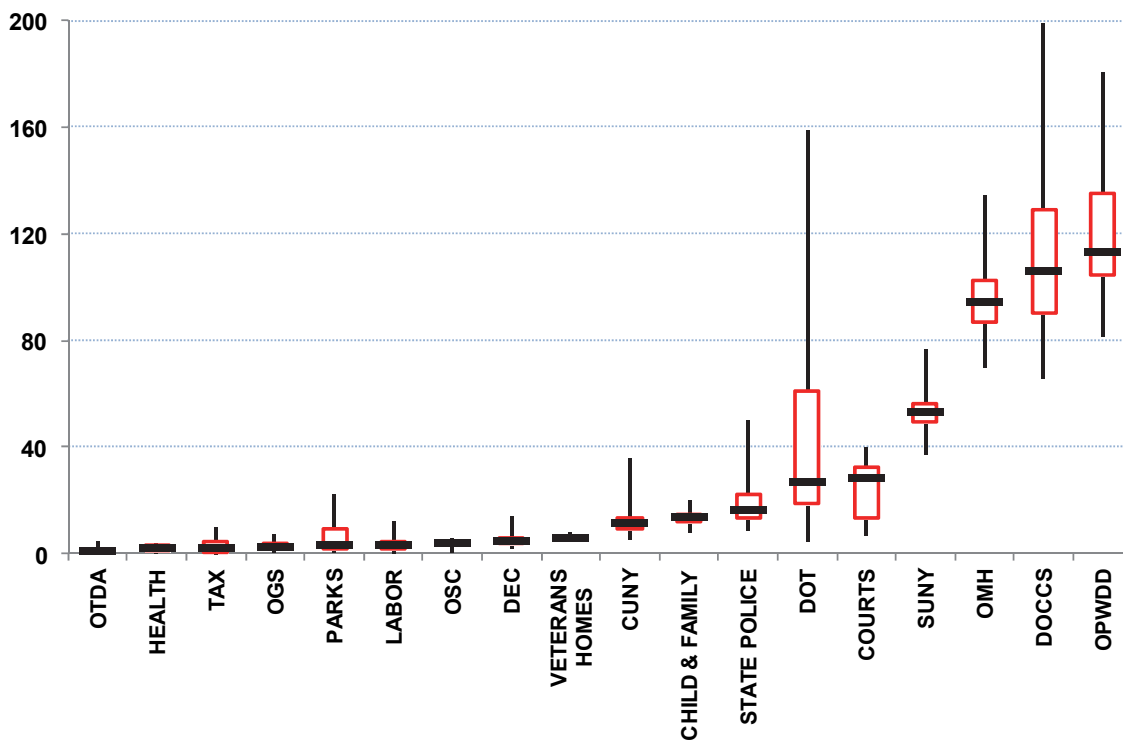
	2007	2008	2009	2010	2011	2012	6-Yr Total
OPWDD	2,950.98	2,830.57	2,638.14	2,965.85	3,378.32	4,024.72	18,788.57
DOCCS	3,005.19	2,904.67	2,775.40	2,819.16	2,888.40	3,256.81	17,649.64
OMH	2,799.41	2,518.28	2,290.17	2,425.28	2,476.75	2,458.54	14,968.43
SUNY	1,357.97	1,424.67	1,342.44	1,350.44	1,411.32	1,436.00	8,322.84
DOT	1,343.63	1,308.57	1,105.16	901.99	1,270.58	872.38	6,802.31
COURTS	845.39	884.76	747.87	728.92	407.57	270.61	3,885.12
STATE POLICE	723.72	567.98	443.59	357.89	360.02	462.12	2,915.31
CHILD & FAMILY	390.44	341.71	351.01	356.36	321.52	383.78	2,144.82
CUNY	316.64	344.65	327.93	269.38	262.06	312.54	1,833.19
ALL OTHER AGENCIES	515.92	488.82	264.53	205.32	182.75	195.99	1,853.33
VETERANS' HOMES	156.76	148.06	137.28	154.68	158.72	177.01	932.51
PARKS	182.28	166.40	136.27	117.12	114.90	130.95	847.91
DEC	190.06	163.20	107.43	102.09	123.91	124.65	811.32
OSC	104.75	111.00	103.36	111.19	91.76	85.05	607.12
LABOR	37.67	70.05	126.59	95.25	83.32	114.04	526.92
OGS	119.87	91.92	51.58	41.63	62.76	66.14	433.90
TAX	130.98	70.69	127.47	29.36	16.50	47.39	422.39
HEALTH	91.37	86.38	58.99	45.20	38.16	31.05	351.15
OTDA	35.96	42.45	56.76	44.50	30.56	30.80	241.03
<b>STATEWIDE</b>	<b>15,298.97</b>	<b>14,564.83</b>	<b>13,191.99</b>	<b>13,121.59</b>	<b>13,679.87</b>	<b>14,480.56</b>	<b>84,337.82</b>

## Appendix B

One way to assess overtime patterns is to aggregate each agency's overtime experience over the past six years and then graphically compare the various agencies. This removes the "noise" of individual yearly fluctuations and allows a quick comparison of all agencies at once.

The chart below, called a box-and-whiskers chart, presents a visual summary of all overtime usage in the major State agencies over the past six years. The heavy black horizontal line in about the middle of each box represents the median overtime hours worked at each agency over the past six years. At that point, half of the agency overtime totals occurred above the line and half below. The red box represents the range between 25 percent and 75 percent of the overtime hours worked. The "whiskers," or the black lines on top and below the red box, represent all the remaining overtime hours. The chart shows quartile ranges of all pay periods over six years

**Agency Overtime 2007-2012**  
(thousands of hours per pay period)



An agency that experiences seasonal spikes in overtime, such as DOT, will have an unbalanced box-and-whiskers plot, with most of the plot above the median line. In contrast, an agency that has overtime over many pay periods will have a plot with the box and whiskers about the same size on both sides of the median. The three agencies with the most overtime, DOCCS, OMH and OPWDD, all show this type of plot. This indicates that overtime is a steady and predictable characteristic of these agencies.