

### OFFICE OF THE NEW YORK STATE COMPTROLLER

Thomas P. DiNapoli, State Comptroller

# New York State Agencies' Use of Overtime

February 2016

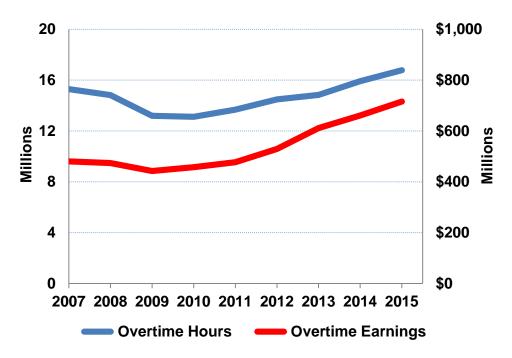
# **Summary**

This report by the Office of the State Comptroller on use of overtime by New York State agencies examines patterns over the past nine calendar years.<sup>1</sup> The total cost of overtime in calendar year 2015 was more than \$716 million covering roughly 16.8 million overtime hours worked.

Figure 1

#### **Overtime Use for All Agencies**

(overtime hours on left axis, overtime earnings on right axis)



As shown in Figure 1, total overtime usage by New York State agencies increased in 2015 for the fifth straight year, albeit at a slightly slower pace. The 5.4 percent increase in overtime hours was almost two percentage points less than in 2014, when overtime increased by 7.3 percent.

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<sup>&</sup>lt;sup>1</sup> The data used to produce this report are taken from the New York State payroll system, which is operated and maintained by the Office of the State Comptroller. Overtime usage is presented in this report on a calendar year basis. This report is based on total employee counts at the agencies, rather than Full-Time Equivalent (FTE) counts. Lump sum and retroactive overtime payments are not included. With the exception of 2008 and 2013, which each had an extra pay period, the data generally reflect 26 two-week pay periods each year. Hours and earnings totals include payments made in pay period 27 of 2008 and 2013, which consisted of, respectively, the institutional and administrative payrolls. Calculations of averages exclude data from these partial end-of-year pay periods.

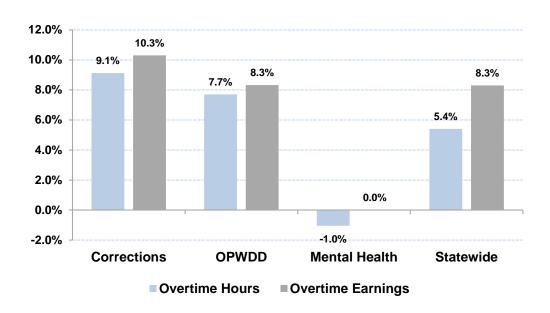
Overtime earnings rose for the sixth straight year, with an 8.3 percent increase (see Figure 2), similar to the 8.2 percent rise the previous year. Other key findings include:

- Total overtime earnings and hours in 2015 were higher than in any of the previous eight years. For both hours and earnings, six of the ten State agencies with the highest levels of overtime reported increases from 2014 to 2015.
- Overtime comprised 4.6 percent of overall payroll spending in 2015, up slightly from 4.3 percent in 2014, reflecting the highest share over the years analyzed in this report.
   Overtime spending cumulatively totaled over \$4.8 billion, or just over 3.6 percent of total payroll, between 2007 and 2015.
- Overtime hours at the Office for People With Developmental Disabilities (OPWDD) rose 7.7 percent from the prior year and 54.0 percent from 2010 to 2015, and the average OPWDD overtime earner worked more than 19 hours overtime per pay period in 2015.
   Overtime earners in four other agencies also worked an average of more than 15 hours per pay period in 2015.

Figure 2

Percentage Change in Overtime Hours and Earnings, 2014 to 2015

Agencies with the Highest Overtime Use



 The average annual number of State employees, not including the State University of New York (SUNY) and the City University of New York (CUNY), increased slightly in 2015 but was 13.1 percent lower than in 2007. Eight major agencies have seen reductions of more than 10 percent in employee counts since 2007, with the largest decreases occurring in the Office of Children and Family Services (Children & Family), OPWDD, and the Department of Environmental Conservation (DEC).

#### **Overview**

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. Not all State employees are eligible for overtime earnings. Generally speaking, 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>2</sup> Longstanding DOB policy regarding State agency use of overtime provides that:

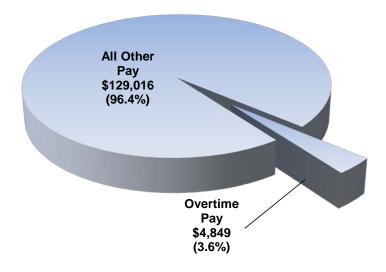
It is the policy of the State that overtime work be held to a minimum consistent with the needs and requirements of sound and orderly administration of State government. The State requires supervisors to hold overtime work to such a minimum by the proper scheduling and assignment of activities, simplification 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>3</sup>

Figure 3 shows overtime as a share of total earnings between 2007 and 2015, expressed both in dollar terms and as a percentage. The amounts for All Other Pay represent the difference between the total State payroll and overtime. Overtime has accounted for 3.6 percent of all State payroll costs since 2007, totaling more than \$4.8 billion over that period. Total overtime expenditures in 2015 were approximately \$716 million.

Figure 3

Overtime as a Share of Total Payroll, 2007 – 2015

(in millions of dollars and in percentages)



<sup>&</sup>lt;sup>2</sup> See Division of the Budget, *Payment of Overtime Compensation to State Employees*, Budget Bulletin G-1024, dated July 27, 1986. Effective October 26, 2012, the Division of the Budget instituted a special policy through Budget Bulletin G-1034 to accommodate employee overtime compensation for work associated with Superstorm Sandy, granting commissioners and agency heads the flexibility to provide employees who were otherwise ineligible for overtime with overtime compensation for excessive hours worked for necessary preparation and response to the storm, within existing budget allocations. According to DOB's website, this budget bulletin is no longer in effect.

<sup>3</sup> Ibid.

As illustrated in Figure 4, total earnings of State employees in 2015 increased by \$352 million, or 2.3 percent, after decreasing by 1.2 percent the previous year. Overtime earnings have increased yearly since 2009. Figures on overtime earnings and hours for major agencies, from 2007 through 2015, are in the appendices to this report.

Figure 4

Comparison of Total Earnings vs. Overtime Earnings Trends for All Agencies

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



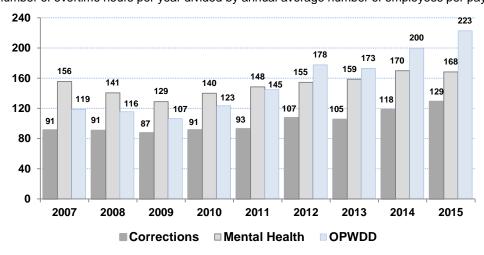
# **Agencies With the Most Overtime**

The majority of overtime use in 2015 was concentrated within three agencies that manage institutional settings – OPWDD, Corrections and Mental Health. Together, these agencies accounted for 65.3 percent of the overtime hours and 62.9 percent of the overtime earnings logged by all State agencies in 2015, consistent with recent patterns. Figure 5 shows the average number of hours of overtime per employee for each of these agencies. While overtime hours declined slightly at Mental Health, overall overtime per employee increased from 2014 to 2015, continuing a general trend starting in 2010. Overtime per employee at OPWDD more than doubled from 2009 through 2015.

Figure 5

Average Annual Overtime Hours per Employee

(total number of overtime hours per year divided by annual average number of employees per pay period)



# 2015 Agency Overtime Comparisons

Figure 6 summarizes overall overtime results for major State agencies in 2015, 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.

Figure 6

#### 2015 Agency Overtime (OT)

(Ranked by overtime pay as share of agency pay)

Agency	Total OT Hours	Total OT Pay (Millions \$)	OT Employees as Share of Agency Employees	Average OT Pay per OT Hour	OT Pay as Share of Agency Pay
OPWDD	4,566,814	\$150.0	44.7%	\$32.85	13.5%
STATE POLICE	848,809	\$64.6	43.3%	\$76.13	10.1%
VETERANS' HOMES	166,390	\$5.9	46.5%	\$35.32	10.1%
MENTAL HEALTH	2,580,538	\$101.6	34.6%	\$39.35	9.3%
CORRECTIONS	3,810,404	\$198.7	34.1%	\$52.16	9.2%
TRANSPORTATION	1,266,730	\$44.5	33.9%	\$35.16	8.3%
CHILDREN & FAMILY	334,261	\$12.9	24.9%	\$38.51	6.5%
GENERAL SERVICES	132,018	\$4.5	22.5%	\$34.23	4.3%
PARKS	114,049	\$4.5	11.8%	\$39.31	2.9%
DEC	117,434	\$6.1	11.0%	\$52.12	2.6%
SUNY	1,600,174	\$68.5	8.3%	\$42.84	1.9%
COMPTROLLER	69,475	\$2.6	11.0%	\$36.88	1.4%
COURTS	396,261	\$20.0	12.3%	\$50.35	1.3%
CUNY	387,001	\$15.8	3.6%	\$40.84	1.2%
TAXATION & FINANCE	86,638	\$3.1	6.3%	\$35.75	1.0%
HEALTH	43,854	\$1.8	3.7%	\$40.78	0.7%
ALL OTHER AGENCIES	238,489	\$10.2	3.6%	\$42.90	0.5%
OTDA	15,927	\$0.7	4.3%	\$42.94	0.5%
LABOR	2,987	\$0.1	0.6%	\$35.45	0.1%
STATEWIDE	16,778,253	\$716.1	17.1%	\$42.68	4.6%

Key measures of overtime in 2015, as shown in Figures 6 and 7, are as follows:

- Overtime hours State agencies accrued about 16.8 million hours of overtime in 2015, almost 861,000 hours, or 5.4 percent, more than in 2014. OPWDD had the most total overtime, with approximately 4.6 million hours, accounting for 27.2 percent of the total overtime hours in the State. Corrections followed with over 3.8 million hours, or 22.7 percent of the total, and Mental Health had close to 2.6 million hours, or 15.4 percent of the total. See the appendices for more details on overtime hours.
- Overtime earnings In 2015, the State spent over \$716.1 million on overtime earnings, an increase of \$54.9 million, or 8.3 percent, over 2014. As previously noted, OPWDD, Corrections and Mental Health accounted for more than 60 percent of the total overtime payroll spending by State agencies. Of the total, Corrections accounted for 27.8 percent, followed by OPWDD at 20.9 percent and Mental Health at 14.2 percent. Together, SUNY

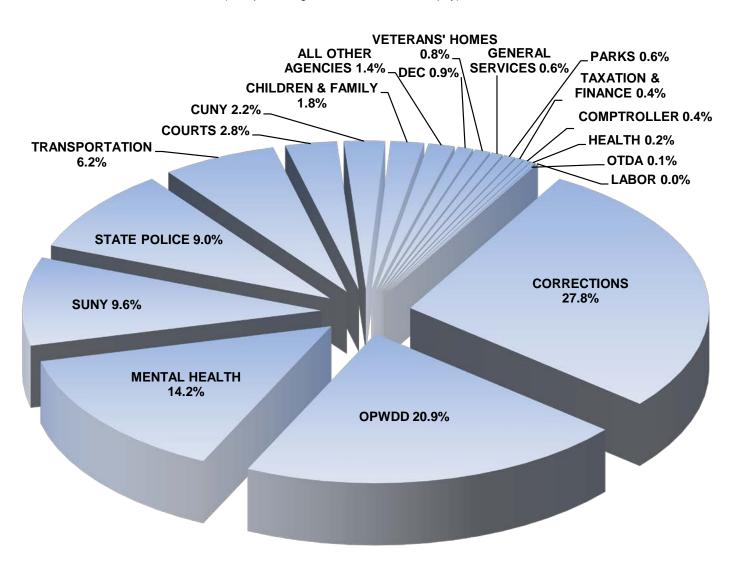
and CUNY accounted for about 11.8 percent. The State Police and the Unified Court System (Courts) combined also accounted for 11.8 percent of the total. The Department of Transportation (Transportation) accounted for 6.2 percent. All other agencies accounted for the remaining 7.3 percent. The appendices provide additional details on overtime earnings from 2007 through 2015.

Figure 7 identifies individual agency overtime earnings as a percentage of overtime earnings for all State agencies in 2015. With the exception of the State Police, where this proportion increased to 9.0 percent compared to 5.9 percent in 2014, these percentages are generally similar to those in 2014.

Figure 7

#### 2015 Agency Overtime Earnings

(as a percentage of total State overtime pay)



Note: Department of Labor overtime earnings, which total 0.015 percent, are available in Appendix A.

- Overtime workers as a share of all agency employees This measure identifies the percentage of an agency's workforce that earns 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 their responsibilities. Six State agencies meet this criterion. Veterans' Homes had the highest share of overtime workers, at 46.5 percent.
- Average overtime pay per overtime hour This measure compares average hourly overtime earnings rates among agencies. The State Police paid the highest hourly rate, at \$76.13 per overtime hour. Corrections paid the next highest hourly rate, at \$52.16 an hour, followed closely by DEC at \$52.12 an hour.
- Overtime pay as a share of agency pay Figure 8 shows overtime earnings as a
  percentage of agency pay. In 2015, the agency with the highest percentage of payroll
  devoted to overtime was OPWDD at 13.5 percent of total pay. Next were the State Police
  and Veterans' Homes at 10.1 percent each.

Figure 8

Overtime as a Percentage of Agency Pay in 2015

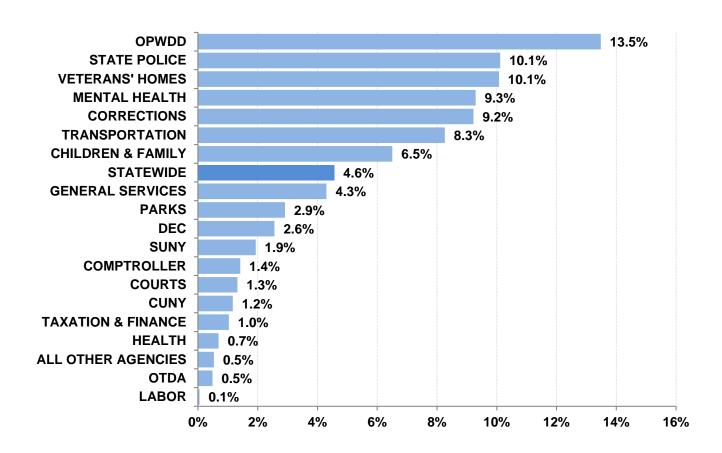


Figure 9 shows two additional measures of overtime use in 2015 – average overtime hours and average overtime earnings per pay period – for all employees who worked overtime at major State agencies, sorted by average biweekly overtime earnings.

Compared to 2014, the statewide average of overtime hours per pay period for employees who worked overtime increased 4.5 percent in 2015, while the statewide average of overtime earnings per pay period increased 7.4 percent.

Figure 9

#### **2015 Overtime Averages**

(per pay period for employees who worked overtime)

Agency	Hours	Earnings
STATE POLICE	13.3	\$1,010
CORRECTIONS	14.5	\$758
MENTAL HEALTH	18.7	\$737
OPWDD	19.2	\$630
CHILDREN & FAMILY	16.1	\$622
CUNY	15.1	\$617
DEC	11.4	\$594
TRANSPORTATION	16.8	\$589
HEALTH	12.9	\$528
SUNY	10.8	\$462
GENERAL SERVICES	12.5	\$429
VETERANS' HOMES	11.3	\$399
COURTS	7.5	\$376
ALL OTHER AGENCIES	8.5	\$365
PARKS	9.2	\$360
TAXATION & FINANCE	9.6	\$344
COMPTROLLER	9.3	\$342
OTDA	7.3	\$312
LABOR	5.8	\$206
STATEWIDE	14.9	\$637

In 2015, the State Police had the highest average biweekly overtime earnings, followed by Corrections, Mental Health and OPWDD. State Police and Corrections have the highest overtime hourly pay rates among State agencies.

In the case of Mental Health and OPWDD, human service agencies tend to have higher average overtime earnings per pay period, driven largely by the number of overtime hours worked. Compared to 2014, the statewide average of earnings per hour of overtime increased 2.7 percent in 2015.

# State Workforce Trends, 2007 through 2015

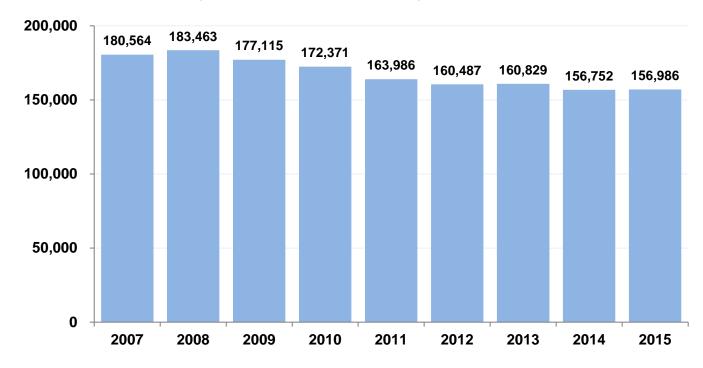
Since 2007, the average annual number of employees working for the State, not including SUNY and CUNY, has declined by 13.1 percent, as illustrated in Figure 10. The workforce grew slightly in 2015 – by 0.15 percent, or 234 employees.

This number is based on the agency "count," or total number of all employees, including full-time, part-time and temporary staff per pay period throughout the year. These workforce counts are somewhat higher than the comparable number of Full-Time Equivalent (FTE) employees.<sup>4</sup> Compared to these figures, the number of FTE employees would range from 8,100 to 14,400 fewer per year from 2007 to 2015.

SUNY and CUNY are excluded from this calculation for methodological reasons including certain changes over time in the reporting of workforce counts.

Figure 10

State Workforce Count
(average number of State employees - excluding SUNY and CUNY)



<sup>&</sup>lt;sup>4</sup> FTE reflects a unit of measure which is equal to one filled, full-time, annual-salaried position, rather than people. For example: one person serving in one position at 100 percent time (full-time) equals 1 FTE; two people sharing one position, each at 50 percent time (half-time) equals .5 FTE + .5 FTE, for a total of 1 FTE; and two people serving in two positions, each at 50 percent time (half-time) equals .5 FTE + .5 FTE, for a total of 1 FTE. In total, these examples indicate that 5 people are employed within State service, but since 4 people work half-time, only 3 FTEs are counted. See the explanation of Full Time Equivalent at http://openbudget.ny.gov/userGuide.html.

Figure 11 shows actual workforce counts on an average annual basis, broken down by agency. The table is sorted by the percentage change that has occurred between 2007 and 2015. Some changes may be due to the transfer of staff between agencies and reorganizations that have been underway during this period.

Eight major agencies have seen staff reductions of more than 10 percent since 2007. The largest percentage reductions in employee counts during that period have been in Children & Family, OPWDD, DEC, OTDA and Transportation. Five agencies saw workforce reductions, and 11 agencies experienced increases, during 2015.

Figure 11

Agency Workforce Counts 2007 – 2015

(average number of State employees)

Count - Average Number of Agency Employees	2007	2008	2009	2010	2011	2012	2013	2014	2015	Change 2007 to 2015	
Major Agencies											
CHILDREN & FAMILY	4,200	4,215	3,947	3,732	3,493	3,404	3,275	3,140	3,193	(1,007)	-24.0%
OPWDD	24,838	25,316	24,743	24,027	23,348	22,672	22,606	21,214	20,497	(4,341)	-17.5%
DEC	4,367	4,512	4,344	4,122	3,813	3,852	3,705	3,613	3,607	(760)	-17.4%
OTDA	2,378	2,343	2,306	2,338	2,219	2,108	1,927	1,969	1,978	(400)	-16.8%
TRANSPORTATION	10,264	10,429	10,273	9,990	9,198	9,010	8,975	8,580	8,578	(1,687)	-16.4%
HEALTH	4,158	4,285	4,206	3,908	3,593	3,410	3,286	3,412	3,521	(637)	-15.3%
MENTAL HEALTH	17,983	18,474	17,759	17,331	16,681	15,907	15,717	15,355	15,326	(2,657)	-14.8%
CORRECTIONS	32,993	32,847	31,737	30,899	31,156	30,360	30,162	29,536	29,572	(3,421)	-10.4%
COURTS	18,252	18,695	18,675	18,522	17,448	16,935	17,166	16,461	16,629	(1,623)	-8.9%
GENERAL SERVICES	1,977	2,008	1,851	1,690	1,510	1,455	1,538	1,683	1,805	(173)	-8.7%
PARKS	4,390	4,596	4,189	4,053	3,919	3,965	4,011	3,936	4,056	(334)	-7.6%
STATE POLICE	6,031	6,055	6,032	5,819	5,511	5,356	5,456	5,550	5,679	(352)	-5.8%
LABOR	3,633	3,656	4,030	4,475	4,403	4,408	4,303	3,891	3,438	(195)	-5.4%
VETERANS' HOMES	1,276	1,316	1,272	1,227	1,180	1,183	1,205	1,192	1,219	(58)	-4.5%
COMPTROLLER	2,637	2,707	2,688	2,641	2,543	2,545	2,585	2,595	2,622	(15)	-0.6%
TAXATION & FINANCE	5,384	5,430	5,639	5,930	5,584	5,315	5,004	5,296	5,495	110	2.1%
		,		All Ot	her Agencie	es					
ALL OTHER AGENCIES	35,804	36,580	33,424	31,667	28,387	28,603	29,907	29,329	29,773	(6,031)	-16.8%
AVERAGE - ALL STATE AGENCIES	180,564	183,463	177,115	172,371	163,986	160,487	160,829	156,752	156,986	(23,579)	-13.1%
	Universities										
SUNY	63,465	65,014	64,727	64,992	65,206	67,137	68,121	67,926	68,691	5,226	8.2%
CUNY	29,598	32,136	32,735	34,653	35,768	38,523	39,680	27,151	27,639	(1,959)	-6.6%
				All Agenci	es and Unive	ersities					
OVERALL AVERAGE	273,627	280,613	274,577	272,016	264,960	266,147	268,630	251,829	253,316	(20,311)	-7.4%

# **Appendices**

The appendices in this report show annual State agency overtime earnings and hours from calendar year 2007 through 2015.

### Appendix A

The following chart provides a nine-year history of overtime earnings by agency.

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

	2007	2008	2009	2010	2011	2012	2013	2014	2015	9-Yr Total
CORRECTIONS	\$99.7	\$94.1	\$92.7	\$103.0	\$104.6	\$137.3	\$160.4	\$180.2	\$198.7	\$1,170.8
OPWDD	\$69.7	\$74.0	\$69.9	\$81.8	\$95.1	\$112.9	\$124.1	\$138.5	\$150.0	\$916.1
MENTAL HEALTH	\$77.9	\$76.4	\$71.3	\$78.4	\$83.9	\$85.2	\$94.6	\$101.5	\$101.6	\$770.7
SUNY	\$42.9	\$46.8	\$46.7	\$48.6	\$50.8	\$52.2	\$57.9	\$62.6	\$68.5	\$477.1
TRANSPORTATION	\$39.0	\$39.4	\$34.7	\$28.8	\$41.5	\$29.9	\$43.3	\$46.1	\$44.5	\$347.2
STATE POLICE	\$43.3	\$32.8	\$26.9	\$24.1	\$25.9	\$34.1	\$35.1	\$38.9	\$64.6	\$325.8
COURTS	\$35.9	\$38.5	\$34.9	\$35.5	\$20.0	\$13.6	\$17.8	\$18.0	\$20.0	\$234.1
CHILDREN & FAMILY	\$12.0	\$11.0	\$11.7	\$12.3	\$11.5	\$13.7	\$15.3	\$15.8	\$12.9	\$116.3
CUNY	\$11.0	\$12.6	\$12.3	\$10.3	\$10.3	\$11.7	\$12.9	\$15.2	\$15.8	\$112.0
ALL OTHER AGENCIES	\$15.5	\$16.0	\$9.3	\$7.7	\$7.4	\$8.1	\$11.7	\$11.0	\$10.2	\$96.9
DEC	\$7.2	\$6.3	\$4.4	\$4.3	\$5.1	\$6.0	\$6.6	\$5.8	\$6.1	\$51.8
VETERANS' HOMES	\$4.3	\$4.5	\$4.3	\$5.0	\$5.2	\$5.7	\$6.4	\$6.7	\$5.9	\$48.1
PARKS	\$5.0	\$5.0	\$4.4	\$3.8	\$3.9	\$4.8	\$5.2	\$4.4	\$4.5	\$41.0
TAXATION & FINANCE	\$4.2	\$2.5	\$4.4	\$1.1	\$0.6	\$1.6	\$8.3	\$6.7	\$3.1	\$32.6
COMPTROLLER	\$3.3	\$3.6	\$3.4	\$3.8	\$3.3	\$3.0	\$2.6	\$2.5	\$2.6	\$28.1
GENERAL SERVICES	\$3.6	\$2.9	\$1.7	\$1.5	\$2.3	\$2.5	\$3.3	\$4.0	\$4.5	\$26.3
LABOR	\$1.2	\$2.4	\$4.5	\$3.4	\$3.2	\$4.3	\$3.5	\$0.8	\$0.1	\$23.3
HEALTH	\$3.2	\$3.2	\$2.2	\$1.7	\$1.5	\$1.2	\$1.8	\$1.7	\$1.8	\$18.4
OTDA	\$1.5	\$1.7	\$2.5	\$2.0	\$1.3	\$1.3	\$0.6	\$0.8	\$0.7	\$12.4
STATEWIDE	\$480.3	\$473.8	\$442.4	\$457.3	\$477.4	\$529.0	\$611.2	\$661.2	\$716.1	\$4,848.8

# Appendix B

The following chart provides a nine-year history of overtime hours by agency.

# **Agency Overtime Hours – Annual Totals**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	9-Yr Total
OPWDD	2,950,981	2,924,900	2,638,139	2,965,848	3,378,317	4,024,717	3,836,751	4,239,803	4,566,814	31,526,271
CORRECTIONS	3,005,194	2,973,602	2,775,403	2,819,161	2,888,396	3,256,812	3,134,687	3,491,550	3,810,404	28,155,208
MENTAL HEALTH	2,799,412	2,596,516	2,290,173	2,425,279	2,476,752	2,458,536	2,445,027	2,607,666	2,580,538	22,679,900
SUNY	1,357,967	1,424,671	1,342,439	1,350,440	1,411,322	1,436,002	1,363,333	1,466,690	1,600,174	12,753,039
TRANSPORTATION	1,343,628	1,308,566	1,105,164	901,985	1,270,583	872,383	1,243,178	1,323,187	1,266,730	10,635,403
COURTS	845,391	884,765	747,867	728,917	407,573	270,606	352,562	358,308	396,261	4,992,249
STATE POLICE	723,719	567,980	443,590	357,892	360,017	462,116	472,124	523,720	848,809	4,759,967
CHILDREN & FAMILY	390,439	341,722	351,014	356,363	321,519	383,779	402,301	412,184	334,261	3,293,581
CUNY	316,635	355,483	327,933	269,375	262,058	312,543	323,610	363,667	387,001	2,918,307
ALL OTHER AGENCIES	515,918	490,394	264,530	205,323	182,748	195,991	276,954	265,311	238,489	2,635,658
VETERANS' HOMES	156,755	153,682	137,282	154,678	158,718	177,015	188,622	192,672	166,390	1,485,814
PARKS	182,277	166,400	136,270	117,117	114,897	130,949	125,790	109,139	114,049	1,196,887
DEC	190,057	163,335	107,430	102,087	123,906	124,647	129,648	111,899	117,434	1,170,443
TAXATION & FINANCE	130,977	70,776	127,470	29,362	16,499	47,389	231,814	190,647	86,638	931,571
COMPTROLLER	104,751	111,003	103,359	111,189	91,765	85,052	71,208	67,805	69,475	815,607
GENERAL SERVICES	119,868	91,919	51,579	41,630	62,763	66,145	88,655	113,457	132,018	768,033
LABOR	37,667	70,050	126,591	95,254	83,324	114,036	89,300	21,578	2,987	640,786
HEALTH	91,372	86,382	58,995	45,198	38,158	31,047	44,460	41,053	43,854	480,519
OTDA	35,964	42,453	56,758	44,495	30,558	30,798	14,490	17,012	15,927	288,455
STATEWIDE	15,298,972	14,824,600	13,191,985	13,121,592	13,679,872	14,480,562	14,834,515	15,917,346	16,778,253	132,127,698