OFFICE OF THE STATE COMPTROLLER
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# New York State Agencies' Use of Overtime

January 2014

Summary

This is the third annual report by the Office of the State Comptroller on overtime use by New York State agencies. It covers overtime patterns over the past seven years.[1] Key findings include the following:

- The total cost of overtime in 2013 was more than $611 million. Overtime usage increased in 2013 for the third straight year, but at a somewhat slower rate than in the past two years. While overtime hours increased by a modest 2.4 percent, overtime earnings climbed 15.6 percent when compared with 2012. Overtime costs have risen in each of the past four years; the increase in earnings in 2013 was the largest in recent years.

Figure 1

Overtime Use for All Agencies, 2007 – 2013

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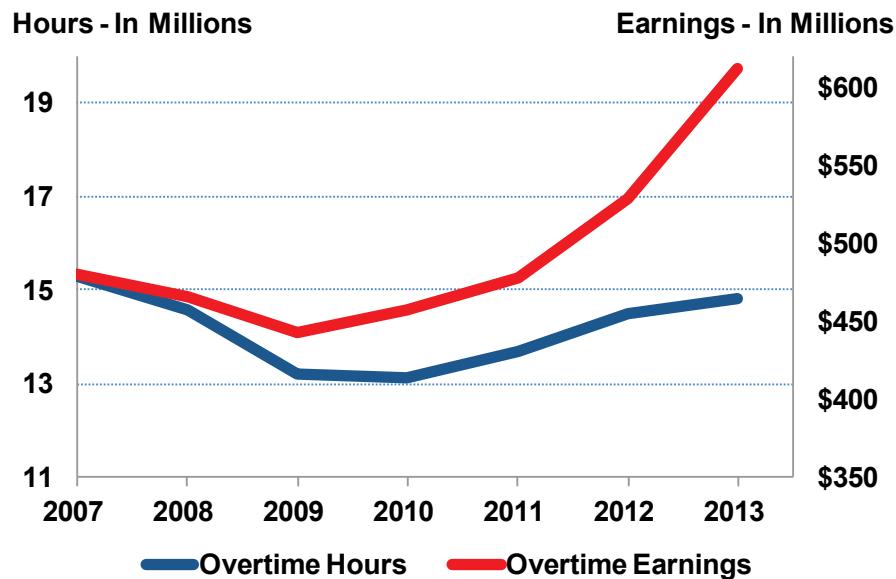
[1] The data used to produce this report are taken from the New York State payroll system, which is maintained and operated by the Office of the State Comptroller. This report is based on total employee headcounts at the agencies, rather than Full-Time Equivalent (FTE) counts. It is preferable to use 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. Hours and earning totals include payments made in pay period 27 of 2013, which included the administrative but not the institutional payroll. Calculation of averages excludes data from this partial pay period.

- For the seven year period ending in 2013, overtime earnings were up by 27.3 percent, although the number of overtime hours worked fell by more than 3 percent.

- Overtime remains a relatively small portion of overall payroll spending, representing $3.5 billion, or approximately 3.4 percent, of total payroll between 2007 and 2013. Overtime comprised 3.9 percent of overall payroll spending in 2013, up from 3.6 percent in 2012, representing the highest share among the years analyzed in this report.

- 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 63.5 percent of the overtime hours and 62 percent of the overtime earnings logged by all State agencies in 2013. This is consistent with recent overtime usage patterns for these three agencies.

- Since 2007, the annual average number of employees working for the State, not including the State University of New York and the City University of New York, has declined by 10.9 percent. (It rose modestly in 2013.) The largest percentage reductions in employee counts since 2007 have been in the Office of General Services, the Office of Children and Family Services (Child & Family), Department of Health (Health) and the Office of Temporary and Disability Assistance (OTDA).

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.[2] 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.

Longstanding policy established by DOB 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.*[3]

The pie chart in Figure 2 shows overtime as a share of total earnings between 2007 and 2013, 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 3.4

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[2] 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.
[3] Ibid.

percent of all State payroll costs over the past seven years, totaling approximately $3.5 billion over that period. Total overtime in 2013 was about $611 million.

Figure 2

Overtime as a Share of Total Payroll, 2007 – 2013
(in millions of dollars and in percentages)

All Other
Pay
$99,354
(96.6 %)

Overtime
Pay
$3,463
(3.4 %)
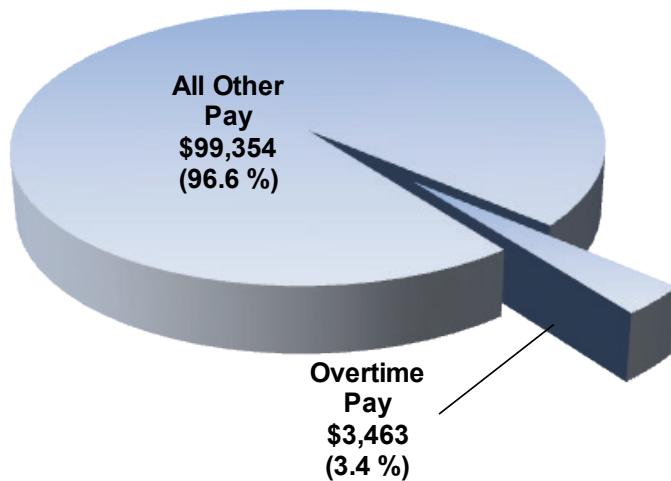
As illustrated in Figure 3, total earnings of State employees increased by $829 million, or 5.6 percent, in 2013 following two years of decline. Overtime earnings have increased yearly since 2009.

Figure 3

Comparison of Total Earnings vs. Overtime Earnings Trends for All Agencies
(total earnings on left margin, overtime earnings on right margin)
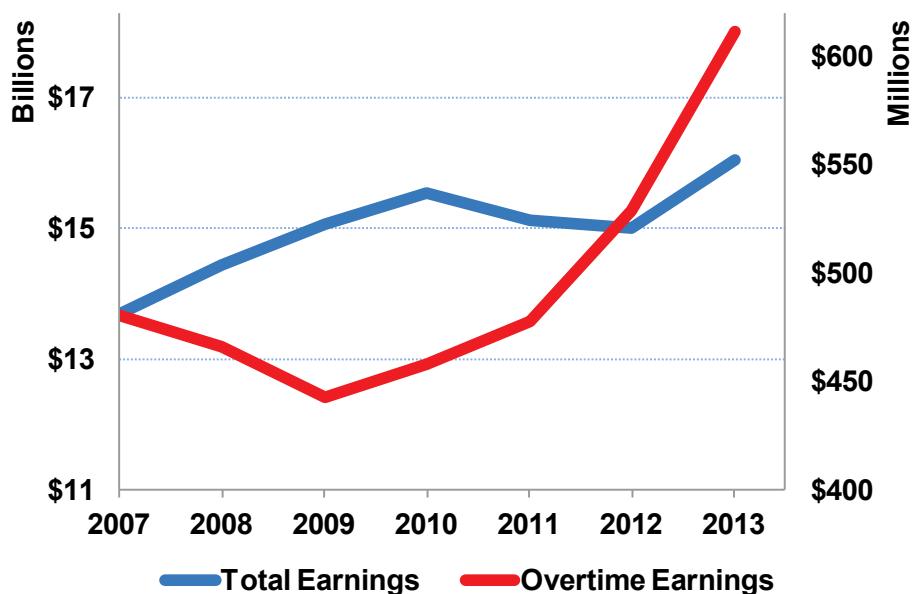
The Three Agencies with the Most Overtime

The majority of overtime usage is concentrated within three agencies that manage institutional settings – DOCCS, OPWDD and OMH. Together, these three agencies accounted for 63.5 percent of the overtime hours and 62 percent of the overtime earnings logged by all State agencies in 2013. This is consistent with recent overtime patterns for these three agencies. Figure 4 shows that the total number of overtime hours at OPWDD continues to be significantly higher than in 2007, while overtime hours rose more moderately at DOCCS and dropped slightly at OMH.

Figure 4

Total Overtime Hours at Agencies with the Most Overtime
(in millions of hours)

	OPWDD	DOCCS	OMH	All Others
2007	3.0	3.0	2.8	6.5
2013	3.8	3.1	2.4	5.4
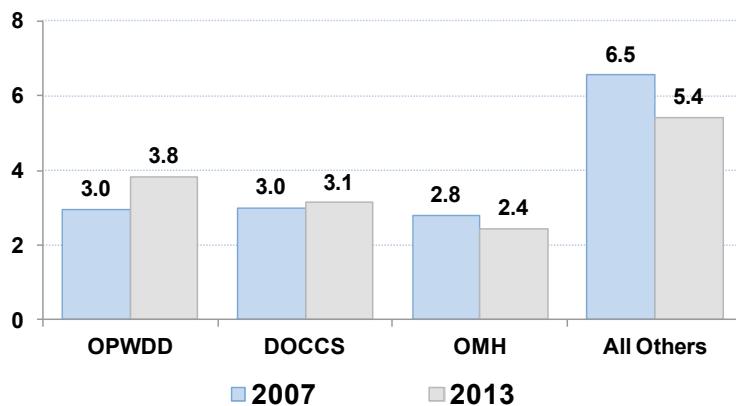
Figure 5 shows the average number of hours of overtime per employee for DOCCS, OMH and OPWDD. Overtime per employee in 2013 is at about the same level for all three agencies as it was in 2012, following steep increases from 2011 to 2012.

Figure 5

Average Annual Overtime Hours per Employee
(total number of overtime hours per year divided by average annual number of employees)

	2007	2008	2009	2010	2011	2012	2013
DOCCS	91.1	88.4	87.5	91.2	92.7	107.3	105.1
OMH	155.7	136.3	129.0	139.9	148.5	154.6	158.6
OPWDD	118.8	111.8	106.6	123.4	144.7	177.5	173.0
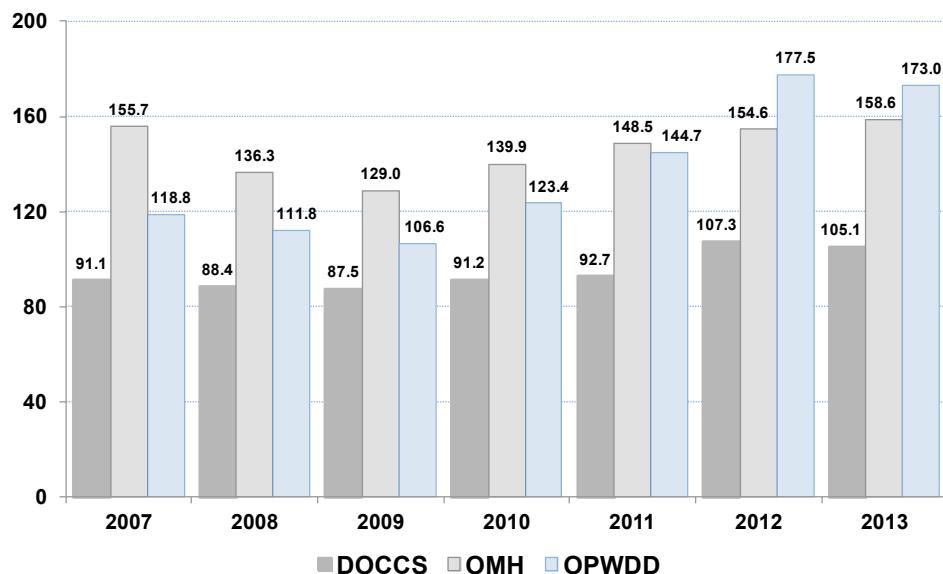
2013 Agency Overtime Comparison

Figure 6 summarizes overall overtime results for major State agencies in 2013, 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

2013 Agency Overtime (OT) Comparisons

Agency	Total OT Hours	Total OT Pay (Millions $)	OT Employees as % of Agency Employees	Average OT Pay per OT Hour	OT Pay as % of Agency Pay
VETERANS' HOMES	188,622	$6.4	46.3%	$34.13	11.4%
OPWDD	3,836,751	$124.1	39.4%	$32.35	10.9%
OMH	2,445,027	$94.6	32.7%	$38.69	8.8%
DOT	1,243,178	$43.3	31.6%	$34.92	7.9%
DOCCS	3,134,687	$160.4	31.3%	$51.18	7.5%
CHILD & FAMILY	402,301	$15.3	26.9%	$37.97	7.4%
STATE POLICE	472,124	$35.1	34.1%	$74.35	5.9%
OGS	88,655	$3.3	16.7%	$36.71	3.6%
PARKS	125,790	$5.2	11.3%	$41.19	3.4%
TAX	231,814	$8.3	11.7%	$35.65	2.9%
DEC	129,648	$6.6	11.6%	$50.73	2.7%
SUNY	1,363,333	$57.9	7.6%	$42.44	1.6%
OSC	71,208	$2.6	11.3%	$36.43	1.5%
LABOR	89,300	$3.5	7.9%	$39.23	1.4%
COURTS	352,562	$17.8	10.5%	$50.37	1.2%
CUNY	323,610	$12.9	2.1%	$39.88	1.0%
HEALTH	44,460	$1.8	3.5%	$39.56	0.7%
ALL OTHER AGENCIES	276,954	$11.7	3.5%	$42.28	0.6%
OTDA	14,490	$0.6	3.6%	$42.21	0.4%
STATEWIDE	**14,834,515**	**$611.2**	**15.3%**	**$41.19**	**3.9%**

Overtime hours - State agencies accrued over 14.8 million hours of overtime in 2013, about 354,000 or 2.4 percent more than in 2012. OPWDD had the most total overtime, with over 3.8 million hours, accounting for 25.9 percent of the total overtime hours in the State. DOCCS followed at over 3.1 million hours, or 21.1 percent of the total, and OMH had over 2.4 million hours, or about 16.5 percent of the total. See the appendices for more details on overtime hours.

Overtime earnings - In 2013, the State spent $611.2 million on overtime earnings, an increase of $82.3 million or 15.6 percent over 2012. The same three agencies – DOCCS, OPWDD, and OMH – accounted for 62 percent of total overtime payroll spending by State agencies. Of this total, DOCCS accounted for 26.2 percent, followed by OPWDD at 20.3 percent and OMH at 15.5 percent. Together, the State University of New York (SUNY) and the City University of New York (CUNY) accounted for about 11.6 percent. The State Police and the Unified Court System (Courts) combined accounted for 8.6 percent of the total. The Department of Transportation (DOT) accounted for 7.1 percent. All other agencies accounted for the remaining 10.7 percent. The appendices provide additional details about overtime hours and earnings over the last seven years.

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.

Average pay per overtime hour – This measure compares average hourly overtime earnings rates among agencies. The State Police are paid the highest hourly rate ($74.35 per overtime hour). The Department of Environmental Conservation (DEC) pays the next highest hourly rate, at $50.37 an hour, while the third highest is the Office of Court Administration (Courts), at $50.73 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 2013, as in 2011 and 2012, the agency with the highest percentage of payroll for overtime was Veterans' Homes, at 11.4 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 10.9 percent, OMH at 8.8 percent, DOCCS at 7.5 percent and Children and Family Services at 7.3 percent.

Figure 7

Overtime as a Percentage of Agency Pay in 2013
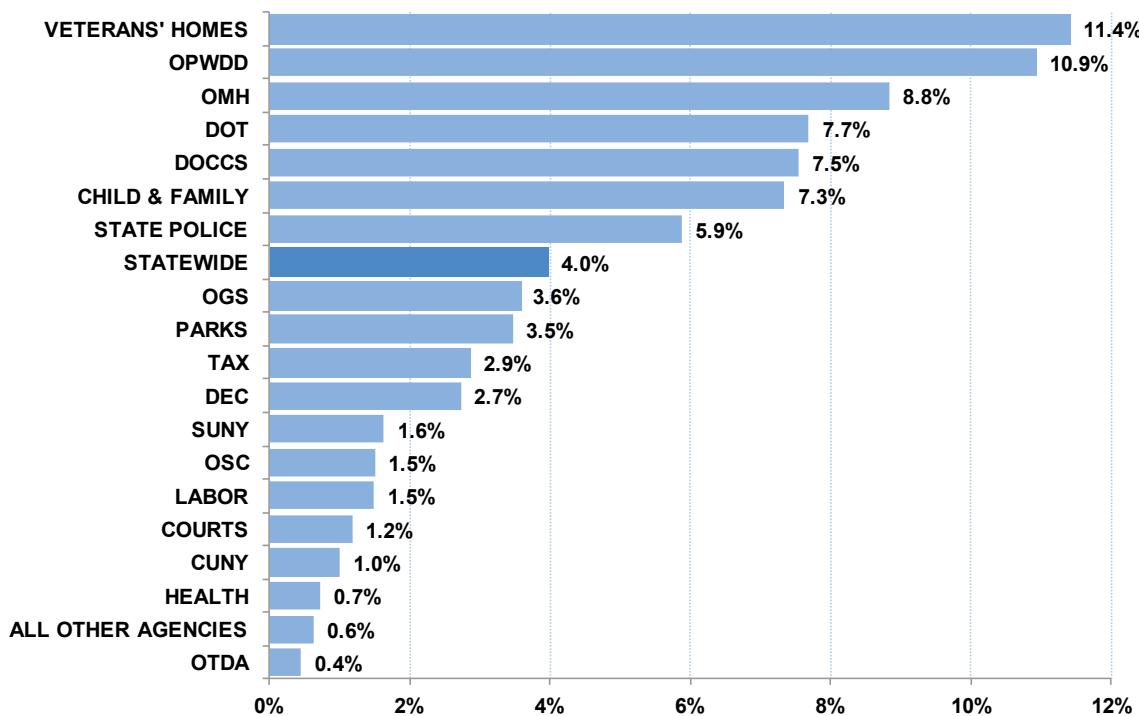
Other agencies with higher-than-average percentages of overtime relative to total pay include the State Police at 5.9 percent and DOT at 7.7 percent. Larger agencies with comparatively low levels of overtime, relative to overall pay, include SUNY, the State's Court system and CUNY. Figure 8 identifies individual agency overtime earnings as a percentage of overtime earnings for all State agencies in 2013.

Figure 8

2013 Agency Overtime Earnings
(as a percentage of Total State Overtime Pay)
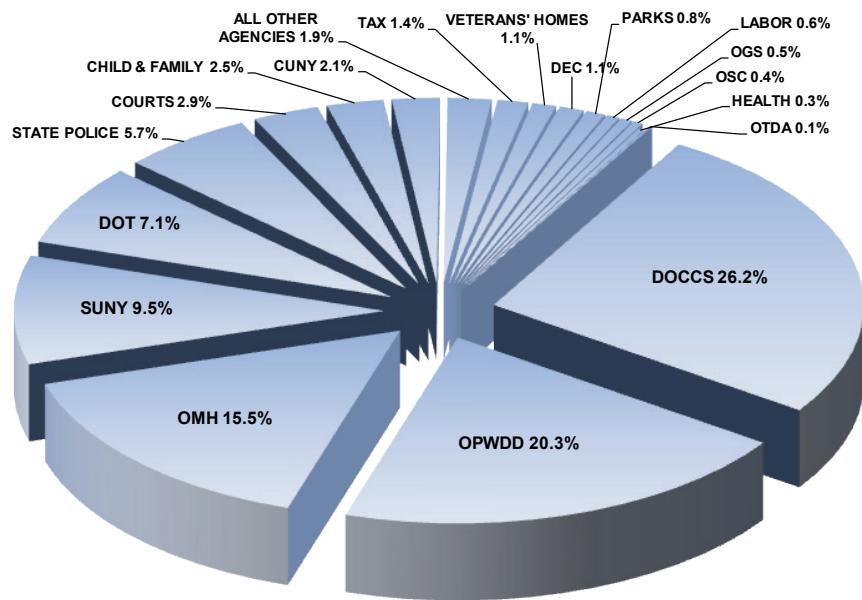
Overtime averages per participating employee – Figure 9 presents two additional measures of overtime use in 2013 – average overtime hours and average overtime earnings per pay period – for all employees who worked overtime at major State agencies, sorted by average biweekly earnings.

Figure 9

2013 Overtime Averages
(per pay period for employees who worked overtime)

Agency	Hours	Earnings
OMH	18.3	$708
STATE POLICE	9.4	$696
DOCCS	12.8	$653
CHILD & FAMILY	16.7	$634
CUNY	14.6	$584
HEALTH	14.4	$571
DEC	11.2	$569
DOT	15.8	$553
OPWDD	16.6	$536
TAX	14.8	$527
OGS	12.6	$462
VETERANS' HOMES	13.0	$443
PARKS	10.5	$433
ALL OTHER AGENCIES	9.8	$415
SUNY	9.7	$411
LABOR	10.1	$395
COURTS	7.3	$366
OSC	9.1	$333
OTDA	7.8	$329
STATEWIDE	**13.7**	**$564**

As in past years, the Division of State Police reports the highest average biweekly overtime earnings, driven by its high overtime hourly pay rate (see Figure 10), even though its number of overtime hours worked per employee who worked overtime 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 10

Average Earnings Per Hour of Overtime

Agency	Amount
STATE POLICE	$74.35
DOCCS	$51.18
DEC	$50.73
COURTS	$50.37
SUNY	$42.44
ALL OTHER AGENCIES	$42.28
OTDA	$42.21
STATEWIDE	$41.19
PARKS	$41.19
CUNY	$39.88
HEALTH	$39.56
LABOR	$39.23
OMH	$38.69
CHILD & FAMILY	$37.97
OGS	$36.71
OSC	$36.43
TAX	$35.65
DOT	$34.92
VETERANS' HOMES	$34.13
OPWDD	$32.35
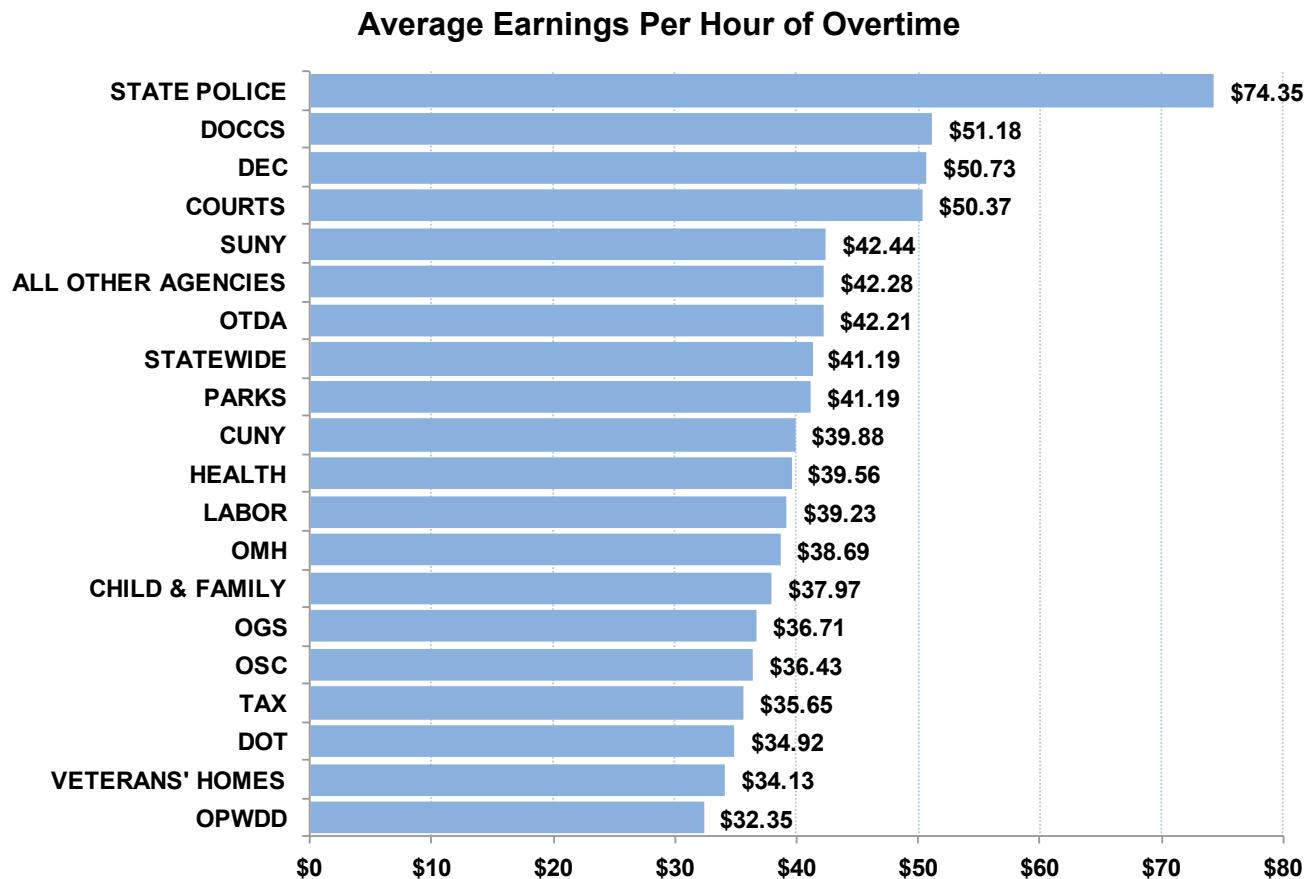
Agency Average Workforce – 2007 Through 2013

Since 2007, the average number of employees working for the State, not including SUNY and CUNY, has declined by 10.9 percent, as illustrated in Figure 11. This number is based on the agency "count," or total number of all employees, including full-time, part-time and temporary staff.

SUNY and CUNY are excluded from this calculation because the number of employees at these institutions varies widely from year to year and includes paid student assistants and part-time instructors who often work at several campuses and who would therefore be counted as multiple employees.

Figure 11

Agency Workforce Count
(Average Number of State Employees - Excluding SUNY and CUNY)
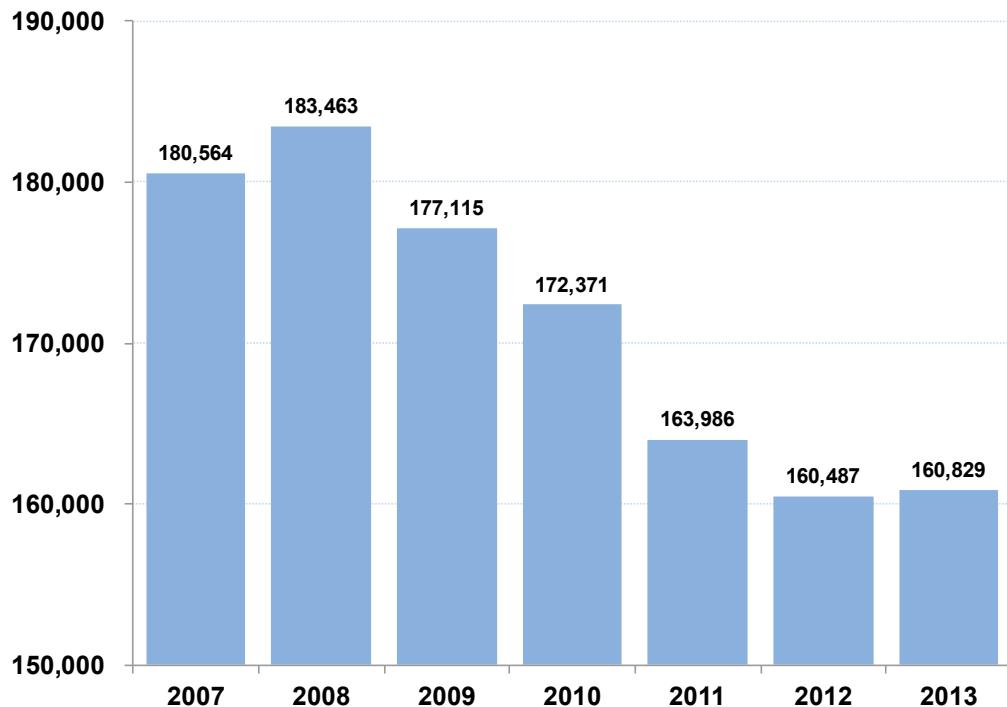
These Count figures result in totals that are somewhat higher than the comparable number of Full-Time Equivalent (FTE) employees. The number of FTE employees is about nine to ten thousand fewer per year during the period between 2007 and 2013.

Figure 12 shows actual workforce count changes on an average annual basis, broken down by agency. The table is sorted by the size of the change that has occurred between 2007 and 2013. Some changes may be due to the transfer of staff between agencies and reorganizations that have been underway during that time period. Nevertheless, the total count of State employees, not including SUNY and CUNY, has declined dramatically.

Figure 12

Agency Workforce Count Changes 2007 – 2013
(Average Number of State Employees)

Count - Average Number of Agency Employees	2007	2008	2009	2010	2011	2012	2013	Change 2007 to 2013	
Major Agencies									
OGS	1,977	2,008	1,851	1,690	1,510	1,455	1,538	(439)	-22.2%
CHILD & FAMILY	4,200	4,215	3,947	3,732	3,493	3,404	3,275	(924)	-22.0%
HEALTH	4,158	4,285	4,206	3,908	3,593	3,410	3,286	(872)	-21.0%
OTDA	2,378	2,343	2,306	2,338	2,219	2,108	1,927	(451)	-19.0%
ALL OTHER AGENCIES	35,804	36,580	33,424	31,667	28,387	28,603	29,907	(5,897)	-16.5%
DEC	4,367	4,512	4,344	4,122	3,813	3,852	3,705	(662)	-15.2%
OMH	17,983	18,474	17,759	17,331	16,681	15,907	15,717	(2,266)	-12.6%
DOT	10,264	10,429	10,273	9,990	9,198	9,010	8,975	(1,290)	-12.6%
STATE POLICE	6,031	6,055	6,032	5,819	5,511	5,356	5,456	(575)	-9.5%
OPWDD	24,838	25,316	24,743	24,027	23,348	22,672	22,606	(2,231)	-9.0%
PARKS	4,390	4,596	4,189	4,053	3,919	3,965	4,011	(379)	-8.6%
DOCCS	32,993	32,847	31,737	30,899	31,156	30,360	30,162	(2,831)	-8.6%
TAX	5,384	5,430	5,639	5,930	5,584	5,315	5,004	(380)	-7.1%
COURTS	18,252	18,695	18,675	18,522	17,448	16,935	17,166	(1,086)	-5.9%
VETERANS HOME	1,276	1,316	1,272	1,227	1,180	1,183	1,205	(71)	-5.6%
OSC	2,637	2,707	2,688	2,641	2,543	2,545	2,585	(52)	-2.0%
LABOR	3,633	3,656	4,030	4,475	4,403	4,408	4,303	670	18.4%
AVERAGE STATE AGENCIES	180,564	183,463	177,115	172,371	163,986	160,487	160,829	(19,735)	-10.9%
Universities									
SUNY	63,465	65,014	64,727	64,992	65,206	67,137	68,121	4,656	7.3%
CUNY	29,598	32,136	32,735	34,653	35,768	38,523	39,680	10,082	34.1%
All Agencies and Universities									
AVERAGE ALL AGENCIES	273,627	280,613	274,577	272,016	264,960	266,147	268,630	(4,997)	-1.8%

Appendix A

Agency Overtime Trends Over the Past Seven Years

The charts presented below 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 seven years reveals clear seasonal variation in overtime use, with peaks in the winter as a result of overtime pay for snow and ice removal.

Overtime Hours per Pay Period
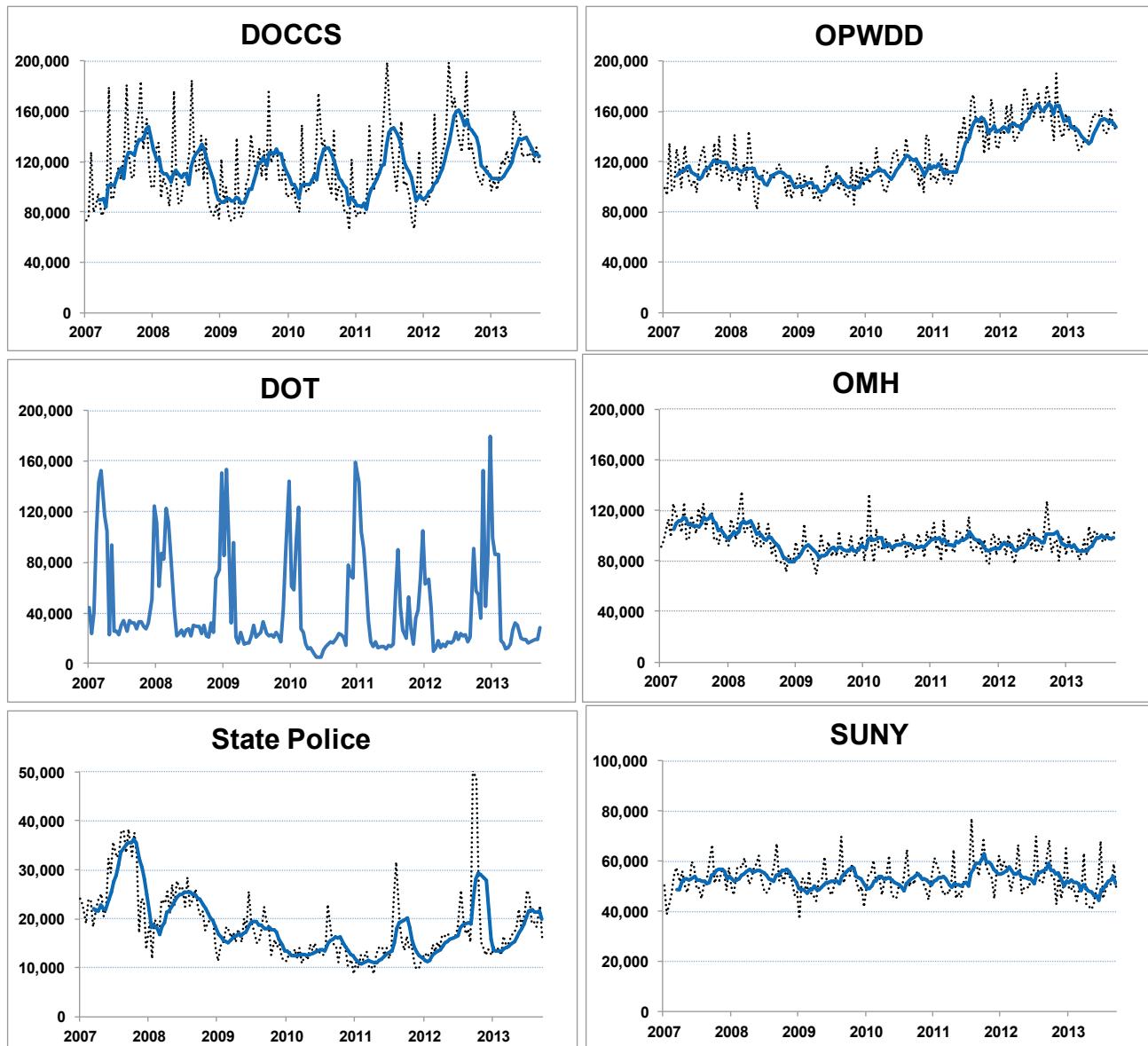
Note: The dashed lines are actual overtime hours, with solid blue trend lines representing six pay-period moving averages, except for DOT, which displays actual results only.

See Appendix B for a seven-year history of agency overtime earnings and overtime hours.

Appendix B

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

	2007	2008	2009	2010	2011	2012	2013	7-yr Sum
DOCCS	$99.7	$91.5	$92.7	$103.0	$104.6	$137.3	$160.4	$789.2
OPWDD	$69.7	$71.6	$69.9	$81.8	$95.1	$112.9	$124.1	$625.2
OMH	$77.9	$74.0	$71.3	$78.4	$83.9	$85.2	$94.6	$565.2
SUNY	$42.9	$46.8	$46.7	$48.6	$50.8	$52.2	$57.9	$346.0
DOT	$39.0	$39.4	$34.7	$28.8	$41.5	$29.9	$43.3	$256.6
STATE POLICE	$43.3	$32.8	$26.9	$24.1	$25.9	$34.1	$35.1	$222.3
COURTS	$35.9	$38.5	$34.9	$35.5	$20.0	$13.6	$17.8	$196.1
CHILD & FAMILY	$12.0	$11.0	$11.7	$12.3	$11.5	$13.7	$15.3	$87.6
CUNY	$11.0	$12.2	$12.3	$10.3	$10.3	$11.7	$12.9	$80.7
ALL OTHER AGENCIES	$15.5	$15.9	$9.3	$7.7	$7.4	$8.1	$11.7	$75.6
DEC	$7.2	$6.3	$4.4	$4.3	$5.1	$6.0	$6.6	$39.9
VETERANS' HOMES	$4.3	$4.3	$4.3	$5.0	$5.2	$5.7	$6.4	$35.3
PARKS	$5.0	$5.0	$4.4	$3.8	$3.9	$4.8	$5.2	$32.1
OSC	$3.3	$3.6	$3.4	$3.8	$3.3	$3.0	$2.6	$23.0
TAX	$4.2	$2.5	$4.4	$1.1	$0.6	$1.6	$8.3	$22.8
LABOR	$1.2	$2.4	$4.5	$3.4	$3.2	$4.3	$3.5	$22.5
OGS	$3.6	$2.9	$1.7	$1.5	$2.3	$2.5	$3.3	$17.7
HEALTH	$3.2	$3.2	$2.2	$1.7	$1.5	$1.2	$1.8	$14.9
OTDA	$1.5	$1.7	$2.5	$2.0	$1.3	$1.3	$0.6	$10.9
STATEWIDE	**$480.3**	**$465.8**	**$442.4**	**$457.3**	**$477.4**	**$529.0**	**$611.2**	**$3,463.5**

Agency Overtime Hours – Annual Totals

	2007	2008	2009	2010	2011	2012	2013	7-Yr Total
OPWDD	2,950,981	2,830,569	2,638,139	2,965,848	3,378,317	4,024,717	3,836,751	22,625,323
DOCCS	3,005,194	2,904,672	2,775,403	2,819,161	2,888,396	3,256,812	3,134,687	20,784,325
OMH	2,799,412	2,518,281	2,290,173	2,425,279	2,476,752	2,458,536	2,445,027	17,413,461
SUNY	1,357,967	1,424,671	1,342,439	1,350,440	1,411,322	1,436,002	1,363,333	9,686,175
DOT	1,343,628	1,308,566	1,105,164	901,985	1,270,583	872,383	1,243,178	8,045,486
COURTS	845,391	884,765	747,867	728,917	407,573	270,606	352,562	4,237,680
STATE POLICE	723,719	567,980	443,590	357,892	360,017	462,116	472,124	3,387,438
CHILD & FAMILY	390,439	341,710	351,014	356,363	321,519	383,779	402,301	2,547,124
CUNY	316,635	344,646	327,933	269,375	262,058	312,543	323,610	2,156,802
ALL OTHER AGENCIES	515,918	488,818	264,530	205,323	182,748	195,991	276,954	2,130,282
VETERANS' HOMES	156,755	148,058	137,282	154,678	158,718	177,015	188,622	1,121,128
PARKS	182,277	166,400	136,270	117,117	114,897	130,949	125,790	973,699
DEC	190,057	163,197	107,430	102,087	123,906	124,647	129,648	940,971
OSC	104,751	111,003	103,359	111,189	91,765	85,052	71,208	678,328
TAX	130,977	70,694	127,470	29,362	16,499	47,389	231,814	654,205
LABOR	37,667	70,050	126,591	95,254	83,324	114,036	89,300	616,220
OGS	119,868	91,919	51,579	41,630	62,763	66,145	88,655	522,558
HEALTH	91,372	86,382	58,995	45,198	38,158	31,047	44,460	395,612
OTDA	35,964	42,453	56,758	44,495	30,558	30,798	14,490	255,516
STATEWIDE	15,298,972	14,564,834	13,191,985	13,121,592	13,679,872	14,480,562	14,834,515	99,172,333