New York State Agencies' Use of Overtime

Table of Contents

I. Executive Summary

This report on the use of overtime by New York State agencies examines patterns over the past ten calendar years.[1] The total cost of overtime in calendar year 2017 was more than $761 million, covering roughly 17.5 million overtime hours worked.

Figure 1

Overtime Use for All Agencies
(overtime hours on left axis, overtime earnings on right axis)
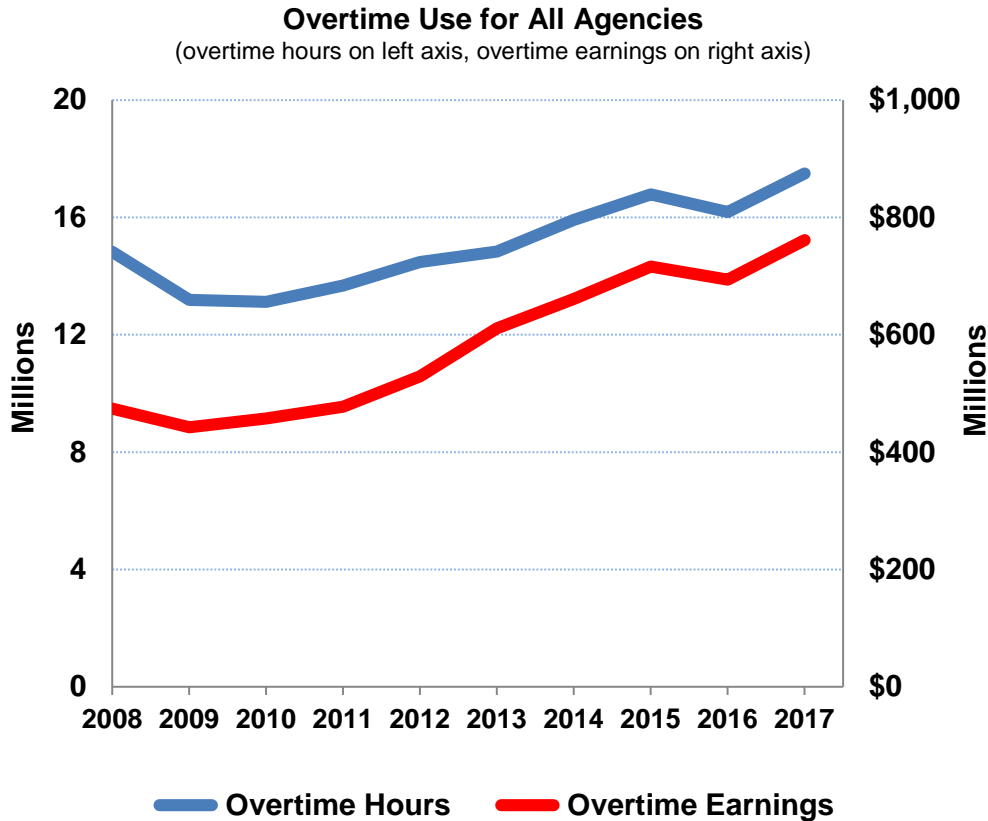

As shown in Figure 1, total overtime usage by New York State agencies increased in 2017 after last year's decline. Compared to 2016, total overtime hours went up 8.1 percent while total overtime earnings increased 9.7 percent.

---

[1] 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. 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 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.

Other key findings include:

- Overtime earnings and hours in 2017 were at their highest levels in the past ten years.

- Overtime comprised 4.6 percent of overall payroll spending in 2017, up slightly from 4.3 percent in 2016. Overtime spending has averaged 3.8 percent of total payroll between 2008 and 2017.

- Overtime hours at two of the three agencies with the highest levels of overtime usage, the Office of Mental Health (Mental Health) and Office for People With Developmental Disabilities (OPWDD), decreased slightly from the prior year, as shown in Figure 2. However, the third high usage agency, the Department of Corrections and Community Supervision (Corrections), saw increases in overtime hours (8.6 percent) and pay (7.8 percent) in 2017.

Figure 2

**Percentage Change in Overtime Hours and Earnings, 2016 to 2017
Agencies with the Highest Overtime Use**
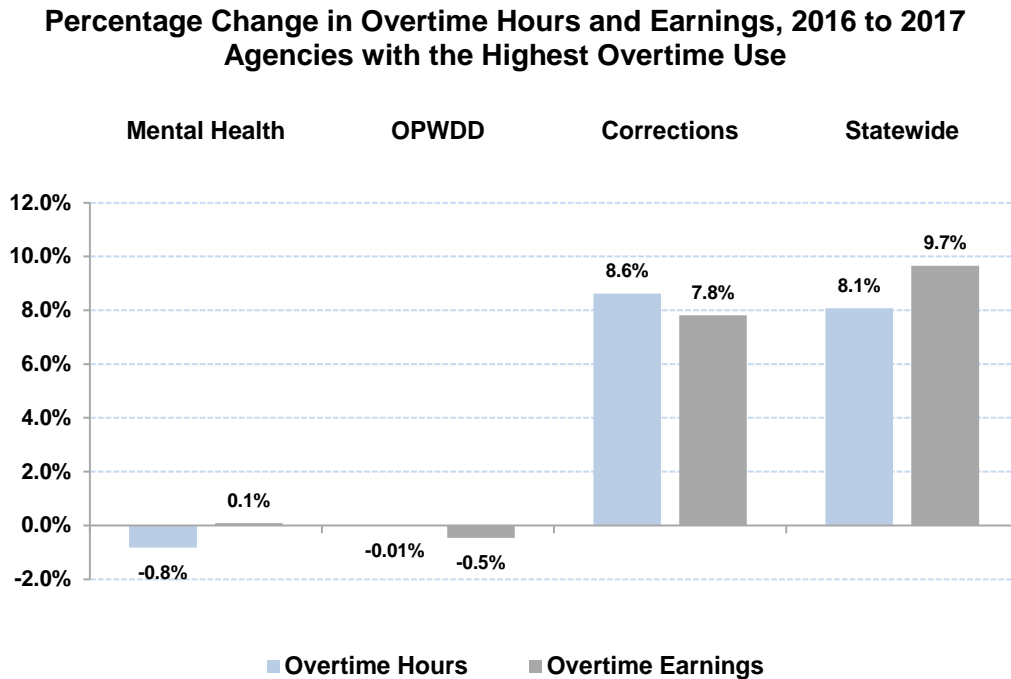
- The average annual number of State employees, not including the State University of New York (SUNY) and the City University of New York (CUNY), decreased slightly in 2017 and was 14.3 percent lower than in 2008. Twelve major agencies have seen reductions of more than 10 percent in employee counts since 2008, with the largest decreases occurring in the Office of Children and Family Services (Children & Family), Mental Health and the Department of Environmental Conservation (DEC). Some changes may be partly due to the transfer of staff between agencies and to reorganizations that have been underway during this period.

II. Overtime Use by All Agencies

Consistent with the federal Fair Labor Standards Act, State employees 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.[2] 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.[3]
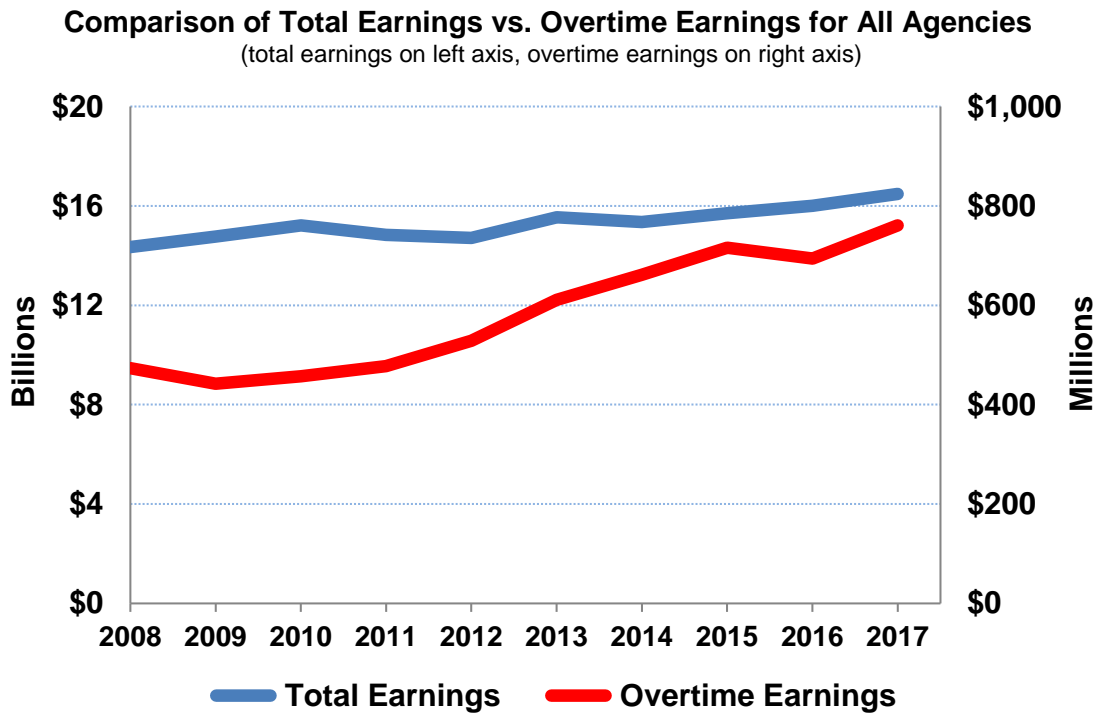
Overtime has accounted for 3.8 percent of all State payroll costs from 2008 to 2017, totaling more than $5.8 billion.

As illustrated in Figure 3, total earnings of State employees increased in 2017 by $482 million, or 3.0 percent, to approximately $16.5 billion, while overtime earnings increased at a faster pace, by $67 million or 9.7 percent, to just over $761 million. Overtime earnings and hours for major agencies from 2008 through 2017 are detailed in the appendices to this report.

---

[2] See Division of the Budget, *Payment of Overtime Compensation to State Employees,* Budget Bulletin G-1024, dated July 27, 1986. Effective October 26, 2012, DOB 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.
[3] Ibid.

Figure 3

Comparison of Total Earnings vs. Overtime Earnings for All Agencies
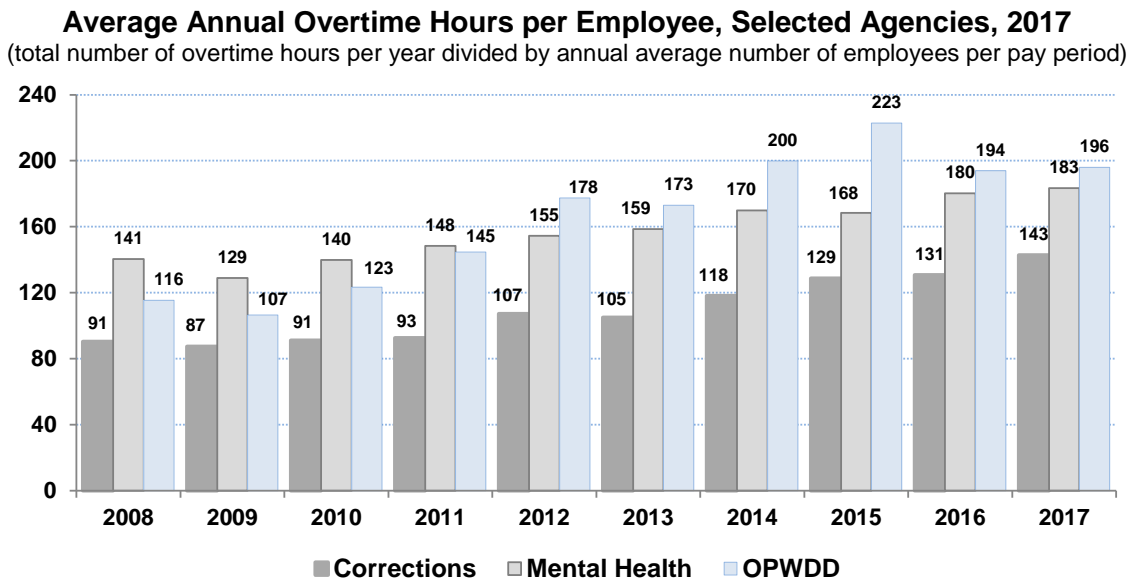(total earnings on left axis, overtime earnings on right axis)

III. Agency Overtime Comparisons

The majority of overtime use in 2017 was concentrated within three agencies that manage institutional settings – OPWDD, Corrections and Mental Health. Together, these agencies accounted for 63.4 percent of the overtime hours and 60.9 percent of the overtime earnings logged by all State agencies in 2017, consistent with recent patterns.

Figure 4 shows the average number of hours of overtime per employee for each of these agencies. While total overtime hours decreased at Mental Health and OPWDD, overtime per employee increased at these agencies from 2016 to 2017. Overtime per employee at OPWDD and Corrections has increased significantly from 2008 through 2017, by almost 70 and 58 percent, respectively.

Figure 4

Average Annual Overtime Hours per Employee, Selected Agencies, 2017
(total number of overtime hours per year divided by annual average number of employees per pay period)

Key measures of overtime in 2017 for major agencies, as shown in Figures 5, 6 and 7 below, are as follows:

- **Overtime hours –** State agencies accrued 17.5 million hours of overtime in 2017, over 1.3 million hours, or 8.1 percent, more than in 2016. Corrections had the most total overtime, with 4.3 million hours, accounting for 24.4 percent of the total for all agencies. OPWDD followed with 4.1 million hours, or 23.4 percent of the total, and Mental Health had over 2.7 million hours, or 15.6 percent of the total.

- **Overtime earnings –** In 2017, the State spent $761.2 million on overtime earnings, an increase of $67 million or 9.7 percent from 2016. As previously noted, OPWDD, Corrections and Mental Health accounted for 60.9 percent of the total overtime payroll spending by State agencies. Of the total, Corrections accounted for 29 percent, followed by OPWDD at 17.5 percent and Mental Health at 14.3 percent.

- **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. Seven State agencies meet this criterion. Veterans' Homes had the highest share of overtime workers, at 51.0 percent. The workforce at Children & Family exceeded this threshold in 2017 at 26.2 percent, having been close to 25 percent in prior years.

- **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 $75.69 per overtime hour. The Unified Court System (Courts) paid the next highest, at $52.35, followed by Corrections at $51.88.

Figure 5 summarizes overall overtime results for major State agencies in 2017.

Figure 5

Summary of Overtime (OT) Usage at Major Agencies, 2017
(Ranked by overtime pay as share of total 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	4,092,243	$133.1	43.3%	$32.53	11.9%
VETERANS' HOMES	182,118	$6.7	51.0%	$36.66	11.4%
STATE POLICE	980,491	$74.2	43.0%	$75.69	10.8%
CORRECTIONS	4,260,240	$221.0	37.7%	$51.88	10.0%
MENTAL HEALTH	2,732,683	$109.1	35.1%	$39.93	9.8%
TRANSPORTATION	1,325,064	$47.8	38.4%	$36.05	8.6%
CHILDREN & FAMILY	312,333	$12.3	26.2%	$39.47	6.0%
DEC	152,043	$7.9	13.2%	$51.77	3.2%
PARKS	123,537	$4.9	12.5%	$39.34	3.0%
GENERAL SERVICES	94,674	$3.3	16.5%	$35.32	2.9%
SUNY	1,831,485	$74.8	8.8%	$40.82	2.0%
COMPTROLLER	99,016	$3.7	12.8%	$37.69	1.9%
COURTS	514,808	$26.9	14.0%	$52.35	1.7%
CUNY	379,276	$17.6	3.3%	$46.41	1.2%
HEALTH	44,400	$1.9	4.5%	$42.07	0.7%
TAXATION & FINANCE	48,291	$1.9	4.1%	$39.45	0.7%
OTDA	18,914	$0.8	4.8%	$40.52	0.5%
LABOR	3,853	$0.1	0.9%	$38.06	0.1%
ALL OTHER AGENCIES	296,639	$13.1	4.6%	$44.31	0.7%
STATEWIDE	**17,492,107**	**$761.2**	**17.8%**	**$43.52**	**4.6%**

Figure 6 identifies individual agencies' overtime earnings as a percentage of overtime earnings for all State agencies in 2017.[4] The largest absolute changes in 2017 compared

---

[4] *All Other Agencies* in Figure 6 includes agencies not broken out separately in this report and the following major agencies where the agency proportion of total overtime pay was one percent or less: DEC, Veterans' Homes, the Office of Parks, Recreation and Historic Preservation (Parks), the Office of the State Comptroller (Comptroller), the Office of General Services (General Services), the Department of Taxation and Finance (Taxation & Finance), the Department of Health (Health), the Office of Temporary and Disability Assistance (OTDA) and the Department of Labor (Labor).

to 2016 have occurred at the State Police, OPWDD, Mental Health and the Department of Transportation (Transportation).

Figure 6

2017 Agency Overtime Earnings as Share of Total Overtime Earnings
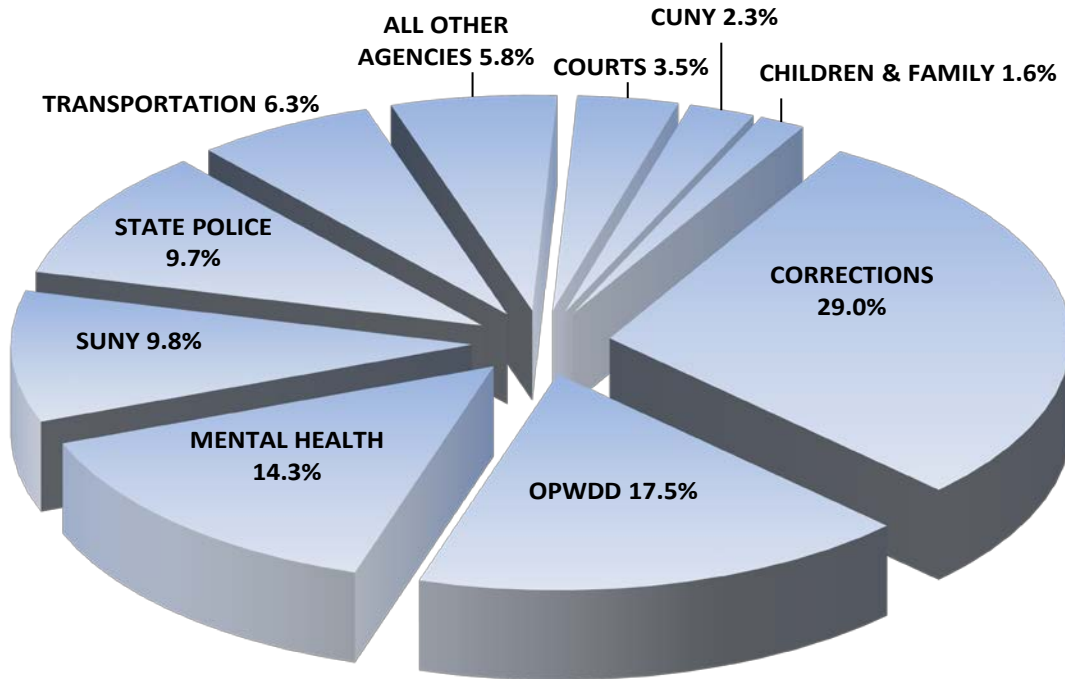
Figure 7 shows two additional measures of overtime use in 2017 – average overtime hours and average overtime earnings per pay period – for all employees who worked overtime at major State agencies, ranked by average biweekly overtime earnings.

Compared to 2016, the statewide average of overtime hours per pay period for employees who worked overtime increased 3.8 percent in 2017, while the statewide average of overtime earnings per pay period went up 5.3 percent.

In 2017, the State Police had the highest average biweekly overtime earnings, followed by Mental Health, Corrections and CUNY. Among other factors influencing these figures, State Police and Corrections have higher overtime hourly pay rates than most other State agencies, as shown earlier in this report.

Figure 7

2017 Overtime Averages
(per pay period for employees who worked overtime)

Agency	Hours	Earnings
STATE POLICE	15.1	$1,141
MENTAL HEALTH	20.1	$803
CORRECTIONS	14.6	$757
CUNY	15.3	$708
DEC	12.1	$626
OPWDD	17.4	$566
CHILDREN & FAMILY	14.2	$558
TRANSPORTATION	15.4	$557
HEALTH	10.9	$459
SUNY	11.2	$459
COURTS	8.5	$442
VETERANS' HOMES	11.6	$426
COMPTROLLER	10.8	$405
GENERAL SERVICES	11.0	$387
TAXATION & FINANCE	9.5	$374
PARKS	9.3	$366
OTDA	7.5	$303
LABOR	4.8	$183
ALL OTHER AGENCIES	8.3	$368
STATEWIDE	**14.7**	**$639**

IV. State Workforce Trends

Since 2008, the average annual number of employees working for the State, not including SUNY and CUNY, has declined by 14.3 percent, as illustrated in Figure 8. The workforce declined in 2017 compared to 2016 by 0.5 percent, or 825 employees.

These numbers are 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.[5] Compared to these figures, the number of FTE employees would range from 8,100 to 14,400 fewer per year from 2008 to 2017.

Figure 8

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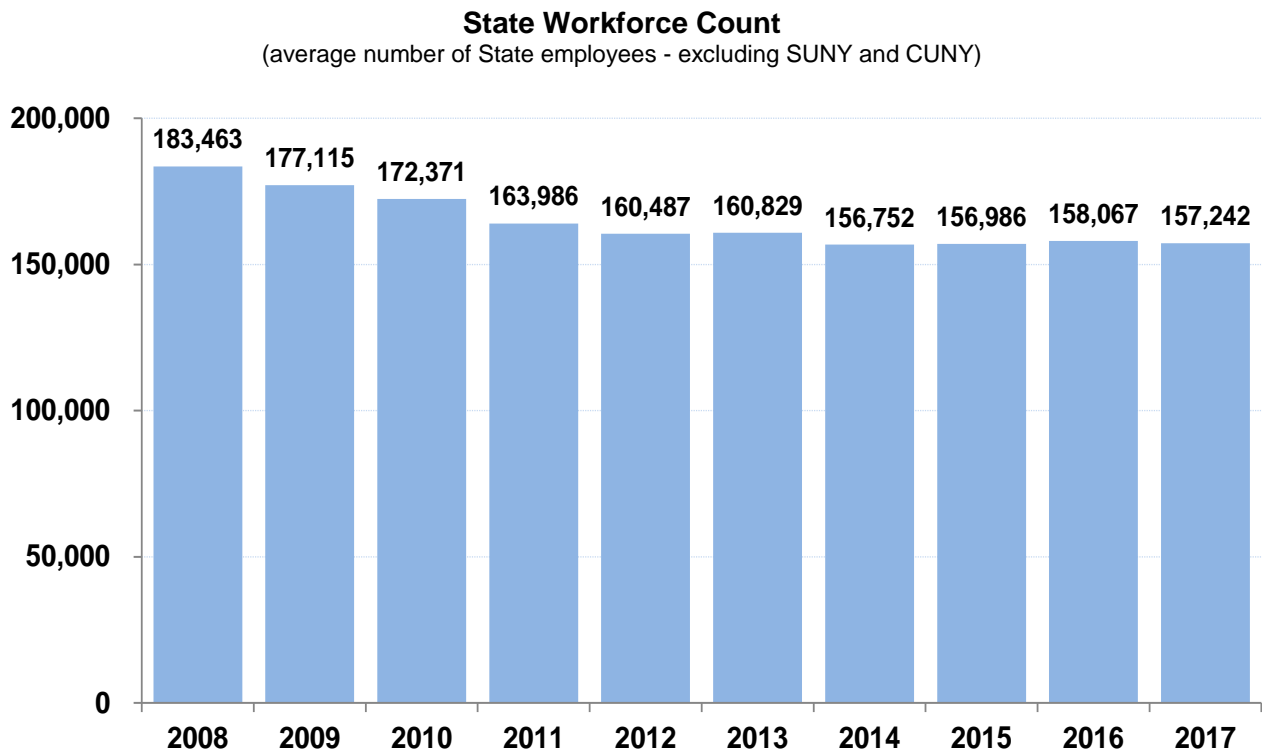(average number of State employees - excluding SUNY and CUNY)

Figure 9 shows actual workforce counts on an average annual basis, broken down by agency. The table is sorted in the order of the percentage changes that occurred between 2008 and 2017, beginning with the largest decline. Some changes may be due to the transfer of staff between agencies and to reorganizations that have been underway during this period.

---

[5] FTE reflects a unit of measure which is equal to one filled, full-time, annual-salaried position, rather than a person. 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 0.5 FTE + 0.5 FTE, for a total of 1 FTE; and two people serving in separate positions, each at 50 percent time (half-time) equals 0.5 FTE + 0.5 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. SUNY and CUNY are excluded from this calculation for methodological reasons, including certain changes over time in the reporting of workforce counts.

Twelve major agencies, several of which are among the leaders in overtime use, have seen staff reductions of more than 10 percent since 2008. The largest percentage reductions in employee counts during that period have been in Children & Family, Mental Health, DEC, Health and Transportation. During 2017, seven major agencies saw workforce reductions while nine experienced increases compared to 2016.

Figure 9

Agency Workforce Counts 2008 – 2017
(average number of State employees)

Count - Average Number of Agency Employees	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Change 2008 to 2017	
Major Agencies												
CHILDREN & FAMILY	4,215	3,947	3,732	3,493	3,404	3,275	3,140	3,193	3,190	3,240	(975)	-23.1%
MENTAL HEALTH	18,474	17,759	17,331	16,681	15,907	15,717	15,355	15,326	15,279	14,902	(3,571)	-19.3%
DEC	4,512	4,344	4,122	3,813	3,852	3,705	3,613	3,607	3,646	3,672	(840)	-18.6%
HEALTH	4,285	4,206	3,908	3,593	3,410	3,286	3,412	3,521	3,625	3,512	(774)	-18.1%
TRANSPORTATION	10,429	10,273	9,990	9,198	9,010	8,975	8,580	8,578	8,558	8,592	(1,838)	-17.6%
OPWDD	25,316	24,743	24,027	23,348	22,672	22,606	21,214	20,497	21,098	20,885	(4,431)	-17.5%
OTDA	2,343	2,306	2,338	2,219	2,108	1,927	1,969	1,978	2,015	2,035	(307)	-13.1%
TAXATION & FINANCE	5,430	5,639	5,930	5,584	5,315	5,004	5,296	5,495	5,186	4,801	(629)	-11.6%
PARKS	4,596	4,189	4,053	3,919	3,965	4,011	3,936	4,056	4,019	4,082	(514)	-11.2%
LABOR	3,656	4,030	4,475	4,403	4,408	4,303	3,891	3,438	3,284	3,266	(390)	-10.7%
COURTS	18,695	18,675	18,522	17,448	16,935	17,166	16,461	16,629	16,714	16,719	(1,976)	-10.6%
VETERANS' HOMES	1,316	1,272	1,227	1,180	1,183	1,205	1,192	1,219	1,256	1,181	(135)	-10.2%
CORRECTIONS	32,847	31,737	30,899	31,156	30,360	30,162	29,536	29,572	29,959	29,804	(3,043)	-9.3%
STATE POLICE	6,055	6,032	5,819	5,511	5,356	5,456	5,550	5,679	5,717	5,817	(238)	-3.9%
GENERAL SERVICES	2,008	1,851	1,690	1,510	1,455	1,538	1,683	1,805	1,908	2,018	11	0.5%
COMPTROLLER	2,707	2,688	2,641	2,543	2,545	2,585	2,595	2,622	2,666	2,767	61	2.2%
All Other Agencies												
ALL OTHER AGENCIES	36,580	33,424	31,667	28,387	28,603	29,907	29,329	29,773	29,948	29,949	(6,631)	-18.1%
AVERAGE - ALL STATE AGENCIES	183,463	177,115	172,371	163,986	160,487	160,829	156,752	156,986	158,067	157,242	(26,221)	-14.3%
Universities												
SUNY	65,014	64,727	64,992	65,206	67,137	68,121	67,926	68,691	70,302	71,217	6,203	9.5%
CUNY	32,136	32,735	34,653	35,768	38,523	39,680	27,151	27,639	27,783	28,722	(3,414)	-10.6%
All Agencies and Universities												
OVERALL AVERAGE	280,613	274,577	272,016	264,960	266,147	268,630	251,829	253,316	256,152	257,181	(23,432)	-8.4%

Appendices

Appendix A

Agency Overtime Earnings – Annual Totals, 2008-2017
(in millions of dollars)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	10-Yr Total
CORRECTIONS	$94.1	$92.7	$103.0	$104.6	$137.3	$160.4	$180.2	$198.7	$205.0	$221.0	$1,497.1
OPWDD	$74.0	$69.9	$81.8	$95.1	$112.9	$124.1	$138.5	$150.0	$133.7	$133.1	$1,113.1
MENTAL HEALTH	$76.4	$71.3	$78.4	$83.9	$85.2	$94.6	$101.5	$101.6	$109.0	$109.1	$911.0
SUNY	$46.8	$46.7	$48.6	$50.8	$52.2	$57.9	$62.6	$68.5	$70.4	$74.8	$579.4
STATE POLICE	$32.8	$26.9	$24.1	$25.9	$34.1	$35.1	$38.9	$64.6	$47.8	$74.2	$404.5
TRANSPORTATION	$39.4	$34.7	$28.8	$41.5	$29.9	$43.3	$46.1	$44.5	$35.9	$47.8	$391.9
COURTS	$38.5	$34.9	$35.5	$20.0	$13.6	$17.8	$18.0	$20.0	$22.5	$26.9	$247.6
CUNY	$12.6	$12.3	$10.3	$10.3	$11.7	$12.9	$15.2	$15.8	$14.9	$17.6	$133.5
CHILDREN & FAMILY	$11.0	$11.7	$12.3	$11.5	$13.7	$15.3	$15.8	$12.9	$13.1	$12.3	$129.7
DEC	$6.3	$4.4	$4.3	$5.1	$6.0	$6.6	$5.8	$6.1	$7.8	$7.9	$60.4
VETERANS' HOMES	$4.5	$4.3	$5.0	$5.2	$5.7	$6.4	$6.7	$5.9	$5.6	$6.7	$56.0
PARKS	$5.0	$4.4	$3.8	$3.9	$4.8	$5.2	$4.4	$4.5	$5.0	$4.9	$45.8
COMPTROLLER	$3.6	$3.4	$3.8	$3.3	$3.0	$2.6	$2.5	$2.6	$3.4	$3.7	$31.9
TAXATION & FINANCE	$2.5	$4.4	$1.1	$0.6	$1.6	$8.3	$6.7	$3.1	$1.5	$1.9	$31.8
GENERAL SERVICES	$2.9	$1.7	$1.5	$2.3	$2.5	$3.3	$4.0	$4.5	$3.8	$3.3	$29.8
LABOR	$2.4	$4.5	$3.4	$3.2	$4.3	$3.5	$0.8	$0.1	$0.1	$0.1	$22.4
HEALTH	$3.2	$2.2	$1.7	$1.5	$1.2	$1.8	$1.7	$1.8	$1.9	$1.9	$18.9
OTDA	$1.7	$2.5	$2.0	$1.3	$1.3	$0.6	$0.8	$0.7	$1.0	$0.8	$12.6
ALL OTHER AGENCIES	$16.0	$9.3	$7.7	$7.4	$8.1	$11.7	$11.0	$10.2	$11.8	$13.1	$106.4
STATEWIDE	**$473.8**	**$442.4**	**$457.3**	**$477.4**	**$529.0**	**$611.2**	**$661.2**	**$716.1**	**$694.2**	**$761.2**	**$5,823.8**

Appendix B

Agency Overtime Hours – Annual Totals, 2008-2017

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	10-Yr Total
OPWDD	2,924,900	2,638,139	2,965,848	3,378,317	4,024,717	3,836,751	4,239,803	4,566,814	4,092,699	4,092,243	36,760,233
CORRECTIONS	2,973,602	2,775,403	2,819,161	2,888,396	3,256,812	3,134,687	3,491,550	3,810,404	3,922,277	4,260,240	33,332,532
MENTAL HEALTH	2,596,516	2,290,173	2,425,279	2,476,752	2,458,536	2,445,027	2,607,666	2,580,538	2,755,333	2,732,683	25,368,504
SUNY	1,424,671	1,342,439	1,350,440	1,411,322	1,436,002	1,363,333	1,466,690	1,600,174	1,636,702	1,831,485	14,863,259
TRANSPORTATION	1,308,566	1,105,164	901,985	1,270,583	872,383	1,243,178	1,323,187	1,266,730	997,118	1,325,064	11,613,957
STATE POLICE	567,980	443,590	357,892	360,017	462,116	472,124	523,720	848,809	620,351	980,491	5,637,089
COURTS	884,765	747,867	728,917	407,573	270,606	352,562	358,308	396,261	441,825	514,808	5,103,491
CHILDREN & FAMILY	341,722	351,014	356,363	321,519	383,779	402,301	412,184	334,261	341,806	312,333	3,557,282
CUNY	355,483	327,933	269,375	262,058	312,543	323,610	363,667	387,001	366,116	379,276	3,347,063
VETERANS' HOMES	153,682	137,282	154,678	158,718	177,015	188,622	192,672	166,390	155,035	182,118	1,666,211
DEC	163,335	107,430	102,087	123,906	124,647	129,648	111,899	117,434	149,430	152,043	1,281,858
PARKS	166,400	136,270	117,117	114,897	130,949	125,790	109,139	114,049	128,872	123,537	1,267,019
COMPTROLLER	111,003	103,359	111,189	91,765	85,052	71,208	67,805	69,475	91,694	99,016	901,567
TAXATION & FINANCE	70,776	127,470	29,362	16,499	47,389	231,814	190,647	86,638	39,030	48,291	887,916
GENERAL SERVICES	91,919	51,579	41,630	62,763	66,145	88,655	113,457	132,018	104,760	94,674	847,599
LABOR	70,050	126,591	95,254	83,324	114,036	89,300	21,578	2,987	2,716	3,853	609,688
HEALTH	86,382	58,995	45,198	38,158	31,047	44,460	41,053	43,854	45,573	44,400	479,120
OTDA	42,453	56,758	44,495	30,558	30,798	14,490	17,012	15,927	22,465	18,914	293,870
ALL OTHER AGENCIES	490,394	264,530	205,323	182,748	195,991	276,954	265,311	238,489	270,683	296,639	2,687,061
STATEWIDE	**14,824,600**	**13,191,985**	**13,121,592**	**13,679,872**	**14,480,562**	**14,834,515**	**15,917,346**	**16,778,253**	**16,184,486**	**17,492,107**	**150,505,319**

Contact

Office of the New York State Comptroller
110 State Street, 15th Floor
Albany, New York 12236
(518) 474-4015
www.osc.state.ny.us

Prepared by:
Office of Budget and Policy Analysis

Like us on Facebook at facebook.com/nyscomptroller
Follow us on Twitter @nyscomptroller