STATE OF NEW YORK

1105

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BRONSON, DE LA ROSA, GRIFFIN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to ensuring the payment of overtime due and owing for services rendered to combat the COVID-19 pandemic

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 134 of the civil service law, as amended by chapter 87 of the laws of 1972, is amended to read as follows:

4. The director of the budget shall promulgate, and may from time to time amend or rescind, rules and regulations for carrying into effect the provisions of this section. Such rules and regulations, among other things, may classify and define positions and employments for the purposes of this section, and otherwise provide appropriate formulas for determining overtime compensation as herein provided and provide that for the purpose of computing overtime compensation pursuant to this section, members of the state police in any title or individual position or positions shall be considered to have worked a minimum of four hours each time they are recalled to work overtime after having completed their scheduled work period and left their scheduled work station or shall be considered to have worked a minimum of two hours each time they are scheduled to return and return to duty to work overtime for the purpose of making an appearance in court in their official capacity after having completed their scheduled work period and left their scheduled work station; and provide that for the purpose of computing overtime compensation pursuant to this section, employees in any title or individual position or positions shall be considered to have worked a minimum of one-half day each time they are recalled to work overtime after having completed their scheduled work period and left their scheduled work station. Such rules and regulations may exclude any title or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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individual position or positions, when the nature of the duties performed or the difficulty of maintaining adequate time controls makes it impracticable to apply to such title or individual position or positions the provisions of this section which prescribe a work week for basic salary and provide for overtime compensation**, provided, however, that for employees in the classified service performing services during a declared disaster emergency authorized pursuant to section twenty-eight of the executive law, the director of the division of the budget shall direct the payment of any overtime compensation due and owing for services rendered for both mandated and volunteer overtime service at the employee's normal salary rate or the salary rate for the title or position in which such overtime services were rendered and reported, whichever is higher**.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 7, 2020.