§ 135. Extra salary or compensation prohibited. 1. No person holding a position or employment in any department, bureau, commission or office to which this article applies and for which a definite salary or compensation has been appropriated or designated, shall receive any extra salary or compensation in addition to that so fixed except overtime compensation as provided in section one hundred thirty-four of this title. The requirements of this subdivision shall not apply to:

(a) clinical practice pursuant to subdivision fourteen of section two hundred six of the public health law, or

(b) certain employees of the department of motor vehicles who receive certain incentive payments for productivity standards pursuant to a program established by such department since nineteen hundred seventy-seven, or

(c) employees in the office of general services who are specified as eligible under a labor management memorandum of understanding with the appropriate employee representative organization to participate in practices or programs constituting one or more pilot studies to evaluate the effect of extra compensation on productivity, efficiency and overall service delivery. The commissioner of general services in consultation with the director of the governor's office of employee relations and the director of classification and compensation in the department and with the approval of the director of the budget is hereby authorized to direct the payment of extra compensation to such employees. Such extra compensation shall be paid pursuant to a specified plan developed by the commissioner of general services which shall be effective when approved by the director of the budget. The payment of such extra compensation shall be in addition to and shall not be part of an employee's basic annual salary, and shall not affect or impair any performance advancement payments, performance awards, longevity payments or other rights or benefits to which an employee may be entitled. Furthermore, any additional compensation payable pursuant to this subdivision shall not be included as compensation for retirement purposes.

(d) payments made pursuant to a collective bargaining agreement negotiated pursuant to article fourteen of this chapter or regulations promulgated by the president pursuant to subdivision three of section one hundred sixty-three of this chapter permitting payment to an employee or officer in exchange for the employee's election to withdraw

from the health insurance plan established pursuant to article eleven of this chapter. Such payments shall not be considered part of an employee's basic annual salary and shall not be considered compensation for the purposes of overtime calculation or retirement.

2. Any contribution by the state of food, lodging or maintenance, or any commutation in lieu of maintenance, except traveling expenses and field allowances, shall be considered as part of the salary established by section one hundred thirty of this chapter. The fair value of such food, lodging, maintenance or commutation shall be determined by the director of the budget and may in his discretion be deducted from the salary established by said section. No employee shall board or lodge away from any institution or hospital which regularly furnishes food, lodging or maintenance, without the permission of the head of the institution or department by which he is employed. The director of the budget may deduct from the salary of any employee who fails to obtain such permission, the fair value of food, lodging or maintenance which such institution or hospital has offered to furnish to such employee. Whenever a chaplain employed in any state institution is not furnished a residence by the state, twenty per cent of his annual salary shall be deemed to constitute the amount to be paid to him in lieu of such residence.