



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 7

March 26, 1990

CONTROL OF OVERTIME AND PART-TIME HOURS

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Purpose. Control of overtime is important for good government and overtime should be approved only in those instance where it is warranted and appropriate. Therefore, agency heads should curtail overtime expenditures whenever possible to achieve necessary economies. Further, it is necessary and desirable to control overtime abuses which might arise and to equalize the apportionment of overtime among similarly-titled employees.

Section 2. Each agency head shall be directly responsible for assuring that the allocation of overtime is controlled in such a manner as to achieve the most economy and eliminate the possibility of abuse.

Section 3. All of the provisions of this Executive Order apply whether the employee receives paid overtime or compensatory time.

Section 4. Approval for overtime shall be given only when the operations of the agency clearly demand it. All overtime must be approved in writing by the agency head or a representative of the agency head who is delegated such authority in writing.

Section 5. Where applicable, all overtime compensation and authorization shall comply with the Fair Labor Standards Act, its subsequent amendments, collective bargaining agreements, and existing Citywide overtime regulations, including the civilian overtime cap set by the Citywide Agreement.

Section 6. Authorization to work overtime, whether compensable in cash or compensatory time, shall be evenly distributed, where practicable, within each agency or agency subdivision, among all those employees who are eligible to perform the overtime work required. No authorization shall be granted to an employee to work overtime compensable in cash in excess of 5 percent of the base salary received by the employee during the preceding 12-month period, unless such prior authorization is signed by the agency head or the agency head's designee and unless exigent circumstances dictate the need for the individual to exceed this 5 percent limit.

Section 7. Each agency head shall submit by June 15, 1990 and June 15 of each successive year an annual agency overtime control plan to the Mayor's Office of Operations. The plan should outline initiatives that the agency will implement during the fiscal year to monitor and control overtime use and distribution. Each subsequent plan should review and evaluate the previous year's initiatives.

Section 8. Each agency head shall include in the Monthly Executive Management Plan and Report the total overtime expenditures and hours for the agency, by bureau, unit or division, and shall also set forth any and all special circumstances which account for any variances in the indicators. In addition, the report should identify any anticipated need for recurring or prolonged overtime.

Section 9. Each agency head shall provide a quarterly report to the Mayor's Office of Operations indicating any and all special circumstances which made it necessary to authorize overtime during the quarter to any employee in excess of 20 percent of the employee's quarterly base salary in overtime. The report shall include each such employee's name, title, length of service, eligibility for retirement, current base salary and amount of overtime compensation received for the current fiscal year to date (quarterly and cumulatively), by bureau, unit or division.

Section 10. Agencies designated by the Mayor's Office of Operations will provide the Office with quarterly reports detailing overtime expenditures, use and distribution.

Section 11. A part-time employee shall not receive compensation from the City of New York in excess of 1,000 hours worked during any 12-month period unless authorized in writing by the agency head.

Section 12. Agency heads should take steps to insure that compensatory time earned be used as quickly as possible thereafter to the extent that the needs of the agency will permit. It shall be the responsibility of the employee to request permission to use such overtime. Compensatory time not used by the employee may be carried over from year to year only to the extent that the needs of the agency have not permitted the employee to use such time. Requests for carry-over and approval must be in writing. Approval must come from the agency head. All of the above actions must comply with the Fair Labor Standards Act where applicable.

Section 13. Each agency shall maintain its records regarding overtime and part-time hours and compensation in good order and shall be subject to periodic audits by the Department of Personnel.

Section 14. Nothing contained herein shall be construed as prohibiting overtime in the case of an emergency.

Section 15. This Order shall take effect immediately and supersedes previous Executive Orders concerning the control of overtime and part-time hours.



DAVID N. DINKINS  
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