

**NEW YORK STATE THRUWAY AUTHORITY  
CONSULTANT INSTRUCTION**

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**SUBJECT: OVERTIME**

**DATE: November 20, 2001                      CODE: 01-8                      SUPERSEDES: 99-3**

**APPROVED:**



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**DISTRIBUTION: All**

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As per Consultant Instruction 01-6 each Salary Schedule (Exhibit A) shall include notes regarding overtime. Several of these notes are:

- ❖ The Authority will reimburse overtime only when prior approval is obtained from the Authority in writing.
- ❖ Overtime applies to hours worked in excess of the normal working hours of 40 hours per week on Thruway/Canal Corp. projects, earned due to a legal holiday, or under terms which are specifically approved by the Authority.
- ❖ Premium time is not reimbursed for all titles.

In all instances the appropriate Thruway/Canal Corp. staff person shall control and approve the use of overtime. Further, premium time shall not be reimbursed if overtime is being used by the consultant to correct a situation that resulted from an inappropriate level of staffing or to meet the established schedule and deadlines.

Typically, consultant staff's premium time will not be reimbursed if the individual(s) have not worked on a Thruway/Canal Corp. project in excess of the normal 40 hours work week. As an example, if a construction operation that requires additional personnel has been scheduled to occur on a Saturday and the consultant has received advanced notice, the consultant will not be reimbursed for the premium time for the additional person(s) (as the individual only worked on the Thruway project on that Saturday). In planned situations like this, the 40-hour rule applies. Please keep in mind that the Authority's reimbursement policy may differ from the firm's overtime policy.

There are a limited number of situations in which the premium time would be reimbursed for an individual who did not work on a Thruway project over 40 hours during a week. These situations should not occur frequently, and should be controlled by the project engineer/manager.

Three examples are as follows:

- If additional consultant staff worked on an Authority assignment (and worked overtime for the firm but did not exceed 40 hours on a Thruway project) based upon a last minute schedule change requested by Thruway, the premium time would be paid for those additional staff. Please note that if the change was the result of the consultant being behind schedule, the Authority shall not reimburse the premium time.
- If a contractor at the last minute adds an additional operation, which can not be properly inspected by the typical consultant staff assigned to the project, the consultant can be reimbursed for the premium time even though the additional person brought in to inspect the work did not work 40 hours during the week on a Thruway project.
- There could be other situations where the premium time may be reimbursed by the Thruway. If you believe there is a unique situation, please discuss it with your project engineer/manager.

For each of these exceptions, the Thruway/Canal Corp project engineer/manager must include a statement of approval to pay the subject premium time with the appropriate estimate. If this approval is not provided, Fiscal Audit will adjust the estimate and not pay the premium time. Also, the firm must submit proof that the individual worked 40 hours or more on another project. As stated above, these exceptions shall be limited.