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Int. No. 280

By Council Member Weprin

A Local Law to amend the New York City Charter, in relation to analyzing the impact of overtime expenditures.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. Overtime costs represent a tremendous expense at many City agencies. In the last two fiscal years, for example, the Fire Department ("FDNY") and Correction Department ("DOC") have averaged, respectively, approximately $135 million and $60 million in overtime costs. In the last several years, City agencies have severely miscalculated the adverse impacts that headcount reductions have on their overtime expenses, costing the City tens of millions of dollars in avoidable overtime outlays. The most striking examples occurred with the Fire and Correction Departments, which generate overtime costs when they have insufficient uniform personnel to staff regular assignments. FDNY costs arise from the need to meet prescribed minimum staffing levels, while DOC costs relate to the staffing of fixed posts.

From November 2002 to March 2003, while the size of the Fire Department's uniform workforce was continuing to plummet as a result of 9/11-related factors, the Department delayed its Fire Academy recruit class. While this delay was presented to the City Council and the public as a cost savings measure designed to help the City close its Fiscal 2004 budget gap, the delay in bringing new firefighters on line while dozens of current members were retiring each month ultimately contributed to the more than $75 million in new overtime costs recognized by the end of the fiscal year in June 2003. This pattern has continued in the last couple of years

despite accelerated hiring of new firefighters to reduce overtime costs. According to the Mayor's 2006 January Plan, increases in FDNY's budgeted overtime are expected to continue in Fiscal 2007 and the outyears.

DOC, which reduced its uniformed workforce by more than 1,000 during 2003, recently hired two classes of 300 recruits (in July and October 2005) and another 333 correction officers graduated in February 2006. In spite of the increase in hiring, the Mayor's 2006 January Plan added a one-time funding of $847,000 to DOC's budget to cover the increase in the agency's overtime costs.

Accordingly, the Council finds that requiring City agencies to analyze the effect of any hiring freeze or substantial layoff on overtime, prior to instituting such hiring freeze or layoff, will ensure that New York City tax dollars are used as efficiently as possible.

§2. Section 106 of the New York City charter is amended by adding a new subsection g to read as follows:

g. Limiting overtime expenditures. 1. Prior to terminating the employment of more than one hundred employees and prior to instituting any hiring freeze, an agency shall perform an analysis of expected costs and savings, including an analysis of overtime expenditures, and shall submit such analysis, with all supporting documentation, to the council.

2. The council may, within thirty days after receipt of such analysis and supporting documentation, hold a hearing on this matter. No layoffs or hiring freeze shall be implemented prior to the expiration of this thirty-day period or a council hearing, whichever is sooner.

§3. This law shall take effect immediately upon its enactment.

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Int. No. 41- 2004