

Memorandum of Agreement
Between the
State of New York, the Department of Corrections and Community
Supervision, the Civil Service Employees Association, and
the Public Employees Federation

The parties hereby agree as follows:

1. The terms of this Memorandum of Agreement (MOA) will take effect at the beginning of Institutional Payroll Period 24 FY 21-22 (11:00 PM on February 9, 2022), and at the beginning of Administrative Payroll Period 24 FY 21-22 (11:00 PM on February 16, 2022). The period will end, unless extended by mutual agreement of the parties, at the conclusion of Institutional Payroll Period 25 FY 21-22 (10:59 pm on March 9, 2022) and at the conclusion of Administrative Payroll Period 25 FY 21-22 (10:59 pm on March 16, 2022).
2. Pursuant to this MOA, DOCCS establishes a temporary overtime (OT) rate for the duration of this MOA which is applicable to **any** overtime eligible employee represented by the Civil Service Employees Association (CSEA) and/or the Public Employees Federation (PEF), at a rate of 2.5 times their regular rate of pay. However, this MOA excludes any employees that were previously outlined in the MOA between DOCCS, CSEA, and PEF dated January 13, 2022. The OT rate shall apply to all CSEA and/or PEF represented individuals, serving in overtime eligible titles, and shall not be reduced for the duration of this MOA. All other aspects of applicable collective bargaining agreements relating to overtime remain in effect. Nothing herein authorizes DOCCS to pay OT below the OT rate currently established in the applicable collective bargaining agreement.
3. This MOA does **not** cover any CSEA and/or PEF represented non-overtime eligible employees who are identified as being entitled to Covid-19 related overtime.
4. The parties agree that DOCCS will track the following for the duration of the MOA:
 - a. Hours of applicable OT by title and rate during the period of the MOA
 - b. Incremental cost of increased OT wage rates during the period of the MOA; by title and cumulative

All data should be available by pay period and, where relevant, DOCCS will produce comparable data from prior periods upon request.

5. DOCCS administration and the local unions shall convene in labor-management, as soon as practicable, to discuss implementation of the terms of this agreement and notice of rate to employees. In addition, they will continue to meet as needed to discuss issues associated with the terms of this agreement.
6. DOCCS administration and the unions shall convene in labor-management, at mutually

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agreeable times, to discuss issues associated with the MOA and/or to share regular updates of the information that is being collected pursuant to Paragraph 4.

7. This MOA does not impact an employee's right to file a grievance pertaining to an alleged violation of a term of an applicable collective bargaining agreement. The MOA is not a waiver of any collective bargaining agreement or statutory rights regarding overtime.
8. This MOA shall apply to all OT earned and worked during shifts in the Institutional and Administrative Payroll Periods identified in Paragraph 1. For any shift beginning at or after 11:00 PM on March 9, 2022 for the Institutional Payroll or any shift beginning at or after 11:00 PM on March 16, 2022 for the Administrative Payroll, the OT rate will revert to the rate normally applicable to any such eligible title that is part of the MOA. The parties are free to discuss an extension of the MOA but absent a written agreement to the contrary, the MOA will expire as outlined herein.
9. Any disputes over the interpretation or application of this MOA that cannot be resolved between a union and DOCCS shall immediately be brought to the attention of the President of the union representing an eligible title to which the MOA is applicable and the Director of GOER (or their respective designees) who will agree upon a resolution of the issue and communicate that to DOCCS for resolution.

Dated: February 3, 2022

For PEF: Ed Aluck

For CSEA: _____

For GOER: _____

For DOCCS: _____