

**Memorandum of Agreement**

**Between**

**The State of New York**

**And**

**The Public Employees Federation, AFL-CIO**

**Regarding Emergency Overtime Performed by Employees of the Office of Mental Health**

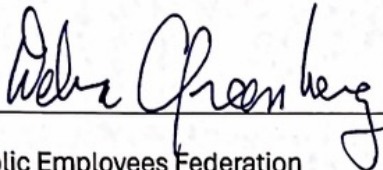
**Within Facilities of the Department of Corrections and Community Supervision**


**pursuant to Executive Order 47 issued on February 19, 2025.**

The parties hereby agree as follows:

1. The terms of this Memorandum of Agreement (MOA) will take effect at 7:00 AM on February 17, 2025, and continue for 30 calendar days or until the date when the Governor, in their sole discretion, determines that operational conditions warrant a return to regular overtime rates, whichever date is later.
2. Any overtime eligible or ineligible employee of the Office of Mental Health (OMH) who is required to work scheduled or unscheduled overtime within a correctional facility operated by the Department of Corrections and Community Supervision during the period of time covered by this MOA is covered by its provisions pursuant to Executive Order 47 issued on February 19, 2025 and as provided herein.
3. Pursuant to this MOA, OMH establishes a temporary overtime (OT) rate for the duration of this MOA and applicable to the employees specified in item 2 above, at a rate of 2.5 times their regular rate of pay. The temporary OT rate shall apply to all such individuals and shall not be reduced for the duration of this MOA. All other aspects of applicable collective bargaining agreement relating to overtime remain in effect. Nothing herein authorizes OMH to pay OT below the OT rate currently established in the applicable collective bargaining agreement.
4. 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 and/or health and safety issues.
5. For any shift beginning at or after 7:00 AM on the date in paragraph 1 above, or the later date upon which the Governor exercises their sole discretion to return to normal overtime rates, the overtime will revert to the rate normally applicable to the employee in question.

6. Any disputes over the interpretation or application of this MOA that cannot be resolved between a union and OMH shall immediately be brought to the attention of the President of the union representing an eligible individual to which the MOA is applicable and the Director of OER (or their respective designees) who will agree upon a resolution of the issue and communicate that to OMH for resolution.

 2/25/25  
Public Employees Federation

 2/25/25  
State of New York