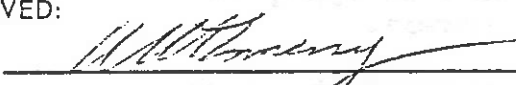


TO: MODIFIED BY EB 79-005 EFFECTIVE 3/9/1979 Director, Preliminary Plan Review Bureau SUPERSEDED BY EB 80-030 EFFECTIVE 10/3/1980	<h2 style="text-align: center;">ENGINEERING BULLETIN</h2> <p style="text-align: center;">NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p> SUBJECT: MODIFICATIONS TO EI 77-27 OVERTIME DISPENSATION Subject Code 7.30
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	Code: <u>EB 8-3</u> Date: <u>4/11/78</u> Supersedes:
APPROVED:  <hr/> W. C. Hennessy, Commissioner	

This Engineering Bulletin Expires _____

Recent discussions with the Industrial Commissioner and his staff have resulted in a general agreement on the use of limited waivers of the restrictions on Labor Dispensation, which are delineated in Engineering Instruction 77-27, dated June 1, 1977.

Accordingly, until further notice, you may now consider contractors' applications for dispensation for activities beyond those listed in EI 77-27 for projects in counties other than in Nassau, Suffolk, New York City, Westchester, Rockland, Niagara, Erie, Cattaraugus and Chautauqua. The restrictions in EI 77-27 shall continue to be applied by Regions 5, 8, and 10 to projects in the afore-listed locations because of the continued high unemployment and the availability of labor therein. Other restricted counties may be added or some deleted based on future assessments by the Industrial Commissioner of the labor supply therein and conditions prevailing at the time.

For projects in all other locations, the Regions should carefully screen dispensation requests and support only those which meet all of the following criteria:

1. Acceleration of the project, or specific activity for which the request is made, is necessary for the "preservation of the contract site and for the protection of the life and limb of the persons using the same." (Section 220, Article 8 of the Labor Law)
2. There is an insufficient supply of laborers, workmen and mechanics who can be employed to expeditiously progress the project as a result of overtime restrictions.
3. The use of multiple shifts is either not practicable or will not be sufficient to adequately progress the work without overtime.

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Subject: MODIFICATIONS TO EI 77-27 OVERTIME DISPENSATION

After review, the Regions should countersign and forward to the Construction Subdivision two copies of the Applications with two copies of a memorandum and attachments supporting each transmitted application and containing the following information:

1. Summary of specific operations included in the Application, if it is not intended to apply to all operations during the 1978 season.
2. Explanation of the emergency nature of the work, the public benefits to be accrued and the consequences of disapproval of the Application.
3. Evaluation of the potential use of multiple shifts, with or without overtime, and whether such shifting is planned.

The Regions should be selective in the review process; otherwise, the system will fail and a flood of applications could well result in indiscriminate disapprovals and a renewal of all restrictions. Please note that Applications for Dispensation should not be sent directly to the Department of Labor; they must be sent to the Construction Subdivision for further screening and support.