



SUBJECT: OCSEA Overtime	PAGE <u> 1 </u> OF <u> 6 </u>
	NUMBER: 35-PAY-01
RULE/CODE REFERENCE:	SUPERSEDES: 35-PAY-01 dated 07/25/11
RELATED ACA STANDARDS: 4-4081	EFFECTIVE DATE: November 9, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish the necessary guidelines for agency authorities in developing overtime distribution procedures that are in compliance with the OCSEA collective bargaining agreement and which meet agency needs. Specific arrangements for overtime procedures for OCSEA bargaining unit employees shall be developed at the individual institution level between labor and management. If unable to reach agreement, the Statewide Overtime Committee shall be consulted for resolution.

III. APPLICABILITY

This policy applies to all OCSEA bargaining unit employees of the Ohio Department of Rehabilitation and Correction (DRC) and to all employees who supervise OCSEA bargaining unit employees of the DRC.

IV. DEFINITIONS

Aggregate - The sum of hours worked and hours offered and refused.

Canvass - The act of determining from all employees in a classification in a work site where overtime is used whether any or all employees wish to be called for overtime.

Continuation Of Duties - Work that is specific to a particular employee's specialized work assignment and goes beyond the scheduled working hours of the employee and work that the employee is currently performing. Refer to section VI.J.1 and VI.J.2 for implementation guidance.

Good Days - Regularly scheduled days off from work.

Mandatory Overtime - Overtime required as determined by management and not filled through voluntary means. Mandatory overtime will be determined by state seniority.

Master Sign-Up Roster - The sign-up roster that is called after the Primary Sign-Up Roster consisting of employees wanting to work overtime other than their regular shift.

Outside of their Regular Hours - The hours not scheduled as work in a twenty-four (24) hour period.

Overtime Tracking Roster - The roster that contains the names of all employees in seniority order working overtime and their aggregated overtime hours worked or refused.

Primary Sign-Up Roster - The sign-up roster that is first called when overtime is necessary consisting of employees who want to work their regular shift on their regular good days.

Purge - The quarterly act of starting overtime distribution anew.

Seniority - For the purpose of overtime distribution, seniority is state seniority or the total length of continuous service in a permanent position or succession of positions within the state as reflected by state seniority credits.

Voluntary Overtime - Overtime which is requested by the employee at the time of canvass.

V. **POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to establish guidelines for overtime in compliance with the OCSEA collective bargaining agreement.

VI. **PROCEDURES**

- A. Where it is deemed necessary that overtime is required, the employee working overtime shall receive one and one-half times the regular rate of pay or may elect to accrue compensation time off on a time and one-half (1 ½) basis in lieu of pay for that time worked beyond forty (40) hours a week in an active pay status.
- B. Where overtime has been deemed and approved necessary, overtime shall be equitably distributed on a rotating basis by state seniority and aggregated overtime hours to those who normally perform the work by utilizing primary and master sign-up rosters, except in those situations where the work is of a specialized work assignment.
- C. The labor relations officer (LRO) and a designee from the union shall provide training as necessary to supervisors and union stewards as to the provisions of this policy.
- D. The administrator/designee of each DRC facility shall ensure overtime rosters are maintained in accordance with the collective bargaining agreement and the provisions of this directive.
- E. The labor relations or personnel office of each DRC facility shall provide the appropriate management staff and the union with a state seniority list by department, classification and shift.

These lists shall be updated as needed, but no less frequently than quarterly. These lists shall be posted in a manner agreed to by both parties.

- F. All employees within a department classification shall be permitted to volunteer for overtime during the quarter. Normally, at the end of the quarter, the LRO and the union designee shall purge the rosters. Everyone on the overtime tracking roster shall be recorded with zero hours (0) and the overtime tracking roster will begin anew at the beginning of the quarter. If the overtime tracking roster has been exhausted during the quarter (i.e., all individuals on the roster have had a call placed to them at least once), the purge shall take place. If the above conditions have not been met, the purge period may be extended, but in no case shall it be extended more than one (1) year.
- G. The overtime tracking roster shall be constructed in seniority order (most senior first). This will be used to track all overtime hours worked or refused. A primary and master sign-up sheet shall be constructed for each good day and shift. By mutual agreement between labor and management, the institution may choose to use only a master sign-up sheet. Employees wishing to be called for overtime will sign the appropriate roster.
1. Any new employee or transferee who wishes to be added to the tracking roster during the course of the quarter shall be placed on the roster where their seniority permits and they shall be credited with the highest number of aggregate hours on the list. Any employee not available at the beginning of the quarter for extenuating reasons (e.g., disability leave, administrative leave, extended vacation, etc.) may be added to the list as described above upon their return to work. Probationary employees may be added to the overtime tracking roster after completion of seven (7) weeks of employment.
 2. The overtime rosters shall be easily accessible and shall be made available to employees/union upon request. Employees will have a reasonable opportunity to look at a roster sign-up book in a timely fashion, but not to hold up the sign-up process.
 3. During any shift when overtime is used, the roster shall be updated daily so that credit is recorded and the overtime opportunities are rotated as intended. The facility shall designate this responsibility. The overtime list shall be jointly reviewed biweekly by the LRO/designated management representative and a union designee to ensure the proper maintenance of the rosters and the order of calling.
- H. Calling To Work Overtime
1. Employees who wish to be called for overtime shall have a working telephone (no pagers) at which they can be reached by the person calling for employees to work overtime and shall provide the facility with an up-to-date telephone number at all times.
 2. When it has been determined and approved that overtime is required, the designated supervisor shall call from the primary sign-up roster for that day and shift. If the overtime opportunities are not filled from the primary sign-up roster, then the master sign-up roster for the particular shift and day will be utilized.

- a. When the overtime roster is called prior to the day the overtime is required and the list has been exhausted, in the event a call off or an additional overtime need arises, the overtime roster shall be called a second time. Only the employees who were listed with NC, AM, and BUSY beginning from the top of the list shall be called. To avoid mandatory overtime, those employees who refused overtime on the first call will be called a second time from the top of the list based on seniority and aggregate hours. Employees who refuse overtime the second time will not be charged double for the second refusal.
 - b. Employees who are voluntarily working overtime on shift shall not be mandated to work overtime on the next shift. Employees are not permitted to voluntarily work more than sixteen (16) hours. When an employee is required by the employer to exceed sixteen (16) hours of work and if there will be less than eight (8) hours before the start of the employee's next regular shift, the employee will be guaranteed by the employer eight (8) hours off between shifts. Any hours lost at the beginning of the employee's next regular shift will be compensated by administrative leave with pay and include roll call pay, if applicable.
 - c. To avoid mandatory correction officer overtime, voluntary overtime from the preceding shift shall be utilized in the following order using a voluntary sign-up sheet: corrections officers, correction sergeant/counselors and interim officers. If the overtime need is not filled by the beginning of the shift, the employer may utilize mandatory overtime by holding over the least senior employee on the abutting previous shift (subject to the limitations of section VI.H.d). If the calling of the overtime rosters (primary and master) has not been exhausted, the supervisor shall continue to call the lists until the overtime is accepted or the lists are exhausted.
 - d. A correctional officer shall not be mandated more often than every other work day. The number of hours that count as a mandation, as it applies to the good faith attempt to avoid consecutive mandation, shall be a topic for the local overtime committee. In the absence of a local agreement, the employee must work in excess of one (1) hour to count as a mandation.
3. If an answering machine is reached, the supervisor will leave a message as to the time and purpose of the call. If the employee calls back to the institution and the overtime opportunity has not been filled, he or she shall be awarded the opportunity.
 4. The first calls of the new quarter will first follow state seniority in descending order. From the first call and credits, aggregates will develop. From that point to the end of the quarter, the calls will be by seniority with the least aggregate overtime credit called first, and applied to each individual overtime list used at the institution.
 5. To the extent feasible, telephone-logging systems shall be used to confirm that overtime calls have been made. The supervisor making the call shall allow the telephone to ring at least six (6) times.
 6. In the event an employee is skipped for the overtime opportunity, the employee shall be offered an opportunity to work the number of hours missed at the employee's date and

shift of choosing in accordance with Appendix Q of the contract. The opportunity shall be made as soon as the missed opportunity is confirmed. Unless mutually agreed otherwise, the employee must work the missed overtime opportunity within forty-five (45) days of the confirmation of the missed opportunity.

7. Correctional officers that are awarded a missed overtime opportunity will be placed on the shift roster as relief upon notification by the employee to the shift supervisor. If no posts are open, the officer will be carried as an extra until a post comes open. In institutions that have podium pick, the officer will be able to choose any post available during the podium pick based on his/her seniority and in accordance with local agreements.

I. Crediting The Overtime Distribution Sheet

Any officer who works voluntary overtime, to include all specialized teams (STAR, SRT, HNT etc.) from either the primary, master, voluntary freeze list (AKA last chance list or any other named voluntary list) shall have that overtime tracked on the overtime roster. All voluntary overtime shall be credited.

The following codes shall be used when an employee is not credited with hours of overtime being offered:

1. SL - Sick leave for less than one (1) pay period (an individual who has called off sick shall be eligible for an overtime call on his or her off shifts).
2. VAC - Approved vacation
3. NC - No contact
4. PL - Personal leave
5. TR - Training
6. AM - Answering machine
7. AL - Administrative leave
8. DL - Disability leave
9. SUSP - An individual on suspension shall not be called for overtime from the beginning of his/her regular shift on the first day of suspension until the end of his or her regular shift on the last day of suspension.
10. BUSY - Busy signal when called.

The following codes shall be used when an employee is credited with hours of overtime on the list:

1. #W – Number (#) of hours accepted and worked; also number of hours that SRT, HNT or STAR team member shall be credited for overtime accrued during service and/or training of such teams.
2. #R – Number of hours refused.
3. #NS – Number of hours doubled in which an employee agreed to work but failed to appear for overtime. Extenuating circumstances for failure to show shall be considered. If satisfactory, the hours credited will be changed to eight.

4. Members of the SRT or STAR teams shall be credited on the overtime lists with overtime accrued during service and/or training for such teams. Such credit will be registered on the day the overtime is worked on the overtime tracking roster.
 5. All voluntary overtime worked will be credited on the overtime tracking roster.
- J. Continuation of Duty/Specialized Work Assignment
1. Continuation of duties for transportation officers is clarified as any time a transportation assignment is extended beyond the transportation officers scheduled end of shift. Transportation officers are to be used first for any transportation assignment sent out during the scheduled work hours up to the last minute of the end of shift. (In the event there are no transportation officers available, on grounds or on shift, and an emergency trip is sent out at or near the end of shift, the trip may be covered by or relieved by any correctional officer.) It shall be considered a continuation of duties if the trip runs past the end of the regular scheduled hours of the shift and the overtime shall not be credited on the overtime roster.
 2. Continuation of duties for staff other than correctional officers will be based on the Department of Administrative Services classification description as a major work characteristic or job duty of the employee currently performing the work. For example: a maintenance repair worker is supervising the pouring of a concrete project and at the end of shift the job is not completed. Since the job is not of specialized nature then management should call the maintenance overtime list. Once the overtime list is exhausted and coverage is still required, the least senior may be mandated. A second example: an electronic technician supervising the digging of a trench for the installation of a new fence alarm that must be installed upon completion of the trench that same day. The mere digging of a trench is not specialized work but since the installation of the cable must take place immediately upon completion of the trench, the work becomes specialized and is considered continuation of duties. The overtime would not be recorded on the overtime roster.