

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>SEIU/District 1199 NURSE Overtime Policy</b>	PAGE <u> 1 </u> OF <u> 6 </u> .  NUMBER: 35-PAY-06
RULE/CODE REFERENCE:	SUPERSEDES: 35-PAY-06 dated 01/03/11
RELATED ACA STANDARDS:	EFFECTIVE DATE:  August 25, 2015
	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 for SEIU/District 1199 Nurses that are in compliance with the collective bargaining agreement and which meet agency needs. Specific arrangements for overtime procedures in work areas other than nurse classifications shall be developed at the individual institution level between labor and management.

**III. APPLICABILITY**

This policy applies to all SEIU/District 1199 Bargaining Unit nurse classifications employed by the Department of Rehabilitation and Correction.

**IV. DEFINITIONS**

**Good Days** – Regularly scheduled days off from work.

**Mandatory Overtime** - Overtime required and not filled through voluntary means. This may include requiring the employee to remain on duty status for the succeeding shift or any partial shift thereof, or by mandating an employee to come to work from home. The Employer reserves the right to mandate employees to come to work from home.

**Mandatory Overtime Tracking Roster** - A roster that contains the names of all qualified bargaining unit employees, the employee’s assigned shift, and on which is documented overtime worked as mandatory overtime. Each institution’s Facility Professional Committee shall establish the amount of time an employee must work mandatory overtime to be counted as a mandatory overtime event. If an

agreement cannot be reached Management may determine the amount of time worked to be considered a mandatory overtime event, but in no case shall the amount determined by Management exceed four (4) hours. Institutions shall maintain separate mandatory overtime rosters for medical nurses and mental health (“Psych/MR”) nurses.

**Seniority** - Seniority, for the purpose of overtime distribution, is State Seniority as defined in the contract between the State of Ohio and SEIU/District 1199, Section 28.01.

**Voluntary Overtime** - Overtime which an employee requests to work.

**Voluntary Overtime Tracking Roster** - A roster that contains the names of all employees who desire to work voluntary overtime, the employee’s assigned shift, and on which is documented overtime shifts worked as voluntary overtime and/or shifts offered but not worked. At the end of the voluntary roster, the names of employees at other institutions who would like to volunteer for overtime shall also be listed.

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to maintain a current SEIU/District 1199 nurse overtime policy.

## VI. PROCEDURES

- A. Where it is deemed necessary that overtime is required, the employee shall receive one and one-half times the regular rate of pay for time worked beyond forty (40) hours a week in an active pay status.
- B. The Labor Relations Officer and a designee from the union shall provide training as necessary to supervisors and union delegates as to the provisions of this policy.
- C. The Managing Officer or designee of each DRC facility shall ensure that the overtime rosters are maintained in accordance with the collective bargaining agreement and the provisions of this policy.
- D. The Labor Relations office of each institution or office 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 in writing by both the union and management.
  1. The overtime rosters and seniority list shall be easily accessible and shall be made available to employees or the union upon request.
  2. During any shift when overtime is used, the rosters shall be updated to accurately reflect the offering of voluntary overtime and the mandating of overtime to ensure the overtime distribution is rotated as intended. The facility shall designate this responsibility to a management person. The overtime list may be jointly reviewed monthly, but shall be reviewed no less frequently than quarterly, by the Labor Relations Officer and a union

designee. Review of the roster will ensure proper maintenance of the roster and the order of calling.

E. Securing Overtime

1. Employees shall provide an up-to-date telephone number at which they can be reached when overtime is available and they are not at the work site. (Pager numbers are not acceptable.)
2. If it has been determined that overtime is required, then the designated supervisor will first call from the Voluntary Overtime Tracking Roster.
3. If the overtime need is not filled with voluntary overtime, then the Employer may utilize mandatory overtime by mandating the individual whose name is up next to work on the Mandatory Overtime Tracking Roster. If the employee next in line to be mandated has already worked sixteen (16) hours, then the employee will be skipped and will be first on the Mandatory Overtime Tracking Roster the next time mandatory overtime is needed.
4. Normally, employees will not be required to work more than sixteen (16) consecutive hours in any twenty-four (24) hour period. When an employee is required to exceed sixteen (16) hours of work, the employer shall accommodate the employee's work schedule if there will be less than eight (8) hours before the start of the employee's next shift, ensuring eight (8) hours off between shifts. Any hours not worked at the beginning of the employee's regularly scheduled shift will be compensated by administrative leave with pay. The employee must submit a Request for Leave form for administrative leave to cover the hours not worked. An employee will not be mandated to work overtime when he/she has worked three (3) consecutive sixteen (16) hour days.
5. If an answering machine is reached, then 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, then the employee shall be awarded the opportunity.
6. Telephone-logging systems shall be used when feasible to confirm that overtime calls have been made. If the Employer is aware that the telephone logging system is inoperable, then the Employer may secure a union member to witness that calls are made. The supervisor making these calls shall allow the telephone to ring at least six (6) times. The supervisor may also use a cell phone to call overtime.
7. Only those employees on active pay status as defined by the parties' collective bargaining agreement shall be called for overtime.

F. In addition to the directives in this policy, overtime procedures for nurses will be established at the local institutional level by the Employer and the local Facility Professional Committee ("FPC"). Overtime procedures for nurses must comply with the following requirements:

1. Volunteers will be offered the overtime opportunity in seniority order, starting with the most senior employee and working down the seniority roster.

2. Mandatory overtime will be assigned by starting with the least senior employee first, and working up the seniority roster.
3. Each institutional department (i.e. Medical and Mental Health) shall maintain their own voluntary rosters. Employees wishing to volunteer for overtime are responsible for signing up for overtime according to the institution's local procedure.
4. The order for calling overtime will be as follows:
  - a. Volunteer from those who normally work the shift where the opportunity occurs (i.e. an employee on his/her good day).
  - b. Volunteer from the department in which the opportunity occurs.
  - c. Volunteer from within the institution.
  - d. Volunteer from any other institution.
  - e. Qualified management personnel or qualified personnel from other bargaining units may work to avoid mandating a bargaining unit nurse.
  - f. Mandatory overtime assigned from the department in which the opportunity occurs.
  - g. Mandatory overtime assigned from the institution (any department).

The Employer reserves the right to utilize an agency nurse to avoid mandating a bargaining unit nurse. The Employer shall not exceed the quarterly budgeted allotment for agency coverage.

5. When pre-scheduled overtime is used at a particular location, the following guidelines shall apply:
  - a. Opportunities will be posted in advance in a conspicuous location.
  - b. The opportunity will be awarded according to the order for calling overtime listed above.
  - c. Employees interested in working the posted overtime opportunity must sign up during the posting period.
  - d. The posting period shall be decided locally.
  - e. Once an employee is awarded and has accepted an overtime opportunity, it is considered a regularly scheduled day. Failure to work the scheduled day may subject the employee to disciplinary action.
6. If the Employer determines that overtime is needed, the Employer has the sole option to offer overtime to a state nurse or to utilize a contract nurse in lieu of offering overtime to a state nurse in the following situations:
  - a. Employee absences of fourteen (14) calendar days or more (beginning the fourteenth day).
  - b. Worker's Compensation leave of any duration.
  - c. Disability leave (or filed pending approval) of any duration.
  - d. Occupational Injury Leave of any duration.
  - e. To cover vacancies which the institution is authorized to fill.

7. If the Employer determines that overtime is needed, overtime will be offered to a state nurse in the following situations:
  - a. Employee absences of less than fourteen (14) calendar days (unless the employee has applied for disability as listed above).
  - b. Coverage for employees on vacation, regardless of duration.
- G. The Employer shall develop a written checklist for orientation for nurses to work in the alternate department. A nurse shall not be mandated to work in the alternate department until he/she has completed the orientation checklist. Nurses shall be offered a review of the checklist during yearly in-service training. When nurses are oriented to new equipment or procedures in their area, the Employer will offer the same orientation to nurses of the alternate department within a reasonable time.
- H. In the event a SEIU/District 1199 nurse is missed for an overtime opportunity, the remedy shall be that the employee who was missed shall be permitted to work the number of hours missed, at the date and shift of the employee's choosing. Unless mutually agreed otherwise, the employee must work the missed overtime opportunity within forty-five (45) days of the confirmation of the missed opportunity.
- I. Documentation of Overtime
  1. All overtime shall be documented on the Voluntary and Mandatory Overtime Tracking Rosters.
  2. When an employee is contacted for overtime, one of the following codes shall be used:
    - a. W – Overtime accepted/worked;
    - b. R – Overtime refused;
    - c. NC – No contact;
    - d. BZ – Busy signal;
    - e. AM/NR – Message left on answering machine, no return call;
    - f. U/SL – Unavailable – Sick Leave;
    - g. U/PL – Unavailable – Approved Personal Leave;
    - h. U/V – Unavailable – Approved Vacation;
    - i. U/D – Unavailable – On Disability;
    - j. U/W – Unavailable – Already Working.
  3. If a busy signal is received, then the person making the contacts shall note the contact as “BZ” and move to the next person on the list.
  4. If an employee cannot be contacted when it is his/her turn for mandatory overtime, then the supervisor will go back to that employee when the next mandatory overtime is needed before moving up the roster.

J. Work at Other Institutions

Employees may volunteer for overtime work at other institutions. To volunteer for overtime at another institution, the employee must notify the Health Care Administrator (HCA) or Mental Health Administrator/Mental Health Manager (MHA/MHM) at both institutions. Before offering voluntary overtime to an employee of another institution, the HCA or MHA/MHM of the institution needing overtime coverage shall contact the HCA and the MHA/MHM of the other institution to discuss whether the request would negatively impact the operational needs of the other institution. If a negative impact would occur, then the HCA or MHA/MHM may not offer overtime to the employee of the other institution.