

19.13.20 Overtime Scheduling – Excluding CDCR LVNs and CNAs (Unit 20)

- A. The Departments recognize and understand the importance of reducing mandatory overtime to Unit 20 Employees. To this end, the Department will make every effort to schedule staff in a manner that will reduce the need for mandatory overtime. Both parties agree that mandatory overtime is an undesirable method of providing staff coverage.
- B. There shall be no mandatory overtime on an employee's Regular Day Off_(RDO) or pre-approved day off (an employee's RDO begins immediately after completion of their normal shift before their RDO), except:
1. In an emergency situation such as a natural disaster; or
 2. During a state of emergency declared by the State or Federal authorities; or
 3. During an emergency situation declared by a Warden, Superintendent, Executive Director or designee; or
 4. During a severe internal emergency (e.g., an incident which necessitates assistance from an outside agency or a health care crisis); or
 5. When the employees shift relief does not report for work or gave less than two (2) hours notice of intent not to report for work, an employee may be mandated if no volunteer is available; or

6. When all other options have been exhausted.

C. Except in cases of emergency, or planned program activity, employees shall not be required to:

1. Work more than five (5) mandatory overtime shifts of at least two (2) hours of duration in a month, effective August 1, 2016, and implement reductions in accordance with the Joint Labor Management Task Force; or
2. Work in excess of sixteen (16) continuously in a forty-eight (48) hour period; or
3. Work in excess of two (2) mandatory overtime shifts per work week.

D. It is not the intent to mandate employees to work overtime in classifications other than their own. Consistent with the expressed intent, an employee may only be mandated to work in another classification when all other appropriate and possible staffing efforts have been exhausted and it is operationally necessary. This expressed intent, however, does not preclude employees from volunteering to work overtime in classifications other than their own.

E. Upon request, and where practical, the State shall, upon consultation with the Union, establish a system to request and utilize qualified volunteers to perform overtime work from within the appropriate work area(s). Through the establishment of such

a system, the State will endeavor to reduce the amount of mandatory overtime and number of mandatory holdovers, distribute overtime fairly insofar as circumstances of health and safety permit, and provide employees notice of possible or actual overtime assignments.

- F. Before an employee is required to work mandatory overtime, a reasonable effort will be made to find an acceptable volunteer within the program where the employee works. Overtime shall first be offered to level-of-care employees for level-of-care overtime assignments before allowing other BU 20 classifications to work overtime.
- G. Upon request of an employee who has been on duty continuously for sixteen (16) hours, the employer shall have the option to:
 - 1. Allow the employee to take the next shift off on vacation, CTO, or Holiday credit if staffing permits.
 - 2. Adjust the employee's shift starting time to provide a ten (10) hour break between shifts.
 - 3. Allow the employee to take two (2) hours off without pay at the start of the next shift to provide a ten (10) hour break. Management will take into account the employee's preference.
- H. The Department of Developmental Services:
 - 1. Facilities that utilize the red dot-blue dot system for

assigning overtime will count time worked, as a result of either a “red dot-blue dot” assignment, toward the mandatory overtime limitations.

2. At management’s discretion all Unit 20 employees at a facility may be included in the mandatory overtime distribution process.

I. In accordance with Article 5.10 (Labor/Management Committees), each Department’s Labor Management Committee will address overtime issues within this Article.

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