

19.15.20 Overtime Scheduling – California Department of Corrections and Rehabilitation and California Correctional Health Care Services CNAs (Unit 20)

The CDCR/CCHCS shall make every effort to reduce the amount of mandatory overtime and mandatory holdovers, distribute overtime fairly amongst employees of the same classification(s) and provide employees notice of possible or actual unanticipated overtime assignments at least ninety (90) minutes in advance. CDCR Fire Camps shall be excluded from this section.

When an overtime assignment becomes available, either expected or unexpected, the CDCR/CCHCS shall make every effort to fill the assignment by the use of the Voluntary Overtime Roster (VOR). The VOR shall consist of Bargaining Unit 20 (BU 20) nursing staff who desire to work overtime. The VOR shall be supplied, at a minimum, once a month, listing all the known and anticipated overtime assignments. When the need arises to fill an overtime assignment and there are no names listed on the VOR, the supervisor shall attempt to fill through Permanent Intermittent Employees (PIEs), Retired Annuitants, and on duty full and part-time BU 20 CNAs. After these avenues have been exhausted, a BU 20 CNA may be mandated to work overtime as outlined below.

Nothing in this provision would preclude the scheduling of a PIE in lieu of overtime.

Voluntary Overtime

- A. BU 20 CNAs shall be assigned voluntary overtime by BU 20 departmental seniority, on a rotational basis. Seniority scores will be determined by counting one point for each month of full-time BU 20 qualifying service, i.e., from full-time hire date, less any time off for unpaid leave, suspensions, etc. In the event of ties, total State service will be used to determine seniority scores.
- B. The CDCR/CCHCS shall establish lists of BU 20 CNAs in seniority score order. BU 20 CNAs may sign up for voluntary overtime by adding their names to the VOR. To ensure equitable volunteer overtime opportunity, BU 20 CNAs shall be provided an opportunity to choose a voluntary overtime slot once. Thereafter, all other BU 20 CNAs will be provided the same volunteer overtime opportunity once, assuring each employee is provided an opportunity for one sign up before returning to the most senior employee and beginning the process again (i.e., the rotation will again start at the top of the seniority list and work its' way down).
- C. If a specific position was indicated for the voluntary request, and was changed or no longer needed, the nursing supervisor will make all reasonable attempts to notify the affected BU 20 CNA. If the employee arrives to find the position changed or no longer needed, the employee shall not be required to work that position, but may be offered an alternate assignment. If no alternate assignment is available, the BU 20 CNA may choose to leave.
- D. Once a BU 20 CNA has signed up for a voluntary overtime, it is

their responsibility to work that position, unless they have given the nursing supervisor, or their designee, seventy-two (72) hours notice to enable the timely scheduling of a replacement.

- E. A BU 20 CNA may “bump” a scheduled registry CNA at any time during the month, provided they give the nursing supervisor, or their designee, seventy-two (72) hours notice to enable them to notify the Registry that they will not be needed for the affected position.

Involuntary Overtime

- A. BU 20 CNAs shall be assigned involuntary overtime on a rotating basis by inverse seniority.
- B. Each facility shall establish and maintain an up-to-date list, by inverse seniority, of all full-time and part-time BU 20 CNAs. Staff shall only be assigned an involuntary slot once, until the entire list has been depleted.
- C. There shall be no mandatory overtime on a BU 20 CNA’s RDO or pre-approved day off, (for the purposes of this section, an employee’s RDO begins immediately after completion of their normal shift before the 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.

D. Management shall make every attempt not to schedule BU 20 CNAs:

1. More than five (5) involuntary overtime shifts per month, effective August 1, 2016, and implement reductions in accordance with the Joint Labor Management Task Force; or
2. In excess of sixteen (16) hours continuously; or
3. In excess of two (2) overtime shifts within an employee's scheduled work week; or
4. More than two (2) consecutive calendar days.

E. 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.

- F. Upon request of an employee who has been on duty continuously for fifteen (15) or more hours, the employee shall have the option to:
1. Take the next shift off on vacation, CTO, or holiday credit as staffing permits.
 2. Adjust his/her shift starting time to provide a ten (10) hour break between shifts.
 3. Take two (2) hours off without pay at the start of the next shift to provide a ten (10) hour break.
- G. A mandated holdover of two (2) hours or more is considered a mandated overtime.
- H. While on vacation, pre-approved absence, on a full workday absence due to sick leave*, Union leave, State release time, or any other authorized absence from the facility, BU 20 CNAs will not be considered for mandatory overtime. Upon return to work, the BU 20 CNA will return to the involuntary rotation in seniority order.

*This includes instances where an employee was unable to complete their regular shift due to illness and has been approved to be released from duty to go home.

- I. In accordance with section 5.10 (Labor/Management Committee), CDCR/CCHCS's Labor Management Committee will address overtime issues within this section.

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