

19.2 Overtime (Excludes Units 17 and 21)

- A. Overtime is earned at the rate of one and one-half (1½) times the hourly rate for all hours worked in excess of forty (40) hours in a regular workweek and is compensable by cash or CTO if it meets the following criteria:
1. Ordered overtime of at least fifteen (15) minutes at any one time;
 2. Overtime will be credited on a fifteen (15) minute basis with a full fifteen (15) minute credit to be granted if seven (7) minutes is worked. Smaller fractional units will not be accumulated.
- B. For the purpose of computing the number of hours worked, time when an employee is excused from work because of holidays, sick leave, vacation, annual leave, or compensating time off, or any other leave not listed below shall not be considered as time worked by the employee for the purpose of computing cash or compensating time off for overtime. Time spent on jury leave, military leave or subpoenaed witness leave under the provisions in paragraph E below, shall be included for the purpose of computing cash or compensating time off for overtime.
- C. Overtime may be compensated on a cash or CTO basis at the discretion of the department head or designee. Both parties agree and understand that a different type of overtime payment (cash or CTO) may be provided to employees at different times and may even be different for employees in the

same or similar situations. However, in the event that the DIR determines that this provision is inconsistent with Labor Code section 204.3, the parties agree to immediately meet and confer regarding the impact of that determination.

D. Overtime must be authorized in advance, except in an emergency, by the State or its designated representative. This authorization must also be confirmed in writing not later than ten (10) days after the end of the pay period during which the overtime was worked. Each State agency shall maintain complete and accurate records of all compensable overtime worked by its employees.

E. Before an employee is required to work mandatory overtime, management will make every effort to schedule appropriate available employees prior to mandating overtime. This shall include, but not be limited to: Permanent Intermittent employees, Retired Annuitants and volunteers. In addition management will make every effort to schedule overtime first for those employees who have not taken leave during the week and such employees may be mandated overtime only as a last resort.

As a last resort and in order to meet required staffing needs, if an employee in Bargaining Units 4, 11, 14, 15 or 20 is mandated to work overtime in the same week in which they use approved leave then that approved leave will be considered hours worked for purposes of calculating overtime. Sick leave

- is excluded from this provision.
- F. The time when CTO may be taken shall be at the discretion of the State. When CTO is ordered, reasonable advance notice (at least 24 hours) should be provided the employee. CTO may be taken only in units of time of fifteen (15) minutes or multiples thereof.
 - G. CTO for employees shall be earned on a time one and one-half (1½) basis and may be authorized in lieu of cash compensation. If an employee is not allowed CTO within twelve (12) pay periods following the pay period in which the overtime was worked, payment shall be made for such overtime on the next payroll.
 - H. Employees may accrue up to two hundred forty (240) hours of CTO. All hours in excess of two hundred forty (240) CTO hours shall be compensated in cash.
 - I. Normally, an employee who has an accumulation of two hundred forty (240) hours or thirty (30) days of authorized overtime shall not be required to work additional overtime.
 - J. Notwithstanding any other contract provision, departmental policy, or practice, the travel time of employees who are covered by FLSA shall only be considered as time worked if it meets the definitions and requirements of travel time in sections 785.34 through 785.41 of Title 29 of the Code of Federal Regulations, except as provided in 1, 2 and 3 below.
 - 1. Effective January 31, 2002, all time spent on required

travel to an alternate worksite shall be compensated consistent with the requirements of the FLSA. For FLSA covered employees, the State shall endeavor to accommodate travel to an alternate worksite to occur during an employee's normal work hours. However, the State will also consider the business needs of the department including the costs of travel arrangements.

2. Notwithstanding the above, FLSA covered employees traveling on state business, outside of their normal work hours (as defined in FLSA) will be granted a special allowance for actual time spent traveling. Employees shall receive this special allowance equivalent to the employee's regular hourly rate on a straight time, hour for hour basis, in cash or CTO, at the discretion of the department head or designee. This is not overtime compensation and shall not be considered as time worked for calculation of overtime. This paragraph also applies to passengers in carpools, vans or other vehicles, traveling on state business. This paragraph does not apply to employees who voluntarily choose to travel outside their normal work hours.
3. FLSA covered drivers of a carpool, a vanpool, or other vehicle traveling on state business will be compensated consistent with FLSA for purposes of overtime and shall not receive the special allowance described in J(2) above.

19.2.17 Overtime (Unit 17)

- A. Overtime is defined as any authorized time worked in excess of forty (40) hours per week.
- B. For the purpose of computing the number of hours worked, time when an employee is excused from work because of holidays, sick leave, vacation, annual leave, compensating time off, or any other leave not listed below shall not be considered as time worked by the employee for the purpose of computing cash or compensating time off for overtime. Time spent on jury leave, military leave, subpoenaed witness leave, or under the provisions listed in paragraph J below shall be included for the purpose of computing cash or compensating time off for overtime.
- C. Payment for authorized overtime may be by cash payment or compensating time off (CTO), at the discretion of the State.
- D. Rate of payment for authorized overtime, whether cash or CTO, shall be at one and one-half ($1\frac{1}{2}$) times the regular rate of pay for each hour of overtime worked, or fraction thereof rounded in accordance with the workweek group.
- E. If the State does not schedule CTO within one year from the date the overtime was earned, the State must provide cash payment for the overtime or may, at the request of the employee, extend the time the employee can take CTO. For

the purposes of this contract section, authorized overtime is defined as overtime pre-approved by a designated supervisor. When an employee attempts to reach the designated supervisor for approval no later than thirty (30) minutes before the end of his/her shift, in order to request approval for overtime to complete mandated duties, failure of the supervisor to respond to the request or contact within thirty (30) minutes shall be construed as approved overtime authorization. Attempts for authorization must be supported by documentation as determined by departmental policy.

- F. A Unit 17 employee may initiate a request for scheduling CTO which will not be denied without a work-related reason.
- G. Both parties agree and understand that a different type of overtime payment (cash or CTO) may be provided to employees at different times and may even be different from employees in the same or similar situations.
- H. Employees in classes assigned to WWG 2 shall be compensated for ordered overtime of at least fifteen (15) minutes at any one time. Overtime will be credited on a one-quarter ($\frac{1}{4}$) hour basis with a full quarter of an hour credit granted if seven (7) minutes is worked. Smaller fractional units will not be accumulated.
- I. In the DSH and DDS an employee shall have the choice of cash or CTO for overtime hours worked. Management shall

have the option each fiscal year to compensate employees up to forty (40) hours with CTO. Prior to working overtime, the employee or the employer shall be notified if the overtime is to be paid in CTO. Employees may accrue up to one hundred (100) hours of compensating time off. All hours in excess of the one hundred (100) hour CTO maximum shall be compensated in cash. If cash compensation is paid to an employee for accrued CTO, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. Employees shall have the right to hold up to forty (40) hours of accrued CTO exempt from mandatory buyout.

- J. Effective the pay period following ratification before an employee is required to work mandatory overtime, management will make every effort to schedule appropriate available employees prior to mandating overtime. This shall include, but not be limited to: Permanent Intermittent employees, Retired Annuitants and volunteers. As a last resort, to meet required staffing needs, when an employee is mandated to work overtime during a week with approved leave, other than sick leave, they will earn premium (1½ time) overtime compensation for hours worked over forty (40) combined leave use, other than sick leave, and hours worked in that week.

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.

19.14.17 Overtime Scheduling – California Department of Corrections and Rehabilitation and California Correctional Health Care Services (Unit 17)

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 17 (BU 17) nursing staff (by classification) 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, on duty full and part-time BU 17 employees, and contract nursing registry, in this order. After these avenues have been exhausted, a BU 17 classification employee may be mandated to work overtime as outlined below.

Voluntary Overtime

- A. BU 17 classification employees shall be assigned voluntary overtime by departmental seniority, on a rotational basis by

classification. Seniority scores will be determined by counting one point for each month of full-time 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 17 employees by classification in seniority score order. BU 17 employees may sign up for voluntary overtime by adding their name to the VOR. To ensure equitable volunteer overtime opportunity, BU 17 employees shall be provided an opportunity to choose a voluntary overtime slot once. Thereafter, all other BU 17 employees will be provided the same volunteer overtime opportunity once, assuring each BU 17 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 17 employee. If the BU 17 employee arrives to find the position changed or no longer needed, the BU 17 employee shall not be required to work that position, but may be offered an alternate assignment. If no alternate assignment is available, the BU 17 employee may choose to leave.
- D. Once a BU 17 employee has signed up for 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 17 RN may “bump” a scheduled registry nurse 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 17 employees (by classification) 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 17 employees (by classification). Staff shall only be assigned an involuntary slot once, until the entire list has been depleted.
- C. The State shall refrain from assigning mandatory overtime on a BU 17 employee’s RDO. For the purpose of this section, an employee’s RDO begins immediately after completion of their normal shift before the RDO.
- D. It is not the State’s intent to mandate BU 17 employees to work involuntary overtime in classifications other than their own. Consistent with that expressed intent, a BU 17 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 BU 17 employees from volunteering to work overtime in classifications other than their own, when it is appropriate.)

E. Management shall make every attempt not to schedule BU 17 employees:

1. More than four (4) 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.

F. Upon request of an employee who has been on duty continuously for fifteen (15) or more hours, the employer shall have the option to allow the employee 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, or on full workday absence due to sick leave*, Union leave or State release time, or any other authorized absence from the facility, BU 17 employees will not be considered for mandatory overtime. Upon return to work, the BU 17 employee 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 had 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.

19.14.20 Overtime Scheduling – California Department of Corrections and Rehabilitation and California Correctional Health Care Services LVNs (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, on duty full and part-time BU 20 LVNs. After these avenues have been exhausted, a BU 20 LVN 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 LVNs 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 LVNs in seniority score order. BU 20 LVNs may sign up for voluntary overtime by adding their name to the VOR. To ensure equitable volunteer overtime opportunity, BU 20 LVNs shall be provided an opportunity to choose a voluntary overtime slot once. Thereafter, all other BU 20 LVNs 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 LVN. 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 LVN may choose to leave.
- D. Once a BU 20 LVN 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 LVN may “bump” a scheduled registry LVN 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 LVNs 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 LVNs. 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 LVN’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 employee's 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 LVNs:

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 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, or on full workday absence due to sick leave*, Union leave or State release time, or any other authorized absence from the facility, BU 20 LVNs will not be considered for mandatory overtime. Upon return to work, the BU 20 LVN 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.

19.15.17 Overtime Scheduling (Excluding CDCR) (Unit 17)

- A. The Departments recognize and understand the importance of reducing overtime to Unit 17 employees. To this end, the Departments 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 RDO (an employee's RDO begins at the end of the employee's last scheduled shift in the workweek) or pre-approved day off, 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 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 employee's 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;

6. When all other options have been exhausted.

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

1. More than four (4) mandatory overtime shifts per month of at least two (2) hours of duration, 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 in a forty-eight (48) hour period; or
3. In excess of two (2) mandatory overtime shifts in an employee's scheduled work week; or
4. When an employee is required to work twelve (12) to sixteen (16) hours that employee shall not be mandated to work overtime the next calendar day.

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. The State shall also consider the use of intermittents, in-house registries, or float pools.

- F. Before an employee is required to work mandatory overtime, every 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 17 classifications to work overtime.
- G. Upon request of an employee who has been on duty continuously for fifteen (15) or more hours, the employer shall have the option to:
1. Allow the employee to take the next shift off on vacation, CTO, or Holiday credit as 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 or blue dot assignment, toward the mandatory overtime limitations.
 2. At management’s discretion all RN’s at a facility may be included in the mandatory overtime distribution process.
- I. In accordance with section 5.10 (Labor/Management Committee), each Department’s Labor Management Committee will address overtime issues within this section.

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.

19.34 Elimination/Reduction of Mandatory Overtime for RNs, LVNs, and CNAs at Department of Corrections and Rehabilitation (CDCR) and California Correctional Health Care Services (CCHCS) Joint Labor Management Task Force (Units 17 and 20)

The Union and the State agree that mandatory overtime is not an effective staffing tool. To that end, the parties recognize and understand the importance of eliminating/reducing mandatory overtime for Registered Nurses (RNs), Licensed Vocational Nurses (LVNs) and Certified Nurse Assistants (CNAs). The parties also recognize that there are going to be circumstances and emergencies where mandatory overtime is necessary; however, it should be the exception and not the norm.

- A. To accomplish the elimination/reduction of mandatory overtime by July 1, 2019, the parties agree to establish a Joint Labor Management Task Force (JLMTF) within ninety (90) days of the ratification of this contract.

The JLMTF shall consist of an equal number of Union and CDCR/CCHCS committee members; not to exceed four (4) representatives for each side. Each shall appoint their own co-chair. The dates and times shall be mutually determined and the committee members shall not suffer loss in compensation.

- B. The JLMTF shall reach the following benchmarks:
 - 1. Meet quarterly to develop recommendations; and
 - 2. CDCR/CCHCS shall track the number of voluntary and mandatory overtime hours at each facility for RNs, LVNs and

CNAs. On a quarterly basis, CDCR/CCHCS shall submit to the Union the total number of voluntary and mandatory overtime hours worked.

C. By November 1, 2018, the JLMTF shall make recommendations on the following:

1. Patient and staff needs by tracking trends in patient acuity, overtime use and overall staffing processes;
2. Training, for applicable employees, on core staffing principles, best practices, the appropriate use of overtime, and ways to avoid mandatory overtime; and
3. Assessment and staffing best practices, a contingency staffing system, avenues for staff engagement in the scheduling process, and creative scheduling solutions.

D. The State and the Union shall develop a plan for implementing the JLMTF recommendations.

19.35 Elimination/Reduction of Mandatory Overtime for RNs and LVNs at Department of Developmental Services (DDS) Joint Labor Management Task Force (Units 17 and 20)

The Union and the State agree that mandatory overtime is not an effective staffing tool. To that end the parties recognize and understand the importance of eliminating/reducing mandatory overtime for Registered Nurses (RNs) and Licensed Vocational Nurses (LVNs). The parties also recognize that there are going to be circumstances and emergencies where mandatory overtime is necessary; however, it should be the exception and not the norm.

- A. To accomplish the elimination/reduction of mandatory overtime by July 1, 2019, the parties agree to establish a Joint Labor Management Task Force (JLMTF) within ninety (90) days of the ratification of this contract.

The JLMTF shall consist of an equal number of Union and DDS committee members; not to exceed four (4) representatives for each side. Each shall appoint their own co-chair. The dates and times shall be mutually determined and the committee members shall not suffer a loss in compensation.

- B. The JLMTF shall reach the following benchmarks:
 - 1. Meet quarterly to develop recommendations; and
 - 2. The DDS shall track the number of voluntary and mandatory overtime hours at each facility for RNs and LVNs. On a

quarterly basis, the DDS shall submit to the Union the total number of voluntary and mandatory overtime hours worked.

C. By November 1, 2018, the JLMTF shall make recommendations on the following:

1. Patient and staff needs by tracking trends in patient acuity, overtime use and overall staffing processes;
2. Training, for applicable employees, on core staffing principles, best practices, the appropriate use of overtime, and ways to avoid mandatory overtime; and
3. Assessment and staffing best practices, a contingency staffing system, avenues for staff engagement in the scheduling process, and creative scheduling solutions.

D. The State and the Union shall develop a plan for implementing the JLMTF recommendations.

19.36 Elimination/Reduction of Mandatory Overtime for RNs and LVNs at Department of State Hospitals (DSH) Joint Labor Management Task Force (Units 17 and 20)

The Union and the State agree that mandatory overtime is not an effective staffing tool. To that end the parties recognize and understand the importance of eliminating/reducing mandatory overtime for Registered Nurses (RNs) and Licensed Vocational Nurses (LVNs). The parties also recognize that there are going to be circumstances and emergencies where mandatory overtime is necessary; however, it should be the exception and not the norm.

- A. To accomplish the elimination/reduction of mandatory overtime by July 1, 2019, the parties agree to establish a Joint Labor Management Task Force (JLMTF) within ninety (90) days of the ratification of this contract.

The JLMTF shall consist of an equal number of Union and DSH committee members; not to exceed four (4) representatives for each side. Each shall appoint their own co-chair. The dates and times shall be mutually determined and the committee members shall not suffer a loss in compensation.

- B. The JLMTF shall reach the following benchmarks:
 - 1. Meet quarterly to develop recommendations; and
 - 2. The DSH shall track the number of voluntary and mandatory overtime hours at each facility for RNs and LVNs. On a

quarterly basis, the DSH shall submit to the Union the total number of voluntary and mandatory overtime hours worked.

C. By November 1, 2018, the JLMTF shall make recommendations on the following:

1. Patient and staff needs by tracking trends in patient acuity, overtime use and overall staffing processes;
2. Training, for applicable employees, on core staffing principles, best practices, the appropriate use of overtime, and ways to avoid mandatory overtime; and
3. Assessment and staffing best practices, a contingency staffing system, avenues for staff engagement in the scheduling process, and creative scheduling solutions.

D. The State and the Union shall develop a plan for implementing the JLMTF recommendations.

19.37 Elimination/Reduction of Mandatory Overtime for RNs, LVNs, and CNAs at California Department of Veterans Affairs (CDVA) Joint Labor Management Task Force (Units 17 and 20)

The Union and the State agree that mandatory overtime is not an effective staffing tool. To that end the parties recognize and understand the importance of eliminating/reducing mandatory overtime for Registered Nurses (RNs), Licensed Vocational Nurses (LVNs) and Certified Nurse Assistants (CNAs). The parties also recognize that there are going to be circumstances and emergencies where mandatory overtime is necessary; however, it should be the exception and not the norm.

- A. To accomplish the elimination/reduction of mandatory overtime by July 1, 2019, the parties agree to establish a Joint Labor Management Task Force (JLMTF) within ninety (90) days of the ratification of this contract.

The JLMTF shall consist of an equal number of Union and CDVA committee members; not to exceed four (4) representatives for each side. Each shall appoint their own co-chair. The dates and times shall be mutually determined and the committee members shall not suffer a loss in compensation.

- B. The JLMTF shall reach the following benchmarks:
 - 1. Meet quarterly to develop recommendations; and
 - 2. The CDVA shall track the number of voluntary and mandatory overtime hours at each facility for RNs,

LVNs and CNAs. On a quarterly basis, the CDVA shall submit to the Union the total number of voluntary and mandatory overtime hours worked.

C. By November 1, 2018, the JLMTF shall make recommendations on the following:

1. Patient and staff needs by tracking trends in patient acuity, overtime use and overall staffing processes;
2. Training, for applicable employees, on core staffing principles, best practices, the appropriate use of overtime, and ways to avoid mandatory overtime; and
3. Assessment and staffing best practices, a contingency staffing system, avenues for staff engagement in the scheduling process, and creative scheduling solutions.

D. The State and the Union shall develop a plan for implementing the JLMTF recommendations.