



1 **ARTICLE 32.2C,H--OVERTIME** (OSH, Pendleton Cottage)

2 **Section 1.** This Article is intended only to provide a basis for the calculation of overtime
3 and none of its provisions shall be construed as a guarantee of any minimum or maximum
4 hours of work or weeks of work to any employee or to any group of employees.

5 **Section 2.** The Institution or Facility shall give as much notice as possible of overtime to
6 be worked, and, when feasible, will give a minimum of two (2) hours' notice for workers
7 being mandated while working a shift at the Facility. However, the Institution or Facility
8 will consider any circumstances that might cause an assignment to be an unusual burden
9 upon an employee and when such circumstances do exist, the employee shall not be
10 required to work unless their absence would cause the Institution or Facility to be unable
11 to meet its responsibilities or there is an emergency involving the public health or safety.

12 **Section 3.** Overtime shall be distributed as equitably as feasible among qualified
13 employees customarily performing the kind of work required, and currently assigned to
14 the work section in which the overtime is to be worked.

15 **Section 4.**

16 (a) Where employees are subject to the provisions of the FLSA, they shall receive cash
17 for overtime worked unless the employee requests in writing on or before the
18 fifteenth (15th) of the month to receive compensatory time up to the annual
19 limitations on the accrual of compensatory time (see [Article 97.2C,G,H](#)). Payment
20 for overtime shall be made no later than the first (1st) of the month following the
21 timekeeping period in which the overtime was worked.

22 (b) Employees exempt from overtime under FLSA shall receive compensatory time
23 pursuant to [Article 32--Overtime](#).

Section 5.

- (a) If an employee works two (2) consecutive shifts, or the greater part of the second shift, the employee will either:
- (1) be provided a meal to be served at the regular mealtime of the Institution or Facility or, if the shift includes no such time, at a time mutually acceptable to the supervisor and the employee, or
 - (2) the employee will be eligible for a ~~seven-dollar and fifty cents (\$7.50)~~ **ten (\$10.00)** penalty payment from the Institution or Facility if the Institution or Facility is unable to provide the meal.
- (b) If the supervisor and the employee mutually agree to schedule a relieved meal break prior to starting the second shift, the above shall not apply.
- (c) This Section shall not apply if the employee is eligible for payment under [Article 36-Travel Allowance.](#)

Section 6. Overtime Section for MHTs and LPN Volunteers.

- (a) Overtime shifts will be distributed equitably among available employees within the specified time periods each month.
- (b) To equalize MHT series voluntary overtime to the greatest extent feasible within a program, overtime shifts will be offered in the following order:
- (1) To qualified MHT series volunteers within the program.
 - (2) To other MHT series qualified volunteers when there are no qualified volunteers within the program.
 - (3) To other qualified volunteers when there are no MHT series qualified volunteers.

(c) To equalize LPN voluntary overtime to the greatest extent feasible within a program, overtime shifts will be offered in the following order:

(1) To qualified LPN for LPN positions within the program.

(2) To other LPN volunteers when there are no LPN volunteers within the program.

(d) Volunteers outside the program must meet the following criteria to be considered qualified:

(1) The employee must hold either a non-encumbered CNA or LPN, and/or;

(2) The employee must be current in all mandatory training, defined by OSH Nursing Services;

i. The employee must have completed program orientation or worked an overtime assignment within the past ninety (90) days in that Program area; and

ii. Acceptance of the overtime assignment cannot interfere with the employee's regular work schedule.

(e) It is understood that OSH is not responsible for providing employees with hours so they may qualify for recertification as a CNA or LPN.

(1) Qualified employees who accept a voluntary overtime assignment are expected to work the hours. If an employee decides to cancel their scheduled voluntary overtime shift or portion thereof, they must notify the appropriate supervisor within four (4) hours prior to their scheduled voluntary overtime shift. If an emergency occurs, the employee must notify the appropriate supervisor as soon as practical. Except as specifically modified by this agreement, nothing requires or abridges management's right to assign or re-assign individuals or

groups of qualified employees to regular or overtime shifts where they are needed.

Section 7. Mandates.

(a) (OSH Only) Prior to implementation of any mandate, the institution will exhaust all other options, including on-site volunteers, and a call list of qualified employees. These lists will exclude employees on vacation, sick leave, compensatory time, or other approved time off.

Mandatory overtime will be assigned on a rotating basis from on shift employees from a single list for each program. If it is necessary to mandate an employee, the Agency will first offer the opportunity to qualified employees. If an employee on the mandate list volunteers their name will be moved to the bottom of the list. Mandates will be assigned based on the next person who is qualified to work when the mandatory overtime is needed. The mandated employee may choose whether to work on the unit where the overtime is required or work on their assigned work unit.

1. For purposes of assigning mandatory MHT overtime, a single list of qualified MHT series employees will be maintained for each shift, in each hospital program.

Each list shall be comprised of all qualified MHT series employees working in the program. MHT series employees assigned to the on call pool can be mandated into any program for which they are currently qualified. MHT series employees assigned to the relief pool will be mandated in accordance with the position to which they are assigned.

2. For purposes of assigning mandatory LPN overtime, a single list of qualified LPN series employees will be maintained for each shift in each hospital program.

Each list shall be comprised of all qualified LPN series employees working in the program.

3. Employees who are required to work mandatory overtime will not be required to work for a minimum of ten (10) hours if the employee worked at least twelve (12) hours in the preceding twenty-four (24) hours. If an employee's work schedule requires less than ten (10) hours between shifts OSH will ensure a full ten (10) hour break between shifts, by either:

- i. Modifying the end time of the overtime shift; or
- ii. Modifying the start time of the next regular shift and ensure the employee is compensated for a full shift.

Employees will receive one (1) hour of paid leave time for every hour of mandatory overtime worked in violation of this Section, prorated to the nearest one-sixth (1/6) of an hour.

Except in an emergency involving health and safety, employees may not be mandated to work overtime as follows: (1) on a day immediately preceding a scheduled day off; or (2) more than once during a seven (7) calendar days. Employees that are mandated to work overtime of two hours or more in any of these examples will receive a one hundred and fifty dollar (\$150) penalty payment.

Employees that volunteer to work overtime in any of these examples will not be eligible for the penalty payment. Only the Superintendent or their designee can

determine if an emergency involving health and safety exists. If an employee is bypassed, they shall remain on the top of the list for the next mandatory overtime.

(b) (Pendleton Cottage Only)

Due to operational requirements of the facility, mandatory overtime may be assigned. Prior to implementation of any mandate, the facility will exhaust all other options, including on-site volunteers, and a call list of qualified employees.

If the mandated shift would require the staff to be mandated to work overtime two (2) hours or more in the following situations: (1) more than once during a seven (7) calendar days or (2) on a day immediately preceding a scheduled day off, employees will receive a one hundred and dollar (\$150) penalty payment.

1. Employees who are required to work mandatory overtime will not be required to work for a minimum of ten (10) hours if the employee worked at least twelve (12) hours in the preceding twenty-four (24) hours. If an employee's work schedule requires less than ten (10) hours between shifts PC will ensure a full ten (10) hour break between shifts, by either:
 - i. Modifying the end time of the overtime shift; or
 - ii. Modifying the start time of the next regular shift and ensure the employee is compensated for a full shift.

Employees will receive one (1) hour of paid leave time for every hour of mandatory overtime worked in violation of this Section, prorated to the nearest one-sixth (1/6) of an hour.