

AFSCME Maryland and the Department of Public Safety And Correctional Services

OVERTIME POLICY FOR CORRECTIONAL STAFF

In General

The Department of Public Safety and Correctional Services (DPSCS) and AFSCME Maryland agree to the following terms regarding the Department's policy for the implementation of overtime. Any deviation or changes to this policy without the mutual agreement of the parties shall be considered a violation of this policy. This policy shall replace Section III. E "Management of Overtime Coverage in Unscheduled Leave Situations" contained in the DPSCS Standards of Conduct and Internal Administrative Disciplinary Process.

Policy

- I. Applicable to: All Division of Correction and Division of Pretrial Detention and Services facilities and Patuxent Institution.
- II. Purpose: To establish procedures regarding the assignment of overtime to correctional staff.
- III. Definitions:
 - A. Administrative Working Day – Days when the managing officer or designee is normally scheduled to be on duty: Mondays through Fridays except for official State holidays.
 - B. Draft – Involuntary assignment of an officer to work overtime.
 - C. Volunteer – Employee who offers or agrees to work overtime of his/her own free will.
- IV. Policy: It is the policy of the Department to exercise good management and leadership in operating safe and secure facilities by maintaining proper staffing levels utilizing the minimum amount of overtime and to assigning overtime in a fair and consistent manner.
- V. Procedures
 - A. Managing Overtime Usage
 1. All overtime other than roll call must be specifically approved by the managing officer before it is worked. Agency directives may require additional advance approval by the Commissioner/Director or designee before any overtime other than roll call is worked.
 2. Shift commanders may only request approval for and utilize sufficient overtime to bring their shifts to the minimum staffing level designated by the facility staffing plan with good management decisions regarding the collapsibility of posts based on their designated Operational Staffing Level

in accordance with DPSCSD 115-1 and the actual needs of the facility on that day. The total amount of overtime allowed shall not exceed the amount necessary to meet minimum staffing levels unless specifically authorized by the managing officer or designee for approved Special Assignment Posts.

3. Each shift supervisor will be responsible for projecting his/her shift's staffing needs and arranging overtime coverage for the next administrative working day after obtaining the necessary approval of the managing officer. On days before weekends and/or holidays, this must be done for through the next administrative working day. (For example, on a normal Friday, the staffing needs must be projected and overtime approved in advance for Saturday, Sunday and Monday.)
4. In situations of unscheduled absences, each shift supervisor shall be responsible for requesting approval of the managing officer for sufficient staff and overtime to ensure adequate coverage for his/her shift.
5. If facility operations permit closing or collapsing a post partially through the shift and the post can remain unstaffed through the end of the shift, an overtime officer will be sent home to save overtime. Priority will first be given to staff drafted to work overtime, and then staff working voluntary overtime.
6. An officer who has worked eighty (80) hours of overtime in the current pay period shall not be permitted to work overtime.
7. An officer may only work voluntary overtime within his/her assigned Division/Agency (Patuxent Institution). Since the Maryland Correctional Transportation Unit operates as a Department Unit, MCTU officers are limited to working voluntary overtime at only the institution where their PIN was formerly assigned.
8. In accordance with the provisions of COMAR 17.04.02.12, Call-Back Pay, "An employee who is called to report to work on the employee's regular day off or who has been recalled to work after having left the employer's premises, shall be guaranteed the greater of a minimum of 1 hour of pay plus travel time at the regular rate of pay or applicable over time rate. An employee who is guaranteed a minimum of pay of greater than 1 hour shall continue to be paid at the greater minimum. If an employee is paid for 8 hours or more, travel time may not be paid".
9. In accordance with COMAR 17.04.02.13, Report Pay, " An employee who is pre-scheduled to work an overtime shift in a 24 hour facility and reports to duty shall be guaranteed 3 hours overtime pay at the appropriate rate unless the employee is a holdover from a previous shift".

B. Selecting Volunteers for Overtime

Officers shall be permitted to work voluntary overtime in accordance with the following:

1. Each shift shall establish an overtime volunteer list containing the names of volunteers from the particular shift. A second list shall also be maintained with the names of volunteers from different shifts. Both lists shall be arranged in seniority order.
 - a. The name of the officer with the most seniority within the shift shall be at the top of the original list. The names of new volunteers from the shift where the overtime is available shall be placed on the list by seniority. Descending the volunteer list, all available volunteers from the shift where the overtime is available shall be provided an opportunity to work overtime prior to offering any officer a second opportunity to work overtime.
 - b. An officer may request to be placed on the overtime volunteer list for any shift(s) and may request to be added to or removed from a shift's overtime volunteer list at any time. However, only after the shift overtime list is exhausted can an officer from the second list be offered available overtime.
 - c. An officer may provide conditions under which they do or do not desire to be contacted for voluntary overtime when they are at the top of the list.
 - d. Shift supervisors will only make calls to off-duty officers to offer voluntary overtime if the officer is on the shift's overtime volunteer list.
2. If the unscheduled absence of an officer requires overtime to replace the absent officers, a volunteer from the shift going off duty shall be offered to stay over and work the shift until the relief officer that has been called from the volunteer overtime list arrives to relieve the volunteer coming off the previous shift.
3. The managing officer or designee may specifically select an officer for special projects involving overtime if a specific skill, training, or prior experience is needed to accomplish the special project or task.
4. The shift supervisor shall record the name of the officer and date the voluntary overtime was worked. This record shall be maintained in the shift supervisor's voluntary overtime log and access to the log shall be made available to eligible employees upon request according to the terms of Section E. (1).
5. An officer who is suspended shall not be permitted to work any voluntary overtime within the pay period the suspension expires.
6. An officer who has received an overall unsatisfactory annual evaluation shall not be permitted to work any voluntary overtime until such time as that officer is again rated as overall satisfactory in his/her monthly evaluation.

C. An officer not permitted to work voluntary overtime as stipulated in provisions of section V. B. shall not be eligible to be drafted for overtime in accordance with the section V. D on Drafting for Overtime.

D. Drafting for Overtime

1. When there is a shortage of officers to work on any given shift and volunteers cannot be recruited, officers shall be drafted.
2. The drafting of officers for projected overtime shall be conducted in accordance with the following:
 - a. Shift commanders shall prepare and update a list of their officers by reverse seniority and affix the list to the shift supervisor's draft log. The names of shift transfers and new officers shall be placed on the list by seniority.
 - b. The next officer to be drafted shall be the least senior officer available to work according to the updated draft list. An officer who is drafted shall not be drafted again until such time as all other available officers have also been drafted. Any time the draft process is initiated, the drafted officer shall be credited with being drafted regardless of the length of time worked (overtime).
3. The shift supervisor shall record the date the draft was made and the name of the officer who was drafted. The supervisor shall sign as having drafted the officer. This record shall be maintained in the shift supervisor's log and access to the log shall be made available to eligible employees upon request according to the terms of Section E. (1).
4. If the unscheduled absence of an officer requires overtime to replace the absent officer and a volunteer is not found in accordance with procedures in section V. B. above, supervisors on the shift going off duty shall utilize their draft list to designate an officer to be held over for the next shift.

E. Voluntary Overtime and Draft Logs

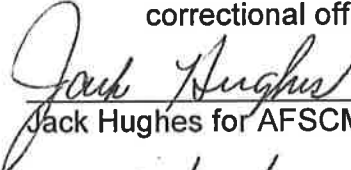
1. The logs shall be maintained in electronic format and shall contain only the names and ranks of employees and no confidential identifying information such as social security number. An eligible employee may view the logs for the sole purpose of determining his/her individual location on the list and/or likelihood to be assigned or offered overtime in the near future. Such request can be made by the employee to the supervisor.
2. The initial listings of shift officers shall be in seniority order for the voluntary overtime log (see section V. B. 1. a.) and in reverse seniority order for the overtime draft log (see section V. D. 2. a.).
3. The overtime draft log will be maintained and managed as follows:
 - a. The log shall track the dates each officer was drafted to work overtime for a minimum of the current calendar year.

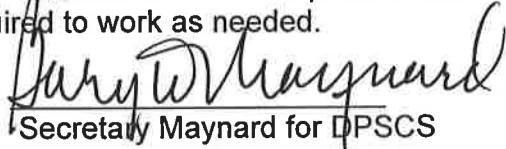
- b. The log shall be in a spreadsheet format with columns for the officer's name, seniority date and dates drafted.
- c. The column to the right of the seniority date will be for the most recent date drafted. The next column to the right will be for the second most recent date drafted, etc.
- d. When an officer is drafted, the date is entered in the column for the most recent draft. Entries for previous drafts are shifted to the right to go into the columns to index the previous order of when the officer was drafted. The officer's name is then moved to the bottom of the draft list.
- e. The names of new officers to the shift shall be placed on the list by seniority, but above all those who have been drafted at least once. If all existing officers on the shift have been drafted at least once, the group of officers who are new to the shift shall be placed at the top of the draft list.


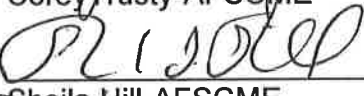
4. The voluntary overtime log will be maintained and managed in the same manner as the overtime draft log.

5. Upon request by an AFSCME Staff Representative or an AFSCME recognized Job Steward, to the Warden, a copy of the voluntary overtime list and/or a copy of the "draft" list shall be provided within 2 business days of the request.

F. Emergencies – During an emergency declared by the Secretary or designee, the requirements of this directive shall be suspended and correctional officers shall be required to work as needed.


 Jack Hughes for AFSCME Maryland
 Date: 12/12/11


 Secretary Maynard for DPSCS
 Date: 1-27-2012


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