

MCO/MDOC Joint Interpretation of Article 17 OEL Procedure

(Updated as of Jan. 1, 2016 CBA. Updates noted in red font.)

Voluntary Overtime Rules

96 hours before shift	22 hours before shift	2 hours before shift	start of shift	end of shift
<ul style="list-style-type: none"> • May activate name on the OEL list. 	<ul style="list-style-type: none"> • May still volunteer for overtime on any shift. 			
<p>Requests to Remove Name From List: An employee may withdraw his/her name from the Activation List up to two hours prior to the start of the shift for which he/she has applied. A timely withdrawal of a request to work overtime does not constitute a refusal to work for purposes of overtime eligibility or removal from the list for the remainder of the quarter. The employee will be charged the hours as if they had worked the overtime if the cancellation occurs within two hours of the start of the overtime shift period. Officers already prescheduled for overtime may have their name removed from the list but will be charged a refusal and hours on the OEL.</p>			<p>Recording of voluntary overtime: All voluntary overtime shall be recorded. Overtime hours incurred due to work in progress shall not be added to the OEL and will not count as an instance of mandatory overtime.</p> <ul style="list-style-type: none"> • Mandatory overtime hours shall not be recorded. 	
<p>Earlier Scheduling: when scheduling overtime, officers are presumed to have accepted the overtime if they have signed up and a supervisor has either contacted the employee at the facility or attempted contact by phone. Officers are encouraged to confirm the acceptance of overtime if they will arrive at the facility after the start of shift.</p> <ul style="list-style-type: none"> • Failure to report shall constitute refusal and the employee will be charged hours offered. 		<p>Overtime scheduling within two hours of start of overtime shift:</p> <ul style="list-style-type: none"> • Supervisor shall contact from overtime list. • Contact or leave message. • If contact is not made, a message shall be left and the supervisor shall continue down the list until filling the overtime slot. • A bypassed employee can call back to the institution to accept the overtime if the employer has not already filled it. • If an employee fails to answer and does not call back, it shall count as a refusal and he/she shall be charged the hours. 		
<ul style="list-style-type: none"> • RDO SWAP: if an EE swaps his/her RDOs, he/she may apply as a volunteer for their own shift on their days off. This does not affect their ability to work second preference overtime for other shifts. 				
<ul style="list-style-type: none"> • The employee must be "eligible" to work the assignment. 				
		<ul style="list-style-type: none"> • "Special qualifications" or gender requirement: the ER may skip over a person who is not qualified for an assignment when assigning overtime. It must first normally "jockey" the schedule if possible to avoid skipping. The person skipped is not charged hours and the hours worked shall be recorded. 		

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<ul style="list-style-type: none"> • Recording of Mandatory Overtime: Mandatory overtime shall be recorded by the date of instance and not hours. The list of employees eligible for mandatory overtime shall be rotated with the employee(s) with the most recent date of mandatory overtime placed at the bottom of the list. Employees mandated on the same date will be placed at the bottom of the list in inverse seniority order. Employees who are unavailable for overtime because they are not at work or are not qualified for assignment will be bypassed. Such employees will remain at the top of the list for the next mandatory overtime shift for which they are available. 				
<ul style="list-style-type: none"> • Refusing incremental overtime: incremental overtime is defined as “assignments lasting less than a full shift.” If an EE refuses incremental OT, he/she is charged the hours, but does not receive a refusal toward being removed from the list. • May volunteer to work in lieu of mandatory OT. This includes CMU-Os/CMOs, CTOs, CRRs, SAI, and anyone working an overlapping shift. 				
<ul style="list-style-type: none"> • “Overlapping shift” rule: employees are eligible for second preference on RDOs and non-overlapping shifts 				
<ul style="list-style-type: none"> • “Funeral runs” are an instance of voluntary OT and shall be recorded. 				
<ul style="list-style-type: none"> • “Employees transferring into a new institution” rule: Officers who are transferred, reassigned or bumped into the worksite, or transferred from another shift, and probationary officers eligible to work overtime shall be inserted on the OEL with hours equal to the officer’s with the highest number of recorded hours on their shift and in their RDO group. <ul style="list-style-type: none"> • Such officers will be placed at the top of the rotation for the first assignment of mandatory overtime and then inserted into the list in accordance with their seniority. 				
<ul style="list-style-type: none"> • “Calling in sick” rule: <ul style="list-style-type: none"> • If an employee calls in sick on his/her primary shift, and has volunteered for overtime on the next shift, he/she has an obligation to request to be removed from the second preference list. • If he/she does not make this request, and is contacted to work the overtime, or has been prescheduled to work the overtime, they will be charged as a refusal toward being removed from the list. • If an employee calls in sick on his/her primary shift, he/she may work second preference overtime for that day, provided the employee’s inability to report to work is not due to their own illness. 				

Mandatory Overtime Rules

As shown in this chart, mandatory rules stand regardless of time left before a shift starts or ends.

96 hours before shift	22 hours before shift	2 hours before shift	start of shift	end of shift
<ul style="list-style-type: none"> • Assignment of mandatory overtime is assigned from the departing shift. Mandatory overtime assignment shall not occur on RDOs. An employee utilizing an RDO swap may be mandated. 				
<ul style="list-style-type: none"> • The bottom half of the seniority list is determined by rounding down. 				
<ul style="list-style-type: none"> • Assignment of mandatory overtime to an assignment requiring special qualifications or gender allows for EEs to be skipped in the rotation, if the EE does not possess the special qualification. Skipped EEs shall still be eligible for next assignment not requiring special qualifications. 				
<ul style="list-style-type: none"> • The “leave exception” rule: if an EE is mandated to work the shift prior to his RDOs, he/she must work. Officers who volunteer for a hold-over are offered release first to encourage voluntary overtime and avoid mandatory overtime where possible. The RDOs are not considered approved leave time. 				
<ul style="list-style-type: none"> • Work in progress: overtime hours incurred due to work in progress are not recorded, are not considered voluntary overtime, nor count as mandatory overtime. 				
<ul style="list-style-type: none"> • Holdovers: if the employer is unable to secure a volunteer(s) and holds an employee over because someone is running late, it is an instance of mandatory overtime if the employee who is scheduled to relieve him/her is not at the facility at the time the employee’s work time exceeds his/her normal shift. • If one employee is mandated to stay because of a sick call, and then another employee is mandated because of someone running late, both situations are a mandate. When the “late comer” arrives, the employee mandated with the highest seniority will be offered the opportunity to go home first. • If there are not enough EEs available to mandate, the EE working the assignment on the shift may be held over until relief is provided. • With the exception of voluntary holdovers, mandatory overtime will be released before voluntary overtime. In the case of a voluntary holdover, we agreed that they would be released first so that it would not dissuade employees from voluntarily holding over. • Holdover hours are not recorded, but may be an instance of mandatory overtime. (See Section 1b5 of procedure) 				
<ul style="list-style-type: none"> • “Mandating an officer on an off-site assignment” rule: <ul style="list-style-type: none"> • An officer whose name comes up for a mandate, but is on an off site assignment and is returning to the facility, can be mandated. In the absence of a volunteer, the next person shall be mandated to provide coverage until the arrival of the “off-site officer.” Once the “off-site officer” arrives, the other officer shall be released and be credited with a mandate on the list. • Release by high seniority does not apply to this situation because the “off-site officer” is viewed as still being engaged in his/her regular shift duties and not exempt from mandate. 				
<ul style="list-style-type: none"> • Special qualification or gender specific assignments are an exception to the “32 hour” rule and “50% line” rule. 				
<ul style="list-style-type: none"> • Employees in training are eligible to work once they have completed their training to avoid mandatory OT. 				

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