Paragraph 163K Education

Presented by:
Jerri Atkins
4/28/15
Ambulatory Care and MVN Alternate Schedule

• Need to align with the Fair Labor Standards Act (FLSA)

• Need to promote consistency with the contract’s definition of overtime and the eligibility for the overtime premium
Overtime

• Overtime is paid according to paragraphs 143-145 of the contract.
  – For those working 8 hr shifts, excess of 80 hrs in a two(2) calendar week work schedule OR in excess of eight (8) hrs in a day
  – Excess of 40 hrs of work in one calendar week.
  – Excess of a regular work shift of not less than 8 hr in a day (10 hr shift working beyond 10 hrs)
  – Less than 24 hrs in between starting times for work shifts
Overtime: FLSA

• The 8/80 rule only applies to those who work 8 hr shifts.
  – If an employee is using the 8/80 rule and works over 8 hrs in a day, the additional time must be paid at the overtime rate.
  – No OT is worked/paid if an additional 8 hour shift is worked in one week with one less shift in the other week of a bi-weekly pay period
  – The 8/80 rule must be part of the employee’s regular schedule for a determined amount of time and cannot be used on an intermittent basis.
Start Time Variations: Paragraph 147

- To accommodate an employee’s schedule request, the OT premium will be waived provided there are 7 hrs between end of one shift and beginning of the next shift (e.g., start a 8:00 am for 8 hr shift, start at 7:30 next a.m., results in 30 minutes OT unless employee requests)

- Needs to be part of schedule request.

- Self-scheduling staff, such as RSAM research nurses, may waive OT premium related to the start time.
RSAM Nurses

- Per paragraph 83A RSAM Nurses are considered to be exempt. This means their PTO should be recorded in half day increments (instead of on an hourly basis).

- RSAM nurses are eligible for overtime based on paragraphs 143-145.
Scenarios for Paid Time
Scenario #1

- Employee A is scheduled and works 8 hours per day M-F and on Thursday the employee works an additional 2 hours to tend to patient care needs. The employee volunteers to work 2 hours less on Friday. Because of low patient care demands on Friday, the manager grants the 2 hours off under the assigned time off language (paragraph 164A) and the employee chooses to take 2 hours of approved no pay.
Answer for Scenario #1

• Framework Nurse: Is paid 38 hrs of regular time (REG), 2 hrs of excused time without pay (ETW) and 2 hrs of overtime premium (OTP)

• RSAM Nurse: Is paid for 40 hrs of regular pay (REG) and 2 hrs of overtime premium (OTP).
  – The employee would get 8 hrs for Friday. PTO is not recorded for the RSAM nurse because PTO is paid in ½ increments.
Scenario #2

- Employee B is scheduled to work four 10-hour shifts per week. He/She worked 12 hours on Tuesday.
Answer to Scenario #2

• Framework and RSAM Employees would both be eligible for 2 hours of overtime premium.
Scenario #3

- Employee C works 40 hours per week with a schedule of four 9 hour shifts and one 4 hour shift. On Tuesday, he/she is scheduled for 4 hour, but works 6.
Answer to Scenario #3

- Framework nurse would be eligible for 2 hours of overtime premium (OTP) based on FLSA requirements of paying overtime for more than 40 hrs in one week for non-exempt staff. Also paragraph 145.

- RSAM nurse would be eligible for 2 hrs of overtime premium (OTP) based on paragraph 145