

To: MNA/UMPNC Members and Managers in non-Ambulatory Care UMHS areas.

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Lori Pelham: Nurse Manager & Nurse Lead/Nursing Negotiations
Katie Oppenheim: UMPNC Chair

Subject: RSAM Classification and Exempt status pay

Date: October 19, 2015

This memo is being issued to provide you with necessary information to assure that scheduling and pay practices will be consistent with the Fair Labor Standards Act (FLSA) and/or the MNA contract for RSAM employees in particular.

The definition of overtime and overtime pay for Professional Development Framework nurses is stated in Paragraphs 143 – 145. The definitions of overtime and overtime pay in paragraphs 143-145 also apply to staff that are in **Role Specific Advancement Model (RSAM)** positions. In addition to being eligible for overtime payments, staff in RSAM positions are exempt and should have their time off documented in **half day (1/2) increments** rather than smaller numbers of hours. RSAM staff members are also eligible for shifts over three weeks as described in paragraph 146.

We must change practices to comply with the law, University practices and with the contract language. We regret any confusion and disruption in scheduling practices that may result. If you have questions, please consult your UMPNC representative or Human Resources Partner.

Scenario 1: RSAM requesting time off for an appointment after schedule development:

RSAM employee (8 hours shifts) requests after the schedule development to leave 3 hours early. The manager/supervisor approves as sufficient staff are scheduled. The RSAM employee needs to record the time but **does not use PTO** as time off is not a ½ day increment. Time off to be coded and paid as ‘Regular Hours Not Worked’ which will not be counted as eligible time for OT.

Had the requested time off been at least equal or more than a ½ day increment of the employees scheduled shift, PTO in ½ day increments would be used. Note: PTO is in ½ day increments so pay would be either ½ day PTO and ½ day Regular (worked or partial non-worked) **OR** one full-day of PTO (entire shift off). These ½ day PTO increments are via the appropriate approval processes unless the entire shift was pre-scheduled PTO or an unscheduled PTO call-in shift.

Scenario 2: RSAM requesting time off for a health care appointment no later than schedule development:

RSAM employee (8 hour shifts) requests for a health care appointment no later than the schedule development period according Paragraphs 333T and 333U to leave 3 hours early. The manager/supervisor approves and grants the time off according to Para 333T. The RSAM employee needs to record the time away but **does not use PTO** as time off is not a ½ day increment. Time to be coded and paid as ‘Regular Hours Not Worked’ which will not be counted as eligible time for OT.

Had the requested time off been at least equal or more than a ½ day increment of the employees scheduled shift that is where PTO in ½ day increments of PTO could be used.

Scenario 3: Using the over 40 in a week plus over scheduled shift overtime rule:

Employee 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. If total hours worked in the week are 42, two hours would receive OTP for either a Framework or RSAM employee. However, if there is low census on another day of that same week, and the employee is the volunteer or the person assigned under the assigned time off language using, OTP will only be paid for the hours used in the OT calculation in excess of 40.

A RSAM employee will not have to use PTO in increments of less than ½ day increments. If the ATO was less than a ½ day increment, they would be paid their scheduled shift length. The hours not worked would be coded and paid as 'Regular Hours Not Worked' and those hours do not count in the calculation of 40 hours/OT for the week.

Scenario 4: Using the 8/80 overtime rule:

Employee 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.

An 8/80 employee cannot be paid for 10 hour REG on Thursday and work 6 hours on Friday for a total of 40 hours of REG pay for that week. An 8/80 employee can work 4 (four) - 8 hour shifts one week and then 6 (six)- 8 hour shifts the second week for a total of 80 hours in 2 weeks using only 8 hour shifts and no OT is paid. Any hours above 8 in a day will be paid as OT if using the 8/80 rule.

The Framework employee would be paid 38 hours REG and 2 hours OTP with 2 hours Approved No-Pay.

The RSAM employee would be paid for 8 hours on Friday (6 hours worked and 2 hours Regular Hours Not Worked) because they are considered exempt and his/her PTO is submitted in **½ day increments**. He/She would also be eligible for 2 hours OTP for Thursday since they qualify for paragraph 144 and receives OT for hours beyond his/her scheduled shift length.

Cc:
UMPNC
HR