

Paragraph 163K Education

Presented by:

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4/28/15



Paragraph 163K: 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

QUESTIONS

