3-02/010.16 - Filling Vacancies with Overtime

Voluntary and involuntary overtime hiring procedures are outlined below. Any deviation from these procedures shall be authorized by the affected division chief or division director in response to, and for the period of, extraordinary conditions.

Voluntary Hiring

In the event that employee position vacancies occur, the following procedures shall be utilized to fill such vacancies:

- Units, to the greatest extent possible, shall post (or make available to all affected employees at the unit) overtime vacancy lists at least four days prior to the selection of personnel for pre-identified overtime positions;
- All employees assigned to the affected unit shall have an equal opportunity to volunteer for desired overtime positions. Monthly shift postings shall be rotated to days, PM's, and EM's for all 24-hour operational units. Positions with special requirements or qualifications (e.g., motorcycle enforcement) shall be noted on the overtime list. Only those employees meeting special requirements or qualifications shall sign the overtime list and be selected for that position;
- If more than one employee signs the stand-by overtime list for the same position, the selection shall be based on the following, in order:
    1. Employee with the least total number of previously volunteered overtime hours worked at the unit for the current month (e.g., once an employee is assigned a volunteered overtime position for the month, employees who have not been assigned a volunteered overtime position shall be given preference);
    2. Employee with Department seniority;
    3. Employee with unit seniority;
    4. Employee with county seniority.
- In the event that a sufficient number of employees assigned to the affected unit do not volunteer to work such position vacancies, employees from other units of assignment may have the opportunity to volunteer (see section 3-02/010.19, Overtime Worked at Other Assignments).
- Employees covered by F.L.S.A. shall have prior approval from their supervisor before working overtime, unless such overtime worked is the result of a bona fide emergency (e.g., natural disaster, riot, spontaneous jail lockdown, etc.). Absent emergent situations, per this MPP, failure to obtain prior approval violates county policy and may result in employee discipline.
- Managers and approving supervisors shall ensure that overtime is within their budget and is not misused by employees. However, any overtime that is worked by an employee and that is properly documented, whether it was pre-authorized or unauthorized, shall be paid/saved, if applicable, in accordance with the F.L.S.A.

An employee's ability to volunteer for overtime shifts is a privilege, which unit commanders may restrict when an employee fails to responsibly manage their work schedule. The following are examples of situations that may lead to a restriction of overtime privileges includes, but are not limited to, the following:

- Failing to report for overtime shifts;
- Timekeeping violations associated with overtime;

- Employees exceeding the 96-hour monthly overtime threshold;
- Employees failing to fulfill the duties required of the overtime position;
- Regularly assigned duties being neglected in order to work overtime;
- Documented employee unsatisfactory work performance at their unit of assignment;
- Violation(s) of MPP section 3-02/010.15, Work Schedules.

Prior to restricting overtime privileges, a supervisor shall make the employee aware of the issue(s) and advise that further violations may result in a restriction of their ability to work overtime. This advisement shall be documented on a performance log entry. The length of the overtime restriction shall be determined by the unit commander based upon the circumstances at hand, as well as any similar past issues. Egregious violations will not require prior notification before privileges are restricted. Overtime restrictions shall not preclude an employee from involuntary hiring.

Employees who have had their overtime restricted under the provisions of this policy shall have the right to grieve the decision through the procedures outlined in their respective collective bargaining agreements.

Involuntary Hiring

Involuntary hiring involves situations whereby units shall fill position vacancies based on critical staffing needs (e.g., unfilled posted overtime vacancies, sick callâ€'ins). In the event a position vacancy cannot be filled through voluntary hiring, employees from the unit of assignment may be involuntarily hired (drafted) to fill the position vacancy. To the maximum extent possible, every reasonable effort shall be made to secure volunteers before employees are involuntarily hired. The following procedures shall be followed for involuntary hiring:

- Units may involuntarily hire an employee to work unfilled, posted overtime vacancies to minimize last-minute hiring and to provide advance notice to the employee. Only employees assigned to the unit of assignment are subject to involuntary hiring of unfilled, posted overtime vacancies;
- Involuntary hiring of personnel on their regular-days-off (RDO's) shall be limited to circumstances where a critical operational staffing need exists and all other efforts to voluntarily fill the vacancies were adequately exhausted;
- Only employees from the unit of assignment who are currently on duty shall be eligible for immediate, involuntary hiring (e.g., sick call-ins, last-minute unfilled vacancy positions);
- Last-minute involuntary hiring shall be accomplished through means of a "draft" conducted by the watch commander. In determining the employee to be "drafted," the watch commander shall utilize the following criteria, in order to determine the employee to be involuntarily hired:
- The employee with the least amount of worked overtime shift hours (both voluntary and involuntary) for the current and previous calendar month combined who is otherwise available to work the assignment shall be drafted;
- If a tie exists, the employee having been drafted the fewest times in the current calendar month shall be drafted (pre-assigned, involuntary hiring overtime shifts, as described later in this section do not count as being "drafted," for the purpose of this process);
- If a tie should still exist, the employee having been drafted the fewest times in the current and previous calendar month will be next to be drafted;
- If the above steps fail to identify the individual to be drafted, the employee chosen shall be determined

by inverse Department seniority.

NOTE: When determining overtime hours worked, only overtime hours worked filling line vacancies at the employee's home unit of assignment shall be considered. Outside overtime, court overtime, hold-over overtime, special contract/special event overtime, etc., shall be excluded unless those additional overtime hours would cause the employee to exceed the monthly maximum of 96 hours for the calendar month

- Those additional overtime hours would cause the employee to exceed the monthly maximum of 96 hours for the calendar month.
- Those additional overtime hours would cause the employee to work more than 12 consecutive days without a day off.
- Those additional overtime hours would cause the employee to work more than 19 hours consecutively.
- Those additional overtime hours would cause the employee to work back-to-back doubles.

- Units shall maintain a current seniority list and draft log. Volunteering for an overtime position shall not be credited as having been drafted.
- Employees shall be exempted from involuntary hiring when the assignment would place the employee in violation of the hours/days worked limitations contained in MPP section 3 02/010.15, Work Schedules;
- Employees working overtime on an RDO shall be exempt from involuntary hiring;
- C.A.R.P. (Cadre of Administrative Reserve Personnel) employees shall be exempt from involuntary hiring while filling line positions;
- Employees having pre-approved variance time off or a swap off for the shift with the position vacancy shall be exempt from involuntary hiring 16 hours prior to the vacancy shift and 16 hours following the vacancy shift;
- Employees performing military reserve duty shall be exempt from involuntary hiring during the period 16 hours preceding the military duty and 16 hours following the duty;
- The watch commander may exempt an employee from involuntary hiring due to personal hardship or exigent circumstances (proof satisfactory of the hardship or exigency may be requested);
- The overtime needs of the employee's unit of assignment shall take precedence over overtime scheduled at outside units. If an employee is scheduled to work overtime at an outside unit and the employee is subject to involuntary hiring at their unit of assignment, the involuntary hiring shall take precedence over the overtime at the outside unit. The employee shall be responsible for notifying the outside unit of any conflict as soon as possible;
- The watch commander may exempt an employee on training status from involuntary hiring, taking into consideration the vacancy position and the impact such hiring may have on the training of the employee;
- Deputies (generalist, bonus I, and bonus II) shall not be involuntarily hired to fill any sergeant assignments or positions, nor shall any deputy (generalist, bonus I, and bonus II) be involuntarily hired to fill a vacancy created by the reassignment of a deputy to an acting sergeant position; and/or
- Deputies (generalist, bonus I, and bonus II) shall not be involuntarily hired to fill a vacancy created by the absence of a non-sworn member unless the vacancy is a critical position, and the affected unit exhausted all reasonable means of locating a non-sworn replacement for the concerned vacancy, and the vacancy's duties can be performed by both sworn and non-sworn personnel;
- Non-sworn personnel (e.g., custody assistants, law enforcement technicians, security officers, security assistants) shall not be involuntarily hired to fill a vacancy created by the absence of a sworn member

unless the vacancy is a critical position, and the affected unit exhausted all reasonable means of locating a non-sworn replacement for the concerned vacancy, and the vacancy's duties can be performed by both sworn and non-sworn personnel.

- For special event contracted overtime requiring Department-wide staffing (e.g., Rose Parade), involuntary hiring per donating unit shall be accomplished through inverse Department seniority.
- Any intentional manipulation of timekeeping records, scheduling software, or records in an effort to influence any aspect of the overtime hiring process, shall be viewed as a violation of MPP section 3-01/100.35, False Information in Records, and investigated accordingly.

Pre-Assigned Involuntary Hiring

Division chiefs, their designees, and/or unit commanders may authorize pre-assigned involuntary hiring on a temporary basis when it is determined a unit or division is unable to fill its minimum staffing vacancy requirements for an upcoming scheduling cycle through means of voluntary overtime and it is anticipated that significant last-minute, involuntary hiring (drafting) will result. Once implemented, pre-assigned involuntary hiring shall be reassessed monthly and the number of overtime shifts required is adjusted accordingly. The following guidelines shall be followed for instituting a pre-assigned involuntary hiring process:

- Employees shall be notified of how many pre-assigned overtime positions each employee shall be required to work, and which employee classifications (e.g., deputy, custody assistant, etc.) are being tasked, no later than a week prior to the monthly cycle in which the pre-assigned involuntary hiring is to occur;
- All employees of the indicated work classification assigned to the unit or division instituting a temporary pre-assigned involuntary hiring process are required to participate equally;
- Divisions/units shall be responsible for creating a priority sign-up process to distribute and fill the minimum required pre-assigned involuntary overtime positions equally amongst all employees required to participate;
- Divisions may direct specialized units and non-line personnel within their division to participate in a specific unit's required pre-assigned involuntary hiring process based on division-wide needs;
- Personnel shall be notified and briefed on the established pre-assigned involuntary hiring process no later than one week prior to implementation;
- No personnel shall have advanced access to, or be given special preference in, signing up for pre-assigned involuntary overtime without unit commander approval;
- No personnel shall be exempt from the set minimum pre-assigned involuntary hiring sign-up requirements without unit commander approval;
- Unit commanders may exempt an employee on training status from pre-assigned involuntary hiring, taking into consideration the available vacancy positions, the trainee's current level of training, and the impact such hiring may have on the employee's training;
- In the event an employee fails to sign up for the minimum number of pre-assigned involuntary overtime shifts, their shifts shall be assigned by the unit in order to meet the minimum required number of shifts;
- Pre-assigned involuntary hiring of employees for their regular-days-off (RDO) shall be limited to only those circumstances where a critical operational staffing need exists, or in those circumstances where the employee elects to work their RDO in lieu of another pre-assigned involuntary hired shift;
- Overtime relating to the individual's home unit of assignment is the highest priority and shall take precedence over an employee's ability to work overtime at other units (see MPP section 3-02/010.19,

Overtime Worked at Other Assignments).