Brewer-Porch Children’s Center Mandatory Scheduling Policy - 919

Unit: Brewer-Porch Children’s Center
Effective Date: 6/16/2020
Revision Date:

Contact: Ross Grimes
Title: Executive Director

Purpose

The purpose of this policy is to ensure adequate staffing levels to maintain the clinical needs of the unit/area; to meet the requirements of contracting, licensing, or accrediting agencies; and for business necessity.

Policy

This policy seeks to equitably distribute the assignments of mandatory shifts while allowing team members some flexibility and control over the required additional shifts. Participation under this policy is an essential function of the job.

Extended Staffing Emergency

An extended staffing emergency will be declared by the clinical or executive director after consultation with the residential manager and program coordinator and will specify the identified Shift(s) for which the extended staffing emergency applies. Once an extended staffing emergency is declared, the provisions of this policy will be implemented as soon as possible in order to provide maximum notice to team members. Notice of an emergency will be posted in each residential building.

Based on the identified Shift(s), the anticipated length of the extended staffing emergency, and the number of open positions, team members on shifts not included in the extended staffing emergency will be required to sign up for an identified number of mandatory shifts. Team members who do not sign up for the specified number of Mandatory Shifts will be assigned to any remaining open positions using the temporary staffing emergency procedure. If all mandatory shifts have been filled, team members will be placed at the highest priority for any future mandatory shift requirements. Team members may refuse one mandatory shift per quarter (January – March; April – June; July – September; October – December) without penalty. The ability to refuse one Mandatory Shift is separate from the restricted days declared by the team member as described in the section on Use of Leave During an Extended or Temporary Staffing Emergency.

Team members on shifts immediately preceding or immediately following an identified shift will not be required to work mandatory shifts under this policy. For example, if the staffing emergency covers the 7:00 a.m. – 7:00 p.m. weekend shift, the 7:00 p.m. – 7:00 a.m. weekend staff would not be subject to the mandatory shift requirements. However, those staff on the immediately preceding or immediately following shifts may be required to work mandatory shifts under other sections of this policy.

Shifts may be broken up into smaller periods of no less than four hours. The total coverage time may not match the exact shift time. Shifts may be split in order to ensure appropriate coverage at shift change periods (e.g., split shifts going until 8:00 p.m. on weekends to ensure staffing until clients begin going to bed). Team members working mandatory shifts may be released before the originally scheduled end time in the event appropriate coverage can be obtained through other methods.

In the event a shortage is expected to last more than one month, this procedure will be used in two or four-week increments. Subsequent increments of up to four weeks will be scheduled at least one week prior to implementation.
**Temporary Staffing Emergency**

A temporary staffing emergency for an identified shift will be declared by the Mental Health Worker – III (Shift Supervisor), in consultation with the residential manager, program coordinator, or other senior leadership team member. In the event of a temporary staffing emergency, shift supervisors will attempt to fill the open position(s) through the use of contingent on-call staff, part-time staff, and then full-time staff, they will make an initial attempt to fill the open position(s) in a voluntary manner.

If no team members volunteer to work the open position, the open position will be filled using one of the following methods:

1. For an opening on the immediately following Shift, one or more members of the current Shift will be assigned the open position as a mandatory shift. In this case, team members will be assigned mandatory shifts based on the following priority list:
   a. Team members, in reverse order of seniority, who have not adhered to the extended staffing emergency requirements one or more times in the past six months;
   b. Team members, in reverse order of seniority, who have not previously worked a mandatory shift;
   c. Team members, in reverse order of seniority, based on the longest time since last working a mandatory shift.

2. For an opening on a Shift other than the next immediately following shift, or for one in which the use of an adjacent shift team member would result in a continuous work period of more than sixteen hours, a team member from a non-adjacent shift will be assigned to work the open position as a mandatory shift, based on the following priority list:
   a. Team members, in reverse order of seniority, who have not adhered to the extended staffing emergency requirements one or more times in the past six months;
   b. Team members, in reverse order of seniority, who have not previously worked a mandatory shift;
   c. Team members, in reverse order of seniority, based on the longest time since last working a mandatory shift.

Team members will not be considered for a mandatory shift in a temporary staffing emergency for any of the following reasons:

1. The team member has worked three or more additional shifts in at least three of the last four pay periods.
2. The assignment of the mandatory shift would result in a continuous work period of greater than sixteen hours.
3. The assignment of the mandatory shift would result in a team member working eight or more consecutive days. If staffing needs permit, a team member that works eight or more consecutive days may request or be requested not to work their next regularly scheduled shift.
4. Team members who have been employed for less than one month.

Open positions may be split into smaller increments of not less than four hours at the discretion of the supervisor.

Team members working mandatory shifts may be released prior to the originally scheduled end time if appropriate coverage is obtained or no longer needed.

**Exempt Team Members**

In the event the use of voluntary and mandatory scheduling is not sufficient to address the extended or temporary staffing emergency, non-administrative team members in exempt positions (educational staff, clinical staff, coordinators, etc.) may be required to sign up for two 8-hour shifts or one 12-hour shift per quarter. Appropriate flexibility regarding their regular work hours, in conjunction with this additional shift, may be permitted at the discretion of the supervisor and subject to business necessity.
Use of Leave During an Extended or Temporary Staffing Emergency

When an extended or temporary staffing emergency has been declared, annual and sick leave requests for those on the identified shifts may not be approved. In the event annual or sick leave has previously been approved for an identified shift, such approval may be permitted if, in the supervisor’s discretion, circumstances allow.

In the event of an extended staffing emergency lasting longer than two (2) weeks, limited leave may be permitted if sufficient coverage is obtained through the use of the voluntary and mandatory shift assignment process. Such leave will be prioritized based on seniority; position; date of request; length of request; the amount of hours worked; and previous/current compliance with this policy, the holiday scheduling policy (907), and the time and attendance policy (901).

Additionally, during an extended staffing emergency, each team member may identify a specified number of restricted days on which they will not be required to work a mandatory shift. Restricted days apply to temporary staffing emergencies occurring during an extended staffing emergency. However, they do not apply to temporary staffing emergencies that occur outside of an extended staffing emergency. The number of restricted days a team member can declare is based on the team member’s length of time in their position. Restricted days must be declared before the first day of the month or by the end of the mandatory shift sign-up process once an extended staffing emergency has been declared.

Number of Restricted Days Allowed

<table>
<thead>
<tr>
<th>Length of Time in Position</th>
<th>Mental Health Worker - I</th>
<th>Mental Health Worker II or III and Consumer Education Specialist</th>
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</thead>
<tbody>
<tr>
<td>&lt; 6 months</td>
<td>1 every other pay period</td>
<td>1 per pay period</td>
</tr>
<tr>
<td>&gt; 6 months, &lt; 1 year</td>
<td>1 per pay period</td>
<td>1 per pay period</td>
</tr>
<tr>
<td>&gt; 1 year</td>
<td>1 per pay period, plus 1 every other pay period (e.g., 3 restricted days over 2 pay periods)</td>
<td>1 per pay period, plus 1 every other pay period (e.g., 3 restricted days over 2 pay periods)</td>
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</tbody>
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Consequences

Refusal to work a mandatory shift will subject the team member to the following consequences. Following refusal, the team member will remain at the same priority level, and therefore may be required to work the next mandatory shift in a temporary staffing emergency.

- For the first refusal, the team member will receive lower priority for holiday scheduling or voluntary overtime needs and will have a lower priority for annual leave approval. Team members with no subsequent refusals for three months will be reset and be treated as if they have not had any refusals.
- **For the second refusal, the team member will be placed in a lower tier for merit raises for the following year.
- **For the third refusal, the team member will receive written counseling.
- **For a fourth refusal, the team member will not receive a merit raise for the following year and will receive final written counseling.

**A team member who refuses a second mandatory shift within a 3 (three) month period (or fourth refusal within a twelve months) will be treated as not having refused if they work two high-need shifts within a thirty-days from the shift refused. In some circumstances, a holiday shift or shifts outside of the thirty-day timeframe may be permitted for team members who have completed their introductory period and who have not had significant issues related to the Time and Attendance policy.
The shift supervisor will document the high-need shifts that the team member works. Approval from the residential manager, clinical director, or executive director that it qualifies as a high-need shift is required in order for the shift to reduce the team member’s refusal. Upon working the high-need shifts, the team member will drop down to the previous consequence tier.

All requirements and protections of The University’s Family and Medical Leave policy will apply to this policy.

**Definitions**

**Extended Staffing Emergency:** A period in which:
- Regular, assigned team members are unavailable for three (3) or more open positions on a single shift,
- It is anticipated that there will not be sufficient contingent on-call team members to fill the open positions, and
- The open positions are anticipated to be unfilled for at least two or more weeks.

**High-Need Shift:** Shifts or open positions that meet at least one of the following criteria:
- An open position that remains unfilled after the mandatory sign-up process during an extended staffing emergency;
- An open position outside of an extended or temporary staffing emergency for which there have been significant difficulties filling (e.g. an open position on Friday night shift for which no consistent COC staff can work, an open position for which an employee is on extended FMLA/OJI/etc.)
- An open position needed on a temporary basis not been able to be filled regularly (e.g. a client on one-to-one supervision)
- A shift that falls on: Thanksgiving Day, Christmas Eve, Christmas Day, New Year’s Eve, New Year’s Day, any Saturday or Sunday occurring during a University closure, weekend daytime shifts falling on the day of an Alabama football home game or Magic City Bowl, shifts that overlap the Iron Bowl, or shifts that overlap any Alabama Football Post-Season or Bowl Game (including an SEC Championship Game, College Football Playoff Game and National Championship game). Other shifts similar to those identified may be designated as appropriate.

**Identified Shift(s):** The particular shift or shifts for which the staffing emergency exists as identified in the extended staffing emergency declaration or for which there is a temporary staffing emergency.

**Mandatory Shift(s):** Additional shifts that a team member will be required to work during a staffing emergency.

**Open Position:** A specific position on an identified shift in which there is no assigned team member due to resignation, separation of employment, leave, injury, illness, a need for additional staff, or any other reason.

**Restricted Day:** One or more days identified by a team member for which a team member will not be required to work a mandatory shift. Restricted days apply only within an extended staffing emergency, and team members must still sign up for mandatory shifts on other days during the emergency, or they will be signed up for any remaining open shifts outside of their identified restricted day(s) as set forth herein.

**Shift:** A common period of work for one or more team members. The standard shifts are:

- **Weekdays:** 7:00 am – 3:00 p.m., 3:00 p.m. – 11:00 p.m., and 11:00 p.m. – 7:00 am.
- **Weekends:** 7:00 am – 7:00 p.m., 7:00 p.m. – 7:00 am, and 9:00 am - 9:00 p.m. (or if assigned an eight-hour shift, from 1 p.m. – 9 p.m.)

In some cases, team members may be assigned a non-standard shift; however, for the purposes of this policy, shifts will be presumed to be one of the standard shifts unless otherwise specified.

**Temporary Staffing Emergency:** A period in which the clinical needs of the unit/area; the requirements of contracting, licensing, or accrediting agencies; or business necessity require more team members than are available for
particular shift. Temporary Staffing Emergencies may also occur when contingent on-call team-members are not available to sufficiently meet the needs. Temporary staffing emergencies may apply to periods within an extended staffing emergency or may be independent of such time periods.

Scope

This policy applies to staff employees at the Brewer-Porch Children’s Center.

Office of the Provost

Signed: Joel Brouwer 6/16/2020

Joel Brouwer
Associate Provost