Purpose

The purpose of this policy is to ensure adequate staffing levels necessary to maintain operational commitments, to meet staff to student ratios based on Department of Youth Services (DYS) policy, University of Alabama policy, Working on Womanhood (WOW) operating procedures, and/or for other business necessity.

Policy

This policy seeks to fairly distribute the assignment of mandatory overtime shifts when needed to ensure adequate staffing levels. Student needs, safety, staffing ratios, or other business needs may take precedence over this policy as determined by administration. Staff participation under this policy is an essential function of the job.

Extended Staffing Emergency

An extended staffing emergency will be declared by the Program Director or Assistant Program Director after consultation with the Care Manager (or designee) and will specify the identified shift(s) for which the extended staffing emergency applies. Once an extended staffing emergency has been declared this policy will be implemented as soon as possible in order to provide maximum notice to team members.

Based on the identified shift(s), the anticipated length of the emergency, and the number of open positions, a target number of mandatory shift sign-ups will be required for direct care staff members on other shifts. Direct care staff members will first be given an opportunity to sign up for the mandatory shifts. Direct care staff members who do not sign up for the specified number of mandatory shifts will be placed in any remaining open positions, or, if all mandatory shifts have been filled, will be placed at the highest priority for any future mandatory staffing requirements. When assigning mandatory shifts to those direct care staff members who have not signed up to work such shifts, the following factors will be considered in this order: (1) the amount of overtime worked in the previous two pay periods, (2) seniority, and (3) participation in the most recent mandatory shift sign-ups. Direct care staff members may refuse one mandatory shift per six months without penalty.

Direct care staff members on shifts immediately preceding or following an identified shift will not be mandated to sign up under this procedure. For example, if the staffing emergency covers the 6:45 a.m. – 7:00 p.m. weekend shift, mandatory shift sign-ups would not apply to the 6:45 p.m. – 7:00 a.m. weekend staff. However, those staff on the immediately preceding and/or following shifts may be mandated to work pursuant to other sections of this policy.

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

If 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.
Vacancies remaining following the implementation of this procedure will be handled by the temporary staffing emergency procedures below.

**Temporary Staffing Emergency**
A temporary staffing emergency for an identified shift will be declared by the Care Manager (or designee), in consultation with the Program Director or Assistant Program Director. In the event of a temporary staffing emergency, shift supervisors will attempt to fill the open position through the use of contingent-on-call staff, part-time staff, and then full-time staff, and will initially do so in a voluntary manner.

In the event that no direct care staff 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 of the members of the current shift will be mandated to work the open position. Direct care staff members will be mandated to work in the following order, except that direct care staff members for whom the open position would result in a continuous work period of greater than sixteen hours will not be included in the following priority list:
   a. Team members, in reverse order of seniority, who have not adhered to the extended staffing emergency process requirements one or more times in the past six months;
   b. Team members, in reverse order of seniority, who have not 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 staff member would result in a continuous work period of more than sixteen hours, a team member from a non-adjacent shift will be required to work the open position, based on the priority list below:
   a. Team members, in reverse order of seniority, who have not adhered to the extended staffing emergency process requirements;
   b. Team members, in reverse order of seniority, who have not previously worked a mandatory overtime shift;
   c. Team members, in reverse order of seniority, based on the longest time since previous mandatory shift worked.

Direct care staff members will not be considered for a mandated shift in a temporary staffing emergency for any of the following reasons:

1. Assignment of the mandatory additional shift would result in a continuous work period of greater than sixteen hours.
2. Assignment of the mandatory overtime shift would result in a team member working eight or more consecutive days. In the event staffing needs permit, a team member that works eight or more consecutive days due to overtime or additional shifts may request or be requested to not work their regular shift.
3. Direct care staff members who have been employed for less than one month.

Open positions may be split into smaller increments in order to meet facility needs at the discretion of the supervisor.

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

**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. Annual or sick leave that has already been approved may be revoked at the Care Manager’s discretion.

In the event of an extended staffing emergency that lasts longer than two (2) weeks, limited leave may be permitted, if circumstances allow and 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, number of hours worked, and compliance with all applicable University policies.

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

Employee Failure to Meet Mandatory Overtime Assignment
If an employee fails to meet their mandatory overtime assignment, the progressive discipline process may be implemented as outlined in the WOW Employee Handbook.

Definitions

Extended Staffing Emergency:
1. Regular, assigned direct care staff members are unavailable to fill open positions where adequate staffing cannot be ensured to meet staffing ratios, student needs, or maintain safety.
2. The open position(s) are anticipated to be unfilled for two or more weeks.

Identified Shifts: The particular shift, or shifts, for which the extended staffing emergency situation exists as identified in the extended staffing emergency declaration.

Temporary Staffing Emergency: A period in which direct care needs of the facility require more direct care staff members than are available and assigned to a particular shift.

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

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

Weekdays: 6:15 am – 2:30 pm, 6:45 am – 3:00 pm, 2:45 pm – 11:00 pm, and 10:45 pm – 7:00 am.
Weekends: 6:45 am – 7:00 pm, 9:45 am – 10:00 pm, 6:45 pm – 7:00 am.

In some cases, direct care staff members may be assigned a non-standard shift. However, for the purpose of this policy, shifts will be presumed to be one of the standard shifts unless otherwise specified.

Scope
The policy and procedure applies to WOW Direct Care staff members.

Office of the Provost

Signed: Joel Brouwer 4/27/2020
Joel Brouwer
Associate Provost