

	POLICIES AND PROCEDURES State of Tennessee Department of Intellectual and Developmental Disabilities	Policy #: Policy 100.1.7	Page 1 of 4
Policy Type: Intermediate Care Facilities for Individuals with Intellectual Disabilities		Effective Date: September 15, 2015	
Approved by:  <hr/> Commissioner		Supersedes: December 15, 2013 policy #205	Last Review or Revision: December 15, 2013; May 13, 2015
Subject: ENSURING COVERAGE AND SCHEDULING OVERTIME			

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) 4-3-2708, TCA 4-3-103, TCA 33-3-101, TCA 33-1-103, TCA 71-5-105 (12) (c), Section 1905 (d) of the Social Security Act, and CFR 483.420-480

- II. **PURPOSE:** The purpose of this policy is to establish procedures for assigning routine coverage, as well the fair arrangement of voluntary and/or mandatory overtime, as needed in Department of Intellectual and Developmental Disabilities (DIDD) Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs-ID), and Day One unit in the Harold Jordan Center (HJC).

- III. **APPLICATION:** This policy is applicable to DIDD employees, contract employees, and volunteers who provide services and supports to people residing in DIDD State – operated ICFs/IID and HJC Day One ICF/IID Unit.

- IV. **DEFINITIONS**
 - A. **Direct Support Professionals (DSPs)** shall mean the persons employed by DIDD or by an agency contracted with DIDD to provide day-to-day care and support of persons supported in ICFs/IID and HJC Day One ICF/IID Unit.
 - B. **Home Manager** shall mean the residential supervisor responsible for ensuring the efficient operation of the home, including the assignment of DSPs, to assure adequate coverage to meet the needs of the persons residing in the home.
 - C. **Voluntary Overtime** shall mean the time that a staff member agrees to work over thirty seven and a half (37.5) hours per week, paid as straight time up to forty (40) hours and paid at time-and-a-half for over forty (40) hours per week. (Management may require employees who are eligible to accrue compensatory (comp) time instead of being paid for overtime hours between thirty seven and a half (37.5) and forty (40) hours.)
 - D. **Mandatory Overtime** shall mean the time that a staff member is required to work over thirty seven and a half (37.5) hours per week, paid as straight time up to forty (40) hours and paid at time-and-a-half for over forty (40) hours per week. (Management may require employees who are eligible to accrue compensatory (comp) time instead of being paid for overtime hours between thirty seven and a half (37.5) and forty (40) hours.)

Subject: ENSURING COVERAGE AND SCHEDULING OVERTIME

E. **Rotation List** shall mean an alphabetized list of the names of all DSPs working within a home, used by the Home Manager or designee to call upon DSPs to arrange overtime.

V. POLICY

In order to ensure adequate coverage for the health, safety, and assistance needs of the persons supported in State-operated ICFs-IID and the Day One ICF/IID Unit at HJC, a system of providing fair opportunities for routine coverage, voluntary overtime, and mandatory overtime shall be utilized among the DSPs and their supervisors. Overtime shall be used to ensure sufficient coverage is maintained. Sufficient means enough DSPs to effectively implement the active treatment programs as defined in the ISP, to meet the needs of the person supported, and to respond to emergencies, illness, or injuries. Even though minimum ratios are defined, active treatment may require more staff than the minimum required ratios; therefore compliance should not be based on staffing ratios alone.

VI. PROCEDURES**A. Coverage**

1. Each Home Manager shall be responsible for ensuring that sufficient staffing is maintained in the home(s) she/he manages.
2. Home Managers whose principle assigned function is to supervise DSP staff may not be included in direct care ratios although they may occasionally provide direct services to persons supported.
3. Home Managers can be counted only if they share in the actual work of the direct care of persons supported on a continuous basis (e.g. take individual assignment).
4. Home Managers shall attempt to maintain coverage by scheduling the staff within their homes (including themselves and supervisors) before scheduling staff from any other home.
5. Home Managers shall communicate with other Home Managers or designee to request to assign a staff from another home or to schedule said staff for overtime.
6. If the Home Manager is unavailable, the Home Manager or designee on the previous shift shall ensure coverage for the oncoming shift before leaving the home.
7. Voluntary overtime shall be utilized first before the use of any mandatory overtime.

B. Voluntary overtime

1. Voluntary overtime shall be scheduled only when necessary to meet the coverage needs of a home or shift and only after all other means to cover the need have been exhausted.
2. Voluntary overtime shall be limited to no more than three (3) shifts per week for any given staff member unless prior approval for an exception is granted by the Director/Chief Officer or designee. Such approval shall be provided only in the event that there are no other means to cover the needs of people supported.
3. DSPs shall be offered the opportunity to work the overtime needed before scheduling a Home Manager or designee for voluntary overtime.

Effective Date: 2015	Policy #: 100.1.7	Page 3 of 4
Subject: ENSURING COVERAGE AND SCHEDULING OVERTIME		

4. When coverage needs change during the shift and voluntary overtime staff is no longer required, the voluntary overtime staff shall be released from duty with the approval of the Home Manager (or designee). However, individual circumstances and the needs of the home shall be taken in to consideration when the decision is made as to whether to release or retain the overtime staff for the remainder of the shift.
5. Once a staff has agreed to work a voluntary shift, the staff becomes a scheduled employee. If a staff member calls in to be absent or does not show for the scheduled voluntary shift, this shall be considered unapproved leave.

C. Mandatory Overtime

1. If there are insufficient staff through the use of voluntary overtime to meet the minimum staffing requirements, staff shall be designated to work mandatory overtime.
2. The use of mandatory overtime shall be the last resort to ensure coverage.
3. Staff who refuse to work mandatory overtime may be disciplined for insubordination.
4. Offers for voluntary overtime shall be exhausted prior to requiring staff to work mandatory overtime.
5. Staff will be provided as much advance notice as possible when required to work mandatory overtime.
6. When coverage needs change during the shift and mandatory overtime staff is no longer required, the mandatory overtime staff shall be released from duty with the approval of the House Manager or designee. However, individual circumstances and the needs of the home shall be taken into consideration when the decision is made as to whether to release or retain the overtime staff for the remainder of the shift.
7. Once a staff has agreed to work a mandatory shift, the staff becomes a scheduled employee. If a staff member calls in to be absent or does not show for the scheduled mandatory shift, this shall be considered unapproved leave.

D. Overtime Limits

1. Staff who work voluntary or mandatory overtime shall not work more than 16 hours of a 24-hour day without proper approval by the Director/Chief Officer or designee.

VII CQL STANDARDS: People experience continuity and security.

VIII. REVISION HISTORY: This policy was initiated statewide August 25, 2011, and revised August 12, 2013 and December 18, 2013.

Effective Date: 2015	Policy #: 100.1.7	Page 4 of 4
Subject: ENSURING COVERAGE AND SCHEDULING OVERTIME		

IX. TENNCARE APPROVAL: NA

X. ATTACHMENTS: None