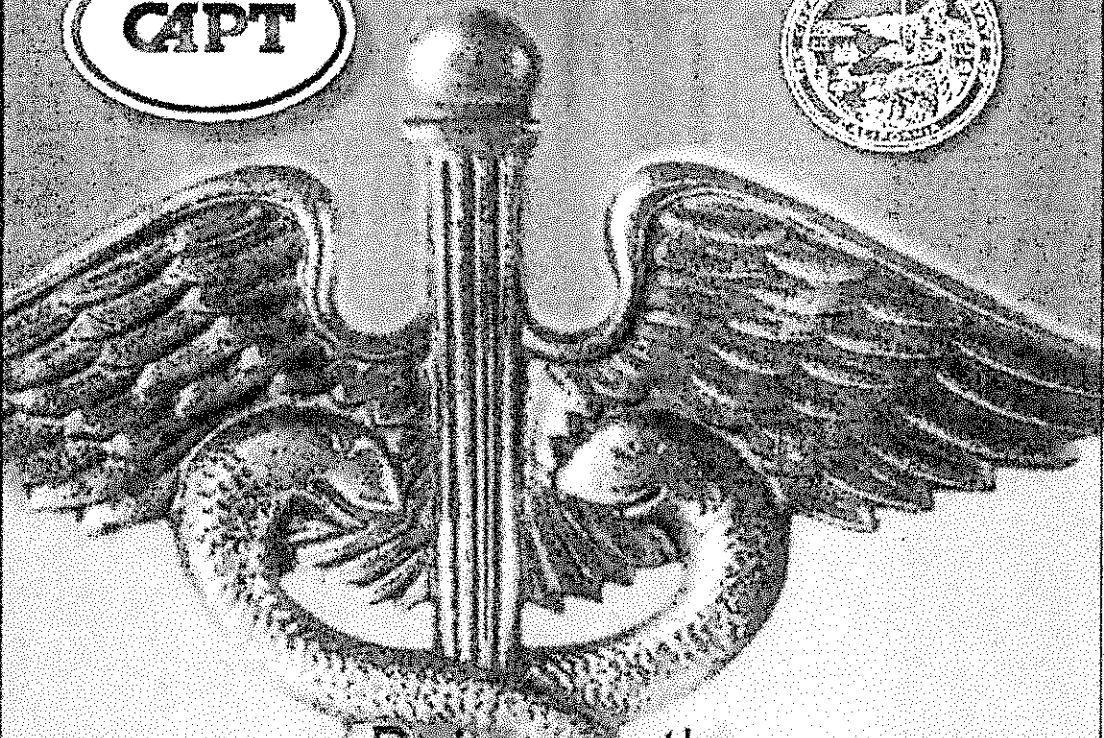
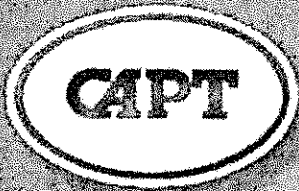


BARGAINING UNIT 18 AGREEMENT

EFFECTIVE JULY 1, 2013 THROUGH JULY 1, 2016

PSYCHIATRIC TECHNICIAN



Between the
California Association
of Psychiatric Technicians
and the State of California

- C. Less than full-time permanent employees shall receive the recruitment and retention differential on a pro rata basis.
- D. Permanent intermittent employees shall receive a pro-rated recruitment and retention differential based on the hours worked in the pay period.
- E. Recruitment and retention payments shall not alter any classification's pay schedule nor will they be considered as compensation for purposes of retirement contributions. The employee will pay usual and customary withholdings.
- F. The department may withdraw any recruitment and retention differential for specific positions, classifications, facilities or geographic locations for new hires when it is no longer needed with a 30-day notice to CAPT.
- G. It is understood by CAPT that the decision to implement or not implement recruitment and retention payments or to withdraw authorization for such payments or differentials, and the amount of such payments or differentials rests solely with the State and that such decision is not grievable or arbitrable.
- H. Recruitment and retention differentials currently being paid are listed as Appendix B to this agreement.

ARTICLE 5 - HOURS OF WORK AND OVERTIME

5.1 Overtime

- A. Overtime for employees in Work Week Group 2 is defined as all hours worked in excess of 40 hours in a work week period of 168 hours or seven consecutive 24-hour periods. The work week(s) for employees in Unit 18 will be posted in the Personnel Office of each facility.
- B. Overtime shall be paid consistent with GC 19844.1, except as noted in P below.
- C. Payment of authorized overtime required by the State shall be in cash or compensating time off (CTO) and shall be at a rate of one and one-half times the employee's regular rate of pay for each hour of overtime worked, or fraction thereof, computed to the nearest fifteen minutes.
- D. During the term of this agreement, if the State is unable to provide cash compensation for overtime under the provisions of this contract, the State shall notice CAPT and the parties shall meet and confer pursuant to Article 14 (Entire Agreement).
- E. Employees may accrue up to 100 hours of compensating time off. Employees shall have the choice of cash or CTO for overtime hours worked. Management shall have the option, each fiscal year, to compensate employees with CTO up to 40 hours on the books. All hours in excess of the 100 hour CTO maximum shall be compensated in cash.

Employees shall have the right to hold up to 40 hours of accrued CTO exempt from mandatory buyout. The employer or the employee shall be informed, prior to working overtime, whether the overtime will be in cash or CTO. If cash compensation is paid to an employee for accrued CTO, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment.

- F. If the State does not permit the employee to schedule the CTO within one year from the date the overtime was earned, the State shall make a cash payment in lieu of CTO except as provided in E above.
- G. Before an employee is required to work mandatory overtime, management will make a reasonable effort to find an acceptable volunteer within the program where the employee works. Overtime shall first be offered to level of care employees before allowing other classifications to work overtime.
 - 1. "Acceptable volunteer" means an employee who is competent to perform the assignment and meets any necessary licensure requirements.
 - 2. An employee shall not be rejected as an acceptable volunteer solely because the employee has exceeded CTO limitations in item E above.
- H. Except in cases of emergency, employees shall not be required to work mandatory overtime:
 - 1. More than six mandated overtime shifts of at least two (2) hours duration in a month, or
 - 2. In excess of sixteen (16) hours continuously, or
 - 3. In excess of two overtime shifts within an employee's scheduled work week, or
 - 4. On two consecutive calendar days.

When an employee is mandated to work 12 to 16 consecutive hours, that employee shall not be mandated to work overtime the next calendar day.

An employee who is mandated to work an overtime shift, in excess of one (1) hour, shall be rotated to the bottom of the appropriate overtime list; however, mandated overtime shifts of less than two (2) hours do not count towards the limitations listed in this section.

Employees eligible for FMLA, unable to work overtime shall not have more than six mandatory overtime shifts charged against their FMLA entitlement in a month.

For the purpose of mandatory overtime rotation, employees who are charged FMLA leave shall be considered to have met their overtime obligation.

- I. Employees who are mandated to work overtime shall be permitted to secure a volunteer to work all or part of their mandated overtime as a volunteer. The volunteer must be a BU 18 member, competent to perform the assignment, meets any necessary licensure requirement and able to perform the duties of the overtime assignment. Once a volunteer is secured, the mandated employee shall immediately notify the appropriate supervisor. After the volunteer reports to the worksite, the mandated employee shall be allowed to leave the facility. The mandated employee will be credited with a mandate, in accordance with 5.1 H, and the voluntary employee is considered a volunteer.

- J. Upon the request of an employee who has been on duty continuously for fifteen (15) hours, the employee shall have the option to:
 - 1. Take the next shift off on vacation, annual leave, CTO or holiday credit if staffing permits.
 - 2. Adjust the shift starting time to provide a 10-hour break between shifts;
 - 3. Take two hours off without pay or use CTO, holiday, annual leave or vacation at the start of the next shift to provide a 10-hour break.
- K. Employees shall be subject to the overtime provisions of Work Week Group 2. The appointing power determines the work week, which may begin on any day at any hour. Once the beginning time of an employee's work week is established and noted in the records, it remains fixed regardless of the schedule of hours worked. The beginning of a work week may be changed if the change is intended to be permanent and it is not designed to evade the overtime provision of the Fair Labor Standards Act (FLSA), except that, when the FLSA applies, the overtime provisions of Work Week Group 2 shall be in effect.
- L. Notwithstanding any other contract provision, departmental policy or practice, the travel time of employees who are covered by FLSA shall be considered as time worked only if it meets the definitions and requirements of travel time in Sections 785.34 through 785.41 of Title 29 of the Code of Federal Regulations.
- M. Employees will not be called in or scheduled to work overtime on their day off. There shall be no mandatory overtime on an employee's RDO (an employee's RDO begins at the end of the employee's last scheduled shift in the workweek) or pre-approved day off, except:
 - 1. In an emergency situation such as a natural disaster; or
 - 2. During a state of emergency declared by the State or Federal authorities; or
 - 3. During a severe internal emergency (e.g., an incident which necessitates assistance from an outside agency or a healthcare crisis); or
 - 4. When the employee's shift relief does not report for work or gave less notice required by facility policy or intent not to report for work, an employee may be mandated for no longer than four (4) hours if:
 - a) There is no BU 18 volunteer available; and
 - b) Every eligible BU 18 employee has been mandated in accordance with facility policy.
- N. An employee who volunteers to work an overtime shift on his/her regular day off will not be mandated to work additional hours contiguous to the voluntary hours worked, except in the case of a declared emergency.
- O. During the term of this agreement CAPT may request to reopen this Section one time.
- P. Before an employee is required to work mandatory overtime, management will make every effort to schedule appropriate available employees prior to mandating overtime. This shall include, but not limited to: Permanent Intermittent Employees, Retired Annuitants, Registry staff, and volunteers. As a last resort, to meet required

staffing needs, when an employee is mandated to work overtime during a week with approved leave, other than sick leave, they will earn premium (1½ time) overtime compensation for hours worked over forty (40) combined leave use, other than sick leave, and hours worked in that week.

5.2 Show-up Time

- A. An employee who shows up for work at an assigned starting time and has not been advised by the employer prior to reporting not to so report shall be guaranteed at least four (4) hours of work or shall be paid a minimum of four (4) hours at the employee's appropriate rate of pay.

5.3 Call Back Time

An employee who has completed a scheduled work shift, or an employee on an authorized day off, when ordered back to work shall be credited with a minimum of four (4) hours work time at the employee's appropriate rate of pay provided the call back to work is without having been notified prior to completion of the work shift and the work begins more than two (2) hours after the completion of the scheduled work shift.

When staff meetings or work assignments are regularly scheduled on an employee's authorized day off and the employee is required to attend, the employee shall receive callback compensation or shall work a minimum of four (4) hours.

When staff meetings are regularly scheduled on an employee's scheduled work day and outside the employee's scheduled work shift and the employee is required to attend, overtime or other compensation shall be received at the appropriate rate of pay.

5.4 Rest Periods

- A. Two (2) rest periods of fifteen (15) minutes each shall be scheduled by the supervisor during each regular shift; one (1) during the first half of the shift and one (1) during the second half of the shift. Employees shall be permitted to take breaks except in cases of emergency involving client care.
- B. A rest period shall not be granted during the first or last hour of the work shift. Rest periods may be accumulated for that workday in order to extend a lunch break with supervisory approval. If rest periods are combined with their unpaid lunch period, employees are not eligible for workers compensation benefits during such period. Rest periods shall not be used for overtime purposes. If operational needs prevent an employee from taking a rest period, the employee's supervisor may adjust the employee's shift in order to enable the employee to leave work early.

Disputes regarding this sub-section (B) are grievable up to the second level of the review and are not subject to arbitration.
- C. Whenever possible and with the approval of his/her supervisor, the employee may take the break away from the employee's work area provided the employee is back in the work assignment at the end of the rest period.

5.9 Excess Time

- A. At the conclusion of each fiscal year, management shall determine the feasibility of paying cash compensation for excess time accrued over the previous year.
 1. Should management determine that it is feasible to provide cash compensation for the accrued excess time, the facility will survey employees for cash-out.
 2. If the facility determines that it cannot cash out all the requested excess time, facility management will determine a method to distribute the available cash among those employees requesting cash-out.
- B. Employees must maintain a minimum of 32 hours after the cash-out occurs.

5.10 Mixed Shifts

An employee shall not be required to work a mixed shift work week unless the employee consents.

5.11 Alternate Work Schedules

- A. Departments shall establish policies for flexible work hours and alternate work schedules for Bargaining Unit 18 employees who desire to participate.
- B. Upon request, each Department shall provide CAPT a list of the names, work locations and hours of work of all Bargaining Unit 18 employees who are working alternate work schedules.
- C. The Departments shall give written notice to CAPT prior to implementation of an alternate work schedule that causes a change in the existing day-off cycles or hours worked by Unit 18 employees assigned to a unit or residence or a CDCR and/or CCHCS work location.

5.12 Report Preparation Time for Senior Psychiatric Technicians

In twenty-four (24) hour facilities, there may be various reports (including court reports) required by the facility, licensing, and/or Joint Commission for accreditation. Many of these reports are assigned to be completed by the Senior Psychiatric Technicians (SPT) and/or assigned shift lead. In the interest of allowing SPTs and/or the assigned shift lead to do thorough, timely and accurate reports, their workday shall take into consideration the time necessary to complete these reports.

5.13 Voluntary Overtime – CDCR and CCHCS

BU 18 employees will be assigned voluntary overtime in the following manner except where precluded in emergency situations:

- BU 18 Psychiatric Technicians shall be assigned pre-scheduled overtime by seniority on a rotational basis.

- Management shall supply a Voluntary Overtime Roster at least once a month, listing all the known and anticipated overtime assignments.
- The most senior employee will pick one slot and then be rotated to the bottom of the list.
- The next most senior employee will pick one slot and be rotated to the bottom of the list.
- This process will be followed until all overtime slots are filled or all requests for voluntary overtime have been awarded.

ARTICLE 6 - LEAVES AND HOLIDAYS

6.1 Holidays

- A. All full-time and part-time employees shall be entitled to such observed holidays with pay as provided herein, in addition to any State Holidays proclaimed by the Governor.
- B. Observed holidays shall include January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, Thanksgiving Day, the day after Thanksgiving, December 25. After the initial six months of employment, full-time employees shall be granted a personal holiday each fiscal year. The personal holiday shall be credited to employees on the first day of July. Subject to operational needs, a department head or designee may grant an employee's request to take his/her personal holiday with less than five (5) working days' advance notice. Personal holiday credit not used by June 30 of each fiscal year shall be converted to holiday credit on an hour-for-hour basis.
- C. Employees shall receive holiday time on the day on which the holiday occurs. Employees who work the nocturnal shift (NOC) shall receive holiday time for the shift which ends on the holiday.
- D. Employees other than permanent intermittent working on January 1, the last Monday in May, July 4, the first Monday in September, Thanksgiving Day and Christmas shall receive pay at a rate of one and one-half (1/2) times the employee's regular rate of pay for each hour worked on the holiday plus at the option of the State, cash compensation or holiday credit in accordance with their time base as defined in the following chart. Intermittent employees shall receive straight time for all hours worked on a holiday unless such time exceeds 40 hours in a work week (168 hours or seven consecutive 24-hour periods).
- E. If a holiday falls on the employee's regular day off, the employee shall receive holiday credit in accordance with the following chart.
- F. Employees working part-time or intermittent schedules shall receive holiday credit or cash in lieu of holiday credit in accordance with the following chart.

7.10 Overtime Meal Allowance

- A. The State shall provide employees with a meal allowance, meal ticket, or provide the opportunity for a facility-prepared meal when the employee is required to work two (2) consecutive hours prior to or two (2) consecutive hours after the regular work shift. To be eligible for an overtime meal allowance on a holiday or regular day off, employees must work the total number of hours of their regular work shift and work either two consecutive hours prior to or two consecutive hours after the start or end of their regular work shift. For the meal expense incurred on the date the overtime was worked, the Department will reimburse up to \$7.50. To receive meal allowance reimbursement, receipts must be submitted within 30 days of the date the overtime meal was authorized.
 - B. Should management be unable to provide a complete meal, an employee will be provided a meal allowance as stated above.
 - C. The meal ticket shall be used / submitted within 30 days of the issue date recorded on the meal ticket. Employees shall use a meal ticket(s) as provided below:
 1. The employee may choose to use the meal ticket to purchase food at an eating place (i.e.: snack bar, canteen, cafeteria) designated by the facility. The meal ticket is good for a food purchase not to exceed \$7.50. Any amount over \$7.50 shall be paid by the employee. No change/refund shall be provided to the employee should the full \$7.50 not be spent on one purchase. The use of the meal ticket to purchase food shall constitute full and complete reimbursement.
- Or
2. The meal ticket may be submitted for reimbursement via the CALATERS system.

7.11 Business and Travel Expense

The State agrees to reimburse employees for actual, necessary and appropriate business expenses and travel expenses incurred 50 miles or more from home and headquarters, in accordance with existing CalHR rules and as set forth below. Lodging and/or meals provided by the State or included in hotel expenses or conference fees or in transportation costs such as airline tickets or otherwise provided shall not be claimed for reimbursement. Snacks and continental breakfasts such as rolls, juice and coffee are not considered to be meals. Each item of expenses of \$25 or more requires a receipt; receipts may be required for items of expense that are less than \$25. When receipts are not required to be submitted with the claim, it is the employee's responsibility to maintain receipts and records of their actual expenses. Each State agency shall determine the necessity for and method of travel.

- A. Meal expenses for breakfast, lunch and dinner will be reimbursed in the amount of actual expenses up to the maximums. Receipts for meals must be maintained by the employee as substantiation that the amount claimed was not in excess of the amount of actual expense. The term "incidentals" includes but is not limited to expenses for laundry, cleaning and pressing of clothing, and fees and tips for services, such as for porters and baggage carriers. It does not include taxicab fares, lodging taxes or the costs of telegrams or telephone calls.