

	Scarborough Fire Department	
	Scarborough, Maine	
	Standard Operating Procedures	

Book:	Organization
Chapter:	Forms, Records & Reports
Subject:	1315 - Overtime Shift Filling Policy
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Approved by:	<i>B. Michael Thurlow</i>

PURPOSE

The purpose of this policy is to outline the process to be used when requesting and filling both scheduled and unscheduled overtime shifts by full time employees.

SCOPE

This policy applies to all full time line staff covered under the collective bargaining agreement (CBA) with the SPFA Local #3894 and is intended to be used in conjunction with the provisions listed in the CBA.

POLICY

It's the policy of the Scarborough Fire Department that all full time line staff will comply with the procedures outlined below when requesting, covering and filling any open shift.

DEFINITIONS

- A. AL – Acting Lieutenant
- B. Do Not Call List – A list for employees to designate their desire not to be offered overtime shifts.
- C. Duty Officer – Full Time Operations Captain.
- D. Open Shift – A shift that is vacant due to illness or injury, vacation, personal time off, bereavement, training, special detail, failure of a scheduled employee to arrive at work, employee separation, the creation of a new position, or any other reason.
- E. Special Duty (Detail) - When an additional EMS unit and or manpower is requested by the Fire Chief to cover for a stand-by, special event, or training.
- F. Emergency Sick – A shift that becomes open due to an illness or injury occurring during a shift with little or no warning.
- G. FMLA – Family Medical Leave Act
- H. Pool Firefighter/EMT – A full time firefighter/EMT-P position that can be assigned to cover any position to facilitate daily operational needs, filling vacant shifts as necessary so as to avoid overtime costs.

PROCEDURE

- A. Requesting Time Off (Vacation/Training/Personal/Bereavement/FMLA):
- a. When either partial or complete twenty-four (24) hour shifts are requested off as much advance notice as possible must be given.
 - i. If less than two weeks' notice is given, then the request shall only be honored contingent upon the availability of the duty officer to confirm voluntary coverage.
 - ii. Approval will be contingent upon the employee having sufficient accruals and training hours in their bank of time, and the availability of coverage being confirmed prior to the requested shift off.
 - b. Vacations may only be taken after six months of service, unless approved by the Fire Chief.
 - c. Vacation time will be used at the convenience of the Town.
 - d. All requests for time off must be submitted prior to the requested time off using the software program When-to-Work (WtW).
 - e. In addition to the electronic process above, time off requests for training must be submitted to the fire department administrative office prior to the requested time off using the Training Authorization Form for processing.
 - f. Employees requesting training coverage when they are scheduled to be on-duty shall be charged for the coverage regardless of whether actual overtime was incurred to fill the vacant slot or the pool firefighter filled the vacancy.
 - g. Regardless of when the request was submitted, no vacation time will be granted for the Thanksgiving and Christmas premium period unless voluntary coverage can be obtained. The requirement for voluntary coverage also pertains to the pool position for these two holidays. Additionally, the pool position cannot be moved or considered as voluntary coverage for vacation requests.
 - h. There shall be up to five employees on vacation within the same pay week. One of the employee positions shall be for the Captain or Lieutenants, and the other four slots will be on a first come, first served basis except as noted in section j below. Other vacation requests may be granted at the discretion of the Fire Chief.
 - i. When multiple requests for the same time off period are received from more than two employees, the requests will be honored based on the date of submission of the request.
 - j. The vacation earning and usage time period will be based on the fiscal year (July 1 through June 30). No vacation time off shall be scheduled in a new fiscal year until the following selection process has been completed to evenly allocate days to all employees.
 - i. Prior to January 1st each year employees may select weeks of vacation time for the following fiscal year. In the first round each employee shall be granted two weeks contingent upon availability. Additional weeks shall be granted on a one week per round basis until all vacation requests have been completed. For the purpose of this section, weeks will run Sunday through Saturday. The employee must submit those requests as outlined above. Employees may either take a full or partial tour off. The selection process shall start with the most senior employee in rank. Selection shall continue through each of the seniority lists. If a conflict occurs during the selection process, the employee shall be contacted and given 24 hours to revise their request. If the employee fails to revise the

request within 24 hours of notification, or if the employee cannot be contacted within 48 hours the employee forfeits their request. Once all requests have been entered on the schedule any other vacation/holiday requests for that year shall be filled on a first come, first served basis.

- k. In the event of “emergency sick” coverage during a shift a “non-SPFA member” who is available immediately may be used for up to 12 hours before obtaining coverage from a SPFA member. Emergency sick coverage will be filled with the first available qualified SPFA member.
- l. Members voluntarily accepting a shift shall be responsible for that shift. A member may contact the Duty Officer to seek replacement coverage. The Duty Officer shall utilize the Firefighter/EMT and Officer Voluntary Overtime lists, to attempt to fill the shift. In the event that no coverage is found the employee that originally accepted the shift shall work that shift.
- m. Once a vacation request has been made and filled through the overtime process, that request can only be retracted with more than two weeks’ notice unless the employee that was assigned the overtime willingly gives the overtime back by confirming so in an email to the Duty Captain.
- n. When filling shifts due to extended medical leaves, they should be filled conservatively to avoid having to force for coverage on short notice and to avoid filling shifts beyond a date when the employee may be cleared for duty.
- o. Coverage shall assure that a minimum of one paramedic shall be assigned to each ambulance each shift.
- p. Special EMS detail coverage will be filled as outlined in Article 18.1 of the CBA and this policy. If no voluntary coverage is secured the coverage may be offered to another qualified member approved by the Fire Chief or his designee with the exception of CPAT details which must be filled with full time personnel. If a per-diem member accepts a detail shift, it shall be considered an over-hours shift, as the opportunity for overtime has already been given to full time staff. The license level and number of personnel required will be determined by the fire chief on a case by case basis.
- q. The Town reserves the right to provide shift coverage for long-term “open shifts” from a per-diem list in an effort to save overtime costs. Long-term shall be defined as open shifts for a period exceeding six weeks.
- r. When filling multiple full time shifts the employee highest on the overtime list shall be given first opportunity for overtime starting with the first shift that individual put in for. Hiring goes by employee then date. For example, employee X is the highest person on the OT list and they put in for open shifts on 1/4 and 1/20. Employee X would be given the 1/4 shift as OT and rotated accordingly on the OT list.
- s. When 3 hrs. or less is requested off at the beginning or end of a shift, those hours will be offered to the oncoming or outgoing firefighter/EMT of that station as the 1st offering, followed by the oncoming or outgoing firefighter/EMT from other stations.
- t. When covering a shift for 6 hrs. or less, the employee covering will not be rotated on the Voluntary Overtime Rotation List.

B. Filling Voluntary Overtime:

- a. Establishment of overtime lists
 - i. Three rotating voluntary overtime lists (one Captain, one Lieutenant, and one firefighter/EMT) will be established by the Fire Chief and be subject to review by the SPFA president for accuracy. Opportunities for overtime shall be filled according to the following process:
- b. Firefighter/EMT Overtime Process
 - i. When available, the pool firefighter/EMT-P will 1st be moved to cover the open position.
 - ii. The pool position will not be backfilled.
 - iii. If the shift being filled requires an EMT-P and there are sufficient EMT-Ps on duty, they may be moved to assure minimum EMT-P staffing on each ambulance
 - iv. Use the firefighter/EMT’s voluntary overtime list, if not filled:
 - v. Use the Lieutenant’s voluntary overtime list, if not filled;
 - vi. Use the Captain’s voluntary overtime list, if not filled;
 - vii. Use the per-diem employee list (for fire apparatus only), if not filled;
 - viii. The process reverts to the forced overtime process
- c. Overtime Notification Procedure – Long-Term:
(Used for the filling of shifts on a month-to-month basis. If for some reason the WtW system is down, the Duty Officer will revert to calling the overtime list.)
 - i. Employees will be notified via a When-to-Work page requesting that they submit their availability to fill open shifts for the upcoming month. Availability must be submitted prior to the 10th of the month and will be posted no later than the 15th of the month. (Ex: Availability due January 10th , shifts filled by January 15th for February open shifts).The scheduling officer or their designee will cross reference the responses with the appropriate voluntary OT list and assign the shift(s) appropriately.
- d. Overtime Notification Procedure – Short-Term:
 - i. **For requests with 24 hrs. notice or more** - The Duty Officer filling the open shift will send out a page through When to Work (or current program) to all fulltime members. Members will have 2 hours from when the shift was paged out to respond to the page. Once the allotted time has passed, the Officer/AL will cross reference the responses with the appropriate voluntary OT list and assign the shift appropriately.
 - ii. **For requests with Less than 24 hrs. notice** - The Duty Officer filling the open shift will send out a page through When to Work (or current program) to all fulltime members. Members will have 30 minutes from when the shift was paged out to respond to the page. Once the allotted time has passed the Duty Officer will cross reference the responses with the appropriate voluntary OT list and assign the shift appropriately.
 - iii. The page needs to include the following elements: that it is an OT shift, the apparatus it is for, the date/time it’s for and will have until the specified date and time to respond to the page. (Ex: “OT shift on E-7 available 12/9/15 from 8 am to 8 pm, respond to page by 1800 hrs.)
 - iv. Once the shift has been assigned, the Duty Officer will notify the employee to inform them they have been assigned the short notice shift.

- e. Officer Overtime Notification Procedure
 - i. The Duty Officer filling the open shift will create a new shift (Officer Overtime) and send out a page through When to Work (or current program) to all full-time members. Members will have the allotted time (as above) from when the shift was paged out to respond to the page. Once the allotted time has passed the Duty Officer will cross reference the responses with the appropriate voluntary OT lists and assign the shift(s) appropriately.
 - ii. This page will read in part: Officer OT available (*Date & Time*) all members please submit your availability by (*time*).
- f. Captains Overtime Process
 - i. When filling a Captain's position the 1st backfill will be from the Captains' Voluntary list.
 - ii. If not filled with a Captain, the next backfill will be from the Lts.' Voluntary list.
 - iii. If the on duty Lt. position can be backfilled with an AL, that on duty Lt. will fill the Captain's position.
 - iv. If not filled voluntarily by a Captain or Lt., then the position will be filled with a force from the Captain's list.
 - v. If a Captain cannot be forced, a Lt. can be forced to fill the Capt.'s position.
- g. Lieutenants Overtime Process
 - i. When filling a Lts. position the 1st backfill will be from a Lts. Voluntary list.
 - ii. If not filled with a Lt., the next backfill will be from the Captains' Voluntary list.
 - iii. If not filled voluntarily with a Captain, the next backfill will be from an Acting Lieutenant.
 - iv. If not filled with an AL, then the position will be filled with a force from the Lts.' Force list.
 - v. If a Lt. cannot be forced, a Capt. can be forced to fill the Lts.' position.
- h. AL Shift Filling Process (for lieutenant's position only)
 - i. When filling an Acting Lieutenant position the voluntary firefighter/EMT overtime list will be used.
 - ii. Qualified employees that are off duty will be given first opportunity. If no off-duty qualified personnel take the position voluntarily, an AL that is on duty will be moved to the AL position so long as their position can be back-filled with the pool firefighter/EMT or voluntary coverage.
 - iii. If no voluntary back-fill coverage is found the process reverts to the lieutenant forced overtime process as outlined above.
 - iv. If no Lieutenant or Captain can be forced an on-duty AL will be moved to fill the open lieutenant's position and the AL's position will be backfilled using the forced overtime or emergency sick procedures.
- i. Special Detail Overtime Process
 - i. All special details will be paged out to all full-time and per-diem members as soon as possible after they have been requested.
 - ii. Use the firefighter/EMT's voluntary overtime list.
 - iii. If no voluntary coverage is secured the coverage may be offered to a qualified per-diem member, with the exception of CPAT details.

- iv. If no per-diem coverage is found the forced overtime provision of the contract will take effect.
 - v. If a detail has not been filled with voluntary coverage 2 weeks from the scheduled date, it will be paged out once more to all full-time and per-diem members prior to assigning the force.
 - j. Per-diem Firefighter Shift Filling Process
 - i. When there is a vacant per-diem fire shift it will be offered to available per diems.
 - ii. When there is a vacant shift not filled by a per-diem it will be offered to the full time crew for voluntary overtime, regardless of rank.
 - iii. Once a per-diem shift has been paged out as overtime, it will be assigned to the appropriate full time member who submitted availability during the allowed response time for overtime.
 - iv. If no full time member takes the overtime it can be offered to per-diem firefighters for over 39 hours
 - v. If no per-diem accepts the over-hours opportunity the full time pool firefighter may be moved to fill the vacancy.
 - vi. If a full time member is working a fire shift, and a full time shift becomes open unexpectedly, that person may be moved to fill the vacant full time position if the fire shift can be backfilled with per-diem coverage as outlined above in this section.
- C. Forced Overtime
- a. Forced overtime will be defined as overtime caused by an opening in a fulltime shift that is not covered by voluntary overtime or by per-diem coverage for fire shifts only.
 - b. Forced overtime will be used after exhausting voluntary overtime and the use of per-diems to fill vacant full-time fire shifts only.
 - c. Forced overtime shall not be used to cover per-diem firefighter shifts.
 - d. Three rotating forced overtime lists (one Captain, one Lieutenant, and one firefighter/EMT) will be established by the Fire Chief and be subject to review by the SPFA president for accuracy.
 - e. Any new or promoted employees shall be added to the top of the applicable forced overtime list.
 - f. The Duty Officer shall utilize the appropriate forced overtime list to fill open shifts. Starting at the top and working down, the 1st employee of that job classification that is eligible and contacted, shall be forced to report to, or remain on duty. A forced employee shall be permitted to seek a substitute from another full time member of the bargaining unit. If the vacancy is in a full-time fire shift or detail, the forced employee shall be permitted to seek a substitute from a per-diem or another qualified member subject to approval of the Fire Chief or his designee, whose approval shall not be unreasonably withheld. The forced overtime coverage shall assure that a minimum of one paramedic shall be assigned to each ambulance each shift. If coverage is not obtained prior to shift change, then the on-duty employee of that job classification will be forced to remain on duty until relief coverage is obtained.

- g. Force Notification
 - i. Employees shall be considered “contacted” when the duty officer has made voice contact by phone or face to face. This includes if that employee receives voice to voice contact from an officer on their next scheduled shift prior to the force date.
 - ii. Additionally, when an employee is forced, changes will be made in the schedule resulting in an electronic notification from the scheduling software. An email will also be sent to that employee and the full-time officer group.
 - h. Forced Overtime Breaks:
 - i. No employee shall be “forced” for more than twenty-four (24) consecutive hours.
 - ii. No employee shall be forced to remain on duty for more than forty-eight (48) consecutive hours unless there is a declared state of emergency.
 - iii. Employees who have been forced to remain on duty up to 36 consecutive hours shall be entitled to 12 consecutive hours off, except those that are forced to remain on duty for 48 consecutive hours as described above. An employee who has been forced for a period of 48 consecutive hours shall be entitled to 12 or 24 consecutive hours off.
 - i. Forced overtime will be filled in two time periods, day shifts 0800-2000 and night shifts 2000-0800, when possible. In the event an employee is forced for the day shift and no other coverage was found for the night shift, the employee on duty may be forced to remain on duty and fill the night shift unless restricted as outlined in this section.
 - j. Members of the bargaining unit shall not be “forced” while on a pre-scheduled and approved vacation or a personal day. Vacation means any single day, full tour, or combination thereof. An employee shall be considered on vacation after finishing their last worked shift proceeding the scheduled time off, until their due day back. This shall also apply to any swap off shifts that have been prearranged and documented on the schedule or for any preapproved training where the force would affect the employee’s travel to and from the training.
 - k. When an employee is held over for less than 2 hrs. due to a late call, it will not be considered a forced overtime situation and as such will not create a change to the forced overtime list rotation.
 - l. If no voluntary coverage for a Special Detail is secured the forced overtime provision of the contract will take effect.
- D. Remedies
- a. When a legitimate error or omission is made during scheduling of overtime, or due to cancellation of a special detail, the negatively affected employee shall be given first refusal for overtime. That employee’s name shall be placed on the “first refusal list”. Once the employee accepts an overtime that employee is removed from the first refusal list and placed back into the normal rotation.
 - b. In the event a member is forced and rotated on the force list in error or due to a canceled detail:
 - i. If the error or cancelation is discovered more than 14 days prior to the shift/detail, then the error will be corrected and that member will be placed back in their original spot on the force list and the appropriate member shall be forced if need be.

- ii. If less than 14 days, the member will retain their rotated position. Subsequently the appropriate member shall be forced if need be.

RESPONSIBILITIES

- A. It is the responsibility of the employee to submit their time off or swap requests on the department's When to Work software.
- B. It is the responsibility of the employee to log on and check the department's When to Work software for changes and/or updates to the schedule.
- C. Employees requesting training time off shall submit their requests on the department's When to Work software as well as the Training Authorization Request Form. Once approved the Scheduling officer shall post the change in When to Work.
- D. It is the responsibility of the employee to cover open shifts they have been assigned without causing any unnecessary forced overtime situations.
- E. It is the responsibility of the employee that originally was assigned to fill an open shift to work that shift unless there is a voluntary replacement or a medical emergency. This would not apply to a pool firefighter/EMT that has been moved to cover an open firefighter/EMT shift.
- F. It is the responsibility of the employee requesting to fill an open shift to appropriately request such through the When to Work (WtW) software.
- G. It is the responsibility of an AL that has been assigned to fill a Lts. shift to work that shift unless there is a voluntary replacement or a medical emergency.
- H. It is the responsibility of the scheduling officer to assure that open shifts requested greater than four weeks in advance are filled as outlined in this policy in a timely manner.
- I. When the scheduling officer is unavailable they will assign this task to another officer with notification to the Fire Chief.
- J. It is the responsibility of the officer who is scheduling shifts to follow these procedures.
- K. It is the responsibility of each Duty Officer to check the WtW program daily for any open shifts or time off requests.
- L. It is the responsibility of each Duty Officer to process any time off requests submitted in a timely manner, as outlined in this policy.
- M. It is the responsibility of each Duty Officer to fill any requests for time off made less than four weeks in advance.
- N. The Fire Chief is responsible for approval of any additional time off requests as outline in this policy.
- O. Employees are responsible for verifying they have sufficient accruals to request the time off prior to submitting their request for the time off.

REFERENCES

- A. SPFA 2017-2020 Contract