

Chapter: Leave, Time and Attendance
Title: Scheduling JCO Work Hours

Effective Date: 12/1/11
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New

ACA Standard(s): N/A

(a) **Policy.**

The Texas Juvenile Justice Department uses a standardized process to schedule regular work hours and overtime hours for Juvenile Correctional Officers (JCOs).

(b) **Applicability.**

This policy applies to JCOs assigned to institutions and halfway houses.

(c) **Definitions.**

For definitions of certain terms used in this policy, see the PRS glossary.

(d) **General Provisions.**

- (1) If the number of available JCOs is insufficient to provide the required minimum supervision, the program supervisor over residential operations and/or the assistant superintendent will be placed in the JCO schedule to provide minimum coverage on the dorms in addition to their normal duties.
- (2) A JCO who uses scheduled or unscheduled sick or other leave during a workweek will not be required to work additional or overtime hours solely because he/she used leave. When preparing JCO schedules and determining which JCOs will work additional or overtime hours, such JCOs will be considered in accordance with the procedures established by this policy in the same manner as other JCOs who did not use leave hours during the workweek.

(e) **Procedures.**

(1) **JCO Schedulers.**

- (A) The superintendent will designate a JCO VI as the JCO scheduler to be responsible for scheduling JCO staff coverage, including any necessary overtime hours and approving unscheduled overtime hours.
 - (i) The JCO scheduler at an institution will report to the program supervisor over residential operations.
 - (ii) The JCO scheduler at a halfway house will report to the assistant superintendent.
 - (iii) The applicable program supervisor or assistant superintendent will assist the JCO scheduler in managing the JCO schedules.
- (B) If a JCO VI who has been trained to be a scheduler is unavailable (e.g., due to turnover), the responsibility may be delegated to a higher level of authority.
- (C) JCO scheduling responsibilities may not be delegated to an FLSA non-exempt employee other than the JCO VI who is designated as an institution's JCO scheduler.

(2) **Institution Schedule Pattern.**

The schedule pattern for JCOs assigned to secure institutions consists of four consecutive regularly scheduled eight-hour work days and then two consecutive regularly scheduled days off (4-on/2-off pattern).

- (A) The 4-on/2-off schedule pattern for a seven-week cycle results in a JCO being regularly scheduled to work:
- (i) 40 hours during five consecutive workweeks, with two consecutive days off at some point in the workweek; and
 - (ii) 32 hours during two consecutive workweeks, when the 4-on/2-off schedule results in the JCO being regularly scheduled to work four 8-hour days with three days off during the workweek as follows:
 - (I) one off day at the beginning of the workweek (Sunday) and two off days at the end of the workweek (Friday and Saturday); or
 - (II) two off days at the beginning of the workweek (Sunday and Monday) and one off day at the end of the workweek (Saturday).
- (B) During the two consecutive regularly scheduled 32-hour workweeks, the JCO must continue to account for a 40-hour workweek. Therefore, a scheduling decision must be made for the JCO to:
- (i) work eight additional hours on a voluntary or mandatory basis; or
 - (ii) use eight hours of available leave time.
 - (I) The JCO may be required to use accrued holiday, state compensatory, or administrative leave in accordance with PRS.28.02.
 - (II) The JCO may be provided the option to use accrued vacation (annual) or overtime leave; however, the JCO will never be required to use vacation or overtime leave for the sole purpose of meeting scheduling requirements. If a JCO with no accrued holiday, state compensatory, or administrative leave chooses not to use accrued vacation (annual) or overtime leave during his/her regularly scheduled 32-hour workweek, the JCO must be allowed to work another eight hours during the workweek.
 - (III) Sick leave may be used only if the reason for absence qualifies for sick leave.
- (C) When the JCO scheduler prepares the schedule, he/she will identify the group of JCOs with a regularly scheduled 32-hour workweek for each week. The JCO scheduler will make scheduling decisions for the eight other hours for each of these JCOs in a manner that will help avoid the accrual of overtime by JCOs working a regularly scheduled 40-hour workweek.
- (i) When a JCO is scheduled to work the eight additional hours during his/her regularly scheduled 32-hour workweek, the eight hours:
 - (I) may be any combination of hours (e.g., a full eight-hour shift, extra hours before or after his/her regular shift); and
 - (II) should be scheduled for a weekday instead of a weekend when possible.
 - (ii) A JCO that does not have any available leave balances will be scheduled to work eight additional hours during the regularly scheduled 32-hour workweek.
 - (iii) A JCO that does not have any available holiday, state compensatory, or administrative leave but has available vacation (annual) or overtime leave will be scheduled to work eight additional hours during the regularly scheduled 32-hour workweek, unless he/she has requested to use available vacation or overtime leave and the leave request has been approved.

- (iv) A JCO that has at least eight hours of available holiday, state compensatory, or administrative leave may be scheduled to work eight additional hours during the regularly scheduled 32-hour workweek or may be required to use such leave.
- (v) From the JCOs that are using eight hours of leave in their regularly scheduled 32-hour workweek, the JCO scheduler will identify a sufficient number of JCOs to be placed on on-call status. These JCOs will continue to be free to use their time off for personal matters. The JCO scheduler will rotate the JCOs that are placed on on-call status for the two consecutive regularly scheduled 32-hour workweeks to the extent possible.

(3) **Overtime Hours.**

(A) **General Provisions.**

- (i) The procedures in this section reference overtime hours for all extra hours worked beyond a regular schedule. However, whether the extra hours worked will result in the accrual of overtime hours will be determined in accordance with PRs.27.23 because other factors (e.g., leave taken in the same workweek that the extra hours are worked) will impact this determination.
- (ii) The JCO scheduler must ensure that a JCO does not work more than 16 overtime hours within a work cycle unless absolutely necessary for adequate staffing.
- (iii) On a day in which overtime hours are required, the JCO scheduler:
 - (I) may require a JCO to work overtime hours on the same or different dorm than the dorm in which the JCO worked his/her regular hours; and
 - (II) may not schedule a JCO to work overtime hours solely because the JCO is working his/her regular hours in the same building in which it is necessary for a JCO to work overtime hours.

(B) **Scheduled Overtime Hours.**

When it is necessary to schedule overtime hours in advance (e.g., due to staff shortage), the JCO scheduler will

- (i) attempt to accommodate personal needs and schedules as much as possible;
- (ii) consider JCOs for overtime in the following order by starting in each group with the JCOs who have worked the fewest overtime hours in the current month and progressing to those in the group who have worked the most overtime hours:
 - (I) JCO I – JCO IV employees; then
 - (II) JCO V employees (only when there are not enough JCO I – JCO IV employees to work overtime); then
 - (III) JCO VI employees (only when there are not enough JCO I – JCO V employees to work overtime); and
- (iii) instruct supervisors to notify such JCOs of scheduled overtime as soon as possible (e.g., within the same or next calendar day after learning of the scheduled overtime) to allow the JCOs time to plan their personal schedules.

(C) Unscheduled Overtime Hours.

The following procedures apply when it is necessary to require JCOs to work unscheduled overtime hours due to unforeseen circumstances.

- (i) When possible, JCOs should be notified of unscheduled mandatory overtime hours at least two hours before the end of their regularly scheduled shift.
 - (ii) When unscheduled overtime hours are required, the JCO scheduler or appropriate JCO VI or higher authority will:
 - (I) first consider JCOs who are already scheduled to work that day and would otherwise only work a regularly scheduled 32-hour workweek or have the following day off and will therefore have a greater opportunity for rest after working unscheduled overtime hours; and
 - (II) follow the order established above for scheduled overtime hours.
 - (iii) JCOs who have a scheduled day off should be called in to work unscheduled work hours only when no other JCOs are available and the number of necessary overtime hours warrant calling an on-call JCO in on his/her day off (e.g., 4 or more consecutive hours). When it is necessary for an institution to call JCOs in to work on their day off, the JCOs working a 32-hour workweek that were placed on on-call status will be called first.
 - (iv) A JCO may work unscheduled overtime hours only if the JCO scheduler or appropriate JCO VI or higher authority has granted verbal approval to an on-duty supervisor for the JCO to work unscheduled overtime hours.
 - (I) Before the unscheduled overtime hours are worked or as soon as possible after the JCO begins working the unscheduled overtime hours, the on-duty supervisor must provide the JCO with written documentation of the approval to work unscheduled overtime hours.
 - (II) The written documentation must consist of a completed Authorization to Work Unscheduled Overtime form, HR-100, or a memo containing the same information that would be documented on the HR-100 form.
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