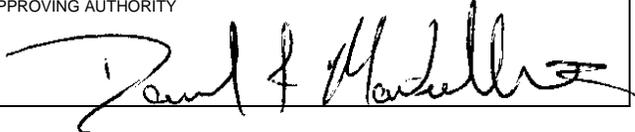


 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Intershift/RDO Swaps</b>		NO. 2223
			DATE 6/2/2016
SUPERSEDES DIR #2223 Dtd. 10/23/2013	DISTRIBUTION A	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

- I. **OBJECTIVE:** To provide a standard policy for the recording, monitoring, and controlling of swapping by uniformed employees. The corresponding procedures will provide consistency among the facilities, and promote the positive use of the swapping privilege for the benefit of both the Department and its employees. This policy is intended to be both simple and effective.
- II. **DEFINITION:** A swap is a voluntary exchange (trade) of specific shifts (tours of duty) by two employees in the same title that (a) is initiated solely for the benefit of the affected employees, and (b) under normal circumstances, will not affect the compensable hours worked by each employee. For accounting purposes, a swap is defined as a total exchange with two parts: the initial swap and the payback.
- III. **TIME PERIODS**
  - A. All swaps must be repaid within one year (365 days) of the initial swap date.
  - B. All swaps must be requested by the completion of [Form #1032](#), "Request for Exchange of Regular Work Duty - Intershift/RDO Swap," signed by both employees, and submitted to the Time & Attendance Lieutenant (or designee appointed by the Superintendent) at least **48 hours** in advance of the affected shift. Only one swap may be requested on each form. All completed swap forms must list specific dates, shifts, and posts. Open-ended swaps (defined as swaps with no specific payback date) are not allowed. Swap forms submitted without the 48-hour advance notification must be for a compelling reason, and approved by the Watch Commander.
  - C. A scheduled swap can be canceled by either employee up to **24 hours** before the initial swap shift. Swaps must be canceled by submitting a new [Form #1032](#) to the Watch Commander.
- IV. **SWAP PAYBACKS**
  - A. The only acceptable means of payback for a swap is physically working a full shift, except for the circumstances specified in Section IV-G below. Under no circumstances can a swap be paid back in any other form by the employee.
  - B. Paybacks must be on a one for one basis. Extra shifts cannot be worked as payback for highly desirable days off such as Christmas. This is prohibited by Federal law.
  - C. If an employee who has been approved to be swapped off and is called in to work their regular shift, they have voluntarily canceled that half of the swap agreement and cannot be paid overtime for their shift. If this was the first half of the swap, the swap is canceled. If this was the second half of the swap, it must be modified, via a new swap form, to a date not to exceed 365 days from the first half of the swap. If an employee on a swap off is called into work, they would only be paid overtime for those hours worked that were not during their regular shift.

- D. Once the initial swap has been worked, the payback date cannot be changed or canceled without signed approval by facility management at, or above, the rank of Watch Commander.
- E. No third party swaps are allowed except in cases of a documented emergency and with signed approval at, or above, the rank of Deputy Superintendent or equivalent.
- F. It is imperative that copies of any modification, cancellation, or Security Supervisor swap form be provided to the facility Timekeeper for reconciling purposes.
- G. Any swap not repaid will result in a charge to appropriate leave credits, if available, in this order: Personal leave first, and if unavailable, annual leave. If neither personal or annual leave is available, the owing employee will be docked a day's pay. The employee owed the swap will receive monetary compensation. This transaction will only occur under the following circumstances:
  - 1. When a swapping employee transfers out from the facility where the swap occurred;
  - 2. When the swapping employee resigns, retires, or is terminated;
  - 3. When the swapping employee is on extended leave beyond the 12-month period; or
  - 4. When the swap is not repaid within the 12-month time period.

#### **V. ELIGIBILITY AND RESTRICTIONS**

- A. An employee working a swap must meet all qualifications for the post worked.
- B. Swaps can only be made by employees in the same title.
- C. Probationary Correction Officers cannot swap until they have been assigned to a facility for a minimum of 30 days. In addition, a probationary Correction Officer without a permanent bid post may only swap for a day for which the Officer has a scheduled shift or squad assignment.
- D. Swaps must be for full shifts only. No partial shift swaps will be allowed.
- E. No overlapping swaps are allowed.
- F. No time off will be granted for any employee working a swap except in cases of a documented emergency and with signed approval at, or above, the rank of Deputy Superintendent or equivalent.
- G. Employees cannot work more than two consecutive shifts in a row.
- H. No employee can work a swap on a known scheduled training shift.
- I. All owed swaps must be repaid before an employee is promoted, appointed to a new title, reassigns to another facility, resigns, or retires. Otherwise, there will be a charge to appropriate leave credits or a pay dock as outlined in Section IV-G.
- J. Scheduled swaps for which the initial swap has not been worked will be canceled if one of the parties is on active military duty, Workers' Compensation, or extended personal sick leave on the date of the initial swap.
- K. Scheduled swaps for which the initial swap has been worked will be held in abeyance if one of the parties is on active military duty. In these instances, the calculation of time (365 days) from the initial swap date is suspended until the first day the employee returns to work from active duty.

- L. For scheduled swaps for which the initial swap has been worked and one of the parties is on Workers' Compensation or extended sick leave, the time period for repaying a swap, as outlined in Section III-A of this directive, remains in effect.

## **VI. EMPLOYEE RESPONSIBILITIES**

- A. Swaps are strictly voluntary between two employees, and employees are under no obligation to agree to a swap request.
- B. An employee working a swap waives any consideration of such hours for overtime compensation, or in the case of a holiday shift, any additional holiday compensation.
- C. All employees working swaps are responsible for fulfilling their commitment and reporting on time.
- D. The employee originally scheduled for a shift remains responsible for coverage of the shift in the event that the employee working the swap does not report. If no one reports for the shift, the originally scheduled employee will be considered AWOL, and will not be paid for the shift.
- E. An employee scheduled to work a swap, who for whatever reason cannot report, must contact the originally scheduled employee immediately. If he or she cannot contact the employee, the Watch Commander must be notified prior to the start of the shift. An employee who fails to do so, and/or fails to report, may be penalized in line with the Department's disciplinary process and/or lose swapping privileges for a specified period of time.

## **VII. RECORDING AND MONITORING OF SWAPS**

- A. Employees working a swap must complete their time cards in the normal manner. After making final entry for the shift, the employee shall write in "Swap On" and the name of the employee he or she is working for next to the last entry.
- B. Employees who did not work a scheduled shift because of a swap, must make an entry on the corresponding date of their time card by writing "Swap Off" and the name of the employee who worked.
- C. The overnight Watch Commander\* is responsible for reviewing and approving all swap request forms, and transferring applicable information to the corresponding Daily Swap Sheets. At the same time, this information is automatically fed into the Leave & Accruals Tracking System (LATS).
- D. Copies of the Daily Swap Sheets are to be provided to the Watch Commander, Timekeeper, and the Office of the Deputy Superintendent for Security Services (or designee) at least 24 hours before the start date.
- E. The Timekeeper will reconcile the Daily Swap Sheets to the employee time cards and LATS at the end of each pay period. Any discrepancies will be reported to the Time & Attendance Lieutenant.\*
- F. The Time & Attendance Lieutenant\* will check all discrepancies against the Duty Charts and Daily Swap Sheets, and follow up with employees/Timekeeper as appropriate.
- G. The swap request form will consist of a 5-part NCR form. One copy will go to each of the parties to the swap, one copy to the Time & Attendance Lieutenant,\* and two copies will be placed in a file chronologically separated by each day of the year: one copy filed for the day the swap will be worked, and the second copy for the payback date.

\*or designee appointed by the Superintendent.

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**VIII. PENALTIES:** Violations of Statewide swapping rules may be dealt with through counseling or, if necessary, disciplinary action in accordance with Article 8 of the negotiated labor contract. Penalties may include suspension or permanent loss of swapping privileges where appropriate.

**IX. MANAGEMENT AUTHORITY**

- A. Facility Superintendents must take appropriate steps to ensure that procedures and practices in place at their respective facilities fully comply with the provisions of this policy, and that sufficient safeguards exist to adequately record, reconcile, and monitor swaps. This policy and related procedures may not be a subject for local labor/management negotiations. The forms and record keeping practices specifically identified within this policy must be used and followed without modification. Facilities, however, may supplement this policy for the purpose of clarification or control by promulgating more detailed procedures as deemed necessary to ensure full compliance.
- B. Each Superintendent will, on January 1 and July 1, submit a detailed report (e-form SWAPREPORT) to the Deputy Commissioner for Correctional Facilities listing the number of swaps worked during the period, the number of individuals owing 60 or more swaps and the actual time owed, what action is being taken relative to each individual, and any problems encountered.
- C. The Department has full authority to audit all documents and records associated with swapping to ensure full compliance with this policy.