

Memorandum

Date: July 28, 2021

To: BU6 Employees and Affiliated Supervisors, Managers and Exempts

From: Candace Murch, Chief, Office of Labor Relations

Subject: **COVID-19 CORRECTIONAL FATIGUE LEAVE TIME OFF**

This memorandum provides information to all Bargaining Unit 6 (BU6) employees and affiliated supervisors, managers and exempts on the COVID-19 Correctional Fatigue Leave Time Off (CFLTO) entitlement and usage requirements. CFLTO/EWC will be identified as Employee Wellness COVID (EWC) for scheduling and tracking purposes.

In accordance with [Modified Side Letter 12 Regarding COVID-19 Pandemic Recession](#), BU6 employees shall earn eight (8) hours of non-compensable leave time per qualifying pay period from July 2021 through June 2022, available for use beginning the August 2021 pay period. In addition, as identified in the [May Revision of the 2021-2022 Budget Act](#), this leave also applies to BU6 affiliated supervisors, managers and exempts.

It is important to recognize this benefit is intended for staff to use the time earned each month to allow for rest and recharge. As such, this leave shall be utilized the month in which it is credited. It is not permissible for this leave to be banked or saved except for very limited and specific exceptions as outlined in this memorandum. This leave cannot be cashed out and any CFLTO/EWC that has not been utilized shall expire permanently on July 30, 2022.

CFLTO/EWC does not apply to Permanent Intermittent Employees, Retired Annuitants, or anyone who has not worked a qualifying pay period. Cadets will begin to earn CFLTO/EWC once they are appointed to their institutions on a permanent full time basis and have worked a qualifying pay period. This leave is not eligible for prorated earning or usage.

Supervisors shall work with staff to schedule this time off to best balance the request of the employee and operational needs. It is expected to apply standard methods for awarding time off such as seniority. If the employee is on an alternate work week schedule, the employee shall use other leave, excluding sick leave, (i.e. vacation, annual leave, holiday credit, etc.) to cover the remainder of their shift. If an employee has a scheduled leave, CFLTO/EWC may be utilized in lieu of eight (8) hours of leave. CFLTO/EWC shall not be unreasonably denied. Because of the importance of utilizing this leave, if employees do not voluntarily utilize the CFLTO/EWC, CDCR may mandate its usage in reverse seniority order starting in November 2021.

If there is a dispute at the institution regarding CFLTO/EWC for R06 employees that cannot be resolved at the local level, it shall be resolved by the CDCR Chief of the Program Support Unit (PSU) and the

CCPOA President or designee. BU6 employees and affiliated supervisors, managers and exempts that are not located at an institution shall work with their Hiring Authority in conjunction with the Office of Labor Relations to resolve any CFLTO/EWC disputes. CFLTO/EWC is not grievable or arbitrable.

Below provides specific instructions on how CFLTO/EWC shall be utilized.

Correctional Officers, Correctional Sergeants, and Correctional Lieutenants in an Adult Institutional Setting

Correctional Officers, Correctional Sergeants, and Correctional Lieutenants working in an adult institutional setting and scheduled in WorkForce Telestaff will utilize CFLTO/EWC in accordance with a burn system developed by the ATM Office and the CCPOA Chapter President. This burn system shall be consistent with the written direction from CDCR Headquarters as detailed in the training session that occurred with the ATM lieutenants on July 8, 2021. Because of the importance of utilizing this leave, if employees do not voluntarily utilize the CFLTO/EWC, CDCR may mandate its usage in reverse seniority order.

All other BU6 Employees and Affiliated Supervisors, Managers and Exempts in an Adult Institutional Setting

This section outlines the process for positions that do not require relief, or scheduled outside of WorkForce Telestaff.

Correctional Counselors I and II Specialists

Correctional Counselors I and II Specialists shall schedule eight (8) hours off per month. It is required staff use the time the month it is credited. If the employee is on an alternate work week schedule, the employee shall use other leave, excluding sick leave, (i.e. vacation, annual leave, holiday credit, etc.) to cover the remainder of their shift. These hours may not be banked or saved for future months.

If the August 2021 schedule has already been submitted, staff should work with their supervisor to revise their schedule to ensure they utilize one (1) day of CFLTO/EWC for the August pay period.

Fire Captains

Due to the unique 24-hour shifts and operational needs of Fire Captains, they may utilize their CFLTO/EWC quarterly to ensure their entire shift is covered. Because of the importance of utilizing this leave, if employees do not voluntarily utilize the CFLTO/EWC, CDCR may mandate its usage in reverse seniority order.

BU6 Affiliated Supervisors, Managers and Exempts

All other BU6 affiliated supervisors, managers and exempts shall schedule the utilization of the CFLTO/EWC eight (8) hours per month with their respective supervisor or manager. It is required staff use the time in the month it is credited.

BU6 Employees and Affiliated Supervisors, Managers and Exempts for Division of Juvenile Justice (DJJ)

Youth Correctional Officers, Youth Correctional Counselors, Sergeant, Youth Authority and Lieutenant, Youth Authority working in a juvenile facility setting and scheduled in WorkForce Telestaff will utilize CFLTO/EWC in accordance with a burn system developed by the DJJ Headquarters, Scheduling Office and the CCPOA Chapter President. Because of the importance of utilizing this leave, if employees do not voluntarily utilize the CFLTO/EWC, DJJ may mandate its usage in reverse seniority order.

All other BU6 employees and affiliated supervisors, managers and exempts working in a juvenile facility setting or assigned to DJJ Headquarters shall schedule the eight (8) hours utilization of the CFLTO/EWC per month with their respective supervisor or manager.

Further direction on the above mentioned processes will be forthcoming from DJJ Headquarters.

It is expected that staff use the time the month it is credited as there is limited ability to bank or save this time for future months.

BU6 Employees and Affiliated Supervisors, Managers and Exempts for Division of Adult Parole Operations (DAPO)

DAPO BU6 employees and affiliated supervisors, managers and exempts shall schedule eight (8) hours off per month. It is required staff use the time the month it is credited. If the employee is on an alternate work week schedule, the employee shall use other leave, excluding sick leave, (i.e. vacation, annual leave, holiday credit, etc.) to cover the remainder of their shift. These hours may not be banked or saved for future months.

If the August 2021 schedule has already been submitted, staff should work with their supervisor to revise their schedule to ensure they utilize one (1) day of CFLTO/EWC in the August pay period.

BU6 Employees and Affiliated Supervisors, Managers and Exempts for California Correctional Health Care Services (CCHCS)

All BU6 employees and affiliated supervisors, managers and exempts located at headquarters and regional offices, staff will schedule eight (8) hours off per month. It is expected staff use the time the month it is credited as there is limited ability to bank or save this time for future months.

All Headquarters and Regional Offices with BU6 Employees and Affiliated Supervisors, Managers and Exempts

All BU6 employees and affiliated supervisors, managers and exempts located at headquarters and regional offices not otherwise included above shall schedule the eight (8) hours utilization of the CFLTO/EWC per month with their respective supervisor or manager. It is required staff use the time in the month it is credited.

Employee's Record of Attendance (CDCR 998-A)

For staff who complete a CDCR 998-A, CFLTO/EWC will be "EWC" for scheduling and tracking purposes. On the CDCR 998-A, staff will notate "EWC" in the reason for absence column; and in the leave columns, notate "EWC". CFLTO/EWC can only be used in eight (8) hour increments.

Other Information on CFLTO/EWC

- CFLTO/EWC hours for positions that are in Workforce Telestaff will be tracked in the Telestaff system, not SCO.
- CFLTO/EWC hours for positions that are not in WorkForce Telestaff will be tracked in BIS, not SCO. This ensures staff are utilizing the leave monthly.
- This leave will not appear on the Pay Warrant or Cal Employee Connect earnings statements.
- CFLTO/EWC will count as hours worked for the purposes of overtime pay.
- Employees on Workers Compensation will only accrue CFLTO/EWC if they are on pay status and have a qualifying pay period and must use them the same month credited.
- Hours are accrued based on the previous month's qualifying pay period and will be credited and used in eight (8) hour increments only.
- Leave will be available the first of the month and should be utilized before other leave types, excluding sick leave.
- CFLTO/EWC cannot be used for sick, FLMA, or any leave that may be utilize for sick.
- CFLTO/EWC hours should be used each month and not banked or saved, except as specifically outlined above.
- BU6 employees and affiliated supervisors and managers assigned to fire lines may bank or save CFLTO/EWC. CFLTO/EWC that has not been utilized shall expire permanently July 30, 2022.

If you have any questions, please contact the following:

DAI: DAIProgramSupport@cdcr.ca.gov

Headquarters and Regional Offices (excluding DAI): Jessica.Russell@cdcr.ca.gov

DAPO: Marvin.Speed@cdcr.ca.gov

DJJ Facilities: contact your respective facility scheduling office

DJJ Headquarters: Inez Navarrete at Inez.Navarrete@cdcr.ca.gov

CCHCS: m_CCHCSHQHRQuestions@cdcr.ca.gov