

State of California

M E M O R A N D U M

REFERENCE CODE: 95-023

DATE: April 21, 1995

TO: PERSONNEL MANAGEMENT LIAISONS

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers

FROM: Department of Personnel Administration

SUBJECT: Fair Labor Standards Act Follow-Up - Work Week Group
4C Employees

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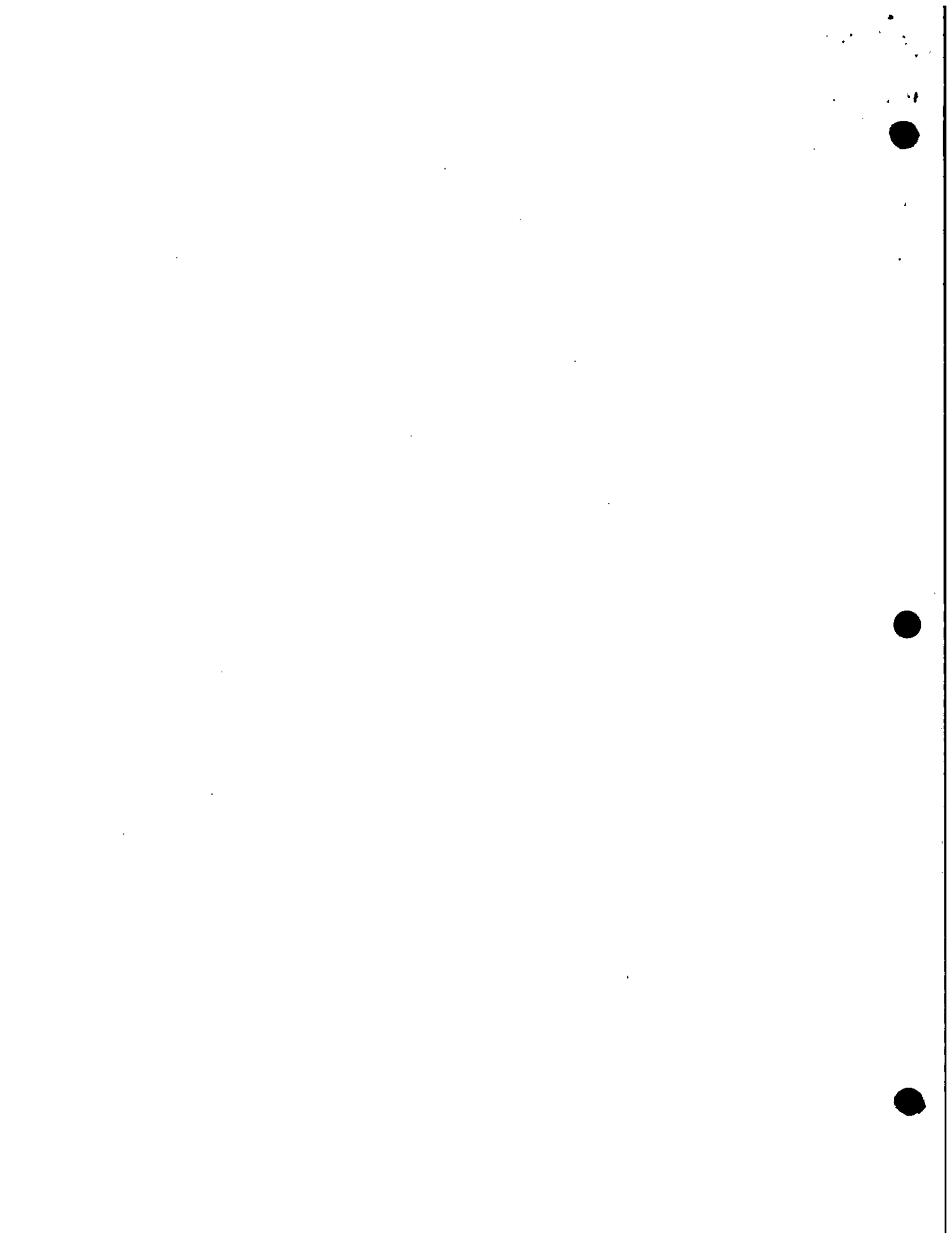
This is to further assist departments in implementing the work policy for Fair Labor Standards Act (FLSA) exempt employees who are either excluded from collective bargaining or represented by Bargaining Units 1, 3, 7, 11, 20, and 21. Represented 4C employees in other bargaining units are not impacted at this time as the meet and confer process is not yet completed.

This is the fifth PML update memo issued regarding the provisions and procedures of Work Week Group (WWG) 4C employees. Previously issued PML memos are 94-08, 94-12, 94-24, and 94-32. In addition, staff should refer to the "FLSA Policy Guidelines Applicable to State of California Civil Service Employees."

The following is a series of questions and answers related to WWG 4C employees.

1. How is one full day defined for fractional time base 4C employees?

A full day for 4C employees is tied to the time base (e.g., full time equals 8 hours, 1/2 time equals 4 hours, and 3/4 time equals 6 hours).



This methodology is used irrespective of the individual work schedule, i.e., for a 1/2 time employee, each multiple of 4 hours constitutes one full day.

2. When 4C employees are ordered to work on a holiday, do they receive holiday credit?

WWG 4C employees shall receive holiday credit for actual hours worked up to a maximum of 8 hours.

3. Is it appropriate to grant WWG 4C employees holiday credit for holidays that fall on their regular day off?

Yes. 4C employees shall receive holiday credit for the holiday according to their time base, up to a maximum of 8 hours for a full-time employee.

4. When a 4C employee is on jury duty, how is he/she compensated and how is jury duty documented?

When WWG 4C employees are absent a full or partial day of work while on jury duty, they will receive a full day's pay. For accounting purposes, the actual number of hours spent on jury duty may be documented and reported for reimbursement.

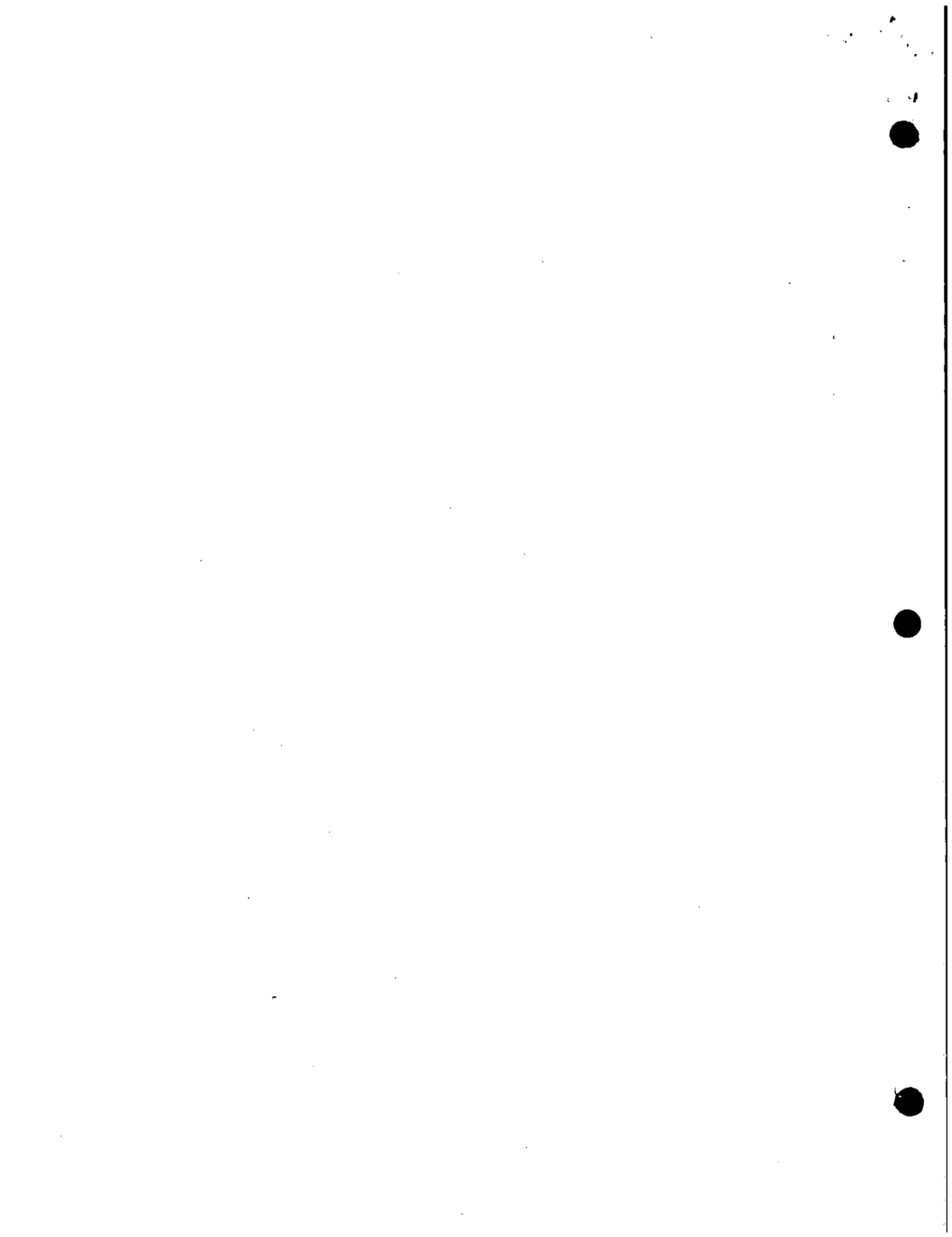
5. How is bereavement leave charged for 4C employees?

Bereavement leave should be charged in full-day increments when employees are gone a full day. If the employee works part of the day, then no other paid leave, including bereavement leave, should be charged. If a full-time employee is off the full day but does not have 8 hours of bereavement leave, the bereavement leave in combination with any other appropriate paid leave may be used to equal 8 hours.

Example: Vacation 3 hours and bereavement leave 5 hours = 8 hours (full day).

6. How are absences charged for employees who are placed on restricted schedules for medical reasons?

If a full-time employee is temporarily limited by a physician to a less than a full-time day, e.g., 4 hours per day, that employee is temporarily on a 1/2 time base, even though the employee is still listed on the payroll records as full-time. If the employee wishes to receive full-time pay, he/she must use paid leave to make up the difference. The use of partial day paid leave credits under these circumstances does not result in the loss of salaried status for the employee. (Note: The employee's employment history record does not need to be changed to reflect a time base change; however, the time worked by



the employee should be recorded for record-keeping purposes.)

7. Can 4C employees use leave credits in less than full-day increments when supplementing their disability benefit?

Yes. Employees receiving Workers' Compensation benefits with supplementation, or Enhanced Nonindustrial Disability with supplementation and catastrophic leave donations shall be permitted to use paid leave in less than full-day increments to supplement benefit payments.

8. How do we treat an employee appointed to a WWG 4C designated class that is appointed on an intermittent basis?

By definition, hourly employees do not meet the Department of Labor's definition of a "salaried" worker; therefore, whenever employees are appointed on a permanent intermittent basis to classes that are normally 4C, the Controller's Office will designate the position as WWG 2.

(Note: This does not apply to attorneys, doctors, or teachers.)

9. If employees elect to exhaust their leave credits prior to an unpaid leave of absence or nonindustrial disability leave, can they exhaust all leave credits including hours in less than full-day increments?

Yes. WWG 4C employees may exhaust paid leave before going on an unpaid leave of absence or disability leave in less than full-day increments, as long as the leave credits are not used in combination with a partially worked day. If the employee works part of the day and is off the remainder of the day, the employee shall receive full-day credit without using paid leave. The unused leave will remain on the books or cashed out when the employee resigns or retires.

If further assistance is needed, your personnel office may contact Clarice Baker at (916) 324-0439, CALNET 454-0439.

Michael T. Navarro
Labor Relations Officer

Note: This PML and all PMLs mentioned in this memorandum are available on Fax-on-Demand.

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