



George Dukemejian, Governor

**TO:** EMPLOYEE RELATIONS OFFICERS  
AND PERSONNEL OFFICERS

**REFERENCE CODE:** 85-14-12  
**EFFECTIVE DATE:** October 1, 1985  
**EXPIRATION DATE:** Indefinite  
**DATE OF ISSUE:** August 9, 1985

**SUBJECT:** Establishment of an FLSA Work Week  
Group and Identification of "Covered Classes"

The Department of Personnel Administration has completed its initial review of State civil service classes to determine which classes and positions are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). Attachment A identifies covered and exempt classes by work week group and bargaining unit. Attachment B is a draft of the proposed Work Week Group 2, to which all classes and positions covered by the FLSA will be assigned.

The proposed Work Week Group (WWG) 2 will become operational October 1, 1985. This date is for documentation purposes only and does not mean our obligation for payment retroactive to April 15, 1985 is relieved. The State Controller's Office will issue instructions to all departments on the proper documentation required when requesting overtime payment for classes and positions assigned to the WWG. WWG 2 will be established in a future pay letter and all classes covered will be assigned to WWG 2.

We have received a number of inquiries concerning "when is the use of compensating time off appropriate for eliminating overtime credit earned after April 15, 1985?" Now that covered classes have been identified, please adhere to the following policy for employees in those classes.

When overtime credit was earned after April 15, 1985, and

1. Compensating Time Off (CTO) has been granted at 1 1/2 hours, do nothing more. Do not reduce other paid leave balances and substitute cash payment.
2. CTO has been granted at straight time hours, pay the additional 1/2 time in cash as soon as possible. Do not grant 1/2 time hours off.
3. has not been granted in the form of cash or CTO do not grant CTO, but pay 1 1/2 cash as soon as possible.

If you have questions or comments on the classes or employees covered by the FLSA, or the text of the proposed work week group, please contact Bruce Crain of my staff no later than August 23, 1985. He may be reached on (916) 324-0530 or ATSS 454-0530.

David J. Tirapelle  
Chief Deputy Director

Attachments

<u>Schem Code</u>	<u>Class Title</u>	<u>WWG</u>
WB 90	Employment and Claims Assistant	1
WD 70	Student Trainee, E.D.D.	1
WD 10	Rural Manpower Assistant	1
WB 75	Employment Program Technician	4A
WB 74	Employment Program Assistant	1
WF 70	Claims Specialist, Victims of Violent Crime Program	4A
WI 40	Workers' Compensation Insurance Technician	4A
XS 90	Correctional Case Records Assistant	1

Bargaining Unit 02

The following class is "covered" by the provisions of the FLSA:

MF 60	Hearing Assistant, Department of Benefit Payments	4A
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Bargaining Unit 03

The following class is "covered" by the provisions of the FLSA:

FJ 26	Audio-Visual Technician, California Museum of Science and Industry	4A
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Bargaining Unit 04

The following classes are "exempt" from the provisions of the FLSA

CD 50	Executive Secretary II	4A
CD 60	Executive Secretary I	1
CE 20	Legal Secretary	1
CC 38	Supervising Hearing Transcriber Typist (PUC)	1
CW 75	Corporations Document Examiner	1
CW 65	Legal Document Examiner	1
CX 15	Senior Law Indexer	1
CG 10	Payroll Services Technician	1
CG 77	Personnel Assistant II, IMS	1

Bargaining Unit 05

The following classes are "covered" by the provisions of the FLSA:

VA 70	State Traffic Officer	4D4, 4D5
VA 85	State Traffic Officer Cadet (Female)	4D5
VA 75	State Traffic Officer Cadet (Male)	4D5

Bargaining Unit 06

The following classes are "exempt" from the provisions of the FLSA:

XC 50	Board Coordinating Parole Agent, Youthful Offender Parole Board	4B
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Bargaining Unit 01

The following classes are "covered" by the provisions of the FLSA:

<u>Schem Code</u>	<u>Class Title</u>	<u>WWG</u>
AD 60	Junior Shipping Point Inspector	1
AF 10	Grain and Commodity Sampler	1
LN 30	Senior Computer Operator	1
LN 40	Computer Operator	1
LN 55	Service Assistant - EDP Operations	1
LN 48	Data Processing Technician	1
LM 33	Programmer Apprentice	1
LN 46	Senior Data Processing Technician	1
CK 60	Service Assistant (KDO)	1
EV 80	Certification Technician	1
BU 90	Guide I, Historical Monument	1
BU 48	State Park Interpreter Assistant	1
FJ 80	Photographer	1
JU 45	Accountant I (Specialist)	1
JQ 70	Transportation Rate Clerk	4A
ME 80	Exhibit Representative I	4A
JU 40	Mortgage Loan Accountant	1
KV 80	Land Title Searcher	1
KV 90	Rural Loan Package Coordinator Trainee	1
LE 80	Occupational Technician (General)	1
LE 81	Occupational Technician (Accountant)	1
LE 82	Occupational Technician (Biology/Chemist)	1
LE 08	Personnel Technician I	4A
LE 06	Budget Technician I	4A
LE 71	Management Services Assistant	1
LE 35	Administrative Services Intern	1
LE 61	Management Services Technician	4A
KH 75	Disability Evaluation Technician	4A
LV 63	Crime Studies Technician	1
LV 64	Crime Studies Technician Trainee	1
MC 90	Editorial Aid	1
MC 85	Translator	4A
LT 62	Small Business Assistant I	1
LT 64	Small Business Assistant II	1
LE 31	Resource Management Technician	1
SY 90	Medi-Cal Technician I	1
SY 92	Medi-Cal Technician II	4A
KJ 12	Health Program Technician I	4A
KJ 50	Public Health Assistant I	1
KJ 45	Public Health Assistant II	1
VL 87	Rental Agent Trainee	4B

ATTACHMENT A

Identification of Classes and Positions

"Covered" by the Fair Labor Standards Act

Please note the identification of the status of classes in the following collective bargaining unit categories is either by "covered" (subject to the FLSA provisions), or by "exempt" (not subject to the FLSA provisions). All classes in the category not listed must then be considered to be in the opposite status.

E.g.: The following classes in Bargaining Unit 01 are "covered" by the provisions of the FLSA, therefore all the classes in Bargaining Unit 01 not listed are considered to be "exempt".

<u>Schem Code</u>	<u>Class Title</u>	<u>WWG</u>
XC 70	Parole Agent II, YA (Specialist)	1, 4A, 4B
XC 80	Parole Agent I, YA	1, 4A, 4B
XD 50	Community Services Consultant	4B
XE 70	Parole Agent I, Adult Parole	4B
XS 40	Correctional Counselor I	1
XS 30	Casework Specialist, YA	1, 4A

Bargaining Unit 07

The following classes are "covered" by the provisions of the FLSA:

BR 76	State Park Technician	4D5
BS 35	Lifeguard II (Seasonal)	-
BS 40	Lifeguard	4D5
BS 50	Lifeguard I (Seasonal)	-
BS 49	Pool Lifeguard (Seasonal)	-
CR 70	Communications Operator II, CHP	4D12
CR 75	Communications Operator I, CHP	4D12
VC 48	Hospital Peace Officer I	1
VC 68	State Fair Police Officer Cadet	4D5
VC 75	Security Officer I	1
VC 64	State Fair Police Officer	4D12
VC 66	State Fair Police Officer (Seasonal)	4D12
VC 90	Museum Security Officer	1
VC 95	State Security Officer	4D12, 4D5
VR 50	Licensing-Registration Examiner	1
VB 90	Fish and Game Warden, Fish & Game	4A
VB 95	Fish and Game Warden Cadet	4D5
VD 62	Assistant Parent Locator Specialist	4A
VC 32	State Police Officer	4D12
VE 45	Criminal Identification and Intelligence Trainee	1
VE 40	Criminal Identification and Intelligence Assistant	1
VC 35	State Police Officer Cadet (Female)	4D5
VC 36	State Police Officer Cadet (Male)	4D5
WJ 25	Investigator Assistant	4A
VJ 65	Insurance Trainee	4A
VM 30	Consumer Protection Assistant	4A
VZ 30	Fire Fighter	4D21
VY 87	Deputy State Fire Marshal Intern	4A
VZ 35	Fire Fighter/Security Guard	4C
VZ 38	Fire Fighter, Correctional Institution	1
VY 33	Housing Inspection Assistant	4A

Bargaining Unit 08

The following classes are "exempt" from the provisions of the FLSA:

BX 73	Forestry Pilot (Helicopter)	4D14
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<u>Schem Code</u>	<u>Class Title</u>	<u>WWG</u>
BY 40	Fire Prevention Officer I	4D22
BY 20	Fire Prevention Officer II	4D15, 4D28
QM 79	Air Operations Officer I (Maintenance)	4D14
BX 83	Air Operations Officer II (Maintenance)	4D15
BX 78	Air Operations Officer III (Maintenance)	4C
QM 78	Air Operations Officer I	4D14
BX 85	Air Operations Officer II	4D15
BX 80	Air Operations Officer III	4C
BY 80	Forester I	4D22
BY 90	Junior Forester	4D14

Bargaining Unit 09

All classes in this unit are "exempt" from the provisions of the FLSA.

Bargaining Unit 10

The following classes are "covered" by the provisions of the FLSA:

AC 05	Medfly Project Assistant I	1
AC 10	Medfly Project Assistant II	1

Bargaining Unit 11

The following classes are "exempt" from the provisions of the FLSA:

GC 53	Biological Scientific Illustrator	4A
IH 30	Senior Transportation Operator Supervisor, PUC	4C
IH 40	Associate Transportation Operator, PUC	4B
IH 42	Associate Railroad Equipment Inspector, PUC	4B
IH 44	Associate Railroad Track Inspector, PUC	4B
IV 30	Senior Estimator of Building Construction	4C
IV 40	Associate Estimator of Building Construction	4A
IQ 30	Associate Construction Analyst	4A
IR 55	Senior Design Officer, CHFA	4C
IR 56	Associate Design Officer, CHFA	4A
JW 71	Energy Project Assistant I	4A
JW 72	Energy Project Assistant II	4A
JW 73	Energy Project Assistant III	4A
JW 74	Energy Project Assistant IV	4A
SS 50	Research Assistant V, Various Studies	4A
SS 70	Research Assistant III, Various Studies	4A
SS 80	Research Assistant II, Various Studies	4A
SS 90	Research Assistant I, Various Studies	4A
JW 75	Energy Project Assistant V	4A
IW 20	Housing Construction and Rehabilitation Spec.	4A
GY 20	Structural Steel Inspector	4A
GY 10	Assistant Steel Inspector	4A

Bargaining Unit 12

The following classes are "exempt" from the provisions of the FLSA:

<u>Schem Code</u>	<u>Class Title</u>	<u>WWG</u>
HQ 55	Control System Technician III	1
HQ 80	Electrical-Mechanical Testing Technician III	1
PF 80	Toll Bridge Service and Maintenance Supervisor	1
PM 10	Senior Hydroelectric Plant Operator	4D3
PK 87	Senior Water and Power Dispatcher	4D3
QV 83	Ships Carpenter	1
PZ 25	Restoration and Maintenance Supervisor, Historic Railroad	4A
QF 40	Race Track Maintenance Supervisor	1
QU 80	Chief Engineer Fisheries Vessel	1
QU 90	Mate Fisheries Vessel	1
QV 80	Boat Operator	1
QV 20	Motor Vessel Engineer	1
QV 40	Deckhand Fish and Game Boat	1
QV 50	Able Seaman	1
QV 60	Marine Boilertender	1
QG 70	Park Regional Maintenance Specialist	4C

Bargaining Unit 13

All classes are "covered" by the provisions of the FLSA.

Bargaining Unit 14

The following classes are "exempt" from the provisions of the FLSA:

GL 53	Coordinator of Graphic Services	4A
GC 55	Senior Graphic Artist	4A
GC 60	Graphic Artist	1
RF 60	Printing Operations Planner	1
RF 80	Printing Process Planner	1
RG 20	Printing Art Planner	1

Bargaining Unit 15

All classes are "covered" by the provisions of the FLSA.

Bargaining Unit 16

All classes are "exempt" from the provisions of the FLSA.

Bargaining Unit 17

All classes are "exempt" from the provisions of the FLSA.

Bargaining Unit 18

The following class is "exempt" from the provisions of the FLSA:

<u>Schem Code</u>	<u>Class Title</u>	<u>WWG</u>
TI 54	Psychiatric Technician Instructor	1

Bargaining Unit 19

All classes are "exempt" from the provisions of the FLSA.

Bargaining Unit 20

The following classes are "exempt" from the provisions of the FLSA:

SV 20	Senior Clinical Laboratory Technologist	1
SV 30	Clinical Laboratory Technologist	1
SV 40	Nueropathology Laboratory Technologist	1
TC 50	Radiation Protection Specialist I	1
TC 55	Radiation Protection Specialist II	1
TR 10	Coordinator of Volunteer Services	4C
TU 50	Dental Hygienist Consultant	4C
TU 60	Dental Hygienist Auditor	4A
WM 47	Foster Grandparent/Senior Companion Coord.	4A
WS 40	Volunteer Services Program Manager, YA	4A

Collective Bargaining Identification Code (S)

All classes are "exempt" from the provisions of the FLSA.

Collective Bargaining Identification Code (M)

All classes are "exempt" from the provisions of the FLSA.

Collective Bargaining Identification Code (E)

The following classes are "covered" by the provisions of the FLSA.

BR 90	Park Aid - Seasonal -	1
BS 10	Maintenance Aid - Seasonal -	1
BR 88	Senior Park Aid - Seasonal -	1
CG 79	Assistant Examination Proctor	1
VC 10	Disaster Worker Clerical Services	1
VZ 40	Institution Firefighter - Part Time -	4A

Trade Rate classes will not be assigned to the FLSA work week group, but will continue to be compensated for overtime under the provisions of the applicable Trade Rate Letter issued by the Department of Personnel Administration.



Collective Bargaining Identification Code (U)

All classes are "exempt" from the provisions of the FLSA with the exceptions of classes listed below under dual work week group classes.

Dual Work Week Group Classes

Incumbents in the following classes may be "exempt" or "covered" by the provisions of the FLSA depending on their individual assignments. Overtime payment for "covered" employees will be based on the criteria in WWG 2. Overtime payment for "exempt" employees will be based on the current work week group to which the class is assigned.

<u>Schem Code</u>	<u>Class Title</u>	<u>WWG</u>	<u>CBID</u>
KK 85	District Fair Business Assistant 1 <sup>1/</sup>	4A	U 01
BU 85	Guide II, Historical Monument <sup>1/</sup>	4A	U 01
CA 38	Office Services Supervisor I (General) <sup>1/</sup>	1	U 04
CA 36	Office Services Supervisor I (Typing) <sup>1/</sup>	1	U 04
CC 80	Senior Word Processing Technician <sup>1/</sup>	1	U 04
CG 60	Personnel Assistant II <sup>1/</sup>	1	U 04
CG 90	Library Technical Assistant <sup>1/</sup>	1	U 04
CL 50	Senior Microfilm Technician <sup>1/</sup>	1	U 04
CW 40	Health Record Technician II <sup>1/</sup>	1	U 04
BQ 70	Fish and Wildlife Assistant I <sup>2/</sup>	1, 4D18	R 11
BQ 65	Fish and Wildlife Assistant II <sup>2/</sup>	1	R 11
BO 90	Fish and Wildlife Seasonal Aid <sup>2/</sup>	1	R 11
BO 80	Fish Culturist <sup>2/</sup>	1, 4D18	R 11
BO 40	Fish Habitat Assistant <sup>2/</sup>	1	R 11
BO 30	Fish Habitat Supervisor I <sup>2/</sup>	1	R 11
DG 35	Laundry Supervisor I - Correctional Facility <sup>1/</sup>	1	U 15
DJ 25	Supervising Cook I - Correctional Facility <sup>1/</sup>	1	U 15

1/ Employees in supervisory assignments are considered exempt. Employees in nonsupervisory assignments are considered covered.

2/ Employees assigned to Fish Hatchery operations are considered exempt. All other employees are considered covered.

## PROPOSED WORK WEEK GROUP 2

(FLSA COVERED)

2. Classes and positions which are subject to the minimum wage and overtime provisions of the Federal Fair Labor Standards Act (FLSA).
  - A. Overtime for employees in classes not eligible for exemption under Section 7K of the FLSA is defined as all hours worked in excess of 40 hours a work week. A work week consists of seven consecutive days (seven consecutive 24-hour periods totalling 168).
  - B. Overtime for employees in law enforcement classes for which exemption under Section 7K of the FLSA is claimed is defined as all hours worked in excess of 171 hours in a work period of twenty-eight consecutive 24-hour periods or a proportional number of hours for any other number of consecutive 24-hour periods down to seven. (42.75 hours in seven consecutive 24-hour periods.)
  - C. Overtime for employees in fire suppression for which exemption under Section 7K of the FLSA is claimed is defined as all hours worked in excess of 212 hours in a work period of twenty-eight consecutive 24-hour periods or a proportional number of hours for any other number of consecutive 24-hour periods down to seven. (53 hours in seven consecutive 24-hour periods.)

Hours Worked

For the purpose of computing overtime subject to the Fair Labor Standards Act, hours worked includes only the time spent which is controlled or required by the State and pursued for the benefit of the State and does not include vacation, sick leave, holidays, compensating time off, etc.

Work Period

- A. A work period for 2A employees is defined as a fixed and regularly occurring period of 168 hours - seven consecutive 24-hour periods. The appointing power determines the work week which may begin on any day at any hour. Once the beginning time of an employee's work week is established and noted in the records, it remains fixed regardless of the schedule of hours worked. The beginning of a work week may be changed if the change is intended to be permanent and it is not designed to evade the overtime provision of the FLSA. Special overtime provisions may be adopted for employees working in hospitals. Pursuant to an agreement of understanding, these employees may be placed on a 14-day overtime computation period in lieu of the usual seven-day work week. If an employee working in a hospital is placed on a 14-day overtime computation period, all hours worked in excess of eight hours a day or 80 hours in the 14-day period are considered to be overtime.

- B. A work period for employees in law enforcement and fire suppression classes for which the 7K exemption is claimed may be for any period between seven and twenty-eight days. The work period must be regular and recurring, but may be changed if the change is intended to be permanent and is not designed to evade the overtime provisions of the FLSA.

In order to qualify for the Section 7K exemption, the employer must note in records applicable to each employee affected that the 7K exemption is claimed and must indicate the length of the work period, the starting day of the work period, and the starting time of the first day of the work period.

#### Overtime Authorization

An employee shall not work overtime unless ordered to do so by the supervisor. A supervisor shall not allow an employee to perform overtime work without prior authorization and shall take affirmative steps to prevent unauthorized overtime from being worked.

#### Overtime Credit

Overtime will be credited on a one-quarter of an hour basis with a full quarter hour credit to be granted if half or more of the period is worked. Smaller fractional units will not be accumulated; however, if an employee regularly works overtime in increments of less than 7½ minutes, periodic adjustments shall be made so that, over a period of time, the employee will be compensated for all hours actually worked.

#### Overtime Compensation

The method of compensation (cash or compensating time off) for FLSA overtime worked shall be at the discretion of the appointing power in accordance with the following:

- A. Compensating time off on a one and one-half time basis may be authorized in lieu of cash compensation only if granted within the pay period.
- B. Cash compensation may be authorized and the rate of cash compensation paid for overtime shall be one and one-half times the hourly equivalent of the employee's salary as of the time the overtime was worked.

#### Determination of Coverage Under FLSA

The provisions of Work Week Group 2 are made applicable to all classes which are determined by the Director of the Department of Personnel Administration to include positions subject to the Fair Labor Standards Act.