



George Deukmejian, Governor

TO: PERSONNEL MANAGEMENT LIAISONS

REFERENCE CODE: MM 90-09
EFFECTIVE DATE: 10/31/90
EXPIRATION DATE: Indefinite
DATE OF ISSUE: 11/21/90

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers
Personnel Officers

SUBJECT: Salary Assurance - Work Week Group 4C and 4D Employees

Effective October 31, 1990, the Department of Personnel Administration (DPA) adopted regulation 599.703.1 (attached). This regulation was adopted to formalize the existing practice of allowing Work Week Group (WWG) 4C employees to exercise flexibility in their work hours with no salary reduction for absences of less than a day. In addition, this regulation provides similar flexibility for certain nonrepresented employees assigned to WWG 4D.

The policy expressed in this regulation was communicated to all Department Directors in a DPA memorandum of October 9, 1990. As a result of inquiries concerning the October 9, 1990 memorandum some clarification in the application of the policy is necessary.

1. An employee's accumulated paid leave, (sick leave, vacation, or annual leave) may be used to cover absences of less than a day. The use of paid leave is not considered a reduction in salary (dock).
2. The hours an employee is absent from work during a series of absences of less than a day may not be accumulated during the pay period to make a reduction in salary. (This is a change in instructions some department representatives received.)
3. Reductions in salary (docks) for absences of less than a day may not be used as informal "punishment". If an employee persists in missing work when required to be there by their superiors, authority to initiate disciplinary action for inexcusable neglect of duty, insubordination, or willful disobedience is provided in Government Code 19572. An adverse action to correct one of the acts cited above may include demotion, suspension, or temporary reduction in salary for one or more pay periods.
4. An employee may be docked for absences of a full day or more when the absence is not authorized by the employee's superior or the employee has insufficient leave credits available. For purposes of this policy a full day may be 8, 9, or 10 hours depending on whether the employee is participating in a variable work schedule such as a 9/80 or 4-10-40 work week.

If you have any questions, please call Bruce Crain of my staff on (916) 324-0530 or ATSS 454-0530.

Lillian Rowett
Chief Deputy Director

599.703.1 Salary Assurance - Nonrepresented Employees

Nonrepresented employees in Work Week Group 4C and those nonrepresented employees in Work Week Group 4D who are not compensated for overtime at 1 1/2 times their hourly salary rate, shall not have their salary reduced (docked) for absences of less than an entire day.

NOTE: Authority cited: Sections 3517.8, 19815.4(d), 19816, 19819.1, 19843 and 19849, Government Code. Reference: Section 19851 Government Code.