

MEMORANDUM

TO: PERSONNEL MANAGEMENT LIAISONS

REFERENCE CODE: 95-035

DATE: July 21 1995

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Labor Relations Officers

FROM: Department of Personnel Administration
Labor Relations Division

SUBJECT: Work Week Group Assignments - Unit 10

Agreement has been reached with the California Association of Professional Scientists (CAPS) regarding the Work Week Group (WWG) assignment of Bargaining Unit 10 classes. The WWG assignment defines which classes are covered by the Fair Labor Standards Act (WWG 2) and those that are exempt (WWG 4C) from the Act. Pay Letter 95-21, issued July 10, 1995, reflects the assignments which became effective July 1, 1995.

While the pay letter states that WWG 4C classes shall remain in WWG 4C, Unit 10 classes in this workweek group must be managed under the provisions of the attached work policy for employees exempt from FLSA, which was agreed by CAPS.

Any questions regarding this policy should be addressed to Tim Mahoney, Labor Relations Officer, at (916) 445-1547, CALNET 485-1547, Office Vision DPA(TJMAHONE), Internet TJMAHONE@SMTP.DPA.CA.GOV.



James Wheatley
Labor Relations Officer

Attachment

WORK POLICY FOR FLSA EXEMPT EMPLOYEES

State employees who are exempt from the Fair Labor Standards Act (FLSA) are salaried, not hourly, workers.

To assure continued exemption from the FLSA, the following is the State's policy for all employees exempt from the FLSA:

1. Management determines, consistent with the current Memoranda of Understanding (MOUs), the products, services, and standards which must be met by FLSA exempt employees.
2. The salary paid to FLSA exempt employees is full compensation for all hours worked.
3. FLSA exempt employees are not authorized to receive any form of overtime compensation, whether formal or informal.
4. FLSA exempt employees are expected to work the hours necessary to accomplish assignments and fulfill their responsibilities. The employee's workload will normally require 40 hours per week to accomplish. However, inherent in the job is the responsibility and expectation that work weeks of longer duration may be necessary for which there will be no additional compensation in any form.
5. Management can require FLSA exempt employees to work specified hours. However, consistent with operational needs and the services which management has determined must be provided, the FLSA exempt employee, subject to notifying and obtaining management concurrence, has the flexibility to alter his/her daily and weekly work schedules.

Employees are responsible for keeping management apprised of their schedule and whereabouts, must receive approval from management for the use of formal leave (e.g., vacation, sick leave, personal leave) and for absences of one day or more, and must respond to directions from management to complete work assignments by specific deadlines.

6. Consistent with the salaried nature of FLSA exempt employees, these employees:
 - a. Shall not be charged any paid leave for absences in less than whole day increments.
 - b. Shall not be docked for absences of less than a day.
 - c. Shall not be suspended in increments of less than one complete work week (one week, two weeks, three weeks, etc.) when facing discipline.
 - d. Shall not have their pay reduced as a result of a disciplinary action; adverse actions shall be limited to formal letters of reprimand, suspensions, demotions, or discharge.
 - e. Shall not have absences of less than a day recorded for attendance record keeping or compensation purposes.

