

MEMORANDUM

TO: PERSONNEL MANAGEMENT LIAISONS DATE: June 26, 2002
REFERENCE CODE: 2002-040

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers
Personnel Officers
Training Officers

FROM: Department of Personnel Administration
Labor Relations Division

SUBJECT: Excluded Employee Compensation and Benefits:
On-Call/Standby Compensation; Special Travel Allowance; and
Survivor's Benefits

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The Department of Personnel Administration has implemented changes in excluded employees' compensation and benefits to correspond with similar changes in the contracts for rank-and-file employees. The three changes described in this memo became effective June 1, 2002.

In separate memos to be issued soon, we will address other contract-related changes that DPA has extended to excluded employees.

On-Call/Standby Compensation

Excluded employees who are required to be on call or standby may be eligible to be compensated for that time if they're in the following work week groups:

WWG SE: Excluded employees in WWG SE (attorneys, physicians, and teachers) are eligible for on-call/standby compensation if they're affiliated with a bargaining unit that gets this compensation. The same conditions, restrictions, and definitions for on-call/standby compensation that apply to rank-and-file employees in that unit also apply to excluded employees affiliated with that unit.

WWG 2: Refer to PML 99-065 for the standards to use for determining if an employee in WWG 2, including an excluded employee, is eligible for on-call or standby compensation. If you determine the excluded employee's on-call or standby time is compensable, apply the same manner and rate of compensation that you would use for rank-and-file employees in the bargaining unit affiliated with that excluded employee's class. (Since compensation rates for on-call and standby time vary between bargaining units, they also will vary among excluded employees affiliated with those units.)

Excluded employees in WWG E are not eligible for on-call or standby compensation.

Special Travel Allowance

With certain exceptions, an excluded employee traveling on official State business may be eligible for a special travel allowance if:

- the employee is in WWG 2;
- the trip includes an overnight stay;
- the employee is a passenger, not a driver;
- the employee is traveling outside his/her normal work hours; and
- the employee is not performing work activities while traveling in the vehicle.

Employees are not eligible for the special travel allowance in the following four situations:

1. When a WWG 2 employee travels on a one-day assignment to another city, travel time is considered compensable time. The employee's normal and customary commute time and mid-day meal period is deducted from the total compensable time.
2. Employees who voluntarily travel outside their normal work hours (i.e., the employee could have traveled during regular work hours but, for personal reasons, chose to travel after regular work hours) are not compensated for the travel time incurred outside their normal work hours.
3. Vehicle drivers traveling on official State business are considered working and are to be compensated consistent with FLSA for purposes of overtime.
4. Passengers performing some work function, such as completing agency paperwork, while on official travel status are considered working and shall be compensated consistent with FLSA.



The special travel allowance should be paid as follows:

1. The allowance shall be equivalent to the employee's regular hourly rate on a straight time, hour-for-hour basis for each hour spent traveling outside normal work hours.
2. The allowance shall be paid in cash or CTO, at the employing agency's discretion.
3. The allowance shall be paid or credited in 15-minute increments.
4. Only actual travel time counts toward this allowance. Time spent at the out-of-town work location or in temporary accommodations does not count toward the allowance.
5. This special travel allowance for WWG 2 employees is not overtime compensation and shall not be considered as time worked for the calculation of overtime.

Example: An excluded employee in WWG 2 has a normal workday of 8:00 a.m. to 5:00 p.m. The employee concludes work on an overnight business trip at an out-of-town location at 6:00 p.m. and has a one hour and 40 minute return trip to headquarters as a passenger. The employee completes office paperwork for the first hour of the return trip but does no work during the final 40 minutes of the trip.

In this example, the work time from 5:00 p.m. to 6:00 p.m. is compensable work time under FLSA. The first hour of travel (from 6:00 p.m. to 7:00 p.m.), when the employee was completing paperwork, is also compensable work time under FLSA. In addition, the employee would receive the special travel allowance equal to 45 minutes (three 15-minute increments) of CTO, or the cash equivalent, for the last 40 minutes of the return trip when no work was done.

When feasible and reasonable, departments should allow excluded employees who are required to travel on State business to travel during employees' normal work hours. To decide whether travel during work hours is feasible and reasonable, departments may consider their business operations, including the costs of alternative travel arrangements.

Survivor's Benefits

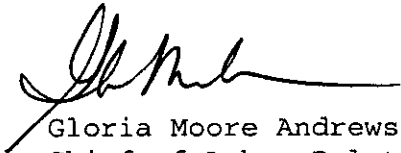
If an excluded employee on pay status dies due to an illness or injury that was not incurred in the line of duty, a request may be made to the appointing authority to allow employees to donate annual leave, vacation, holiday, personal leave, or excess leave to a leave bank for the deceased employee. Time donated to this bank shall be cashed out to provide direct financial assistance to the person who



is otherwise entitled to receive the value of the deceased employee's leave balance. The contributions/compensation shall not exceed \$50,000. Donations will only be accepted for 30 days following approval of the request.

In general, excluded and rank-and-file employees may donate to a deceased excluded employee's leave bank. However, if a collective bargaining agreement precludes it, a rank-and-file employee will not be allowed to make a donation. Excluded employees may donate to a rank-and-file employee's leave bank only if permitted by the deceased employee's collective bargaining agreement.

If you have any questions regarding this PML, please contact Frank Marr of my staff at (916) 324-0476 or CALNET 454-0476.



Gloria Moore Andrews
Chief of Labor Relations

