

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

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| SUBJECT: Update to the Holiday Provisions and the Furlough Program | REFERENCE NUMBER: 2009-019 |
| DATE ISSUED: 04/08/09 | SUPERSEDES: 2009-017 & 2009-010 |

This memorandum should be forwarded to:

**Transactions Supervisors
Personnel Officers
Employee Relations Officers**

FROM: Department of Personnel Administration
Labor Relations Division

CONTACT: Personnel Services Branch
(916) 323-3343
Fax: (916) 327-1886
Email: psb@dpa.ca.gov

Updates to the Holiday Provisions in PML 2009-017, Overtime Provisions in PML 2009-010 and the Furlough Program. (This update supersedes any previous communication to the contrary.)

Holiday Provisions PML 2009-017

To determine holiday compensation for SEIU employees refer to the holiday section of the appropriate SEIU bargaining unit agreement.

Overtime Provisions PML 2009-010 and Furlough Program

When FLSA exempt (WWG E) employees use their furlough hours in a workweek they lose their exempt status and become hourly employees.

Departments should encourage WWG E employees to use furlough hours in full day increments. WWG E employees only charge absences in full day increments. WWG E employees may use furlough leave when combining furlough leave and other leave types to equal a full day absence.

WWG 2 employees may use their furlough hours in hourly increments.

Departments should encourage WWG E employees not to work in excess of 32 hours in a workweek that they use their furlough hours.

Jury Duty and Furlough

We have received further clarification from the Administrative Office of the Courts that when jury duty falls on a furlough day employees are not eligible for jury duty fees. Civil Code of Procedures Section 215 provides that jury duty fees are only paid when an employee loses wages while serving on jury duty. If you had employees on jury duty on scheduled furlough days you should allow the employee to self direct those days at another time.

SZ Payment Clarification (Hours worked in a furlough week between 32 and 40 hours):

Below is an example of a Monday thru Friday shift employee that uses 8 hours furlough leave, 8 hours of sick leave and works 7 hours on Saturday in their workweek.

Example:

| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY |
|--------|---------|-----------|----------|------------|----------|--------|
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| W-8 | Sick -8 | W-8 | W-8 | FURLOUGH-8 | W-7 | |

- The workweek with 8 hours of furlough leave = 32 hours.
- The employee physically worked 31 hours, used 8 hours sick leave and used 8 hours furlough leave = 39 hours.
- The 8 hours of sick leave counts toward the hours worked towards the SZ payment.
- The 8 hours of furlough leave does not count toward the hours worked in the week.
- The employee should receive 7 hours as a SZ payment for the workweek.

Note: All leave hours like sick leave hours above do not count toward premium overtime.

Personnel staff with questions about this memo should contact our Personnel Services Branch at the phone number or email address listed above.

/s/Julie Chapman

Julie Chapman
Deputy Director, Labor Relations

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Departments should encourage WWG E employees to use furlough hours in full day increments. WWG E employees only charge absences in full day increments. WWG E employees may use furlough leave when combining furlough leave and other leave types to equal a full day absence.

WWG 2 employees may use their furlough hours in increments of 15 minutes.

Departments should encourage WWG E employees not to work in excess of 32 hours in a workweek that they use their furlough hours.

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/s/Julie Chapman

Julie Chapman
Deputy Director, Labor Relations