

# HUMAN RESOURCES BRANCH NEWSLETTER

*Supervisors and Managers/March 2019*

## FAIR LABOR STANDARDS ACT (FLSA)

The HRB would like to inform CDFW supervisors of the differences between FLSA covered and FLSA Exempt employees.

### FLSA Defined

The FLSA is a federal law which establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.

Employees covered by the FLSA are placed into Work Week Group (WWG) 2, while those not covered by FLSA are designated as WWG E/SE.

### WWG 2

Employees in WWG 2 work a fixed and regularly occurring period of 168 hours – seven consecutive 24-hour periods are eligible for overtime compensation.

Employees in WWG 2 are eligible for overtime compensation when the employee works more than 40 hours in a given work week. However, 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.

### WWG E/SE

Employees in WWG E/SE are ineligible for overtime compensation as they are salaried, not

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hourly, workers. Accordingly, their regular rate of pay is full compensation for all hours worked. This means that exempt employees:

1. Are required to work as many hours needed to complete their duties without receiving overtime compensation
2. Shall not be charged any paid leave for absences in less than whole day increments;
3. Shall not be docked pay for absences of less than a whole day; and
4. Shall not be required to document hours worked for payroll purposes.

For more information on Overtime for Exempt employees, please see [HRB 18-012 Arduous Pay Differential Request Procedures for FLSA-Exempt Employees](#)).

Per the [Fish and Wildlife Operations Manual, Hours of Work and Overtime, Section 12264.2](#), “WWG E employees are responsible for keeping management apprised of their schedule and whereabouts. Prior approval from management for the use of formal leave for absences of an entire day or more is required”. Unless approval is obtained from management, Exempt employees are expected to work 8 hours a day, 5 days a week. Employees assigned to WWG E/SE positions work a minimum average workweek of 40 hours.

Have questions? Check out our [FLSA Exempt Q&As](#).

### Contacts

For questions or comments, please contact your Personnel Specialist.

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