

California Department of Fish and Wildlife
Human Resources Branch
Human Resources Memorandum

SUBJECT: Timesheets for Bargaining Unit 10 Employees	NUMBER: HR14-046
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DISTRIBUTION: Managers, Supervisors, Administrative Officers, Classification and Pay Analysts and Personnel Specialists	EXPIRES: N/A

The California Department of Fish and Wildlife (CDFW), Human Resources Branch (HRB), is committed to maintaining a high level of consistency and efficiency by providing CDFW management and their employees with processes to help carry out State and Federal laws and collective bargaining agreements. The following provides background information and recommendations regarding the posting of hours on the timesheet for Bargaining Unit (BU) 10 employees at CDFW.

ISSUE DESCRIPTION

There are inconsistencies among Regions/Programs regarding the posting of hours on the timesheet for BU 10 employees in classes designated as Work Week Group (WWG) 2.

In some Regions/Programs, BU 10 employees are required to post eight (8) hours for each scheduled work day. If an employee works less than 8 hours, the employee is required to use leave credits to equate to an eight hour day. Any time recorded over the 8 hour day in the required 40 hour work week is considered overtime.

Other Regions/Programs allow BU 10 employees to post less or more than eight (8) hours on a scheduled work day as long as by the end of the work week the total hours equates to the required forty (40) hours.

BACKGROUND

Definition of WWG 2

A work period, or work week, for WWG 2 employees is defined as a fixed and regularly occurring period of 168 hours - seven consecutive 24-hour periods. The appointing power determines the work week which may begin on any day at any hour (i.e. Tuesday 8:00 a.m.; this will be the employee's permanent beginning day and time of the work week regardless of the hours worked). Once the beginning day and time of an employee's work week is established and noted in the records, it remains fixed regardless of the schedule of hours worked. The beginning of a work week may be changed (i.e. Wednesday 9:00 a.m.) if the change is intended to be permanent and it is not designed to evade the overtime provisions of Fair Labor Standards Act (FLSA).

Government Code (GC) 19851

GC 19851 provides that the workweek of state employees shall be forty (40) hours, and the workday of state employees eight hours, except that workweeks and workdays of a different number of hours may be established in order to meet the varying needs of the different state agencies to avoid the necessity for overtime work whenever possible. It does not restrict the extension of regular working-hour schedules in those activities and agencies where it is necessary to carry on the state business.

Bargaining Unit (BU) 10 Memorandum of Understanding (MOU)

Section 7.7 (Work Week Group Definition and Compensation) of the BU 10 MOU provides that WWG 2 applies to those classifications in state service subject to the provisions of the FLSA and defines "overtime" for WWG 2 employees as all hours worked in excess of forty (40) hours in a period of 168 hours or seven consecutive 24-hour periods.

The MOU's for employees in BUs 1, 2, 4, 7, 9, 11, and 12 contain specific language that specify that the regular workweek of these employees shall be forty (40) hours, Monday through Friday; the regular work shift shall be eight (8) hours; and that workweeks and work shifts of different numbers of hours may be established by the employer in order to meet varying needs of the State agencies with adequate prior notice.

The BU 10 MOU does *not* specify that the regular workweek of BU 10 employees shall be forty (40) hours, Monday through Friday, and the regular work shift shall be eight (8) hours as specified in the other MOUs.

CONCLUSION

Although it is the policy of CDFW to assign permanent standard work schedules (a fixed work schedule of eight (8) hours per day, five (5) days per week, and forty (40) hours per week) to its employees, CDFW has the discretion to allow employees in BU 10 the flexibility to vary their hours in a work week to meet operational needs. When necessary, the department can adjust the scheduled days in the week if the intent is not to circumvent the employee receiving overtime. The employee must complete a 40 hour work week. Any hours worked over the 40 hours will be considered overtime.

To address the inconsistencies among Regions/Programs regarding the posting of hours on the timesheet for BU 10 employees in classes designated as Work Week Group (WWG) 2, the HRB is requiring:

1. Supervisor approval to work an irregular shift.
2. BU 10 employees who work fewer hours than their assigned permanent work shift of an (8) hour day, must complete a work week which totals the required forty (40) hours.
3. Any hour(s) above the (40) hours in the work week will be considered overtime.

Prior to implementation, the HRB is planning to schedule a conference call with the programs to address any issues, questions, etc.