

Subject: ACTUAL TIME WORKED (ATW)

REFERENCES	SECTIONS
Law & Regulation <a href="http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9">http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9</a>	GC: 18529, 18552, 19058, 19059,
Personnel Management Policy and Procedures Manual (PMPPM)	330, 333
Responsible Control Agency and Program	State Personnel Board

## Actual Time Worked (ATW)

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**Definition** Employees appointed under a temporary authorization (TAU) may be appointed on the basis of Actual Time Worked (ATW). ATW is a method that can be used to keep track of a TAU employee's time to ensure that the Constitutional limit of nine months in any twelve consecutive months is not exceeded.

Typically, the ATW (194 working days in 12 consecutive months, regardless of the classification or the Department the temporary appointment was served under, unless they have had a three-month break in service.

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**When to appoint on ATW**

The time base of the employee and work schedule of the employee is used to determine when it is feasible to be placed on ATW basis.

- **FULL-TIME** and **PART-TIME** temporary tenure employees, who work five days a week for the pay period are not to be placed on ATW
- **PART-TIME** temporary employees who do not work five days a week should be appointed on an ATW basis. It is appropriate because the employee does not work each work day of the month, and it might become desirable or necessary for the employee to work beyond nine calendar months. Therefore, it will be necessary to monitor the actual number of days worked in order to ensure that they do not exceed 194 working days in 12 consecutive months.
- **INTERMITTENT** temporary employees work irregular hours and typically do not work each day. A TAU-intermittent employee also must be appointed on an ATW basis because it is necessary to have a record of days worked.

It is important to remember that intermittent time base employees have two controlling limitations when they have TAU appointments:

1. The primary limit is the 9-month limit in any 12 consecutive months. There is no way by which the ATW limitation of 9 months or 194 working days in a 12 consecutive month period can be exceeded.

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## Actual Time Worked (ATW), Continued

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### **When to appoint on ATW** (continued)

2. All intermittent appointees may work no more than 1500 hours in any 12 consecutive months. When applying the 1500 hour limitation in a 12-calendar month period every hour of work, including overtime and paid absences is counted. Because all paid time is included in the computation of the 1500 hour limitation, there is a possibility that this limitation may be reached before the TAU-ATW limitation. The 194 working days ATW can never be extended even if the 1500 hours have not been worked.
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### **Counting 194 working days**

An employee appointed on a TAU-ATW basis is not expected to work all of the working days of a month. When computing ATW, 194 working days equals 9 months. Time is accrued by month so that the immediate prior 12-calendar months are the ones used to count the 194 working days. After the employee works 12 consecutive calendar months from the effective date of the appointment and s/he has not worked 194 working days, a sliding scale is applied. The 194 working days are accumulated as follows:

1. Any day on which the employee physically worked, regardless of the length of time worked on that day (e.g., 2 hours or 10 hours counts as one day).
  2. Any day for which the employee is on paid absence (e.g., vacation, sick leave, compensating time off, etc.).
  3. Any holiday for which the employee receives either full or partial pay. If the employee works on the holiday, the day is counted only once regardless of the rate of pay (e.g., straight time, time and one half, double time, etc.). Employees appointed on a temporary authorization (TAU) ATW basis may work up to a maximum of 194 working days in a consecutive 12-month period. There is no limit to the number of hours these employees may work in a day.
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### **Separation of ATW**

An employee appointed on an ATW basis need not be separated when the 194 working days maximum is reached; however, that employee cannot work again until the ATW balance is reduced by the prior year's days worked.

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