

Subject: ALTERNATE WORK WEEK SCHEDULE (AWWS)

REFERENCES	SECTIONS
Administrative Order (AO)	AO 06- <i>(in development)</i>
Human Resources Memorandums <a href="http://www.documents.dgs.ca.gov/ohr/2012NewWebsite/HRMemos/2004/04009.docx">http://www.documents.dgs.ca.gov/ohr/2012NewWebsite/HRMemos/2004/04009.docx</a> <a href="http://www.documents.dgs.ca.gov/ohr/2012NewWebsite/HRMemos/2002/02024.docx">http://www.documents.dgs.ca.gov/ohr/2012NewWebsite/HRMemos/2002/02024.docx</a> <a href="http://www.documents.dgs.ca.gov/ohr/2012NewWebsite/HRMemos/1998/98022.docx">http://www.documents.dgs.ca.gov/ohr/2012NewWebsite/HRMemos/1998/98022.docx</a>	02-024,  04-009  98-22
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: 19996.19-19996.29, 19853
Memo of Understanding (MOU) <a href="http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx">http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx</a>	Refer to Employee's MOU
Payroll Procedures Manual (PPM) <a href="http://www.sco.ca.gov/ppsd_ppm.html">http://www.sco.ca.gov/ppsd_ppm.html</a>	13
Responsible Control Agency and Program	CalHR DGS
<b>Other:</b>	
Project Accounting Leave (PAL) PAL User Guide  AWWS Agreement  Arbitration Award DPA No. 02-03-0122 (see PML 2005-007)  AWWS Calendars	<a href="http://pal.dgs.ca.gov/default.htm">http://pal.dgs.ca.gov/default.htm</a> <a href="http://documents.dgs.ca.gov/hr/UserGuides/PAL.doc">http://documents.dgs.ca.gov/hr/UserGuides/PAL.doc</a>  <a href="http://www.documents.dgs.ca.gov/dgs/fmc/dgs/ohr064.pdf">http://www.documents.dgs.ca.gov/dgs/fmc/dgs/ohr064.pdf</a>  <a href="http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx">http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx</a>  <a href="http://www.dgs.ca.gov/ohr/Resources/Toolkits/TimekeepingToolkit.aspx">http://www.dgs.ca.gov/ohr/Resources/Toolkits/TimekeepingToolkit.aspx</a>

## Alternate Work Week Schedule (AWWS)

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**Policy** It is the DGS' policy to permit alternate work week schedules (AWWS) for full time employees when it is in the best interest to the State. When operational needs are not compromised, the 4/40 or 9/80 AWWS may be considered. Participation in AWWS is voluntary and subject to the Office/Branch Chief's approval.

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**Definition/  
Explanation** An AWWS is a variation of the standard 5-day/40-hour work schedule in which a full time employee completes a 40-hour work week in a compressed schedule. This provides flexibility in balancing home and work life without disrupting operational needs and quality service to DGS' customers.

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**Eligibility** Participation in the AWWS program is not limited by classification or employee Memorandum of Understanding (MOU). However, individual divisions may modify the participation portion of the policy based on their operational needs. The following are some examples of legitimate business and operational needs; however, it is not all-inclusive:

- A public contact unit requiring frequent or regular clarification of State rules or regulations
- A position involving frequent, daily program consultation with management, peers, the legislature, or clients
- A position responsible for providing frequent supervisory/managerial direction regarding work activities
- Assignments requiring immediate emergency response such as law enforcement or fire suppression
- Assignments involving regular requests for assistance such as a medical response

To participate and remain in the AWWS program, the employee must have and maintain a cumulative balance of at least twenty (20) hours between vacation/annual leave, compensating time off (CTO), and excess hours (EH). These hours will be used to supplement an employee's time when the employee works less than the required number of hours for the pay period. Only employees having achieved a satisfactory or higher rating on the latest Performance Appraisal/Individual Development Plan (IDP) or probationary report may participate.

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## Rotation Shift Employees, Continued

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**Work week group (WWG) E/SE employees**

Employees in WWGs E and SE **may not** work an **informal** AWWWS. Inherent in appointment to a WWG E/SE position is the responsibility and expectation that work weeks of longer duration may be necessary and for which there will be no additional compensation in any form. This policy does not preclude a supervisor from granting an employee a reasonable amount of informal time off (generally one or two days) immediately following a long and arduous work period of several weeks.

**Note:** Employees and supervisors are reminded that “informal” banking of hours is not allowed for employees in any WWG.

### **Arbitration Award – Article 19 Hours of Work SEIU**

The following arbitration award applies to the Service Employees International Union (SEIU) Units 1, 3, 4 11, 14, 15 and 20 in WWG E/SE.

Article 19 Hours of Work, Section 19.1, F, 5, in the SEIU Memorandum of Understanding states as follows:

“FLSA –exempt/excluded employees shall not be charged paid leave or docked for absences in less than whole-day increments. Less than full-time employees shall be charged time proportionate to their scheduled hours of work. Record keeping for accounting, reimbursements, or documentation relative to other applicable statutes, such as the Family Medical Leave Act, are permitted.”

For purposes of this Section and effective July 1, 2005, **whole day increments are the normal hours an employee is scheduled to work, eight (8) hours for working five days per week (40 hours total). Ten hours for employees who work four days ten (10) hours per day (40 hours total, or the number of hours in their specific work week proportionate to their work week). Thus, whole days has been interpreted as the number of hours an employee is regularly scheduled to work in a day, e.g. 4, 8, 9 or 10 hours.**

Accordingly, vacation, annual leave, and sick leave are to be charged as described above. This does not impact holiday time and it does not create an excess or deficit time bank.

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## Rotation Shift Employees, Continued

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### Excluded employees

When a holiday falls on a Saturday, Holiday Credit (HC) provisions apply to excluded employees only (see PML 2000-007).

Government Code Section 19853 provides that when a holiday, other than a personal holiday or November 11<sup>th</sup>, falls on a Saturday, an excluded employee shall, regardless of whether s/he works on the holiday, accrue a Saturday holiday credit equivalent to their time base up to eight hours. The amount of paid time off will be based on the employee's time base as of the pay period in which the Saturday holiday occurred.

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### How to request an AWWS

An employee submits an [Alternate Work Week Schedule Request and Agreement, DGS OHR 64](#) to his/her supervisor with a completed copy of the appropriate calendar attached (see page 0 for a link to the calendars) and submits to his/her supervisor for review and approval **thirty days** prior to the effective date, which is the beginning of the next pay period following the 30-day notice. If the employee is already participating in the AWWS, s/he and his/her supervisor **must** submit a new AWWS request and calendar at the beginning of each calendar year.

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### Approval process

- The AWWS request will be reviewed by the employee's immediate supervisor and coordinated with the second-level supervisor to ensure the DGS' operational needs are being met.
  - If approved, the supervisor and employee must sign the DGS OHR 64.
  - The Office's attendance clerk will submit a copy of the AWWS request and calendar to the Personnel Transactions Unit (PTU) to be filed in the employee's Official Personnel Folder (OPF). (The supervisor and employee should retain a copy of the request and calendar).
  - If disapproved, the supervisor **shall** notify the employee in writing of the reasons for the denial.
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## Rotation Shift Employees, Continued

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**Timekeeping** Instructions for recording AWWWS are contained in the PAL User Guide located at: <http://documents.dgs.ca.gov/hr/UserGuides/PAL.doc>.

On rare occasions, an employee may request to “switch” a regular day off (RDO) or make up time used. **Absences cannot be made up on the employee’s RDO.** An employee may “switch” his/her RDO, with his/her supervisor’s approval, **only in the same work week**, as indicated on the AWWWS agreement, to avoid an overtime situation. The PAL **shall** reflect actual hours worked on an actual day. Additionally, notes should be made on both days impacted regarding the “switch” and in the Employee Comment section.

An employee may make up time (no more than two hours), with his/her supervisor’s approval, **only in the same work week**, as indicated on the AWWWS agreement. The PAL **shall** reflect actual hours worked on an actual day. Notes may be made on both days impacted regarding the make-up time and in the Employee Comment section.

If overtime is authorized, an employee working AWWWS **shall** be governed by overtime laws and regulations, and MOU provisions, or DPA regulations.

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**Termination** An AWWWS may be terminated by (refer to the MOU regarding required notice time):

- **The employee.** An employee who wishes to terminate his/her AWWWS must submit a signed, written notice including a projected termination date, which **shall** be the end of the pay period.
- **The Office Chief upon recommendation of the employee’s supervisor.** If the supervisor determines that operational needs are being impaired or the work hour schedule is being abused, s/he may give written notice to the affected employee to terminate or make permanent changes to the AWWWS.

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## Rotation Shift Employees, Continued

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### Termination (continued)

- **The Supervisor.** If an employee has been on dock three pay periods during a calendar year, the Supervisor may terminate the AWWs. Employees who lose eligibility to participate in the alternate work schedule for this reason **may** reapply after a period of six months following reversion to the 5/8/40 work schedule and meeting all other criteria
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### Temporary termination

A full time employee who is serving jury duty or pending approval of a SCIF or NDI claim beyond the required waiting period **shall** temporarily revert to a 5/40 (8-hour day) schedule until s/he returns to work. The SCO recognized only 8-hour days for reimbursement of these benefits.

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## Rotation Shift Employees

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**Definition** Employees who have other than Saturday and Sunday days off and are scheduled to work five (8 hour) days with two (8 hour) days off in the same work week are considered to be rotation shift employees.

Rotation shift employees may or may not be required to work on a holiday.

“Holiday Pay” will be reported to the Public Employees’ Retirement System (PERS) for employees who work in positions that require scheduled staffing without regard to holidays AND the employee receives paid compensation over and above his/her normal salary when s/he works on a holiday. This payment is subject to PERS contribution deductions.

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**Work week** The work week for rotation shift employees begins on Sunday at 12:00 a.m. and ends Saturday at 11:59:59 p.m.

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**Credit for holidays** The various Memoranda of Understanding (MOU) and Government Code (GC) section 19853 provides uniformity in the granting of paid holidays to state employees regardless of his/her work shift.

For this purpose, Monday through Friday is considered to be the standard work days for all employees. The same number of paid days off is provided to all employees regardless of the specific days worked in a work week. Employees do not lose a holiday which occurs during a normal work shift when s/he are is not scheduled to work on that holiday, nor does s/he receive extra holiday benefit when his/her work shift includes a holiday not granted with pay to employees on the Monday through Friday shift.

Refer to the table below for further explanation.

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## Rotation Shift Employees, Continued

### Credit for holidays (continued)

If...	Then...
Holidays fall on scheduled days off for employees on rotations shifts	s/he is credited as excess hours (holiday credit). The employee is credited with eight hours of excess hours, but this time is not counted when computing the days worked/paid for the pay period.
Holidays fall on scheduled days off for employees on rotations shifts	in addition to the excess hours credited for the holiday, either cash payment (P)* or compensating time off (CTO) is provided on the same basis as other overtime worked.
Holidays fall on scheduled days off for employees on rotations shifts and the employee takes the holiday off	the day is counted in determining the work day in the pay period.
Holidays fall on scheduled days off for employees on rotations shifts and the employee works the holiday	The holiday is counted in determining the work days in the pay period and cash payment (P)* or compensating time off (CTO) is provided on the same basis as other overtime worked.
*When the employee is required to work on a scheduled day without regards to holidays and receives cash compensation for time worked on the holiday, the payment is subject to PERS contribution deductions.	

### Holiday pay

Holiday Pay will be reported for both miscellaneous and safety PERS members who work in positions that required scheduled staffing without regard to holidays. If these employees receive cash compensation over and above the normal salary when s/he works on a legal holiday, that additional compensation will be considered Holiday Pay and reported to PERS. This income is subject to the employee's PRS contribution deduction, if applicable and the wages reported will be included as part of his/her final compensation for retirement purposes.

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## Rotation Shift Employees, Continued

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### **Holiday pay** (continued)

The following is NOT considered Holiday Pay:

- Employees whose scheduled work day falls on a legal holiday and would normally be off on a legal holiday, but because of overtime purposes works on a legal holiday.
  - Employees working in positions that do not require staffing on a holiday and works overtime on the holiday.
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### **Excess hours credited due to shift assignment**

For employees on shifts other than Monday through Friday, the number of work days (five days on/two days off) in a particular pay period is not always the same as those for the normal shift employees (21/22 days or 168/176 hours). When employees have worked more than the number of days/hours a normal shift employee works, the extra time work is credited as "excess hours."

Excess hours are credited at straight time because of a surplus of hours resulting from working more than the normal number of days/hours in the pay period and not from working more than 40 hours in a work week.

When employees have worked less than the number of days/hours a normal shift employee works (short month), the difference is offset by:

- Using accrued excess hours credits, or
- Using vacation/annual leave credits, or
- Using CTO credits, or
- Docked if no credits are available

Employees may be docked for approved absences without pay (L) and/or unauthorized absences without pay (AWOL) and still earn excess hours for the pay period. Once the dock has been reported to the Personnel Transactions Unit (PTU), the number of hours used to base the employee's required hours for the pay period is reduced by the number of dock hours reported.

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## Rotation Shift Employees, Continued

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**Excess hours credited due to shift assignment**  
(continued)

Example:  
3/91 pay period (21 days/168 hours), Sun-Mon days off. If employee works as scheduled, s/he would work 22 days/176 hours and would earn one day (eight hours) of excess. If dock of four hours is reported, the employee would be paid for 20 days 4 hours (164 hours, but would have worked 21 days 4 hours (172 hours), therefore, the employee would still be credited with one day (eight hours) of excess.

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**How to count days in a pay period**

If an employee does not have the same days off for the entire pay period, the employee's scheduled days off must be identified since holiday pay or excess hours (holiday credit) are compensated based on a scheduled work day or a scheduled day off AND determines if the time (holiday) is counted or does not count towards the regular days in the pay period.

Compute the time for each work week (Sunday through Saturday) in the pay period. No more than 40 hours of time worked or leave credits used during the work week can be counted towards the regular pay (anything over 40 hours is overtime). REMEMBER, a holiday which falls on a scheduled day off does not count as time worked for the work week.

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**Change of days off in the pay period**

When it is necessary to change the days off for an employee on a rotation shift, it is recommended that the employee completes one work week, and then make the change the following work week. Remember that when the employee works or is paid for more than 40 hours in a work week, the time which exceeds 40 hours cannot be counted towards the days required for the pay period (21/22 days).

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**Use/payment of excess hours**

It is the responsibility of the employee to maintain a balance of excess hours to be used in short months. It is suggested that an employee maintain a balance of 24 hours for the purpose of using the credits for short months. Failure to maintain a balance of excess hours may result in the employee having to use vacation/annual leave/CTO credits in lieu of excess hours or being docked when a short month occurs.

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## Rotation Shift Employees, Continued

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**Use/payment  
of excess  
hours**  
(continued)

Excess hours may be credited indefinitely; however, excess hours not used within twelve pay periods may be compensated by cash payment at the straight time hourly rate of pay which the employee was earning at the time the hours were credited. A written request signed by the employee and approved by the office must be submitted to the PTU. The request must indicate the number of excess hours to be paid.

Upon separation, payment is made for accrued excess hours, either by lump sum payment or projection on the payroll as if the employee had taken time off but not separated. Payment is issued at the salary rate the employee is paid at the time of separation.

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