

ARDUOUS PAY

REFERENCES	SECTIONS
Law & Regulation http://weblinks.westlaw.com/result/default.aspx?cite=2CAADCS599%2E623&db=1000937&findtype=L&fn=%5Ftop&pb=DA010192&rlt=CLID%5FFQRLT912159813122&rp=%2FSearch%2Fdefault%2Ewl&rs=WEBL13%2E01&service=Find&spa=CCR%2D1000&sr=TC&vr=2%2E0	DPA Rule 599.623
Memo of Understanding (MOU) http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx	1, 7, 9, 10, 17, 19, 21
Pay Scales http://www.calhr.ca.gov/state-hr-professionals/Pages/pay-differentials.aspx	Section 14, Pay Scales
Responsible Control Agency and Program	CalHR
Other	
Personnel Action Manual (PAM) Arduous Work Pay Request (GS 912) Memo dated 8/14/96 & signed by Debra Bouler: Arduous Work Pay Differential http://www.calhr.ca.gov/state-hr-professionals/Pages/pay-scales.aspx	

Arduous Pay

Definition At the discretion of DGS, excluded employees who are exempt from the Fair Labor Standards Act (FLSA) shall be eligible to receive the differential when performing arduous work that exceeds the normal demands of State service employment. Excluded employees, except CEAs and Exempts, are eligible for this pay differential for up to four months per fiscal year (or per event for emergencies involving loss of life or property).

Represented employees who are exempt from FLSA and assigned to Work Week Group E and SE shall be eligible to receive the differential when there is no other way to recognize the performance of additional duties and responsibility, which clearly exceed the normal demands of an employee's classification/position. Employees in Units 1, 7, 10 and 21 shall be eligible for this pay differential for up to four months per fiscal year (or per event for emergencies involving loss of life or property).

Definitions

- **FLSA EMPLOYEES:** Employees covered by FLSA are considered to be hourly employees. The paychecks of FLSA employees are for working 40 hours in a workweek. FLSA employees meeting specific criteria are eligible for overtime pay at a rate of one and one-half times his/her normal rate of pay.
- **FLSA EXEMPT EMPLOYEES:** Employees exempt from FLSA are considered salaried, not hourly employees. These employees are expected to work as many hours as needed to provide the services for which they were hired. Employees exempt from FLSA are not eligible for overtime pay. However, if the employee is required, due to unusual conditions, to consistently exceed 40-hours a week, a request for a pay differential for extremely arduous work and emergencies may be processed. This pay differential is limited to \$300 per workweek, up to \$1200 per pay period. In no case will an eligible employee receive this pay differential for more than four (4) months, for a total of \$4800 in a fiscal year.
- **ARDUOUS WORK:** CalHR has defined "arduous work" as unavoidable work, with a nonnegotiable deadline or extreme urgency, that exceeds the normal workweek and productivity, and that involves extremely heavy workload.

Continued on next page
19.1

Definition

(continued)

- **DECLARED EMERGENCY:** A declared emergency is defined as a gubernatorial or presidential declaration of a state of emergency. Employees qualifying for the arduous pay differential are those in Work Week Group “E” who are designated “M”, “S”, or “C”.
-

Policy

It is the policy of the Department of General Services (DGS) to comply with the rules and regulations set forth by the CalHR and set forth in Pay Differential 62 – Arduous Pay (FLSA Exempt Employee Differential) Units 1, 7, 9, 10, 17, 19, 21 and Excluded Employees.

Note: Except for Unit 1, the DGS will not submit arduous pay requests to the CalHR. CalHR decisions to deny arduous pay shall not be subject to the grievance or arbitration provisions of this agreement.

Procedures

- Employee/Program Manager/Office Chief requests the arduous pay differential by preparing the Arduous Work Pay Request (GS 912), which identifies the information required for arduous pay consideration. The request must comply with ALL criteria in order to receive the pay differential (See Section 14.62.2 of the Pay Scales). The request shall be submitted **after** the work is completed.
 - Office Chief forwards the completed GS 912 to his/her Personnel Liaison (PL) who ensures that all conditions are present that warrant the pay differential.
 - PL forwards request to the Classification and Pay (C&P) Analyst for review.
 - C&P Analyst reviews, ensures that all conditions that warrant the pay differential are present, and if so, forwards to the Chief, Office of Human Resources for approval and return to the C&P Analyst for appropriate processing.
 - C&P Analyst forwards a signed copy to the employee, Program Manager, Office Chief, PL, and employee’s Official Personnel Folder (OPF) for audit purposes. C&P Analyst then forwards approved document to Personnel Specialist (PS) for processing.
 - PS should also refer to the general provisions of the pay differential, review the document for required signatures and generate the pay.
-

Attachments [Arduous Work Differential Pay Memo date 8/14/96](#)