

Subject: WORK WEEK GROUP (WWG)

REFERENCES	SECTIONS
Classification and Pay (C & P) Guide	Section 275
Law & Regulation http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9 http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&Action=CollapseTree&AP=I9254F760D48E11DEBC02831C6D6C108E&ItemKey=I9254F760D48E11DEBC02831C6D6C108E&RP=%2Ftoc%2Fdefault%2Ewl&Service=TOC&RS=WEBL13.04&VR=2.0&SPa=CCR-1000&pbcc=DA010192&fragment#I9254F760D48E11DEBC02831C6D6C108E http://www.dol.gov/compliance/laws/comp-flsa.htm	GC 19843-19844, 19851-19852 DPA Rules 599.701-599.706 Federal
Pay Scales http://www.calhr.ca.gov/state-hr-professionals/Pages/pay-scales.aspx	10
Responsible Control Agency and Program http://www.calhr.ca.gov/Pages/home.aspx	CalHR
SPB/DPA Policy Memos http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx	PML 94-10, 94-10a, 94-12, 94-24, 94-32, 95-014, 95-023

Subject: Work Week Group (WWG)

Definition/Explanation:

The designation of a work week group (WWG) is the method of recognizing whether a class is covered by the Fair Labor Standards Act (FLSA) or is exempt from FLSA coverage in determining eligibility for overtime. The FLSA is the Federal minimum wage and overtime law. In 1985, all employees of the State of California became subject to the FLSA; however, there are many types of jobs that are exempted. Please refer to the Department of Personnel Administration's (DPA) 1994 FLSA Policy Guidelines for explanation of employees exempt from the FLSA and special FLSA exemptions.

Policy: None

Procedure:

There are seven WWGs; however, only four apply to DGS employees. WWG designations are located in the Pay Scales. For the most up-to-date information and to determine the WWG for any classification, access the California Pay Scales (CSP) through your SCO logon. A discussion of these WWGs follows:

WWG 2

Overtime for employees in classes not eligible for exemption under Section 7K of the Fair Labor Standards Act (FLSA) is defined as all hours worked in excess of 40 hours in a period of 168 hours or seven consecutive 24-hour periods.

a. Hours Worked

For the purpose of identifying hours worked under the provisions of the FLSA, only the time spent, which is controlled or required by the State and pursued for the benefit of the State, need be counted. However, the State is governed by the provisions of GC Section 19853 (a), which states, in part, for the purpose of computing the number of hours worked, time when an employee is excused from work because of holidays, sick leave, vacation, annual leave, or compensating time off, shall be considered as time worked by the employee. Refer to the negotiated Memorandum of Understanding (MOU) for exception to GC Section 19853.

b. Work Periods

A work period 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. Once the beginning 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 if the change is intended to be permanent and it is not designed to evade the overtime provision of the FLSA.

c. Overtime Authorization

An employee shall not work overtime unless ordered to do so by his/her 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.

d. Overtime Credit

Overtime will be credited on a one-quarter of an hour basis with a full quarter hour credit to be granted if half or more of the period is worked. Smaller fractional units will not be accumulated.

e. Overtime Compensations

The method of compensation [cash or compensating time off (CTO)] for FLSA overtime worked shall be at the discretion of the appointing power, pursuant to MOU provisions, and in accordance with the following:

- CTO on a one and one-half time basis may be authorized in lieu of cash compensation. Safety, emergency, and seasonal employees, as defined by the FLSA, may accrue up to 480 hours of CTO. All other employees may accrue up to 240 hours of CTO.
- Cash compensation may be authorized and the rate of cash compensation paid for overtime shall be one and on-half times the hourly equivalent of the employee's salary as of the time the overtime was worked.
- Upon termination of employment, unused CTO shall be paid in cash at a rate not less than the average regular rate received by the employee during the last three years, or the final regular rate received by the employee, whichever is higher.

f. Determination of Coverage Under FLSA

The provisions of WWG 2 are made applicable to all classes, which are determined by the Director of the Department of Personnel Administration (DPA).

WWG E

WWG E includes classes that are exempted from coverage under the FLSA because of the "white-collar" (administrative, executive, professional) exemptions. To be eligible for this exemption a position must meet both the "salary basis" and the "duties" test.

Exempt (WWG E) employees are paid on a "salaried" basis and the regular rate of pay is full compensation for all hours worked to perform assigned duties. However, these employees shall receive up to eight hours holiday credit when authorized to work on a holiday. WWG E employees shall not receive any form of additional compensation, whether formal or informal, unless otherwise provided by the provisions of this work week group.

Consistent with the “salaried” nature of such a position, an exempt employee:

1. Shall not be charged any paid leave for absences in less than whole day increments;
2. Shall not be docked pay for absences of less than a whole day;
3. Shall not be subject to a disciplinary action suspension in less than full week increments unless there is a violation of a major safety rule; and
4. Shall not be required to document hours worked for payroll purposes.

For rank and file employees, refer to the appropriate collective bargaining agreement for specific provisions that may otherwise be addressed and not contained in the above work week group definition.

WWG SE (Attorneys, Physicians, Teachers)

If the provisions of this definition are in conflict with the provisions of a collective bargaining agreement, the collective bargaining agreement shall be controlling.

WWG SE applies to classes and positions with an average work week of 40 hours. The regular rate of pay is full compensation for all time that is required for the employee to perform the duties of the position. However, these employees shall receive up to eight hours of holiday credit when ordered to work on a holiday. Hours of work in excess of the average work week are not compensable, and shall not be deemed overtime. If an employee is not required by the appointing power to work a normal workday or part thereof, the employee nevertheless shall receive the regular rate of pay without deduction for the entire pay period.

For rank and file employees, refer to the appropriate collective bargaining agreement for specific provisions that may otherwise be addressed and not contained in the above work week definition.

Special Work Week Allocations and Overtime Authorizations

All Department/FLSA – Dual Work Week Groups

Positions in the following classes may be “exempt” or “covered” by the provisions of FLSA depending on individual assignments. Overtime payment for “covered” employees will be based on the criteria in WWG 2. Overtime payment for “exempt” employees will be based on the current work week group assigned to the class.

1. Effective May 1, 1991, positions, which conduct external audits/examinations in a line program area, are covered by the provisions of FLSA. These positions conducting internal audits/examinations (administrative support activities) are exempted from FLSA.

Class

Governmental Auditor III

Attachments: None