

HUMAN RESOURCES MEMORANDUM 09-014		DATE ISSUED: 03/24/2009
SUBJECT: CHANGE IN OVERTIME		REFERENCE: None
TO: Managers and Supervisors; Attendance Clerks; Personnel Liaisons		SUPERCEDES: None

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Purpose

The purpose of this Human Resources (HR) Memorandum is to inform affected employees of the change of applicable hours used to calculate overtime.

State's Overtime Provision

Department of Personnel Administration (DPA) as the State's employer has provided direction to exclude all leave types in the calculation of overtime pursuant to Government Code Section 19844.1 effective March 1, 2009.

This statute changes the way overtime is calculated. Only actual hours worked will be counted towards eligibility for cash compensation or compensating time off for overtime.

Who is Affected

Excluded employees and employees in Bargaining Units R01, R02, R03, R04, R06, R07, R09, R10, R11, R12, R13, R14, R15, R17, R18, R19, R20 and R21.

What are the Changes?

Leave hours charged within the same week the employee works will reduce the amount of actual hours worked in the week.

The following leave types:

- Annual leave
- Bereavement leave
- Compensating time off (CTO)
- Holiday or use holiday credit
- Jury duty
- Military leave
- Personal leave (PLP)
- Personal holiday
- Sick leave
- Vacation
- Furlough leave

These leave types and any other paid or unpaid leave shall not be considered as time worked by the employee for the purpose of computing overtime.

An employee must physically work a minimum of 40 hours in the same work week to be eligible to receive overtime compensation at the premium rate of time and one-half.

Overtime Calculation Example

Hours worked in a week where leave is used will be calculated as follows:

An employee works 8 hours Monday through Thursday and uses 8 hours of sick leave on Friday, then works 4 hours on Saturday.

The 4 hours are to be posted to the PAL as OT5 for 4 hours and will be paid at straight rate.

Contact

For questions regarding this memorandum, please contact your assigned Personnel Specialist.

/s/

MARIA J. LOPEZ, Manager
Personnel Operations Section

MJL/kits