

HUMAN RESOURCES MEMORANDUM 09-018	DATE ISSUED: 04/20/2009
SUBJECT: OVERTIME PROVISIONS AND FURLOUGH PROGRAM	REFERENCE: None
TO: DGS Managers/Supervisors; Personnel Liaisons; Attendance Clerks	SUPERCEDES: None

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Purpose

The purpose of this Human Resources (HR) Memorandum is to provide employees with an update on overtime provisions and components of the Furlough Program.

WWG E Employees and Furlough Use

WWG E employees only charge absences in full day increments. Employees in WWG E should charge furlough hours in full day increments; however, they may use furlough leave in less than a full day increment when combined with other leave to equal a full day absence.

WWG 2 employees may use their furlough hours in increments of 15 minutes.

Overtime Provisions and Furlough

WWG SE employees are statutorily exempt from overtime under the Federal Labor Standards Act (FLSA). The FLSA by statute exempts teachers, doctors, and attorneys; therefore, they earn no overtime and cannot be converted to hourly employees.

When FLSA exempt (WWG E) employees use their furlough hours in a workweek they lose their exempt status for that week and become hourly employees.

Furlough days, regardless of when taken, do not constitute hours worked for overtime purposes. Overtime is only earned after 40 hours of actual work in a workweek.

Should circumstances arise that require an employee to work in excess of 32 hours in a week during which a furlough day is scheduled, it is recommended that the furlough day be redirected to another week.

It is important to remember that the Governor's Executive Order S-09-08 provisions on overtime are still in place per Deborah Baker's email sent out July 31, 2008.

Jury Duty and Furlough

DPA has provided further clarification from the Administrative Office of the Courts that when jury duty falls on a furlough day, employees are not eligible to receive jury duty fees. Civil Code of Procedures Section 215 provides that jury duty fees are only paid when an employee loses wages while serving on jury duty.

Employees with scheduled furlough days while on jury duty should be allowed to self-direct those days to another time.

Questions

If you have any questions, please contact your assigned Personnel Analyst or Personnel Specialist.

/s/
MARIA J. LOPEZ, Manager
Personnel Operations
MJL/kts