



employee relations **BULLETIN**

March 27, 2001
(Replacing Bulletin dated June 26, 2000)

**To: Heads of All Departments
Departmental Personnel Officers**

Subject: 9/80 MODIFIED SCHEDULES DURING HOLIDAYS (REVISED)

Many departments have asked this Office to clarify certain issues raised from Employee Relations Bulletins regarding the Fair Labor Standards Act (FLSA) Update. This revised memo will address guidelines for 9/80 modified work schedules during holidays for non-exempt employees.

9/80 Schedule - Holiday

When there is a holiday on a scheduled 9-hour work day, the employee is paid 8 hours of holiday pay. The employee must cover one hour for the 8-hour holiday. The alternatives for covering the one hour are as follows:

- using an hour of vacation
- using compensatory time (as long as any exists on the books)
- working an extra hour during the workweek of the holiday
- paying for only 39 hours (using one hour of leave without pay)

If an employee decides to work the extra hour, it must be worked within the same week as the holiday. Under FLSA, compensated time is not counted toward hours worked. Working the extra hour in a different workweek will incur overtime liability in the subsequent workweek. Remember FLSA requires all hours worked over 40 hours in a workweek by non-exempt employees to be either compensated at one and one-half times their regular rate of pay in cash or booked at time and one-half.

"Short Day" (8 Hours)

The current policy for 9/80 modified work schedules requires employees to take their short day on the same day of the week as their 9/80 day off (known as the short day) or the work day before the 9/80 day off. Employees may make up an extra hour on their short day in order to make up the 9th hour for the holiday if the short day is within the same workweek as the holiday and is not on the same day of the week as their split day. Working an additional hour on their 8-hour split day may incur overtime liability.

Holiday on 9/80 Regular Day Off (RDO)

When a holiday falls on an employee's 9/80 RDO, the RDO may be taken on another day within the same week without incurring overtime liability.

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WORKWEEK RECORD KEEPING POLICY

Currently, employee workweek information is kept by the departments. With the new payroll system, it is anticipated that the information can be collected citywide through the Form 41 Document. To facilitate implementation of a citywide system, workweek record keeping must be standardized.

The following steps must be taken to centralize workweek record keeping. The deadlines indicated must be followed closely.

Step 1 Departments and bureaus will be required to fill out a copy of the attached form for each civilian employee by May 1, 2001. These forms must be kept in the central personnel office for the department/bureau unless other arrangements are approved by the Office of Administrative and Research Service (OARS), Employee Relations Division. New forms must be filled out for new employees and employees who change workweeks or work schedules.

Step 2 By August 15, 2001, each department/bureau must develop a database in Excel format to compile the workweek information gathered in Step 1. A copy of the Excel database worksheet to be used will be provided. Any alternative program must be approved by OARS. All of the information included in the Employee Workweek Form must be captured by each department's data base. A meeting will be held with systems and/or personnel staff from each department/bureau to discuss proper formats.

Workweek record keeping must be kept current and accurate at all times.

Step 3 The Controller's Office and ITA will import the information from the data bases established above into the new payroll system. Updates will be handled through the Form 41 Document.

EMPLOYEE WORKWEEK

Employee Name:	
Social Security No.:	
Class Code & Class Title:	
Department:	
Division:	
Schedule Type:	<input type="checkbox"/> 9/80 (go to 9/80 schedule information) <input type="checkbox"/> 5/40 <input type="checkbox"/> 4/10 <input type="checkbox"/> 3/12 <input type="checkbox"/> 72-hour <input type="checkbox"/> Other _____

5/40, 4/10, 3/12 or 72-hour Schedule Information			
Regular start time of shift:	Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Regular end time of shift:	Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.

Workweek: The workweek for 5/40, 4/10, 3/12 or 72-hour schedules begins on Sunday at 12:01 a.m. and ends on Saturday at midnight, unless otherwise noted.

9/80 Schedule Information	
9/80 Day Off (RDO)	<input type="checkbox"/> 1st Monday <input type="checkbox"/> 1st Tuesday <input type="checkbox"/> 1st Wednesday <input type="checkbox"/> 1st Thursday <input type="checkbox"/> 1st Friday <input type="checkbox"/> 2nd Monday <input type="checkbox"/> 2nd Tuesday <input type="checkbox"/> 2nd Wednesday <input type="checkbox"/> 2nd Thursday <input type="checkbox"/> 2nd Friday
Short Day (8-hour day)	<input type="checkbox"/> 1st Monday <input type="checkbox"/> 1st Tuesday <input type="checkbox"/> 1st Wednesday <input type="checkbox"/> 1st Thursday <input type="checkbox"/> 1st Friday <input type="checkbox"/> 2nd Monday <input type="checkbox"/> 2nd Tuesday <input type="checkbox"/> 2nd Wednesday <input type="checkbox"/> 2nd Thursday <input type="checkbox"/> 2nd Friday
Regular start time of shift on the day opposite the regular 9/80 day off: (Example - If 9/80 regular day off is on 1st Monday, regular start time of shift on 2nd Monday)	Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.

Workweek: For 9/80 schedules, the workweek begins four hours after the regular start time of the employees' shift on the day opposite their regular 9/80 day off.

Acknowledgment: I understand that employees on a 9/80 schedule should not be given permission to switch their 9/80 day off or alter their working hours unless it is intended that they will receive overtime.

Supervisor's Signature:	Date:
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Information to be completed by Department administration

Full-Time/Part-Time:	<input type="checkbox"/> Full-time <input type="checkbox"/> Part-time: <input type="checkbox"/> half-time <input type="checkbox"/> intermittent				
FLSA Status:	<input type="checkbox"/> Non-Exempt (hourly) <input type="checkbox"/> Exempt (salaried) <input type="checkbox"/> Other Exemption (7(b))				
Workweek Begins:	Day	Time	Workweek Ends:	Day	Time

OVERTIME POLICY (Non-Sworn Employees)

REGULAR WORK SCHEDULES

All staff, both hourly (non-exempt) and salaried, must have a regular work schedule. All full time employees are expected to work on a full time basis (80 hours in a pay period) to fulfill the requirements of their jobs. Employees who cannot regularly work a full time schedule must discuss options such as the "reduced work schedule" (72 hour plan) or other part-time arrangement with the immediate supervisor.

Salaried employees, while not subject to deductions from salary or leave banks for absences from work of less than a full work day, may be required to work a regular schedule and be accountable to their respective supervisors for any absences from work. Partial day absences may be approved for any purpose, and the exact purpose need not be disclosed by the employee.

OVERTIME

Occasionally, employees may be required to work overtime. All employees must have prior permission from their supervisors to work overtime. Under FLSA, all hours worked over 40 hours in a workweek by non-exempt (non-salaried) employees are considered overtime. The City however, includes all compensated time such as vacation, holiday, sick leave, etc., in determining overtime. Therefore, there will be situations when an employee is owed City overtime but not FLSA overtime because FLSA does not count compensated time off as hours worked. For non-exempt employees, overtime must be compensated in cash at one and one half times the regular rate of pay, or booked at time and one-half. The method of overtime compensation will be in accordance with the provisions of applicable MOU or Administrative Code.

FLSA WORKWEEKS

Under the Fair Labor Standards Act (FLSA), a workweek must be established for all employees including exempt employees, in writing. FLSA defines a workweek as a regular recurring period of 168 consecutive hours. A workweek need not be the same as the calendar week, nor need it correspond to a payroll period. It may begin and end on any day of the week and at any time of the day. Once the beginning of an employee's workweek is established, it remains fixed. A record for each employee will be maintained by the central personnel office for the department/bureau. The established workweek cannot be changed unless the change is intended to be permanent. This Department

offers the following work schedules (all options may not be available in all work groups) listed below. The workweek that corresponds to each of the schedules are also described.

1) 5/40 or 4/10 Schedules

All salaried (exempt) employees and hourly (non-exempt) employees who work a 40 hour schedule (5/40 or 4/10), will have a workweek that corresponds to the calendar week (i.e., 12:01 a.m. Sunday through 12 midnight Saturday.)

2) 9/80 Modified Schedules

The workweek for 9/80 schedules will begin and end on the same day of the week as the 9/80 or regular day off which is known as the split day. Specifically, the work week begins four hours after the employee's split day start time. The established 9/80 day off is a fixed day. The short day (8 hour day) may be on either the same day of the week as the regular day off or the day before the employee's 9/80 day off. Employees may be assigned to one of the approved defined workweeks (attachment provided by department). No temporary changes will be allowed to the employee's regular day off (e.g., switching the days off) at the convenience of the employee or supervisor.

On a case by case basis, employees may adjust their time within the workweek with prior approval from the supervisor. For example, an employee may be allowed to come in late due to a doctor's appointment and make up the time during the same workweek in which the time was taken. However, adjustments will not be allowed on the split day or end of the workweek. Exceptions can be made if the supervisor authorizes the employee to work additional hours (i.e., overtime).

A permanent change to the 9/80 schedule may be requested based on a change in life circumstances (e.g., change in child care provider, new vanpool, etc.) or based on a change in work assignment. Employees must obtain approval from the Division Manager and establish a new workweek in writing.

3) Reduced Work Schedules (72 hour plan)

All employees who work on a reduced schedule will have a workweek that corresponds to the calendar week (i.e., 12:01 a.m. Sunday through 12 midnight Saturday) to provide the greatest flexibility, unless an operational need dictates otherwise.

COMPENSATED TIME OFF

A FLSA non-exempt employee who requests time off for overtime worked should be permitted to use accumulated time off unless granting such time would "unduly disrupt" the operations of the department. (Supervisors should keep a record of the reason for the denial if an employee's request is denied.) This standard does not apply to non-FLSA overtime (i.e., MOU overtime).

Under no circumstances shall compensated time off in excess of 240 hours (480 hours for safety employees) be accumulated.

EXEMPT SALARIED EMPLOYEES

Salaried employees are not subject to the overtime provisions of FLSA. While such employees do not receive overtime, the General Manager may grant time off for hours worked due to unusual circumstances.

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