

**CALIFORNIA INSTITUTE OF TECHNOLOGY**  
**STAFF PERSONNEL MEMORANDA**

<b>Subject:</b> <b>Hours of Work, Workweek, Workday, Shifts, Overtime, Pay Premiums</b>	<b>Memo No. 11</b> <b>Total Pages: 8</b> <b>Date: December 2, 2014</b>
<b>Approved by:</b> Julia McCallin, Associate Vice President for Human Resources	

**(This supersedes Memo No. 11, dated June 6, 2014)**

## **1.0 POLICY**

It is the policy of the Institute to comply with Federal and State laws regarding hours of work, payment of wages, work-week, workday, shifts, overtime and pay premiums.

## **2.0 DEFINITIONS**

### 2.1 Workday/Workweek

#### a. Standard Workweek

Standard Workweek is 40 hours consisting of five (5) straight eight-hour workdays, Monday through Friday with the same scheduled start and end times in the same payroll workweek.

#### b. Payroll Workweek

Payroll Workweek is a seven consecutive day period which begins at 12:01 a.m. Monday and ends at midnight on the following Sunday.

#### c. Standard Payroll Workday

Standard Payroll Workday begins at 12:01 a.m. and ends at 12 midnight.

### 2.2. Nonstandard Workweek

Nonstandard Workweek is all other schedules that do not meet the Standard Workweek definition. It may include rotating between shifts, working other than Monday through Friday, and/or working more than five (5) days in the same payroll workweek. Prior approval by the manager and concurrence by Human Resources is required.

### 2.3 Alternative Workweek Schedule (AWS)

Various alternative work schedules have been implemented on campus and the 9/80 alternative work schedule has been implemented at JPL. Specific alternative workweek schedule policies cover hours of work, workweek, workdays, holidays, and overtime for employees on these schedules.

### 3.0 PAY PREMIUMS

The following pay premiums apply to non-exempt employees at campus and hourly or overtime eligible employees at JPL.

#### 3.1. Work Shifts

- a. An employee is paid a shift premium when assigned by his or her supervisor to Second (swing) or Third (graveyard) shifts.
- b. Regular scheduled shift is an established work period, usually of eight hours, which has been assigned by the manager/supervisor.
- c. The following are the recognized Institute work shifts for the standard workweek for a non-exempt employee at campus and hourly and overtime eligible employees at JPL.
  - 1) First (Day) Shift  
Day Shift is for an eight-hour work period that is not a Swing or Graveyard Shift and includes an unpaid meal period.
  - 2) Second (Swing) Shift  
Second (swing) Shift begins at or after 3:00 p.m. for an eight-hour work period, plus an unpaid meal period. Pay for swing shift work is increased by a shift premium of \$0.40 per hour.
  - 3) Third (Graveyard) Shift  
Graveyard Shift begins at or after 11:00 p.m. and before 2:00 a.m. for an eight-hour work period, plus an unpaid meal period. Pay for graveyard shift work is increased by a shift premium of \$0.60 per hour.
  - 4) All above shift premiums are subject to applicable overtime and double time rules.

#### 3.2. Nonstandard Workweek Premium

Shifts that occur in a nonstandard workweek are identified as irregular shifts. Employees working irregular shifts will receive irregular premiums for all hours worked as follows:

- a. The irregular second (swing) shift begins at or after 3:00 PM for an eight-hour work period, plus an unpaid meal period. Pay for irregular swing shift work will include the irregular second (swing) shift premium of \$0.60 per hour.
- b. The irregular third (graveyard) shift begins at or after 11:00 PM and before 2:00 AM for an eight-hour work period, plus an unpaid meal period. Pay for irregular graveyard shift work will include the irregular third (graveyard) shift premium of \$0.75 per hour.

### 3.3 Shift Premium Considerations

- a. Employees regularly assigned to the swing or graveyard shifts, who are requested by their supervisor to report prior to the start of their regular shift, will receive their usual shift premium for any extra time worked.
- b. Employees will be paid the applicable shift rate based on when the employee started their shift even if the employee works continuously beyond midnight.
- c. The shift premium for eligible employees, who are on a regularly scheduled shift for two consecutive pay periods or more, will be paid to the employee when he/she takes paid time off such as holidays, personal holiday, bereavement leave, sick leave, jury duty and vacation during this time period. Employees should refer to the specific Institute Personnel Memoranda for various types of paid time off.

### 3.4 Overtime

- a. Overtime is provided for eligible employees who are required to work extra hours due to operational or Institute needs. Eligible employees must be paid for all overtime worked. Compensatory time off is not permitted in lieu of payment for overtime.
- b. Non-exempt employees at campus, and hourly and overtime eligible employees at JPL, are paid an overtime premium of time and one-half and/or double time, where applicable. Exempt employees at campus and weekly employees at JPL are ineligible from receiving overtime pay.
- c. No off the clock work is allowed.
- d. Supervisors should give employees as much advance notice as possible prior to requesting overtime.
- e. Supervisors approve overtime. Whenever possible, an employee should get advance authorization from his or her manager prior to working overtime.
- f. The employee must accurately record all time worked including overtime hours on the Institute's time records.
- g. At JPL, overtime can be authorized only for one of the following reasons:
  - 1) **Mission Activities:** Overtime hours worked for pre-launch activities and mission performance or delivery-related events of an urgent nature.
  - 2) **Non-scientific/Engineering Work (Indirect Labor):** Overtime hours worked by indirect labor (i.e., allocated direct cost) eligible employees, such as those performing duties in connection with administration, protection, transportation, maintenance, operation of utilities, or accounting.
  - 3) **Work Not to Be Interrupted/Delayed:** Overtime hours worked to perform tests, industrial processes, laboratory procedures, loading of transportation

conveyances, and operations in flight or afloat that are continuous in nature and cannot reasonably be interrupted or completed otherwise.

- 4) **Work Resulting from an Emergency:** Overtime hours necessary to cope with emergencies, such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature.
- 5). **Work Resulting in Lower Costs to the Government:** Overtime hours worked that will result in lower overall costs to the Government (e.g., as opposed to hiring additional staff.

### 3.5. Payment of Overtime – Standard and Non Standard Workweeks

#### a. Payment at Time-and-One-Half (1.5)

A non-exempt employee at campus or an hourly or overtime eligible employee at JPL will receive overtime pay at the rate of one and one-half (1.5) times the employee's regular rate of pay, including shift premium:

- 1) For time worked in excess of 8 hours in a workday or for time worked in excess of 40 hours in a workweek.
- 2) During the first 12 hours on an Institute designated paid holiday that is a regularly scheduled workday or shift. In addition, the employee will be paid regular holiday pay at straight time.
- 3) For the first eight (8) hours of time worked on the 7<sup>th</sup> consecutive day of work in any workweek.

#### b. Payment at Double Time (2.0)

A non-exempt employee at campus or an hourly or overtime eligible employee at JPL will receive double time pay at the rate of two times the employee's regular rate of pay, including shift premium:

- 1) For time worked in excess of 12 hours in a workday.
- 2) For time worked on an employee's second scheduled day off in a seven-day period.
- 3) For time worked in excess of 12 hours on an Institute designated paid holiday that is a regular scheduled workday or shift.
- 4) For all time worked on an Institute designated paid holiday which is not a regularly scheduled workday or shift. In addition, the employee will be paid regular holiday pay at straight time.
- 5) For time worked in excess of 8 hours on the seventh consecutive day of work in any workweek.

Note: Other work schedules are covered in the campus Non-exempt Alternative Work Week Schedule Personnel Memoranda and the JPL Alternative Work Week policy.

### 3.6 Calculation of Time Worked for Computing Overtime

- a. Sick leave, paid holidays, personal holidays, jury/witness duty, bereavement leave and military training leave are considered as time worked in computing overtime for hours worked in excess of 40 hours in a workweek.
- b. Vacation is not considered as time worked in computing overtime.

Note: Non-exempt employees at campus and hourly and overtime eligible employees at JPL are paid on an hourly basis and are required by Federal and State law or Institute policy to be paid time and one-half and double time, where applicable, for overtime worked.

### 3.7 Sick leave and/or vacation

Employees may not claim sick leave and/or vacation for a work shift in which the employee has worked eight hours or more. Paid sick leave and work time combined may not exceed eight (8) hours in any one workday.

### 3.8 Compensatory Time

Institute policy does not permit compensatory time off.

### 3.9 Report-In Pay

When an employee is scheduled to work and reports for work, but is actually required to work less than half of the employee's usual or scheduled work hours, the employee will be paid for half the usual and scheduled day's work, but no less than two hours or no more than four hours at the employee's regular rate of pay.

### 3.10 Call-Back Pay

When an employee is required to return to a work site after completion of his or her regular work schedule in a work day, the employee will be paid at his/her appropriate rate, but in no case less than four (4) hours at the employee's regular rate of pay.

Note: Applicable overtime rates will be applied to actual time worked.

### 3.11 Lead Premium Pay

- a. At management's discretion, management may authorize intermittent lead premium pay for an employee as a "Lead" for a period of at least two consecutive full pay periods (4 weeks) and not more than 52 weeks at a time when the following conditions apply. The employee:
  - 1) leads three or more full time employees
  - 2) Performs typical lead duties including distributing tasks and communicating instructions from management.
  - 3) Employees designated as a lead will receive a lead premium of \$35.00 per week.

#### 4.0 PAY PREMIUMS FOR EXEMPT EMPLOYEES AT CAMPUS AND WEEKLY EMPLOYEES AT JPL

The following premiums apply to employees at campus and weekly employees at JPL.

##### 4.1 Extended Workweek (EWW) Premium

- a. Management at its discretion may provide eligible employees additional pay when there is a compelling need that requires additional work hours over an extended period of time in order to meet deadlines that affect Institute business and operations.
- b. Full-time exempt employees at campus or weekly employees at JPL may receive pay for such extra work only when an extended workweek is scheduled in advance, approved by the manager, and will occur for a minimum of two pay periods (four weeks) up to a maximum of twenty six weeks at a time. Exceptions may be granted for projects or missions designated as critical by the Associate Vice President for Human Resources or the Director for Human Resources at JPL.

- c. Basis for Payment

The EWW supplement may not be greater than 40% of the employee's normal salary, and the combination of weekly base salary and EWW pay must not be greater than \$3,000 per week. Employees authorized for EWW will receive compensated time in excess of forty hours, and will receive EWW at their regular rate of pay. EWW cannot exceed sixteen hours per week. EWW will not be paid retroactively.

- d. Eligibility Criteria:

- 1) Exempt or weekly employees' weekly base salary must not be more than \$3,000.00 per week.
- 2) Employee's EWW hours must total a minimum of eight hours per week.
- 3) Employees on an alternative work schedule are not eligible for EWW.
- 4) Employees must be on the 5/40 work schedule to receive EWW pay.
- 5) A weekly employee at JPL using Non-Productive Effort, or an exempt employee at campus, using leave time for vacation, personal holiday, sick or leave without pay during a workweek will not be eligible for EWW.

Note: Leave time for Institute designated holidays, jury or witness duty, military leave or bereavement leave does not affect EWW eligibility.

- 6) Employees who are regularly scheduled to work less than forty hours a week are not eligible for EWW.
- e. At JPL, EWW can be authorized only for one of the following reasons when the employee's non-routine working assignment pertains to one of the following:

- 1) **Mission Activities:** EWW hours worked for pre-launch activities and mission performance or delivery-related events of an urgent nature.
  - 2) **Non-scientific/Engineering Work (Indirect Labor):** EWW hours worked by indirect labor (i.e., allocated direct cost) eligible employees, such as those performing duties in connection with administration, protection, transportation, maintenance, operation of utilities, or accounting.
  - 3) **Work Not to Be Interrupted/Delayed:** EWW hours worked to perform tests, industrial processes, laboratory procedures, loading of transportation conveyances, and operations in flight or afloat that is continuous in nature and cannot reasonably be interrupted or completed otherwise.
  - 4) **Work Resulting from an Emergency:** EWW hours necessary to cope with emergencies, such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature.
  - 5) **Work Resulting in Lower Costs to the Government:** EWW hours worked that will result in lower overall costs to the Government (e.g., as opposed to hiring additional staff.
- f. An exempt employee at campus or a weekly employee at JPL who works occasional extended hours will not be eligible for EWW nor is EWW pay eligibility subject to the Problem Resolution process.

#### 4.2 Non Standard Work Week Premium

- a. An exempt employee on campus or weekly employee at JPL assigned to tracking, launching or testing operations on a basis other than the standard Monday through Friday workweek is eligible for a non-standard workweek premium of \$100 per week, subject to the following conditions:
  - 1) The assignment is on a scheduled basis, approved by the manager, and requires an employee to work on the sixth and seventh days of the workweek, on holidays, or on rotating or overlapping shifts.
  - 2) The assignment is for a minimum of two pay periods.
  - 3) The employee's combined weekly base salary, nonstandard work premium, and extended workweek pay must not be greater than \$3,000 per week.
- b. An Alternative Workweek Schedule (AWS), such as a 9/80 schedule, is not considered a non-standard workweek, and employees on an AWS are not eligible for the Non Standard Workweek premium.

## **5.0 ADDITIONAL PAY PREMIUMS**

### **5.1 JPL Technical Group Supervisor Premium**

- a. To compensate eligible employees for providing technical managerial oversight to the technical work products of technical employees in reporting relationships defined as a “group” or equivalent.
- b. Eligibility: To be eligible, the employee shall:
  - 1) Be classified in the Management discipline in any of the following job families: Engineering, Research, Lifecycle Program Project Leadership, and Software and Computing Systems;
  - 2) Perform the duties and responsibilities as a Technical Group Supervisor for a Group or equivalent in the organization’s hierarchy;
  - 3) Have two or more full-time equivalent JPL direct reports; and
  - 4) Be initially assigned to the Technical Group Supervisor position on or after August 1, 2011.
- c. Employees who are on Additional Duty or in an acting position described above are not eligible.
- d. Employees who move into the position described in Subsection b from an existing Management classification are not eligible for the premium.
- d. The premium shall be calculated at 5% of the employee’s base pay rate.
- f. The premium shall begin at the start of a pay period when the duties and responsibilities referenced in Subsection b.2 have commenced and the premium shall end when the duties and responsibilities have concluded.
- g. For the purposes of pay, the Technical Group Supervisor premium is not considered part of the recipient’s base pay.

## **6. EXCEPTIONS**

Any exception to this Personnel Memoranda requires the approval of the Associate Vice President for Human Resources or the Director for Human Resources at JPL.

## **7. RELATED PERSONNEL MEMORANDUM AND POLICIES**

Alternative Workweek Schedules

[PM 11-4 Non-Exempt Alternative Workweek Schedules](#)