

CALIFORNIA INSTITUTE OF TECHNOLOGY
STAFF PERSONNEL MEMORANDA

Subject: <p style="text-align:center">Alternative Workweek Schedules for Non Exempt Employees at Campus (AWS)</p>	Memo No. 11-4 Pages: 6 Date: January 15, 2015
Approved by: Julia M. McCallin, Associate Vice President for Human Resources	

(This supersedes Memo No. 11-4 dated October 25, 2012)

1. POLICY

The Institute provides alternative workweek schedules to allow increased flexibility in employee's scheduled work hours and workdays.

The Alternative Workweek Schedule (AWS) workdays and hours for individual employees are subject to internal and external Institutional needs as determined by management and to applicable legal requirements governing the implementation of such schedules.

An AWS includes a Regular Day Off (RDO) and which is a non-workday

To meet business requirements, from time to time, employees on the AWS may be required to work on their RDO.

The Institute, at its discretion, may discontinue the AWS at any time. Alternatively, management may propose changes to the AWS or propose a menu of work schedule options for employees. Any such proposal would be implemented only if the affected employees vote to adopt the proposal by a two-thirds majority in a secret ballot election.

Employees who work the AWS will be eligible for health and welfare benefits provided by the Institute, consistent with the provisions of the Institute's benefit plans. AWS has no impact on eligibility and accrual of benefits such as sick leave and vacation accrual, medical, dental and life insurance, retirement, disability, or flexible spending accounts (FSA).

2. ELIGIBILITY

Employees who are full time and whose regular weekly work schedule is 40 hours may be eligible for the AWS.

Part time employees are ineligible for AWS since their weekly work schedule is less than 40 hours. However, part time employees who have their weekly work schedule increased to 40 hours, even on a temporary basis, may become eligible for the AWS if the schedule change is designed to be for a significant period of time. Managers should contact Human Resources for guidance.

Some employees may not be able to participate in the AWS due to the nature of the job, customer requirements, significant project demands or other business necessities.

Employees working a non-standard workweek who receive an allowance are not eligible for the AWS. In order to be eligible for the non-standard workweek allowance, the employee must be on the 5/40 schedule.

Contract work force (on-site or off-site) must adhere to the work schedule established by their employer.

3. EMPLOYEE RESPONSIBILITY

Employees who are considering or participating in the AWS are required to read and adhere to this Personnel Memorandum.

Employees should anticipate remaining on the AWS as long as the Institute maintains the schedule in effect. However, if a non-exempt employee is unable to work the AWS, the Institute will attempt to accommodate the non-exempt employee by providing the Institute's standard five-day/40-hour workweek.

Employees choosing to work the AWS understand that they waive their entitlement to overtime when the employee works over 8 hours in a workday, up to the scheduled hours for that day (such as 9 or 10).

Prior to commencing an AWS or returning to an AWS from a 5/40 schedule, employees authorized to work the AWS must sign an AWS agreement. Employees will be provided with a copy of the signed agreement.

4. MANAGEMENT RESPONSIBILITY

Management is responsible for establishing and monitoring employees' compliance with the AWS.

Managers of departments which have already completed the election process and who choose to have their department participate in the AWS during the summer months only will be responsible for informing their employees each year of the start and end dates. As provided above, employees in these departments who have not already signed an AWS agreement, will be required to do so.

For business reasons, the Institute may make occasional, infrequent changes to the schedules of employees who are participating in an AWS, including temporarily changing employees to the Institute's standard five-day/40-hour workweek.

5. WORKWEEK DEFINITIONS AND OVERTIME FOR THE ALTERNATIVE WORKWEEK SCHEDULE

The workweek for employees on an AWS is 40 hours. Employees may not charge paid absence time such as vacation, sick leave, jury duty, bereavement, or military leave on their RDO.

5.1 Standard Workweek Schedule (5/40)

The standard workweek is 40 hours consisting of five straight 8-hour workdays, Monday through Friday, with the same scheduled start and end times in the same payroll workweek. The standard payroll workweek is a seven consecutive day period which begins at 12:01 a.m. on Monday and ends at 12:00 midnight on the following Sunday.

Hourly and overtime eligible employees, who work the standard workweek, including part time employees, will be paid overtime after eight hours in a day or 40 hours in a workweek.

5.2 Four and One-Half Day Workweek Schedule

The four and one-half day workweek consists of four 9-hour days and one 4-hour day each workweek. Non-exempt employees will be paid overtime after nine hours in a scheduled 9-hour

workday, after 4 hours in a scheduled 4-hour workday, or after 40 hours in a workweek. The payroll workweek is a seven consecutive day period which begins at 12:01 a.m. Monday and ends at midnight on the following Sunday.

Below is an example of this schedule.

	Mon	Tu	Wed	Th	Fri	Sat	Sun	Mon	Tu	Wed	Th	Fri	Sat	Sun
Week 1	9	9	9	9	4									
Week 2								9	9	9	9	4		

5.3 4/10 Workweek Schedule

The 4/10 workweek consists of four 10-hour days each workweek. Non-exempt employees will be paid overtime after ten hours in a scheduled 10-hour workday or after 40 hours in a workweek. The payroll workweek is a seven consecutive day period which begins at 12:01 a.m. Monday and ends at midnight on the following Sunday.

Below is an example of this schedule.

	Mon	Tu	Wed	Th	Fri	Sat	Sun	Mon	Tu	Wed	Th	Fri	Sat	Sun
Week 1	10	10	10	10	off									
Week 2								10	10	10	10	off		

5.4 9/80 Workweek Schedule

Schedule A (second Friday off)

The 9/80 workweek for Schedule A runs from Friday at 11:00 a.m. to the following Friday at 10:59 a.m. The pay period is comprised of one calendar week of four 9-hour calendar workdays (Monday through Thursday) and one 8-hour calendar day (Friday), followed by another calendar week of four 9-hour calendar workdays (Monday through Thursday) and a regular day off (Friday).

Non-exempt employees work eight hours on the first Friday of the 9/80 (“working Friday”) from 7:00 a.m. to 4:00 p.m. with a one hour meal period beginning at or after 11:00 a.m. The hours worked on the working Friday will be split into two, four-hour segments with the first segment ending at 10:59 a.m. counting towards hours worked in workweek 1 and the second segment beginning at 11:00 a.m. counting towards hours worked in workweek 2. Due to the Friday 10:59 a.m. closure of the 9/80, 40-hour workweek, these employees will not be able to vary their work start and stop times on the working Friday without potentially incurring overtime. With management approval, work stop and start times can vary.

The second Friday of each 9/80 schedule is the employee’s Regular Day Off (RDO). The RDO is a non-workday. Employees may not charge paid absence time such as vacation, sick leave, jury duty, bereavement or military leave on their RDO.

Non-exempt employees who work the 9/80 AWS will be paid overtime after nine hours in a scheduled 9-hour workday, after eight hours in a scheduled 8-hour workday, or after 40 hours in a workweek.

Below is an example of this schedule.

	Mon	Tu	Wed	Th	Fri	Sat	Sun	Mon	Tu	Wed	Th	Fri	Sat	Sun
Week 1	9	9	9	9	4									
Week 2					4			9	9	9	9	off		

Schedule B (first Monday off)

The 9/80 workweek for Schedule B runs from Monday at 11:00 a.m. to the following Monday at 10:59 a.m. The pay period is comprised of one calendar week with a regular day off (Monday) and four 9-hour calendar workdays (Tuesday through Friday), followed by another calendar week of one 8-hour calendar day (Monday) and four 9-hour calendar workdays (Tuesday through Friday).

Non-exempt employees work eight hours on the second Monday of the 9/80 (“working Monday”) from 7:00 a.m. to 4:00 p.m. with a one hour meal period beginning at ~~or after~~ 11:00 a.m. The hours worked on the working Monday will be split into two, four-hour segments with the first segment ending at 10:59 a.m.-counting towards hours worked in workweek 1 and the second segment beginning at 11:00 a.m. counting towards hours worked in workweek 2. Due to the Monday 10:59 a.m. closure of the 9/80, 40-hour workweek, these employees will not be able to vary their work start and stop times on the working Monday without potentially incurring overtime. With management approval, work stop and start times can vary.

The first Monday of each 9/80 schedule is the employee’s Regular Day Off (RDO). The RDO is a non-workday.

Non-exempt employees will be paid overtime after nine hours in a scheduled 9-hour workday, after eight hours in a scheduled 8-hour workday, or after 40 hours in a workweek.

Below is an example of this schedule.

	Mon	Tu	Wed	Th	Fri	Sat	Sun	Mon	Tu	Wed	Th	Fri	Sat	Sun
Week 1	off	9	9	9	9			4						
Week 2								4	9	9	9	9		

6. SCHEDULE CHANGES BETWEEN THE STANDARD 5/40 AND ALTERNATIVE WORKWEEK SCHEDULES

Managers should consult with Human Resources before making any changes in workweek schedules for employees. Schedule changes between AWS schedules not only result in a change in the workweek definition, but may result in overtime eligibility for employees. Such changes at management's initiation will be allowed only on an infrequent basis, generally, no more than three or four times per year for any employee.

The Institute reserves the right to schedule employees to work in a manner that responds to its business needs, subject to applicable legal requirements.

7. CALCULATING PAY FOR ALTERNATIVE WORKWEEK SCHEDULES

Employees who work the AWS will receive straight time pay for hours worked within the schedule established by the AWS agreement.

7.1 Payment at Time-and-One-Half (1.5)

A non-exempt employee 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 where applicable:

- For time worked in excess of the scheduled hours or for time worked in excess of 40 hours in a workweek.

- 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.
- For the first 8 hours of time worked on the 7th consecutive day of work in a workweek.

7.2 Payment at Double Time (2.0)

A non-exempt employee will receive double time pay at the rate of two times the employee's regular rate of pay, including shift premium:

- For time worked in excess of 12 hours in a workday.
- For time worked on an employee's second scheduled day off in a seven day period.
- For time worked in excess of 12 hours on an Institute designated paid holiday that is a regularly scheduled workday or shift.
- 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.
- For time worked in excess of 8 hours on the seventh consecutive day of work in a workweek.

8. **VACATION, SICK LEAVE, HOLIDAYS, JURY/WITNESS DUTY, ORGAN/BONE MARROW DONOR LEAVE, BEREAVEMENT LEAVE, AND MILITARY TRAINING LEAVE FOR EMPLOYEES ON AN AWS**

Sick leave, Institute designated holidays, personal holidays, jury/witness duty, organ/bone marrow donor leave, bereavement leave and military training leave are considered as time worked in computing overtime for hours worked in excess of 40 hours in one workweek.

Vacation is not considered as time worked in computing overtime.

Employees may not claim sick leave and/or vacation for a work shift in which eight hours or more have been worked. Paid sick leave and work time combined may not exceed the employee's scheduled hours in any one workday.

Employees must record actual hours taken for vacation, sick leave, holidays, jury/witness duty, bereavement leave, or military training leave based upon their regularly scheduled workday.

9. **PERSONAL HOLIDAY**

Eligible employees annually receive up to 8 hours of Personal Holiday time based upon their scheduled hours.

Employees may use up to a maximum of 8 hours of personal holiday pay in one workday.

If an employee takes a personal holiday on a 9 or 10 hour day, the employee must charge one or two hours to vacation. If the employee has exhausted his or her vacation, he or she must take leave without pay.

10. INSTITUTE-DESIGNATED HOLIDAYS

10.1 Employees will receive holiday pay equivalent to one regularly scheduled workday:

- up to 10 hours when the holiday is observed on a 10-hour workday.
- up to 9 hours when the holiday is observed on a 9-hour workday.
- up to 8 hours when the holiday is observed on an 8-hour workday.
- up to 4 hours when the holiday is observed on a 4-hour workday.

10.2 Payment for Employees

Payment for holidays will be made for the day's regularly scheduled number of hours at straight time. Paid holidays will be considered as days worked in computing overtime.

If an observed Institute holiday occurs on an employee's scheduled day off, the holiday should be observed on a scheduled work day as approved by the employee's manager and Human Resources. If taking an alternative day off is not possible within the same pay period, the employee will be paid straight-time hours based on the employee's full time equivalent schedule.

Time worked on a holiday must be reported using the employee's standard timekeeping method-

11. DURATION OF ALTERNATIVE WORKWEEK SCHEDULES

The Institute, at its discretion, may terminate the entire AWS program at any time. Should that occur, all employees on the AWS will be given at least two weeks advance notice.

12. EXCEPTIONS

Any exception to this Personnel Memorandum requires the approval of the Associate Vice President for Human Resources or designee for campus employees, or of the Director for Human Resources at JPL or designee for JPL employees.

13. RELATED POLICIES/PERSONNEL MEMORANDA

[Hours of Work](#)

[Paid Time Off](#)

[Employee Timekeeping](#)