

**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: 10</b> <b>Date: March 1, 2020</b>
<b>Approved by:</b> Julia McCallin, Associate Vice President and Chief Human Resources Officer	

**(This supersedes Memo No. 11, dated December 2, 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, workweek, 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 any other workweek schedule that does not meet the Standard or Alternative 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 for a nonstandard workweek.

### 2.3 Alternative Workweek Schedule (AWS)

Various alternative workweek 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. Shift Premiums for employees on the Alternative Workweek schedule are covered in section 3.2 of this policy.

Note: Definition of Alternative Workweek is found in PM 11.4

### 3.0 PAY PREMIUMS

The following pay premiums apply to overtime eligible employees at Campus and hourly and overtime eligible employees at JPL.

#### 3.1 Work Shifts

- a. An employee is paid a shift premium when they work a 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 an overtime eligible employees at Campus and hourly and overtime eligible employees at JPL.
  - 1) First (Day) Shift  
Day Shift begins at or after 2:00 a.m. and before 3:00 p.m. No shift premium applies.
  - 2) Second (Swing) Shift  
Second (swing) Shift begins at or after 3:00 p.m. and before 11:00 p.m. 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. Pay for graveyard shift work is increased by a shift premium of \$0.60 per hour.

All above shift premiums are subject to applicable overtime and double time rules.

#### 3.2 Nonstandard and Alternative Workweek Premium

Shifts that occur in a nonstandard or alternative 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 p.m. and before 11:00 p.m. Pay for irregular swing shift work is increased by the irregular second (swing) shift premium of \$0.60 per hour.
- b. The irregular third (graveyard) shift begins at or after 11:00 p.m. and before 2:00 a.m. Pay for irregular graveyard shift work is increased by the irregular third (graveyard) shift premium of \$0.75 per hour.

All above shift premiums are subject to applicable overtime and double time rules.

#### 3.3 Shift Premium Considerations

- a. Employees regularly assigned to the second (swing) or third (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 premium based on when the employee started their shift even if the employee works continuously into the next workday.
- c. Employees who have worked shifts that are eligible for shift premiums for at least two consecutive pay periods (4 weeks) will earn the shift premium on qualified paid time off. Qualified paid time off includes holidays, personal holiday, bereavement leave, sick leave, jury duty or 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 as required by Federal and State regulations and Institute policy. Eligible employees must be paid for all overtime worked. Compensatory time off is not permitted in lieu of payment for overtime.
- b. Overtime eligible employees at Campus, and hourly and overtime eligible employees at JPL, are paid overtime rates as per section 3.5 below. Exempt employees at campus and weekly employees at JPL are ineligible to receive overtime pay.
- c. Supervisors should give employees as much advance notice as possible prior to requesting overtime.
- d. Supervisors approve overtime. Employees should get advance authorization from their manager prior to working overtime.
- e. Employees must accurately record all time worked including overtime hours on the Institute's time records. No off the clock work is allowed.
- f. 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

Other work schedules are covered in the Campus Overtime Eligible Alternative Work Week Schedule (11.4) and the JPL Alternative Work Week policy.

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

An overtime eligible employee at Campus or an hourly or overtime eligible employee at JPL will receive overtime pay at the rate of one and one-half (1.5x) 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 payroll workweek.
- 2) During the first 12 hours of time worked on an Institute designated paid holiday that is a regularly scheduled workday or shift. In addition, the employee will be paid regular holiday pay (as per policy 15.2) at straight time.
- 3) For the first (8) hours of time worked on the 7<sup>th</sup> consecutive day of work in any payroll workweek.

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

An overtime eligible employee at campus or an hourly or overtime eligible employee at JPL will receive double time pay at the rate of two times (2x) 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 payroll workweek.
- 3) For time worked in excess of 12 hours on an Institute designated paid holiday that is a regularly 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 (as per policy 15-2).
- 5) For time worked in excess of 8 hours on the 7<sup>th</sup> consecutive day of work in any payroll workweek.

### 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 payroll workweek.
- b. Vacation is not considered as time worked in computing overtime.

### 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 time worked combined may not exceed their scheduled work hours in any one workday.

### 3.8 Compensatory Time

The Institute does not permit compensatory time off.

### 3.9 Reporting Time Pay

Each workday an employee is required to report to work, but is not put to work or is furnished with less than half of his or her usual or scheduled day's work, the employee must be paid for half the usual or scheduled day's work, but in no event for less than two hours nor more than four hours, at his or her regular rate of pay.

If an employee is required to report to work a second time in any one workday and works less than two hours of work on the second reporting, they will be paid for two hours at their regular rate of pay.

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

### 3.10 Call-Back Pay

When overtime eligible employees at Campus and hourly and overtime eligible employees at JPL leaves the Institute premises after completing their regular shift and is required to return to the work site without advance notice, the employee will be paid for hours worked, but in no case less than 4 hours at the rate of one and a half times the employee's regular rate of pay.

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

Overtime eligible employees at Campus and hourly and overtime eligible employees at JPL who are called in to work other than their regular schedule will be paid for hours worked. Applicable overtime rates will apply.

### 3.11 Lead Premium Pay

- a. At management's discretion, lead premium pay may be authorized for an employee acting as a "Lead" for a period of at least two consecutive full pay periods (4 weeks) and not more than 52 weeks. The lead pay will be paid to the employee as a lead premium when the following conditions apply. The employee:
  - 1) Has lead responsibilities as a regular part of their job.
  - 2) Leads three or more full time employees.
  - 3) Performs typical lead duties including distributing tasks and communicating instructions from management.

- 4) Employees designated as a lead will receive a lead premium of 4% of base pay rate.

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

The following premiums apply to exempt 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 \$4,000 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 \$4,000.00 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 \$4,000 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.
- e. 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.

### 5.2 Work Period Premium

The following work period premiums apply to overtime eligible employees at Campus and hourly and overtime eligible employees at JPL.

- a. Management at its discretion and based on available budget funding may provide employees a Work Period premium when there is a compelling need to adjust an employee’s work period over an extended period of time in order to meet deadlines that affect Institute business and operations.
- b. A premium may be given when the assigned Work Period is
  - 1) not the employee’s regular routine work period,
  - 2) assigned on a temporary basis,
  - 3) scheduled in advance,



- 4) approved by the manager,
- 5) occurs for a minimum of two pay periods (four weeks),
- 6) not for temporary duties assigned in the absence of other employees on a leave of absence, and
- 7) assigned due to one of the following reasons:
  - A. **Mission Activities:** hours worked for pre-launch activities and mission performance or delivery-related events of an urgent nature.
  - B. **Non-scientific/Engineering Work (Indirect Labor):** hours worked by indirect labor (i.e., allocated direct cost) eligible employees, such as those performing duties in connection with protection, transportation, maintenance, operation of utilities, or accounting.
  - C. **Work Not to Be Interrupted/Delayed:** 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.
  - D. **Work Resulting from an Emergency:** 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.
  - E. **Work Resulting in Lower Costs to the Government:** hours worked that will result in lower overall costs to the Government (e.g., as opposed to hiring additional staff).

c. The following are the recognized Institute Work Periods and their corresponding premiums.

1) Work Period 1

Work Period 1 begins at or after 3:00 p.m. and before 11:00 p.m. For employees on the Standard Workweek, the pay premium is 8% of the base pay rate per hour. For employees on the Nonstandard Workweek, the pay premium is 9% of the base pay rate per hour.

2) Work Period 2

Work Period 2 begins at or after 11:00 p.m. and before 2:00 a.m. For employees on the Standard Workweek, the pay premium is 12% of the base pay rate per hour. For employees on the Nonstandard Workweek, the pay premium is 14% of the base pay rate per hour.

- d. Employees will be paid the applicable premium based on when the employee started work even if the employee works continuously into the next workday.
- e. Employees who are paid a premium will earn the premium on qualified paid time off during the period. Qualified paid time off includes: holidays, personal holiday, bereavement leave, sick leave, jury duty or vacation during this time period. Employees should refer to the specific Institute Personnel Memoranda for various types of paid time off.

All above Work Period premiums are subject to applicable overtime and double time rules.

## **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.

### **6.0 RELATED PERSONNEL MEMORANDUM AND POLICIES**

Alternative Workweek Schedules

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