

CALIFORNIA INSTITUTE OF TECHNOLOGY
STAFF PERSONNEL MEMORANDA

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| Subject: <p style="text-align:center">Alternative Workweek Schedules for Overtime Eligible Employees at Campus & JPL (AWS)</p> | Memo No. 11-4 Pages: 6 Date: March 1, 2020 |
| Approved by: Julia M. McCallin, Associate Vice President and Chief Human Resources Officer | |

(This supersedes Memo No. 11-4 dated May 1, 2019)

1. POLICY

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

The 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.

To meet business requirements, from time to time, employees on the AWS may be required to work on their Regular Day Off (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).

Note: An Alternative Workweek Schedule may be established with approval from management plus an election by affected employees. For additional information on the election process, please contact Human Resources.

2. DEFINITIONS

Alternative Workweek Schedule (AWS) - any regularly scheduled workweek requiring an employee to work more than eight hours in a 24-hour period but no more than 10 hours of work per day or more than 40 hours of work in a workweek.

Regular Day Off (RDO) - refers to the day or days an employee is unscheduled to work as a result of the alternative work schedule. Also referred to as regularly scheduled day(s) off.

Payroll Workweek - means any seven (7) consecutive days, starting with the same calendar day each week. A payroll workweek is a fixed and regularly recurring period of 168 hours, seven (7) consecutive 24-hour periods.

Four and One-Half Day Workweek Schedule - the four and one-half day workweek schedule consists of four 9-hour days and one 4-hour day each workweek. The payroll workweek is a seven consecutive day period which begins at 12:00 a.m. Monday and ends at midnight on the following Sunday.

4/10 Workweek Schedule - The 4/10 work schedule consists of four 10-hour days each workweek. The payroll workweek is a seven consecutive day period which begins at 12:00 a.m. Monday and ends at midnight on the following Sunday.

9/80 Workweek Schedule - the 9/80 workweek schedule consists of a pay period 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). At Campus, the 9/80 payroll workweek for Schedule A runs from Friday at 11:00 a.m. to the following Friday at 11:00 am. The 9/80 payroll workweek for Schedule B runs from Monday at 11:00 a.m. to the following Monday at 11:00 a.m. At JPL, the 9/80 payroll workweek schedule runs from Friday at 12:00 p.m. to the following Friday at 12:00 p.m.

3. 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. 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 are not eligible for the AWS.

4. 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 an overtime eligible employee is unable to work the AWS, the Institute will attempt to accommodate the 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 they work over 8 hours in a workday, up to their regularly scheduled hours for that day (9 hours in a 9/80 Workweek schedule, 10 hours in a Four and One-Half Day or 4/10 Workweek schedule).

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.

5. MANAGEMENT RESPONSIBILITY

Management is responsible for 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. Managers should work with Human Resources to ensure all employees have signed an AWS agreement prior to commencing the AWS.

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.

6. OVERTIME STANDARDS FOR THE ALTERNATIVE WORKWEEK SCHEDULE

The scheduled hours in a payroll 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.

6.1 Four and One-Half Day Workweek Schedule

Overtime eligible employees at Campus will be paid overtime after nine hours in a scheduled 9-hour workday, after four hours in a scheduled 4-hour workday, or after 40 hours in a payroll 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 | | | | | | | | 9 | 9 | 9 | 9 | 4 | | |

6.2 4/10 Workweek Schedule

Overtime eligible employees at Campus will be paid overtime after ten hours in a scheduled 10-hour workday or after 40 hours in a payroll workweek.

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 | | |

6.3 9/80 Workweek Schedule

Schedule A (second Friday off)

The 9/80 payroll workweek for Schedule A runs from Friday at 11:00 a.m. to the following Friday at 11:00 a.m.

Overtime eligible employees at Campus 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 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 11:00 a.m. counting towards hours worked in payroll workweek 1 and the second segment beginning at 11:00 a.m. counting towards hours worked in payroll workweek 2. Due to the Friday 11:00 a.m. closure of the 9/80, 40-hour payroll workweek, employees working Schedule A will not be able to vary their work start and stop times on the “working Friday” without potentially incurring overtime.

At JPL, overtime eligible and hourly employees will work eight hours on the first Friday of the 9/80 (“working Friday”) from 8:00 a.m. to 4:45 p.m. with a forty-five minute meal period beginning at 12:00 p.m. The hours worked on the “working Friday” will be split into two, four-hour segments with the first segment counting towards hours worked in payroll workweek 1 and

the second segment counting towards hours worked in payroll workweek 2. Due to the Friday noontime closure of the 9/80, 40-hour payroll 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 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.

Overtime eligible employees at Campus and hourly or overtime eligible employees at JPL who work the 9/80 AWS will be paid overtime after nine hours in a scheduled 9-hour workday or after 40 hours in a payroll 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)

At Campus, the 9/80 payroll workweek for Schedule B runs from Monday at 11:00 a.m. to the following Monday at 11:00 a.m.

Overtime eligible employees at Campus 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 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 11:00 a.m. counting towards hours worked in payroll workweek 1 and the second segment beginning at 11:00 a.m. counting towards hours worked in payroll workweek 2. Due to the Monday 11:00 a.m. closure of the 9/80, 40-hour payroll workweek, employees working Schedule B will not be able to vary their work start and stop times on the “working Monday” without potentially incurring overtime.

The first Monday of each 9/80 schedule is the employee’s 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.

Overtime eligible employees at Campus will be paid overtime after nine hours in a scheduled 9-hour workday or after 40 hours in a payroll 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 | | |

7. 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 payroll workweek but may result in overtime for employees. Such changes at management's initiation will be allowed only on an infrequent basis, generally no more than 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.

8. 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.

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

Overtime eligible employees at Campus and hourly and overtime eligible employees 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, where applicable:

- For time worked in excess of the scheduled hours or for time worked in excess of 40 hours in a payroll workweek.
- For the first 8 hours of time worked on those days worked beyond the regularly scheduled workdays established in the AWS agreement.
- 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 at straight time per PM 15-2.
- For the first 8 hours of time worked on the seventh consecutive day of work in a payroll workweek.

8.2 Payment at Double Time (2.0)

Overtime eligible employees at Campus and hourly and overtime eligible employees at JPL will receive double time pay at the rate of two times the employee's regular rate of pay, including shift premium, where applicable:

- For time worked in excess of 12 hours in a workday.
- For time worked on an employee's second scheduled day off in a payroll workweek.
- For time worked in excess of 8 hours on those days worked beyond the regularly scheduled number of workdays established in the AWS agreement.
- 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 per PM 15-2.
- For time worked in excess of 8 hours on the seventh consecutive day of work in a payroll workweek.

9. 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 payroll workweek.

Vacation is not considered as time worked in computing overtime.

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, personal holiday time, Institute holidays, jury/witness duty, bereavement leave, or military training leave based upon their regularly scheduled workday.

10. 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.

11. INSTITUTE-DESIGNATED HOLIDAYS

11.1 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.

11.2 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 workday 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.

12. 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.

13. 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.

14. RELATED POLICIES/PERSONNEL MEMORANDA

[PM 11 - Hours of Work, Workweek, Workday, Shifts, Overtime, Pay Premiums](#)

[PM 11-3 - Employee Timekeeping](#)

[PM 15-2 - Paid Time Off for Benefit Based Employees](#)