

PACIFIC GAS AND ELECTRIC COMPANY

PERSONNEL

June 14, 1951

Mr. J. M. MAYFIELD:

Attention: Mr. J. A. Miller

You recently presented to us a situation at Station A wherein an employee's workweek was changed and inquired whether or not, due to the change, it was necessary to pay overtime. We were of the opinion that under the terms of our labor agreement overtime payment wasn't necessary, but we presented the problem to our Legal Department for an interpretation under the Fair Labor Standards Act and they advise us that payment of overtime for one day is necessary and for such authorization we quote the contents of the opinion:

"You inquired if any overtime compensation were involved in a change of workweek from a Sunday-Saturday workweek with non-work days in the middle to a Monday-Sunday workweek with non-work days at the end. I believe that such a change requires the payment of overtime compensation for one day.

"The Wage and Hour Division assumes that a change of workweeks 'necessarily' results in an overlap. It does not accept the view that in a change of workweeks a partial workweek occurs between the old one and the new one. In the case you present, the overlap would occur from Monday to Saturday, illustrated as follows:

<u>S</u>	<u>M</u>	<u>T</u>	<u>W</u>	<u>T</u>	<u>F</u>	<u>S</u>	<u>S</u>	
w	w	w	o	o	w	w		old workweek
w	(w)	(w)	(w)	(w)	(w)	(o)	o	() overlap
	w	w	w	w	w	o	o	new workweek

"The foregoing situation comes within paragraph (3) of Mr. Nevrumont's letter of April 30, 1947, i.e. 'some of the employee's worktime falls within hours which are included in both workweeks (and) the employee's straight time and overtime compensation shall be computed by counting such work time as "hours worked" in whichever of the two workweeks its inclusion will yield the higher total compensation for both workweeks'

PACIFIC GAS AND ELECTRIC COMPANY

J. M. Mayfield

-2-

June 14, 1951

"In this case the five work days of the new workweek must be included in the old workweek, resulting in a total of six workdays in the latter and requiring the payment of overtime compensation for the sixth day"

R. J. TILSON

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ec:LJN
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For Inter-Department Uses

PACIFIC GAS AND ELECTRIC COMPANY

Division or
Department PERSONNEL

April 30, 1947

MESSRS.	T. E. WARD	N. R. SUTHERLAND
	E. C. JOHNSON	H. H. COURTRIGHT
	W. R. BOWLER	T. W. SNELL
	J. R. JOHNSON	G. R. MILFORD
	W. H. PARK	A. D. CHURCH
	GEORGE L. WORKS	G. H. HAGAR
	CLIFFORD BARTLETT	G. A. PEERS
	L. J. BRUNDIGE	H. H. BUELL

The Wage and Hour Division has recently revised its interpretation concerning the payment of overtime in overlapping workweeks caused by a change in workweek. Therefore, to bring our practices into conformity with the standards established by the Wage and Hour Division, overtime compensation in overlapping workweeks will be paid in accordance with the following formula:

(1) A change of the workweek from one period of seven consecutive days to another period of seven consecutive days necessarily creates an overlap between the last workweek in the old schedule and the first workweek in the new; that is, certain hours in the "two-week" change-over period fall within both workweeks.

(2) If the hours which fall within both workweeks are hours in which the employee does no work, his compensation for each workweek is determinable as it would be if no overlap existed.

(3) If, on the other hand, some of the employee's worktime falls within hours which are included in both workweeks, the employee's straight time and overtime compensation shall be computed by counting such worktime as "hours worked" in whichever of the two workweeks its inclusion will yield the higher total compensation for both workweeks. After thus determining the workweek to which the overlapping worktime should be allocated, the remaining workweek is treated as one in which the only compensable worktime is that falling exclusively within such workweek and outside the portion which overlaps the other workweek. Subject to this modification, the compensation due an employee for straight time and for overtime is to be computed and paid for each workweek as in workweeks when no overlap occurs.

The foregoing formula will be applied effective May 1, 1947.

L. J. NEVRAUMONT

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The following examples illustrate the method of determining whether or not the payment of overtime will be involved in changing from one workweek to another. The symbols used are:

- 8 - scheduled work days
- 0 - scheduled non-work days
- shaded - scheduled work days and non-work days in the portion of the old workweek which is overlapped by the new workweek and over which there is super-imposed the actual work days and non-work days of the new workweek

not shaded - actual work days and non-work days involved in the transition.

EXAMPLE I

Change from a Sunday to Saturday to a Monday to Sunday workweek with non-work days at the beginning.

	S	M	T	W	T	F	S	S
old workweek	0	8	8	8	8	8	0	
new workweek		0	0	8	8	8	8	8

In this change no overtime will be involved.

EXAMPLE II

Change from Sunday to Saturday to a Monday to Sunday workweek with nonwork days at the end.

	S	M	T	W	T	F	S	S
old workweek	0	8	8	8	8	8	0	
new workweek		8	8	8	8	8	0	0

In this change no overtime will be involved.

EXAMPLE III

Change from a Sunday to Saturday to a Thursday to Wednesday workweek with non-work days at the beginning.

	S	M	T	W	T	F	S	S	M	T	W
old workweek	0	8	8	8	8	8	0				
new workweek					0	0	8	8	8	8	8

In this change no overtime will be involved.

EXAMPLE IV

Change from Sunday to Saturday to a Thursday to Wednesday workweek with non-work days at the end

	S	M	T	W	T	F	S	S	M	T	W
old workweek	0	8	8	8	8	8	0				
new workweek				8	8	⑧	8	8	0	0	

In this change payment for one day at the overtime rate will be involved.

EXAMPLE V

Change from a Monday to Sunday workweek with non-work days at the beginning to a Sunday to Saturday workweek.

	M	T	W	T	F	S	S	M	T	W	T	F	S
old workweek	0	0	8	8	8	8	8						
new workweek							0	8	8	8	8	8	0

In this case no overtime will be involved.

EXAMPLE VI

Change from a Thursday to Wednesday workweek with non-work days at the end of the week to a Sunday to Saturday workweek.

	T	F	S	S	M	T	W	T	F	S
old workweek	8	8	8	8	8	0	0			
new workweek				0	8	8	⑧	8	8	0

In this change payment for one day at the overtime rate will be involved.

EXAMPLE VII

Change from a Thursday to Wednesday workweek with non-work days at the end of the week to a Monday to Sunday workweek with non-work days at the end of the week.

	T	F	S	S	M	T	W	T	F	S	S
old workweek	8	8	8	8	8	0	0				
new workweek					8	⑧	⑧	8	8	0	0

In this change payment for two days at the overtime rate will be involved.

