

DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Labor Standards Enforcement

Legal Section

455 Golden Gate Avenue, Room 3166
San Francisco, CA 94102



February 28, 1992

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Re: Identifiable Work Unit

Dear Mr. Claster:

The Labor Commissioner has asked me to respond to your letter of January 29, 1992, regarding the following fact situation which you set out in your letter:

The hospitals in question have both full-time and part-time nurses working in the same departments on the same shifts. The difference between the two groups of employees is that the full-time employees work more shifts and hours each week, and are provided full benefits as a result of their full-time status. The scheduled part-time employees work regularly scheduled shifts each week, but not as many as the full-time employees, and also do not receive paid benefits like their full-time counterparts.

Your question is whether there exists a distinction between the two groups of employees sufficient to consider them to be a "recognized subdivision of...the work unit"?

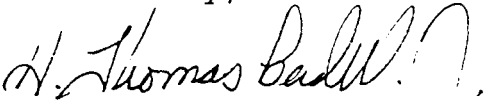
We assume at this point that neither group has opted for an alternative workweek schedule; but that such a schedule is being considered. In regard to this, we should like to point out that in order to qualify for the alternative workweek, the part-time nurses must be engaged for a "regularly scheduled" workweek.

If such regularly scheduled workweek differs from the normal workweek of the full-time nurses, the part-time workers would constitute a "readily identifiable work unit". The part-time nurses could, therefore, opt for an alternative workweek.

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I hope this adequately addresses the question you raised in your January 29th letter. Please excuse the delay in responding but the workload of the office has caused a slight delay in answering our correspondence.

Yours truly,



H. THOMAS CADELL, JR.
Chief Counsel

c.c. Victoria Bradshaw
James Curry
Simon Reyes
Jose Millan