STATE OF CALIFORNIA
GEORGE DEUKMEJIAN, Governor
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
45 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102
(415) 557-3827

ADDRESS REPLY TO:
P.O. BOX 603
San Francisco, CA 94101

IN REPLY REFER TO:

December 1, 1986

Ms. Julie Eldredge
Assistant Employee Relations
Manager
PayLess Drug Stores
Northwest, Inc.
9275 S.W. Peyton Lane
Wilsonville, OR 97070

Dear Ms. Eldredge:

Thank you for your letter dated November 17, 1986, concerning the payment of overtime for your employee.

Industrial Welfare Commission Order 7-80 requires the payment of overtime for hours worked in excess of eight hours in one day or 40 hours in one workweek. Overtime pay is also due for hours worked on the seventh consecutive day of the workweek unless the total number of hours worked is less than 30 for the week and less than six hours per day.

A workday is defined as a 24-hour consecutive period beginning at the same time each day. A workweek is defined as seven consecutive days starting with the same calendar day each week.

In the example you provided, your company would be liable for overtime because the total hours for the workweek exceed 30 and there are days in which the total hours worked exceed six.

Fri.	Sat.	Sun.	Mon.	Tues.	Wed.	Thurs.
2 hrs.	6 hrs.	2 hrs.	8 hrs.	8 hrs.	8 hrs.	6 hrs.

The fact that there is a 27-hour period before time is worked again has no bearing on whether overtime is due.

In addition, your company would be liable for a split shift premium on the days an employee works the end of one shift and the beginning of the next (Monday, Tuesday and Wednesday of your example).

You may want to consider making your workday begin at another hour which would releive you of overtime liability. If you changed your work day from 10:00 p.m. to 9:59 p.m., you would not incur overtime since only 8 hours would be worked on each workday and the total weekly hours would not exceed 40.

I regret that it appears you may have been misinformed by our staff. The example you provided would be difficult to evaluate in a telephone conversation because of the splitting of the workshift over two days.

Again, thank you for bringing this matter to my attention.

Very truly yours,

Lloyd W. Aubry, Jr.
State Labor Commissioner

LWA/cs

cc: Gonzalo Rucobo
Floyd Wilson
Colleen Logan

1986.12.01