



WORKDAY AND WORKWEEK

A workday is any consecutive 24-hour period beginning at the same time each calendar day. The 24-hour period may begin at any hour of the day, but thereafter must be consistent and unchanged. Overtime pay is based on the number of hours worked in excess of eight (8) hours within a 24-hour period or in excess of an established alternative workweek. (See appropriate Industrial Welfare Commission (IWC) Order; Labor Code §§ 500 & 510)

An employer may change the workday and/or the workweek as long as the change is intended to be permanent. It is also not necessary for all employees to have the same workday or workweek. (Labor Code § 500, et seq.)

A workweek means any seven (7) consecutive days starting with the same calendar day each week. A workweek is a fixed and regularly recurring period of 168 hours, seven consecutive 24-hour periods. A non-exempt employee (not employed in an agricultural occupation) is entitled to overtime for actual hours worked in excess of eight (8) hours in a workday or forty (40) hours in a workweek, whichever is greater (Labor Code § 500)

ALTERNATIVE SCHEDULES

Certain flexible scheduling arrangements, in which an employee works over eight (8) hours in a workday without overtime pay, are permissible under the Labor Code and the IWC Orders. The types of allowable arrangements depend on the IWC Order involved. Before an alternative work schedule is implemented, an employer must meet specific requirements. If an alternative schedule is not implemented correctly, the employer may be subject to significant liability. (See Labor Code § 511 and the appropriate IWC Order) Employers in the "health care industry" may implement, pursuant to the election procedures set forth in the Order, an alternative workweek schedule consisting of 12 hour days (maximum 3 days per week). However, strict procedures must be followed to make the arrangement valid. (See IWC Orders 4 and 5) Other employers may implement alternative workweeks consisting of no more than 10 hours per day within a 40-hour workweek. (See Labor Code § 511 and appropriate IWC Order)