

DEPARTMENT OF INDUSTRIAL RELATIONS

## DIVISION OF LABOR STANDARDS ENFORCEMENT

15 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.

<u>Fri.</u>	<u>Sat.</u>	<u>Sun.</u>	<u>Mon.</u>	<u>Tues.</u>	<u>Wed.</u>	<u>Thurs.</u>
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).

Ms. Julie Eldredge

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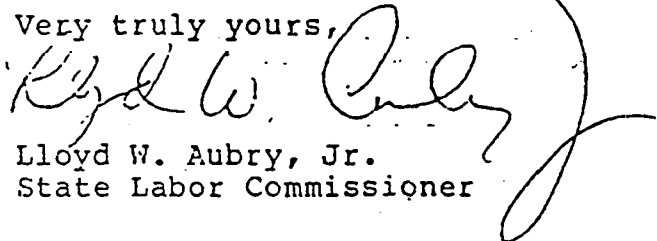
December 1, 1986

You may want to consider making your workday begin at another hour which would relieve 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