STATE OF CALIFORNIA

PETE WILSON, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Labor Standards Enforcement
Legal Section
455 Golden Gate Avenue, Room 3166
San Francisco, CA 94102

February 28, 1992

William D. Claster, Esq.
Gibson, Dunn & Crutcher
800 Newport Center Drive
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Newport Beach, CA 92660-6395

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.

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.

H. THOMAS CADELL, JR.
Chief Counsel

c.c. Victoria Bradshaw
James Curry
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Jose Millan