Alternative Work Schedules for California

Whether you are thinking about instituting an alternative workweek schedule (AWS) or already have one in place, ensuring compliance with the requirements of your applicable Wage Order is paramount. Failure to do so can invalidate the AWS and force the employer to pay overtime and penalties that could bankrupt the company.

An AWS can be a win/win for employers and employees. Employers utilizing an AWS may benefit from lower operating costs, increased employee productivity, reductions in absenteeism and tardiness, and diminished overtime expenses. Employees working an AWS, on the other hand, often enjoy having an additional day off to attend to personal and family matters and may benefit from decreased travel and child care expenses associated with working a normal five day workweek.

Once an AWS has been adopted by employees, a variety of issues must be addressed to ensure that the AWS election was valid. For example:

* Was the proposed AWS presented to affected employees in writing prior to the secret ballot vote?
* Was a meeting held at least 14 days prior to the vote to discuss the effects of the AWS?
* Was the AWS adopted by at least two-thirds of the affected employees in the work unit?
* Were the results of the secret ballot election reported to the Division of Labor Statistics and Research within 30 days after the results are final?

The Wage Orders set forth additional requirements for the adoption of a valid AWS