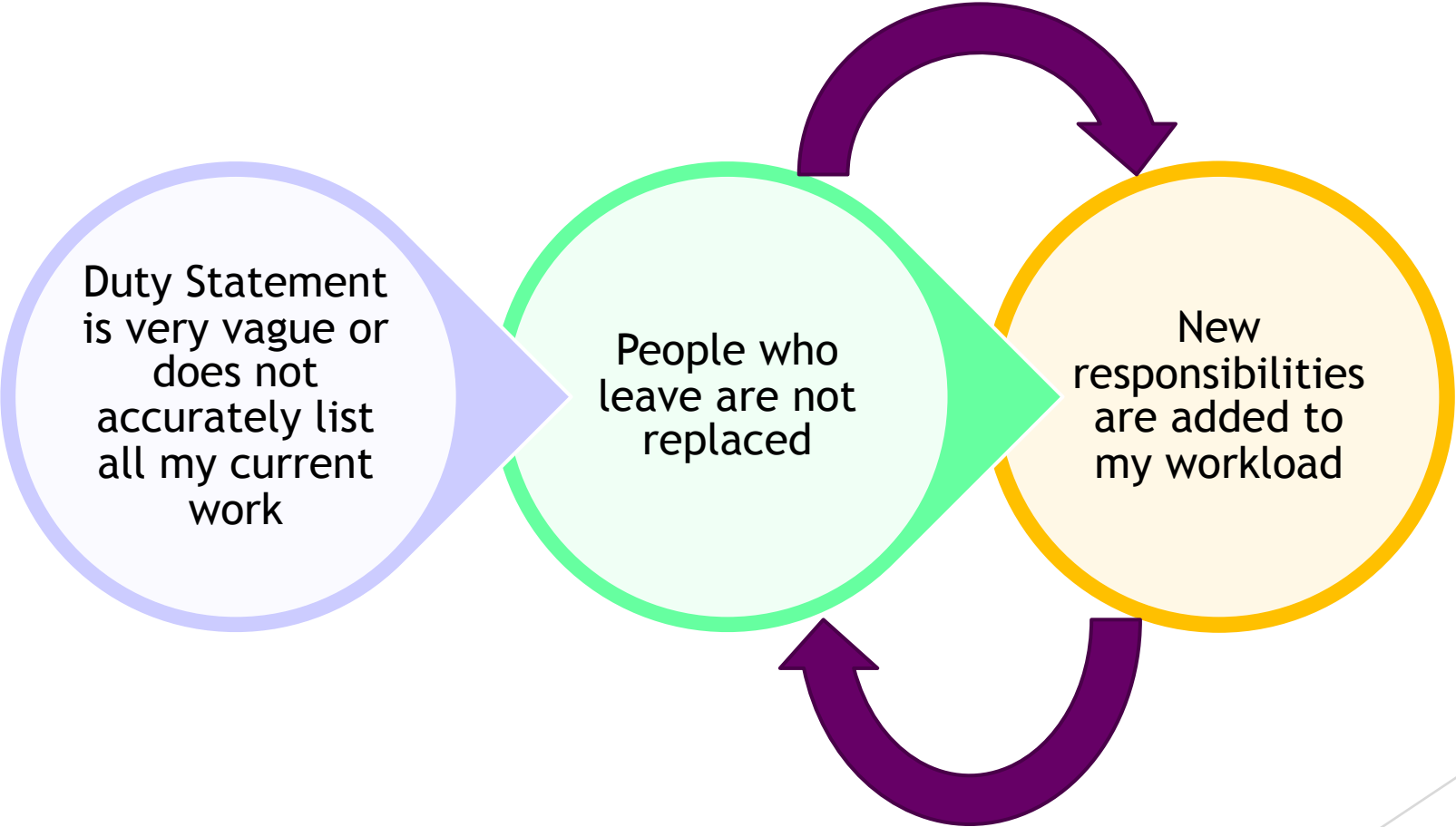




Hard Work vs. Doing the Impossible

11.65.21 Arduous Pay Differential (Unit 21)

Do these circumstances sound familiar?



There's a possible fix for that issue: Arduous Pay Differential

11.65.21 Arduous Pay Differential (Unit 21)

The State shall establish an “arduous pay” program to provide additional compensation to FLSA exempt employees assigned to WWG E when there is no other way to recognize the performance of additional duties and responsibility which clearly exceed the normal demands of an employee’s classification/position.

The High Bar: it's all on us.



Five criteria to qualify for arduous pay: All five must be met! Criterion 1:

1. **Nonnegotiable Deadline or Extreme Urgency**

The work must have a deadline or **completion date that cannot be controlled by the employee or the employee's supervisor, or must constitute an extreme urgency.**

Demonstration that conditions meet this criterion:

- Documented understaffing impact on redistribution of work
- Documented examples of nonnegotiable deadlines met and what it took to meet them

Five criteria to qualify for arduous pay: All five must be met! Criterion 2:

2. Work Exceeds Normal Work Hours and Normal Productivity

The work must be extraordinarily demanding and time consuming, and of a nature that it significantly exceeds the normal workweek **and** work productivity expectations of the employee's work assignment.

Demonstration that conditions meet this requirement:

- Documentation of prolonged period of excessive hours worked/ greater productivity required
- Duty statements or other record detailing additional responsibilities assigned and record of completion of those responsibilities

Five criteria to qualify for arduous pay: All five must be met! Criterion 3:

3. Work is Unavoidable

The work must be of a nature that it **cannot be** postponed, redistributed, modified, reassigned or otherwise **changed in any way to provide relief.**

Demonstration that conditions meet this requirement:

- Documentation of understaffing impact on redistribution of work
- Communication regarding any relief requested and denied
- Record of additional hours worked to maintain all regular operations of the office

Five criteria to qualify for arduous pay: All five must be met! Criterion 4:

4. Work involves Extremely Heavy Workload

The work is of a nature that it cannot be organized or planned to enable time off in exchange for the extra hours worked. The absence from work would not normally satisfy this requirement because time off can be arranged as compensation for this demand.

Demonstration that conditions meet this requirement:

- Documentation of:
 - Duration of added responsibilities and their continuation
 - Duration of staff vacancies producing these circumstances
 - Number of compensatory hours that would be required to appropriately compensate
 - Communication documenting requests for compensatory time and denial thereof

Five criteria to qualify for arduous pay: All five must be met! Criterion 5:

5. No Other Compensation

The employee who is receiving this pay differential is not eligible for any other additional compensation for the work.

Demonstration that conditions meet this requirement:

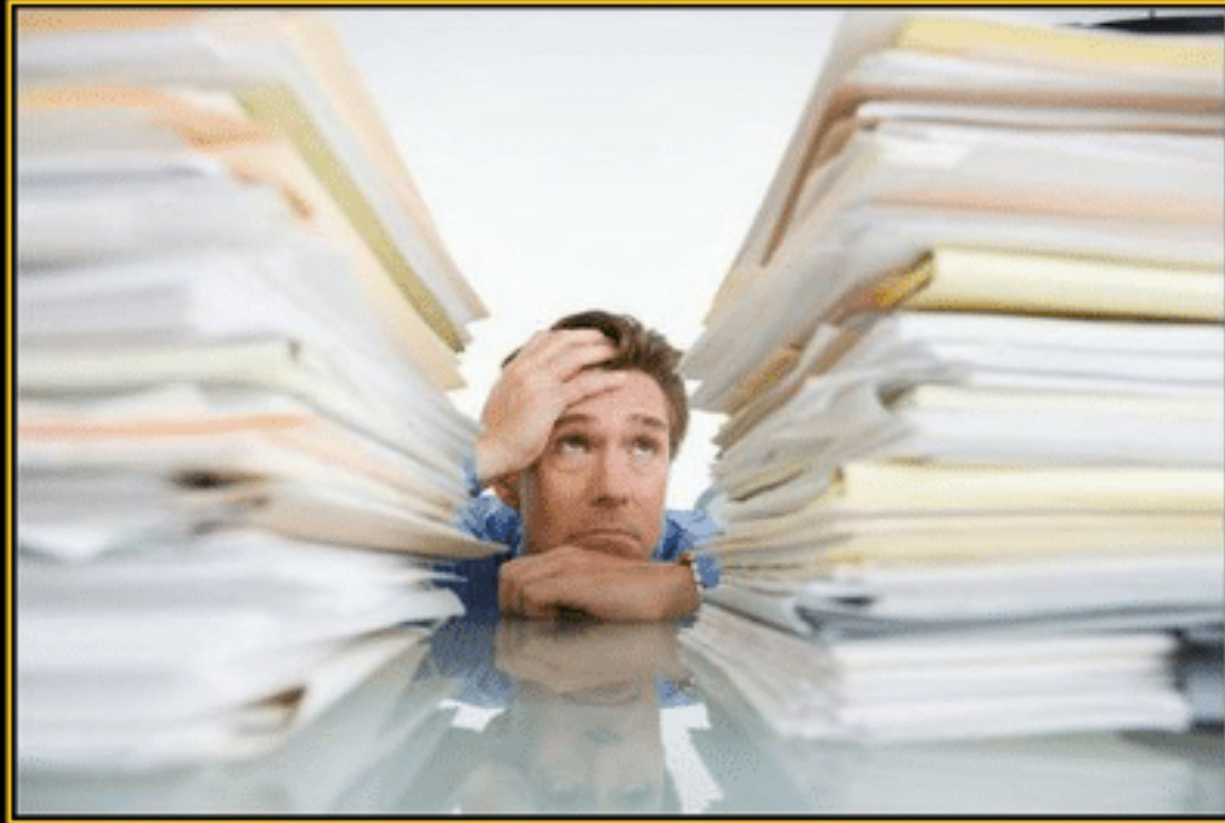
- Documentation demonstrating that employee is not eligible for and is not receiving any other compensation for enduring these circumstances

Another problem we encounter

Department decisions not to submit arduous pay requests to CalHR, and CalHR decisions to deny arduous pay, shall not be subject to the grievance or arbitration provisions of this Agreement.



So...



WHY BOTHER?

Here's why.

Documented denials are ammunition for negotiation, now and in the upcoming contract



Please share your questions/comments

- ▶ What did you learn?
- ▶ What can you use?
- ▶ What more do you want to know?

