

# Follow rules to set alternative workweek schedule

California wage-and-hour law can be complicated. For example, California allows establishment of something called alternative workweek schedules. Employees have to approve an AWS by voting via a secret ballot.

**Recent case:** Epsilon Plastics makes plastic bags. It runs 24/7 whenever it has enough orders to support the labor cost. The company prefers using 12 hour shifts, with employees working four days one week and three days the next. It then pays regular hourly rates for the first 10 hours and overtime for the next two hours under what it thought was a valid AWS.

However, HR didn't follow all the rules for holding an employee AWS election, which created the impression that employees had no choice but to vote in favor of it. The court said that made the AWS invalid. (*Maldonado v. Epsilon Plastics*, Court of Appeal of California, 2018)