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Date: February 19, 2002 **Code: TECHNICAL LETTER**
HR/SA 2002-02

To: Human Resources Directors
Payroll Officers

From: Cathy Robinson, Senior Director
Human Resources Administration

Subject: **FLSA Update: Compensation for Caring and Feeding of Police Dogs**

The Office of General Counsel provided recent clarification on pay for police officers assigned police dogs under the Fair Labor Standards Act (FLSA). Under FLSA, the “walking, feeding, training, grooming and cleaning up are integral and indispensable parts of the handler’s principal activities.” As such, FLSA requires that officers be compensated for hours worked engaging in those activities. Time spent as a result of the caretaker’s own sense of love and devotion to the dog is not predominately for the benefit of the employer and is, therefore, not compensable.

As a reminder, consistent with the FLSA, non-exempt employees who work over 40 hours in a seven day work schedule, or over 80 hours in a fourteen day work schedule, must be compensated at a rate of one and one-half times their hourly straight time salary rate. Overtime may be paid as cash or as compensatory time off (CTO) as determined by the appropriate administrator.

For part-time employees, hours worked over the assigned part-time time-base but less than the 40 hours or 80 hours work schedule must be paid to the employee as regular pay at the straight time rate. CTO is not allowed. An employee assigned to a non-exempt position with a time-base less than full-time earns overtime or CTO in lieu of overtime only when hours worked are over the 40 hours (over seven days) or 80 hours (over fourteen days).

Questions regarding other aspects of this technical letter may be directed to systemwide Human Resources at (562) 951-4411. This technical letter is available on Human Resources Administration’s web page at: <http://www.calstate.edu/HRAdm/memos.shtml>.

CR/gc

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