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**GOVERNMENT CODE - GOV**

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]** ( Title 2 enacted by Stats. 1943, Ch. 134. )

**DIVISION 5. PERSONNEL [18000 - 22980]** ( Division 5 added by Stats. 1945, Ch. 123. )

**PART 2.6. PERSONNEL ADMINISTRATION [19815 - 19999.7]** ( Part 2.6 added by Stats. 1981, Ch. 230, Sec. 55. )

**CHAPTER 2.5. Days and Hours of Work [19851 - 19991.14]** ( Chapter 2.5 added by Stats. 1981, Ch. 230, Sec. 55. )

**ARTICLE 1. Workweek [19851 - 19855]** ( Article 1 added by Stats. 1981, Ch. 230, Sec. 55. )

**19851.** (a) It is the policy of the state, except during the operation of subdivision (c), that the workweek of the state employee shall be 40 hours, and the workday of state employees eight hours, except that workweeks and workdays of a different number of hours may be established in order to meet the varying needs of the different state agencies. It is the policy of the state to avoid the necessity for overtime work whenever possible. This policy does not restrict the extension of regular working-hour schedules on an overtime basis in those activities and agencies where it is necessary to carry on the state business properly during a manpower shortage.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

(c) (1) Notwithstanding any other law, for the period from July 1, 2012, to June 30, 2013, inclusive, a state employee shall participate in the Personal Leave Program 2012 (PLP 2012 Program), either as required by an applicable memorandum of understanding reached pursuant to Section 3517.5 or by the direction of the department for excluded employees. Under the PLP 2012 Program, each employee shall receive a reduction in pay not greater than 5 percent. In exchange for this reduction in pay, each employee shall receive eight hours of PLP 2012 Program leave credits on the first day of each monthly pay period. This subdivision shall not apply to retired annuitants or to employees of entities listed in Section 3.90 of the Budget Act of 2012.

(2) Notwithstanding any other law, for the period from July 1, 2020, to June 30, 2021, inclusive, a state employee shall participate in the Personal Leave Program 2020 (PLP 2020 Program), either as required by an applicable memorandum of understanding reached pursuant to Section 3517.5 or by the direction of the department for excluded employees. Under the PLP 2020 Program, each employee shall receive a reduction in pay not greater than 10 percent. In exchange for this reduction in pay, each employee shall receive up to 16 hours of PLP 2020 Program leave credits on the first day of each monthly pay period. This subdivision shall not apply to retired annuitants or to employees of entities listed in Section 3.90 of the Budget Act of 2020.

(3) Notwithstanding any other law, for the period from July 1, 2025, to June 30, 2027, inclusive, a state employee in Bargaining Unit 6 shall participate in the Personal Leave Program 2025 (PLP 2025), as required by an applicable memorandum of understanding reached pursuant to Section 3517.5 or by the direction of the department for excluded employees. Under PLP 2025, each employee in Bargaining Unit 6 shall receive a reduction in pay not greater than 3 percent. In exchange for this reduction in pay, on the first day of each monthly pay period, each employee shall receive up to five hours of PLP 2025 leave credits, except that an employee with the class title Fire Captain (Class Code 9001) and Ranges L or M (192-hour schedule) or Ranges N or P (216-hour schedule) shall receive up to seven hours of PLP 2025 leave credits. This subdivision shall not apply to employees of entities listed in Section 3.90 of the Budget Act of 2025.

(4) Notwithstanding any other law, for the period from July 1, 2025, to June 30, 2027, inclusive, a state employee in Bargaining Unit 9 or Bargaining Unit 12 shall participate in the Personal Leave Program 2025 (PLP 2025), as required by an applicable memorandum of understanding reached pursuant to Section 3517.5. Under PLP 2025, each employee in Bargaining Unit 9 or 12 shall receive a reduction in pay not greater than 3 percent. In exchange for this reduction in pay, on the first day of each monthly pay period, each employee shall receive up to five hours of PLP 2025 leave credits. This subdivision shall not apply to employees of entities listed in Section 3.90 of the Budget Act of 2025.

(5) Notwithstanding any other law, for the period from July 1, 2025, to June 30, 2027, inclusive, a state employee in State Bargaining Units 1, 2, 3, 4, 5, 7, 11, 13, 14, 15, 16, 17, 19, 20, and 21 shall participate in the Personal Leave Program 2025 (PLP 2025), either as required by an applicable memorandum of understanding reached pursuant to Section 3517.5 or by the direction of the department for excluded employees. Under PLP 2025, each employee in State Bargaining Units 1, 2, 3, 4, 5, 7, 11, 13, 14, 15, 16, 17, 19, 20, and 21 shall receive a reduction in pay not greater than the amount listed in an applicable memorandum of understanding or as directed by the department for excluded employees. In exchange for this reduction in pay, each employee shall receive PLP 2025 leave credits on the first day of each monthly pay period, at the rate outlined in the applicable memorandum of understanding or as directed by the department for excluded employees. This subdivision shall not apply to employees of entities listed in Section 3.90 of the Budget Act of 2025.

*(Amended (as amended by Stats. 2025, Ch. 26, Sec. 9.5) by Stats. 2025, Ch. 78, Sec. 8. (AB 138) Effective July 29, 2025.)*

**19851.1.** (a) (1) Notwithstanding Section 19851, the Department of Corrections shall establish a standardized overtime cap for correctional officers not to exceed 80 hours per month.

(2) This subdivision shall not relieve the state of any obligation under a memorandum of understanding for State Bargaining Unit 6 in effect on January 1, 2004, and approved pursuant to Section 3517.6, relating to hours of work, overtime, or alternative work schedules.

(b) Notwithstanding any other provision of law, the Department of Corrections shall not reduce the total number of filled educational positions as of June 30, 2003, if the director of the department determines that the reduction would result in a loss of day for day credits for eligible inmates.

*(Added by Stats. 2003, Ch. 158, Sec. 1. Effective August 2, 2003.)*

**19852.** When the Governor determines that the best interests of the state would be served thereby, the Governor may require that the 40-hour workweek established as the state policy in Section 19851 shall be worked in four days in any state agency or part thereof.

*(Amended by Stats. 1983, Ch. 1040, Sec. 30.)*

**19853.** (a) All state employees shall be entitled to the following holidays: January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, Thanksgiving Day, the day after Thanksgiving, December 25, the day chosen by an employee pursuant to Section 19854, and every day appointed by the Governor of this state for a public fast, thanksgiving, or holiday.

(b) If a day listed in this subdivision falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. If November 11 falls upon a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.

(c) (1) Any state employee who may be required to work on any of the holidays included in this section, and who does work on any of these holidays, shall be entitled to receive straight-time pay and eight hours of holiday credit.

(2) Notwithstanding paragraph (1), an employee who is excluded from the definition of "state employee" in subdivision (c) of Section 3513 and who is required to work on January 1, the last Monday in May, July 4, the first Monday in September, Thanksgiving Day, or December 25 shall be subject to the following:

(A) Excluded employees who are eligible for overtime payments under the federal Fair Labor Standards Act shall be paid one and one-half times their salary rate for all hours worked on the holiday and up to eight hours of holiday credit. This pay shall count toward any premium overtime compensation earned during the same workweek. Part-time employees shall receive prorated amounts subject to department rules.

(B) Excluded employees who are ineligible for overtime payments under the federal Fair Labor Standards Act shall receive up to eight hours of holiday credit and four hours of informal time off. Part-time employees shall receive prorated amounts of holiday credit and informal time off, subject to department rules.

(d) For the purpose of computing the number of hours worked, time when an employee is excused from work because of holidays, sick leave, vacation, annual leave, compensating time off, or any other leave shall not be considered as time worked by the employee for the purpose of computing cash compensation for overtime or compensating time off for overtime.

(e) Any state employee, as defined in subdivision (c) of Section 3513, may elect to receive eight hours of holiday credit for the date corresponding with the new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as "Lunar New Year," April 24, known as "Genocide Remembrance Day," June 19, known as "Juneteenth," or the fourth Friday in September, known as "Native American Day," in lieu of receiving eight hours of personal holiday credit in accordance with Section 19854.

(f) Persons employed on less than a full-time basis shall receive holidays in accordance with the Department of Human Resources rules.

(g) If subdivision (a), (c), or (d) is in conflict with the provisions of a memorandum of understanding executed or amended pursuant to Section 3517.5 on or after February 1, 2009, or the date that the act adding this section takes effect, whichever is later, the memorandum of understanding shall be controlling without further legislative action, except that if those provisions of the memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

*(Amended by Stats. 2024, Ch. 804, Sec. 2. (AB 1137) Effective January 1, 2025.)*

**19853.1.** (a) Notwithstanding Section 19853, this section shall apply to state employees in State Bargaining Unit 5.

(b) Except as provided in subdivision (c), all employees shall be entitled to the following holidays: January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, the day after Thanksgiving, December 25, and every day appointed by the Governor of this state for a public fast, thanksgiving, or holiday.

If a day listed in this subdivision falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. If November 11 falls upon a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. Any employee who may be required to work on any of the holidays included in this section and who does work on any of these holidays shall be entitled to be paid compensation or given compensating time off for that work in accordance with their classification's assigned workweek group.

(c) If the provisions of subdivision (b) are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

(d) Any employee who either is excluded from the definition of state employee in subdivision (c) of Section 3513, or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service, is entitled to the following holidays, with pay, in addition to any official state holiday appointed by the Governor:

(1) January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, Thanksgiving Day, the day after Thanksgiving, and December 25.

(2) When November 11 falls on a Saturday, employees shall be entitled to the preceding Friday as a holiday with pay.

(3) When a holiday, other than a personal holiday, falls on a Saturday, an employee shall, regardless of whether the employee works on the holiday, accrue only an additional eight hours of personal holiday credit per fiscal year for the holiday. The holiday credit shall be accrued on the actual date of the holiday and shall be used within the same fiscal year.

(4) When a holiday other than a personal holiday falls on Sunday, employees shall be entitled to the following Monday as a holiday with pay.

(5) Employees who are required to work on a holiday shall be entitled to pay or compensating time off for this work in accordance with their classification's assigned workweek group.

(6) Persons employed on less than a full-time basis shall receive holidays in accordance with the Department of Human Resources rules.

(e) Any employee, as defined in subdivision (c) of Section 3513, may elect to use eight hours of vacation, annual leave, or compensating time off consistent with departmental operational needs and collective bargaining agreements for the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as "Lunar New Year," April 24, known as "Genocide Remembrance Day," June 19, known as "Juneteenth," and the fourth Friday in September, known as "Native American Day."

(f) This section shall become effective with regard to the March 31 holiday only when the Department of Human Resources notifies the Legislature that the language contained in this section has been agreed to by all exclusive representatives, and the Department of Human Resources authorizes this holiday to be applied to employees designated as excluded from the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512), Division 4, Title 1), and the necessary statutes are amended to reflect this change.

*(Amended by Stats. 2022, Ch. 792, Sec. 5.3. (AB 2596) Effective January 1, 2023.)*

**19853.2.** (a) Notwithstanding Section 19853 or 19853.1, a state employee, as defined in subdivision (c) of Section 3513, may elect to receive eight hours of holiday credit for observance of a holiday or ceremony of the state employee's religion, culture, or heritage in lieu of receiving eight hours of personal holiday credit in accordance with Section 19854.

(b) This section shall only apply to a bargaining unit that has met and conferred with the Department of Human Resources in the ordinary process and timeline for negotiating and renegotiating the bargaining unit's collective bargaining agreement regardless of whether a memorandum of understanding is reached.

*(Added by Stats. 2023, Ch. 398, Sec. 2. (SB 461) Effective January 1, 2024.)*

**19854.** (a) Every employee, upon completion of six months of his or her initial probationary period in state service, shall be entitled to one personal holiday per fiscal year. The personal holiday shall be credited to each full-time employee on the first day of July. No employee shall lose a personal holiday credit because of the change from calendar to fiscal year crediting. The department head or designee may require the employee to provide five working days' advance notice before a personal holiday is taken, and may deny use subject to operational needs. The department may provide by rule for the granting of this holiday for employees.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

*(Amended by Stats. 2001, Ch. 364, Sec. 25. Effective September 27, 2001.)*

**19855.** Any state employee who was laid off from the Department of Employment on the 31st day of December 1941 and thereafter entered the employ of the United States Employment Service and who returned to state service prior to November 16, 1946 and any person who entered the employ of the United States Employment Service after December 31, 1941 and who, prior to November 16, 1946, entered the state service in the Department of Employment may have the department determine the extent, if any, to which such employee shall be entitled to have credited to him in the state civil service, seniority credit, sick leave and accumulated vacation because of service in the United States Employment Service. The department shall limit such determination to the time any such employee was actually employed in the United States Employment Service, including time spent in war service in another federal department if such employee was transferred from the United States Employment Service to another federal department for war service and such employee subsequently entered the employ of the Department of Employment prior to November 16, 1946, and such seniority credits and accumulated sick leave and accumulated vacation shall not exceed that to which each employee would be entitled if he had been continuously employed by the State of California.

The foregoing provisions shall likewise apply to former employees of the Department of Employment who although otherwise entitled to such determinations entered recognized military service from federal employment and were reemployed by the Department of Employment within six months after their release from the military service and within six months from the termination of the state military emergency as proclaimed by the Governor. Such time spent in the military service shall be construed as time spent on military leave from the state civil service.

*(Added by Stats. 1981, Ch. 230, Sec. 55.)*