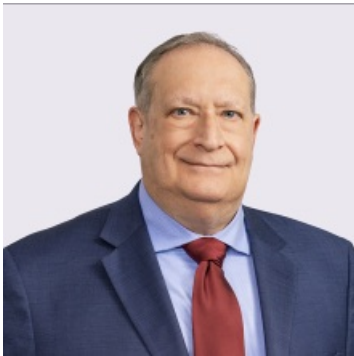


Manufacturers and Sunday Work: State Scheduling, Pay Mandates

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For manufacturers in some industries, Sunday work is a necessity. For others, it is an alternative used occasionally to meet production goals. Whatever the reason for scheduling work on Sundays, manufacturers should consider the pros and cons.

Reasons for Sunday Work

The three main reasons for scheduling Sunday work are an overabundance of orders, a tight timeframe for satisfying orders, or simply the nature of the manufacturing process.

An overabundance or sudden influx of orders can sometimes be handled by scheduling extra overtime work during the standard workweek. Manufacturers also can cope with the influx by using temporary workers usually obtained through a temp service. This is a plausible solution to a short-term increase in business if the manufacturing process does not demand special skills not generally possessed by a temporary workforce. However, some manufacturers are discouraged from using this approach by the need for training, which cannot always be accomplished with any degree of efficiency and quality on the job. These factors often cannot be readily accommodated, leading to the scheduling of Sunday work.

The same considerations generally apply to the problem of tight production timeframes. Manufacturers eager for business are likely to acquiesce to a customer's demand for unrealistic production targets. Once again, the manufacturer's options are limited. Any of the options discussed above create risk and, equally important, increase cost. That cost must either be absorbed by the manufacturer or factored in upfront to the product pricing. Often, manufacturers can negotiate a premium price for meeting tight production goals. Once again, the answer can sometimes be scheduling seven-day workweeks.

In some cases, the nature of the production process requires around-the-clock scheduling. Certain industries such as aluminum smelting must operate continuously owing to the nature of the production process. Any hiatus in the work can have catastrophic consequences for the product being produced and for the equipment used to produce it. In these industries, Sunday work is a necessity. Generally, the need for such work can be managed by rotating shifts or other non-standard schedules. These schedules must be carefully designed to avoid unnecessary overtime. In settings where overtime is only due after 40 hours worked in a week, this is not always difficult. Where state law or collective bargaining agreements with unions require overtime be paid after eight hours in a day, the scheduling becomes more complex and may not be feasible without incurring significant cost for overtime pay.

State Scheduling, Pay Statutes; Fatigue

Manufacturers that schedule work on Sundays must remain cognizant of state statutes that may affect either the ability to schedule the work or the wage rate to be paid for such work.

Although not yet widespread, some states have enacted legislation affecting Sunday work. For example, Illinois' One Day of Rest in Seven law provides that, with limited exceptions, employers must afford workers one day of rest in every seven days worked. In addition to excepting certain employers, the statute allows employers to apply for specific exemptions from the law. Rhode Island is another state that has enacted laws governing Sunday work. The Rhode Island Holiday and Sunday Pay Law requires employers to pay time-and-a-half for work performed on Sundays and holidays. The statute allows certain exceptions. Thus, manufacturers must ensure they are following any state law pertaining to Sunday work.

One final consideration for manufacturers contemplating the scheduling of Sunday work is worker safety. Fatigued workers are inherently more likely to suffer work-related accidents and injuries. The problem of worker fatigue while performing Sunday work can be mitigated, at least in part, by allowing more or longer rest breaks or by implementing rotating shifts. In some cases, making Sunday work voluntary may be a viable alternative, by giving workers who are tired the right to opt out of the additional workday. Manufacturers should also be alert to federal or state occupational safety and health requirements pertaining to worker fatigue. Although the specifics of occupational safety and health requirements are beyond the scope of this article, manufacturers should ensure they are compliant with any safety standards enacted to protect workers from fatigue.

Sunday work is a fact of life for manufacturers in some industries. For other manufacturers, it represents an alternative that may be used sporadically to meet production goals. Whatever the reason for scheduling work on Sundays, manufacturers must be aware of the advantages and disadvantages of such a schedule.

Jackson Lewis attorneys are available to assist manufacturers with issues relating to Sunday work.

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