

**ARTICLE 38  
SHIFT DIFFERENTIAL**

**A. GENERAL PROVISIONS**

Non-exempt eligible employees who are regularly assigned to an evening or night shift shall be paid a shift differential for all hours including overtime which are worked, in accordance with the following provisions. These provisions only apply to those working in titles with established shift differential rates as listed by location in Appendix A. Work that is scheduled during the evening or night hours on the basis of convenience to the employee shall not be considered an assigned evening or night shift for the purpose of receiving shift differential.

**B. EVENING AND NIGHT SHIFTS**

An evening or night shift differential shall be paid for all hours of a shift when four (4) hours or more of a shift are worked after 5:00 p.m. and before 8:00 am.

**C. TEMPORARY ASSIGNMENT TO SHIFT WITHOUT A DIFFERENTIAL**

When an employee who usually works on an evening or night shift is temporarily assigned to a day shift for a period of four (4) working days or less, the employee shall continue to receive any shift differential. A temporary change of four (4) working days or less in shift assignment initiated by the employee is not covered by this provision.

**D. SHIFT DIFFERENTIAL WHEN ON PAID LEAVE**

The shift differential shall be included in payments for all types of paid leave, provided that the employee would have been expected to work that shift or shifts if the employee were not on paid leave.

**E. SHIFT ASSIGNMENTS TO TITLES WITHOUT ESTABLISHED SHIFT DIFFERENTIAL RATES**

Prior to assigning a shift differential rate to a classification that does not have an established rate, the University will provide notice and the opportunity to meet and confer with UPTe over the shift differential rate to be assigned to that classification.

**F. DAY SHIFT EMPLOYEE ELIGIBILITY FOR SHIFT DIFFERENTIALS**

An employee regularly assigned to a day shift of eight (8) hours or longer shall be paid a shift differential for overtime hours when: 1. the overtime hours are worked after 5:00 p.m. and before 8:00 a.m., 2. the total overtime hours in one twenty-four (24) hour day are equal to at least one-half (1/2) of the number of regular

hours in the employee's day shift, and 3. the overtime is not compensated at a premium rate.

## **G. LAWRENCE BERKELEY NATIONAL LABORATORY (LBNL)**

### **1. General**

Shift differential is extra pay in addition to base pay for non-day shift work. A non-exempt employee is paid this differential when required to work on an assigned swing or owl shift. The amount of the differential is 7.5% for swing shift and 15% for owl shift. For purposes of computing shift pay, a swing shift consists of the hours from 4:00 p.m. to 12:00 midnight and an owl shift from 12:00 midnight to 8:00 a.m.. To qualify for payment of shift differential, a minimum of four hours must be scheduled during the above periods. Work which is scheduled during the swing or owl shifts for the convenience of the employee is not considered an assigned swing or owl shift and no differential will be paid.

### **2. Overtime**

Overtime pay for employees who receive shift differential pay and work during non-day shifts is based on the employee's base pay and shift rate.

### **3. Temporary Assignments**

Employees who usually work a swing or owl shift continue to receive the shift differential when assigned temporarily by their supervisor to a day shift for four days or less. A change in shift assignment initiated by the employee is not covered by this provision and no differential will be paid.

### **4. Paid Leave**

Shift differential is included for all types of paid leave based on the shift an employee would have worked.

### **5. Terminal Vacation Pay**

Terminal vacation is paid at the appropriate shift differential rate when the employee has been permanently assigned to swing or owl shift or when a temporary swing or owl shift has extended over 90 days.