

**ARTICLE 35
SHIFT DIFFERENTIAL**

A. GENERAL PROVISIONS

Eligible employees 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. Shift differential rates by location are listed 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.

Exempt employees, while generally not eligible for shift differential payments, may be eligible for payments as identified in Appendix A.

B. EVENING AND NIGHT SHIFTS

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

C. DAY SHIFT EMPLOYEE ELIGIBILITY FOR SHIFT DIFFERENTIALS

An employee regularly assigned to a day shift of eight 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 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.

D. 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 working days or less, the employee shall continue to receive any shift differential. A temporary change of four working days or less in shift assignment initiated by the employee is not covered by this provision.

E. 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.

F. 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 and UPTe must negotiate the shift differential rate to be assigned to that classification.

G. LAWRENCE BERKELEY NATIONAL LABORATORY

Policies, procedures, definitions, qualifications, covered hours and rates in effect at PERB's certification of UPTe-CWA Local 9119, on September 15, 1997, shall remain in effect for employees at the Lawrence Berkeley National Laboratory and shall supersede the provisions of this article where in conflict.