

**ARTICLE 38  
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.

**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 pm and before 8:00 am.

**C. 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.

**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 (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.

**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 (LBNL)**

**Policies, procedures, definitions, qualifications, calculations, covered hours and rates as detailed in the RPM dated February 17, 2010, relative to Shift Differential at the Lawrence Berkeley National Laboratory that are in conflict with the Agreement shall remain in effect for employees at LBNL. Shift Differential rates are listed in Appendix B.**