

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

586

LAW AND RULES

February 28, 2008

586 PAY DIFFERENTIAL FOR NIGHT WORK

Education Code Sections

88180. **For purposes of this article, the following definitions shall apply unless the context indicates otherwise:**

(a) "Differential compensation" means either a reduction in the number of hours required to be actually worked or an increase in salary.

(b) "Shift" means the number of hours worked and shall include a duty-free meal period of not less than one-half hour which, in the case of a seven- or eight-hour shift, shall occur approximately at the midpoint of the shift. This subdivision shall not apply to employees working six hours or less, or assigned to a split shift.

88181. The governing board of every community college district or the personnel commission in any merit system school district, shall, insofar as it is possible to do so, determine the practices relating to morning- and night-shift salary differentials in the private employment fields in which it must compete for employees for its classified staff and shall consider the advisability of providing comparable salary differentials for its classified staff.

88183. Assignment to duties for which differential compensation is designated, other than a temporary assignment of less than 20 working days, shall be made on the basis of seniority among those employees within the appropriate class who request such an assignment.

88184. No employee assigned to work a shift entitled to differential compensation shall be demoted in class or grade as a result of such an assignment.

88185. An employee receiving differential compensation on the basis of his or her shift shall not lose that compensation if the employee is temporarily, for 20 working days or less, assigned to a shift not entitled to that compensation. The regular rate of pay for all purposes of an employee assigned to a shift which provides differential compensation shall be the differential rate.

88186. This article shall apply to community college districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3, (commencing with Section 88060) of this chapter.

CHANGES:

No changes in text.

Remove: July 15, 2000

Add: February 28, 2008

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586

Page 1 of 2

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- A. All persons in the classified service, except as indicated below, whose regularly assigned time requires them to work one-half or more of their assigned time between the hours of 3 p.m. and 12 midnight shall be paid a differential not less than 6.9 percent above their regular daytime rate; and if one-half or more of their assigned time occurs between 12 midnight and 7 a.m., they shall be paid a differential not less than 13.8 percent above their regular daytime rate. If such shifts are worked less frequently than five days a week, such higher rates shall be paid only for those days on which such shifts are worked.
- B. Persons assigned to night work on a continuous basis who are nevertheless ordered to temporary daytime work for periods of not to exceed 20 working days each shall suffer no reduction in compensation by reason of the change.
- C. Shift differentials shall not be included in determining salary allocation for any other purpose, except as provided in Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP, Paragraph C.
- D. Overtime work performed by an employee regularly assigned to a night shift shall be compensated at the rate of overtime established for that employees classification times the employee's night rate of pay.
- E. Any vacancy occurring in a new or existing position which is assigned to a shift entitled to differential compensation, shall be filled by the most senior employee in the class who has requested such an assignment. If none of the employees in the class bid for such assignment, the responsible administrator may choose an employee on the basis of the best interests of the District. However, assignment to a shift not of the employee's choosing shall not be used as a punitive measure.
- F. Assignments of less than 20 days duration shall be exempt from the provisions of Paragraph E.

CHANGES:

Changes in differential percentages and removal of classes in paragraph A.
Removal of paragraph D. and renumbering of paragraphs.

Remove: July 15, 2000

Add: February 28, 2008

PAY DIFFERENTIAL FOR NIGHT WORK

586

Page 2 of 2