

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

586

LAW AND RULES

February 10, 2021

**586 PAY DIFFERENTIAL FOR NIGHT WORK**

**Education Code Section(s)**

**88080.** (a) The commission shall prescribe and, amend, and interpret subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

(b) No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

**88081.** (a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.

(b) With respect to those matters set forth in subdivision (a) which are a subject of negotiation under the provisions of Section 3543.2 of the Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer.

**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 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.

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**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.

- A. All employees 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. Employees assigned to night work on a continuous basis who are temporarily assigned to daytime work for periods of 20 working days or less 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 employee's 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 appoint an employee in accordance with the provisions of Personnel Commission Rule 635, APPOINTMENTS FROM ELIGIBILITY LISTS. 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.
- G. This rule shall have no force and effect upon employees of any collective bargaining unit to the extent that the provisions of this rule are negotiable.