

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

586

LAW AND RULES

December 1, 2010

586 SALARY DIFFERENTIAL FOR NIGHT WORK

Education Code 45180

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.

Education Code 45181

The governing board of every school 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.

Education Code 45185

An employee receiving differential compensation on the basis of his shift shall not lose such compensation if he is temporarily, for 20 working days or less, assigned to a shift not entitled to such 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.

- A. All persons in the classified service except classifications designated as management; Telephone Assignment Clerks; incumbents of classes in the Police Officer Group, Protective Series; the Plant Security Supervisor; incumbents in the class of Operations and Supervising Data Control Clerk; and incumbents of hourly rate playground and recreations classes, or whose collective bargaining agreement states differently, whose regularly assigned time requires them to work one-half or more of their assigned time between the hours of 5:00 p.m. and 12:00 midnight, shall be paid one step above their regular daytime step, and if one-half or more of their assigned time occurs between 12:00 midnight and 7:00 a.m., they shall be paid two steps above their regular daytime step. If such shifts are worked less frequently than five days a week, such higher steps shall be paid only for those days on which such shifts are worked.

CHANGE:

To clarify classifications designated as management are exempt from receiving the night shift differential.

Remove: January 1, 1996, page 1 of 3. Add: December 1, 2010, page 1 of 2.

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(Reissue) January 20, 1993

- 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. When this Rule requires payments of steps in excess of the maximum of the applicable salary range, the necessary additional steps may be added to the range for the purpose of this Rule.
- D. Overtime work performed by an employee regularly assigned to a night shift shall be compensated at the rate of one and one-half times the employee's night rate.
- E.
 - 1. When a new position that is eligible for a shift differential is established, or when a vacancy occurs in a position for which a shift differential has been authorized, the position shall be filled by the employee with the most seniority in the class who has been displaced from a position eligible for a shift differential or who has requested such an assignment.
 - 2. When a filled position is reassigned from either a shift with no differential to a shift with a differential or a shift eligible for a differential to a shift eligible for a higher differential, the position shall be filled by the most senior employee in the class at the location of the reassignment who has requested such an assignment. For purposes of this paragraph, "location" means Local District, Branch, or comparable organizational unit.
 - 3. A file of requests for assignments eligible for a differential for night work shall be maintained. When a position is the first in its class to be assigned to a shift eligible for a differential, the appropriate administrator shall take steps necessary to assure that all employees in the class or all employees in the class at the location, as the case may be, are notified of the proposed assignment. Upon receipt of notification, such employees shall have five working days in which to file a request for assignment. Requests shall be considered active for a period of one year. For the purpose of this Rule, seniority shall be computed on the basis of assigned time in the class and higher classes.
- F. If, at the time a vacancy is to be filled, there is no active request for assignment to a position on that shift at that location, the appointment shall be made in accordance with Rule 635.
- G. Assignments of less than 20 days in duration shall be exempt from the provisions of Paragraph E.

CHANGES:

Editorial changes in text.

Remove: January 20, 1993, page 2 of 3. Add: (Reissue) January 20, 1993, page 2 of 2.

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