

DEPARTMENT OF INDUSTRIAL RELATIONS
Office of the Director – Research Unit
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102

MAILING ADDRESS:
P. O. Box 420603
San Francisco, CA 94142-0603



SHIFT PROVISIONS

FOR

**BRICKLAYER, BLOCKLAYER:
POINTER, CLEANER, CAULKER, WATERPROOFER**

IN

ALAMEDA, ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA,
CONTRA COSTA, EL DORADO, DEL NORTE, FRESNO, GLENN,
HUMBOLDT, KINGS, LAKE, LASSEN, MADERA, MARIN,
MARIPOSA, MERCED, MENDOCINO, MODOC, MONTEREY,
NAPA, NEVADA, PLACER, PLUMAS, SACRAMENTO, SAN
BENITO, SAN FRANCISCO, SAN JOAQUIN, SAN MATEO, SANTA,
CLARA, SANTA CRUZ, SHASTA, SIERRA, SISKIYOU, SOLANO,
SONOMA, STANISLAUS, SUTTER, TEHAMA, TUOLUMNE,
TRINITY, YOLO, AND YUBA COUNTIES.

Note: The shift provisions provided in the following pages provide guidance on the work hours that are applicable to each shift. Shift differential pay is required and will be enforced during each applicable shift where shift differential pay is in the determinations. Any shift provision restricting the work hours for a particular shift for a type of work will not be enforced on public works. However, if work is performed during hours typically associated with a 2nd or 3rd shift the appropriate shift rate of pay is required. Shift differential pay shall not apply to work during traditional shift hour (swing or grave) if the determination includes a footnote that indicates that the non-shift rate may be paid for a special single shift. Please note the exemptions in California Code of Regulations Section 16200 (a)(3)(F) do not waive the shift differential pay. These regulatory exemptions only apply to overtime pay. Overtime shall be required in accordance with the determination and Labor Code Section 1810 through 1815.

ARTICLE XX
WORKING HOURS – MAKE-UP DAY – SHIFT WORK – HOLIDAYS

Section 3. SHIFT WORK: The first eight (8) hours worked on any shift shall constitute a day's work. Each shift shall include thirty (30) minutes for lunch. The rate of wages for employees shall be as set forth in Appendix A & B of this Agreement.

- A. When three (3) - eight (8) hour shifts per day are worked the day shift will commence between 6:00 AM and 8:00 AM, as designated by the customer, to avoid conflicts with other crafts, and terminate between 2:00 PM and 4:00 PM, (i.e. 8 hours after starting). Swing shift will commence between 2:00 PM and 4:00 PM and terminate between 10:00 PM and midnight, as determined by the start of the day shift. Graveyard shift will commence between 10:00 PM and midnight and terminate between 6:00 AM and 8:00 AM, as determined by the start of the day shift.
- B. When two (2) - ten (10) hour shifts per day are worked, the day shift shall commence between 6:00 AM and 8:00 AM and terminate between 4:00 PM and 6:00 PM. The swing shift shall commence between 4:00 PM and 8:00 PM and terminate between 2:00 AM and 6:00 AM. The first eight (8) hours in either shift will be at straight time and the last two (2) hours at time and one-half the total

taxable hourly wage rate or double the total taxable hourly wage rate as specified in Article VIII Section 5.

- C. When two (2) - twelve (12) hour shifts per day are worked, the first ten (10) hours will be paid in accordance with Article VIII Section 5 above and last two (2) hours will be paid at the double the total taxable hourly wage rate.
- D. Shift work at straight time will commence at midnight Sunday and terminate at midnight Friday. All work from midnight Friday to midnight Saturday shall be paid at a rate of time and one-half the total taxable hourly wage rate. All work from midnight Saturday to midnight Sunday, or on Holidays shall be paid at a rate of double the total taxable hourly wage.
- E. SHIFT DIFFERENTIAL: Day shift shall receive the total taxable hourly wage rate; swing shift shall receive 15% above the total taxable hourly rate and the graveyard shift shall receive 20% above the total taxable hourly wage rate.
- F. All shifts less than twelve (12) hours will be provided a thirty (30) minute lunch break. For swing shift and graveyard shifts only, the lunch break will be at the employer's expense. All employees shall be allowed ten (10) minutes to clean up before quitting time. All shifts over (12) hours shall receive two lunch breaks per California Labor Code.
- G. In no case shall an employee work more than one shift in any one calendar day and each shift shall have its separate foreman, as required.
- H. The employer is to provide a meal, if practical or one-half ($\frac{1}{2}$) hour pay on any "unscheduled" overtime over nine and one half ($9\frac{1}{2}$) hours. Time for this meal will be provided by the Employer.
- I. When an employee is required to work twelve (12) hours, the Employer will provide two thirty minute lunch breaks on the Employers time.
- J. To meet conditions and schedules required on certain projects, various starting and quitting times may be established. Overtime of one and one-half the wage rate shall be paid for all hours worked in excess of eight (8) hours in any twenty-four (24) hour period.
- K. On all projects where a swing shift or night work is implemented for less than one (1) calendar week the pay rate shall be 1 1/2 times the total taxable hourly rate.