

## 16.120 SHIFT DIFFERENTIAL: RECORDING AND PROCESSING

### **Reference:**

FOP/City Labor Agreement  
AFSCME/City Labor Agreement  
CODE/City Labor Agreement

### **Purpose:**

Ensure compliance with the labor agreement between the City of Cincinnati and the Fraternal Order of Police, the City of Cincinnati and AFSCME, and the Fair Labor Standards Act.

Enhance accurate recording of shift differential time earned by Police Department employees.

### **Policy:**

The district/section/unit commander will designate the timekeeper or one other person to maintain shift differential time for sworn and nonsworn personnel in Kronos.

The interpretation of shift differential must be consistent across the department and includes the following provisions.

### **Procedure:**

#### A. Sworn Personnel:

1. Payment of shift differential is determined as follows:
  - a. Officers will receive shift differential for a regular tour ending after 1800 hours up to and including 1100 hours, equal to three percent (3%) of the top step of a police officer's hourly rate of pay per hour in addition to his/her regular rate of pay for all time worked on that shift.
    - 1) Shift differential involves only the officer's assigned shift.
    - 2) Payment of shift differential shall be made in a lump sum, by separate check, during the first pay period in December of each year.
    - 3) Shift differential hours for overtime are calculated at the straight time rate. The 3% compensation calculation is done in the CHRIS system.
    - 4) Shift differential should be granted if the Department mandatorily changes the officer's assigned shift and it terminates after 1800 hours or before 1100 hours.
    - 5) Shift differential does NOT apply to voluntary Department overtime or PVO not part of the officer's assigned shift.

- a) Example: An officer's shift is 1200-2200 and they voluntarily sign up for a PVO from 2200-0200, the officer would receive shift differential for the shift hours, but not for the PVO hours.
    - b) Or the officer's assigned shift is 0600-1600 and they voluntarily sign up for a PVO from 1600-2000, the officer would not receive shift differential for the shift or the PVO.
  - b. If a member requests a temporary change in working hours that would result in eligibility for shift differential, when his/her normally assigned hours would not allow for shift differential, the member shall not be eligible for shift differential in these incidences.
  - c. Shift differential can involve overtime if the overtime is an extension of the officer's assigned shift making the shift terminate between 1800 and 1100 hours. (i.e., late radio run or arrest)
    - 1) The overtime must immediately precede or follow a regular tour that ends after 1800 hours up to and including 1100 hours.
  - 2) Shift differential is not applicable if there is a non-compensated time break between the overtime and the beginning or end of the regular tour.
  - 3) Shift differential does not apply to off time taken and only applies to the actual time worked during the shift.
    - a) Shift differential does not apply when an officer takes time off at the end of their shift, causing their actual working hours to end before or at 1800 hours. (e.g., an officer's assigned shift is 1000-2000 and the officer takes VAC from 1800-2000, the officer would not receive shift differential.
- B. A.F.S.C.M.E. Employees, Contract Article 19 Shift Differential
- 1. Employees assigned to a shift ending between 6:00 p.m. and midnight shall receive a shift differential of eighty (80) cents per hour in addition to their regular rate of pay.
  - 2. Employees assigned to a shift ending after Midnight and before 10:00 a.m. shall receive a shift differential of ninety-five (95) cents per hour in addition to their regular rate of pay.
  - 3. Employees on rotating shifts: Shift differential shall be paid to the employee who works the shift regardless of whether scheduled or relieving another employee, except it shall not be paid when sick or on vacation.
  - 4. Shift differential shall be included in the regular rate used to compute overtime compensation and holiday pay. Shift differential shall be paid starting with the first day of such assignment.
  - 5. A shift worker is paid the shift differential, if any, attached to his/her assigned shift for all continuous hours worked if he is not filling in for another employee on the shift before or after his assigned shift.

- a. Example 1: Employee A assigned to the second shift is asked to stay over an additional two (2) hours (into the third shift) for a special training seminar. He receives eight (8) hours straight time, two (2) hours overtime, 11 hours of second shift differential.
  - b. Example 2: Employee B assigned to the first shift is asked to stay over an additional two (2) hours (into the second shift) to complete some special paperwork. He receives eight (8) hours straight time and two (2) hours overtime with no shift differential for any hours worked.
  - c. Example 3: Employee C assigned to the second shift is asked to come in two (2) hours before the start of his shift to attend a special demonstration of a new piece of equipment. He receives eight (8) hours straight time, two (2) hours overtime and hours of second shift differential.
6. A shift worker is paid the shift differential (if any) attached to the shift he is working. This is true regardless of whether he was originally assigned to work that shift or whether he is assigned to fill in for another employee.
- a. Example 1: Employee A is working the second shift, is asked to stay and work the third shift also to replace Employee B who was originally assigned to work third shift but who called in sick. In this case, Employee A receives eight (8) hours at the proper overtime rate plus third shift differential at overtime rate for working as Employee B's replacement.
7. Standard shift workers receive no shift differential unless Rule 1 applies.
- a. Example 1: A Clerk Typist 2 who works 8:00 a.m. to 5:00 p.m. in the Police Chiefs Office is asked to work later than the normal quitting time in order to catch up on a backlog of typing. The employee receives eight (8) hours straight time and two (2) hours overtime with no shift differential.
  - b. Example 2: A Clerk Typist 2 who works 8:00 a.m. to 5:00 p.m. in the Police Chiefs Office is asked to stay and fill in for a clerical employee on the second shift in Police Records who called in sick. The employee receives eight (8) hours straight time, eight (8) hour overtime, and 12 hours second shift differential (overtime rate).
- C. CODE Employees, Contract Section 16.5 Shift Differential
- 1. Employees assigned to a shift ending between 6:00 p.m. and midnight shall receive a shift differential of eighty (.80) cents per hour in addition to their regular rate of pay.
  - 2. Employees assigned to a shift ending after midnight and before 10:00 a.m. shall receive a shift differential of ninety-five (.95) cents per hour in addition to their regular rate of pay.

3. Employees on rotating shifts: differential shall be paid to the employee who works the shift regardless of whether scheduled or relieving another employee, except it shall not be paid when sick or on vacation.
4. Shift differential shall be included in the regular rate used to compute overtime compensation and holiday pay. Shift differential shall be paid starting with the first day of such assignment.
5. A shift worker is paid the shift differential, if any, attached to his/her assigned shift for all continuous hours worked if he/she is not filling in for another employee on the shift before or after his/her assigned shift.