

BUDGET POLICY AND REPORTING MANUAL

<i>date</i> 10/20/99	<i>subject</i> Shift Pay Differentials	<i>item</i> D-420
<i>supersedes</i> 9/1/71		<i>page</i> 1

1. Purpose and Scope

The Director of the Budget, pursuant to section 130 of the Civil Service Law, promulgates regulations for payment of Shift Pay Differentials. These regulations are published as Part 143 of Title 9 of the "Official Compilation of Codes, Rules and Regulations of the State of New York" (9 NYCRR part 143). The Shift Pay Differential is not a substitute for a general salary increase or inconvenience pay nor can it be authorized simply because hours of employment differ from those of a normal day shift. Shift Pay Differentials are administered by the Director of Classification and Compensation, Department of Civil Service. Application questions should be directed to him. This item further defines the term "regularly assigned" used in 9 NYCRR part 143 and explains prorated differentials.

2. Applicability

a. "Regularly assigned"

Section 130(6) of the Civil Service Law authorizes payment of a shift differential to employees who are "regularly assigned" to "a work shift other than a normal day shift." Section 143.1(e) of the Budget Director's Rules defines "regularly assigned" as "scheduled to work a shift other than a normal day shift on a basis other than a temporary basis." An employee should be considered "regularly assigned" to a night or evening shift if he works no less than ten working days in a two-week period on such a shift. For example, a nurse normally assigned to a day shift who serves as a vacation replacement on the night shift would be eligible for the shift differential if he works on the night shift no less than ten working days in a two-week period. On the other hand, a nurse regularly assigned to the day shift whose schedule is changed to a night shift for one or two days is not eligible for the shift differential because the assignment is temporary.

b. Prorated differential

An employee whose normal work schedule consists of both day and evening or night shifts is eligible for the shift differential on a prorated basis. For example, a nurse whose normal schedule consists of four day shifts and one evening shift would be eligible for the shift differential on a prorated basis for the one day a week he works the evening shift. This is because he is regularly assigned to an evening shift.